

Revised Terms of Reference of The India Country Coordinating Mechanism For the Global Fund to fight AIDS, Tuberculosis and Malaria

INTRODUCTION

1. The India Country Coordinating Mechanism ("India-CCM") is set up in response to the requirements and recommendations of the Global Fund to fight AIDS, Tuberculosis and Malaria ("Global Fund").

TERMS OF REFERENCE

2. This document is the Terms of Reference for the India-CCM.
3. These revised Terms of Reference will be effective from the date 25 May 2009 as approved by the India-CCM. Subsequent modifications to the Terms of Reference will also require approval by the India-CCM. Approval entails a two-third majority vote of India-CCM.

MANDATE

4. The mandate of the India-CCM is to:
 - 4.1 Solicit, evaluate and approve proposals to be included in the Comprehensive Country Proposal of the Global Fund.
 - 4.2 Provide planning and other support for implementation of the programmes funded by the Global Fund.
 - 4.3 Monitor all the programmes funded by the Global Fund.

GENERAL PRINCIPLES OF INDIA-CCM

5. The India-CCM adheres to the principles of broad and inclusive participation, democratic and consensus-based decision-making, full transparency, cooperative partnership, and efficient operation.
6. The India-CCM will ensure that activities supported by the Global Fund are fully consistent with national strategies to combat Malaria, TB and HIV/AIDS and principles underpinning them.
7. There shall only be one single National India-CCM.

ROLE AND RESPONSIBILITIES OF INDIA-CCM

8. The India-CCM has the following roles and responsibilities:
 - 8.1 Apply the Terms of Reference of India-CCM and modify them whenever necessary.
 - 8.2 Solicit, coordinate, review and approve proposals from a wide variety of stakeholders in an objective and transparent manner for submission to the Global Fund.
 - 8.3 Respond to enquiries from the stakeholders and the Global Fund concerning the proposals.
 - 8.4 Recommend the Principal Recipients (PR) and Sub-Recipients (SR) as required for various grants to be submitted to the Global Fund.
 - 8.5 Prepare and implement an oversight plan for monitoring of the programmes financed by the Global Fund.
 - 8.6 Deliberate on and approve major changes in programme implementation plans proposed by the Principal Recipients.
 - 8.7 Review progress reports prepared by the Principal Recipients, remarks and responses provided by the Global Fund and presentations by the Local Fund Agent.
 - 8.8 When appropriate, submit to the Global Fund, requests for continued funding for each approved grant (Phase II extension), prior to the end of the two years of initially approved financing (Phase I).

India-CCM STRUCTURE

9. India-CCM is comprised of maximum 40 members.
 - 9.1 At most 40% of India-CCM members will represent the Government sector and at least 40% of India-CCM members will come from the domestic non-government sector.
 - 9.2 Members are divided among voting and non-voting members.
 - 9.3 Following number of voting members are elected from various constituencies:
 - Union Government: 8 (Ministry of Health and Family Welfare-5; Other Ministries-3)
 - Government of States and Union Territories: 5
 - Academic, educational and research institutions: 5 (Minimum 1 having experience in health System, 1 for Gender)

- Civil society organizations (including NGO, CBO and faith-based organizations): 8
- Private sector: 5; (Business Association representatives, CII, FICCI, ASSOCHAM-3; Private sector Foundation -1, Clinical Practitioners Association – 1)
- People affected by HIV/AIDS, Malaria and TB: 3
- Multilateral and bilateral development partners in India: 6

9.4 Voting members are designated for a 2 year term. Each voting member shall have a designated alternate who is a senior member of the organization.

10. Each organization serving as a Principal Recipient for a Global Fund Grant shall be a non-voting member of the CCM. Unless they are government members, Principal Recipients that are already members of the CCM shall be replaced by another voting member from the same constituency.
11. If required by the agenda of the meeting, the Member Secretary may invite one or more organizations serving as sub-recipients, the Local Fund Agent or any qualified person as non-voting members for one specific CCM meeting to support CCM discussions.
12. India-CCM shall elect from amongst its members a Chair and a Vice - Chair and a Member Secretary who shall be responsible for coordinating the work of the India CCM.
13. The hierarchy of authority includes: CCM (minuted consensus decisions and voted decisions), Chair and Member Secretary. The vice-chair only has formal powers when acting on behalf of the chair.
14. India CCM shall appoint other sub-committees as and when required.
15. India-CCM shall establish a Secretariat and appoint a CCM Coordinator to operate the Secretariat. The CCM Coordinator shall be a non-voting member of the CCM.

India-CCM SELECTION PROCEDURE

16. India-CCM members representing each sector/constituency shall be chosen by that sector. Such a selection process shall be developed and described in a document that is accessible publicly, and shall be conducted in an open manner.
 - 16.1 **Union Government members:** Five members shall be from the Ministry of Health and Family Welfare. The Secretary, MOHFW, appoints the four other members from MOHFW. The 3 other members respectively could be represented by Ministry of Labour (1 seat), Ministry of Tribal Affairs or Ministry of Development of North Eastern Region (1 seat), Ministry of Railways or Ministry of

Panchayati Raj (1 seat). The Ministry of Defence and the Ministry of Finance will be special invitees.

- 16.2 **Government of States and Union Territory members:** To include regional representation in the India-CCM, the country has been divided into five regions. The Mission Directors of the NRHM would be nominated to The India CCM from five states. The five states to represent the five regions include: Assam(North-East Region), Orissa (Eastern Region), Uttar Pradesh (Northern Region), Maharashtra (Western Region) and Karnataka (Southern Region).
- 16.3 **Academic, educational and research institutions members:** Members are designated as follows: (1 seat) for a research/ academic institute working in the area of Malaria; (1 seat) for a research/ academic institute working in the area of Tuberculosis; (1 seat) for a research/ academic institute working in the area of HIV/AIDS; (1 seat) for a research/ academic institute with expertise in the area of Health System Strengthening; and (1 seat) for a research/ academic institute with expertise in gender.
- 16.4 **Civil society members:** Two members shall be elected among CBO/CSO active in the field of HIV/AIDS; two members shall be elected among CBO/CSO active in the field of TB; one member shall be elected among CBO/CSO active in the field of Malaria. Minimum one to represent AIDS, Malaria and TB. One member shall represent CBO/CSO active in child development and rights; one member shall represent CBO/CSO active in the field of gender; one member will represent CBO/CSO of sexual minorities.
- Clear definition of constituency should be included.
 - Election Process have to be detailed (member registration and voting process – Civil Society election details to be spelt out.
 - Eligibility: For organization that has no government contracts, alternate surrogate to measure their experience.
 - There is a call for neutral agency to manage elections which should include due diligence checking of the organizations.
 - Timely elections are called to fill the posts.
 - Inclusion of faith based organizations.
- 16.5 **Private sector members:** Three Business Associations – CII, FICCI & ASSOCHAM to select one corporate each (3 in total) to represent these business associations working in the area of HIV/AIDS, TB and Malaria. One member from Private sector Foundation and one member shall be selected to represent private medical practice associations.

- **Election Process should be detailed.**

16.6 **People Affected by HIV, TB and Malaria:** One member should be elected by Network of People Living with HIV, one member should be selected from people affected by TB and one member should be selected from an organisation working for people affected by Malaria.

- **Election/Designation Process should be detailed.**

16.7 **Multilateral and bilateral development members:** Six members shall be elected to represent bilateral and multilateral development partners. Of these 6 members, 3 members would be represented from the bilateral sector and 3 members would be represented from the multilateral sector.

16.8 When membership is granted to an organization, the organization, shall select an individual to represent it at India-CCM meetings. The organization will also select an alternate to attend those India-CCM meetings that the primary representative is unable to attend. The organization shall ensure wherever feasible that their primary representative or alternate is a woman.

16.9 The India-CCM reserves the right to intervene in the selection process of any constituency in the instance where it is presented with a dispute regarding the selection process by any member of the constituency.

16.10 Membership on the India-CCM is for a term of 2 years. At the expiry of a term, an India-CCM member may be nominated by its sector to serve another term, subject to a limit of two consecutive terms.

RIGHTS AND RESPONSIBILITIES OF INDIA-CCM MEMBERS

17. Individual rights:

Individual members of the India-CCM have the following rights:

17.1 The right to participate in all discussions and activities of the India-CCM.

17.2 The right to be treated as an equal partner on the CCM, the right to expression and information.

17.3 The right to vote on any matter put to a vote and request a voting procedure if appropriate.

17.4 The right to nominate persons for India-CCM positions such as Chair and Vice-Chair.

17.5 The right to sign or decline to sign proposals submitted to the Global Fund.

18. **Individual responsibilities:**

Individual members of the India-CCM have the following responsibilities:

- 18.1 Respect these Terms of Reference and all procedures of the CCM.
- 18.2 Attend and participate in all India-CCM meetings in a responsible manner. Members who do not attend three India-CCM meetings in any twelve-month period will be excluded from India-CCM and the member with the next highest votes will be brought in.
- 18.3 Freely share relevant experiences and information.
- 18.4 Respect India-CCM decisions.
- 18.5 Consult regularly with organizations and individuals within their constituency with an aim to fairly and accurately representing the views and concerns of their constituency at India-CCM meetings.
- 18.6 Report back to their constituency on proceedings of CCM meetings, progress on grant implementation, call for proposals and other developments.
- 18.7 Explicitly declare real or perceived conflict of interests. Leave the meeting when India-CCM is discussing an issue which could have an impact on them or their organization.

India-CCM MEETINGS

19. The India-CCM shall hold at least four (4) meetings per year.

19.1 However, additional meetings may be called by the Chair or the Vice Chair or may be called pursuant to a request submitted to the India-CCM Secretariat by at least 30% of the India-CCM Members.

19.2 The meetings of the India-CCM shall be conducted in English.

20. **Voting & Decisions:**

- 20.1. Decisions shall be made by consensus as far as possible. Where necessary, decisions shall be made by voting.
- 20.2. When there is no consensus, or a member disagrees that a consensus has been reached, the Chair or any member may call for a vote.
- 20.3. Votes shall be taken by a show of hands. Decisions will be taken by a simple majority. However, decisions to amend Terms of

Reference or submit a proposal to the Global Fund have to be taken by a two-thirds majority. In case of a tie, the vote of the Chair makes the decision. When a member requests it, each member's vote shall be recorded in the minutes of the meeting.

20.4. The Chair of India-CCM may take emergency decisions when it is not practical or possible to convene an emergency meeting of the India-CCM. Such decisions shall be taken after consultation with the Vice-Chair and as many members of the India-CCM as possible through electronic means. Any decision made under this provision shall be immediately reported to all the members of the India-CCM with a justification of (a) why it had to be made under this provision and (b) why it was not practical or possible to organize an emergency meeting of the India-CCM.

20.5. India-CCM may decide to exclude member(s) by vote in circumstances where it perceives that said member(s) has (ve) not explicitly declared a conflict of interest and offered to be excused from participation in the relevant discussion and/or decision.

21. **Quorum:**

21.1 No decision made at an India-CCM meeting is valid unless at least half of India-CCM members are present at the time of the decision.

22. **Notice and Agenda:**

22.1 All India-CCM members must receive, by email, fax or letter, at least one week's prior notice of each meeting of India-CCM. The notice must specify the proposed agenda. The agenda may be modified and must be approved at the start of each meeting.

22.2 Background papers must be sent to members at least one week prior to the meeting. PR reports must be systematically included among the background papers every six months.

23.3 Once a year, the Local Fund Agent must be asked by India-CCM to make a general presentation of PR's compliance with Global Fund regulations, procurement and management issues and any non-confidential information for India-CCM to be fully informed of Grant implementation,

23. **Minutes/Proceedings:**

23.1 Draft minutes/proceedings of India-CCM meetings shall be prepared and distributed to India-CCM members by the India-CCM Secretariat within two weeks of each meeting. At the following meeting, these draft minutes/proceedings shall be discussed, amended as necessary, and formally approved.

23.2 The India-CCM Secretariat shall distribute approved

minutes/proceedings of meetings of India-CCM sub-committees to India-CCM members.

- 23.3 The minutes/proceedings of India-CCM meetings shall record any decisions passed by a vote, and shall record any major dissents articulated at the meeting to any such decision (unless those dissenting agree that the dissent need not be recorded in the minutes).

India-CCM CHAIR

24. India-CCM shall have one Chair.

The Responsibilities of the Chair include:

- 24.1 Call and Chair India-CCM meetings.
- Both chair and co-chair together shouldn't be absent at any given CCM meeting.
- 24.2 Propose and seek approval of the agenda and minutes of previous meeting at each India-CCM meeting.
- 24.3 Inform the India-CCM of the activities of the sub-committees if any.
- 24.4 When necessary, make decisions through electronic meetings after consulting the Vice-Chair and as many India-CCM members as possible.
- 24.5 Seek the opinion of the Vice Chair on all important matters.
25. The Chair must be from a domestic organization. The Chair is elected by India-CCM by a show of hands. Any candidate for Chair must be nominated and seconded by a member of India-CCM.
27. The term of office for the Chair is 2 years. No individual may serve more than 2 consecutive terms as Chair. If the Chair resigns, retires or is transferred, the Vice-Chair shall serve as Chair until the officer's position is filled, at which time the new incumbent will automatically take over as Chair for the remainder of the term.

India-CCM VICE-CHAIR

28. The India-CCM shall have one Vice-Chair. The Vice-Chair and the Chair must be from different constituencies.
29. The Vice-Chair shall perform tasks delegated by the Chair, stand in for the Chair when the Chair is unable to fulfill his/her functions, advise the Chair of India CCM on emergency decisions to be taken between regularly scheduled meetings of India-CCM when it is not practical or possible to

organize an emergency meeting of the India-CCM.

30. The Vice-Chair of India-CCM shall be elected by a vote of India-CCM by a show of hands. Any candidate for Vice-Chair must be nominated and seconded by India-CCM members.
31. The term of office for the Vice-Chair is 2 years. No individual may serve more than 2 consecutive terms as Vice-Chair. If the Vice-Chair resigns, retires or is transferred, an election shall take place at the India-CCM meeting at which the Vice-Chair's departure is announced.

India-CCM Member Secretary

32. The India-CCM shall have a Member Secretary.

Responsibilities:

The responsibilities of the Member Secretary are to:

- 32.1 Conduct those tasks specifically assigned by the India-CCM or the Chair of the India-CCM.
- 32.2 Advise the Chair of the India CCM on emergency decisions to be taken between regularly scheduled meetings of the India-CCM when it is not practical or possible to organize a meeting of the India-CCM.
- 32.3 Eligibility:
The Member Secretary must be an India-CCM member and a serving officer of the Ministry of Health and Family Welfare, Government of India at least at the level of Joint Secretary preferably with oversight of at least one of the national programmes for HIV/AIDS, Tuberculosis or Malaria.
- 32.4 Selection procedure:
The Member Secretary shall be approved by the India-CCM.

India-CCM COMMITTEES

33. India-CCM shall set oversight committees for each disease.
 - 33.1 Oversight committees will comprise of at least three members of India-CCM from three different constituencies and shall report to India-CCM
 - 33.2 The role of oversight committees is to; analyze reports submitted by the PR including the annual PR audit report, and conduct at least one field visit per year to each PR to monitor progress and provide guidance in addressing the challenges in implementation.
 - 33.3 The CCM members should be a part of the joint review of the National Programs and the National Program members should be included as a part of the oversight monitoring of the Global Fund.
34. India-CCM shall set up ad-hoc committees as needed with 2 years

duration each for HIV/AIDS, TB and Malaria.

- 34.1 Each Committee shall conduct tasks assigned to it by the India-CCM, and report to India-CCM.
- 34.2 The composition of each Committee shall be determined by India-CCM and may include individuals who are not members of India-CCM.
- 34.3 Each committee shall elect a chair, who must be a member of India-CCM.

India-CCM SECRETARIAT

- 35. The India-CCM shall establish a Secretariat and approve its Terms of Reference and operations procedures.
 - 35.1 Secretariat shall comprise of a minimum of three full time and long term staff (coordination -1, technical- 1 and communication/ program assistance -1).
 - 35.2 The CCM shall approve the budget of the Secretariat, which shall include the costs for operating India-CCM and its committees.
 - 35.3 India-CCM shall identify sustainable sources of funding for operating the secretariat.
 - 35.4 Secretariat shall be housed in the Ministry of Health and Family Welfare.
- 36. The responsibilities of the India-CCM Secretariat are:
 - 36.1 To coordinate the meetings of India-CCM and its committees, including: prepare draft agendas, issue meeting reminders, distribute agendas, and make transportation arrangements for members to attend meetings, prepare draft minutes, and distribute the minutes.
 - 36.2 Distribute Global Fund guidelines and other documents including proposal drafts, PR reports and other documents relevant to the functioning of India-CCM.
 - 36.3 Maintain and update distribution lists.
 - 36.4 Maintain the records of India-CCM.
 - 36.5 Issue public announcements of calls for proposals.
 - 36.6 Prepare and submit reports to the Global Fund.
 - 36.7 Respond to enquiries from the Global Fund.

- 36.8 Share information with the Local Fund Agent, the PR(s), and other stakeholders, including members of the public.
- 36.9 Facilitate the work performed by proposal-writing teams.
- 36.10 Carry out other functions as specified in the India-CCM Secretariat Terms of Reference or as determined by the India-CCM.

INFORMATION EXCHANGE AND TRANSPARENCY

- 37. In advance of each meeting of the India-CCM, all members shall receive the notice of meeting, the meeting agenda, and copies of relevant documents.
- 38. After each meeting, all members shall receive draft minutes/proceedings of the meeting.
- 39. Members of India-CCM Committees shall receive the same types of information for Committee meetings. In addition, the approved minutes/proceedings of all Committee meetings shall be sent to all India-CCM members.
- 40. India-CCM members shall be provided with:
 - 40.1 All important documents from the Global Fund, including Guidelines for Proposals and calls for proposals.
 - 40.2 All formal correspondence from the Global Fund to the India-CCM, and vice versa, including the comments of the Technical Review Panel on proposals submitted by the India-CCM.
 - 40.3 All important documents related to the preparation of proposals to the Global Fund, including calls for proposals within the country, outlines and draft proposals, and the final Global Fund proposal.
 - 40.4 All important documents relating to the implementation of programs funded through Global Fund grants, including quarterly or other periodic reports prepared by the PR and sent to the Global Fund.
 - 40.5 Copies of any information materials about the India-CCM prepared by the India-CCM Secretariat for external distribution (e.g., media releases, newsletters).
 - 40.6 Up-to-date India-CCM membership lists, complete with contact information.
- 41. All information produced by India-CCM shall be available on the India-CCM web site (www.india-ccm.org) and in particular:
 - 41.1 The identity of India-CCM members and means whereby they can be contacted.
 - 41.2 India-CCM Terms of Reference
 - 41.3 Minutes of India-CCM meetings.
 - 41.4 Call for proposals by the Global Fund.
 - 41.5 Full text of all proposals that have been approved by the Global

Fund.

- 41.6 Full text of all grant agreements signed between the PR(s) and the Global Fund.
- 41.7 Full text of all "Disbursement Request and Progress Updates" submitted by the PR(s) to the Global Fund.

DEVELOPMENT OF GLOBAL FUND PROPOSALS

- 42. India-CCM shall follow a formal process for the development of proposals to the Global Fund for each round. All experts for scrutinising the proposals will be selected based on an advertisement and transparent selection process.
 - 42.1 The process will be transparent, seeking input from all members of India-CCM and other interested stakeholders.
 - 42.2 The documented process will be made available publicly as part of the invitation for expression of interest to participate in the development of the proposals for the Global Fund.
- 43. For each round of proposals, a technical review committee shall be constituted by India-CCM to review and assess responses received to the call issued by India-CCM. Members of the technical review committee shall not be associated or interested in any of these responses. The technical review committee will provide a roster of technical experts, who will provide a detailed report to India-CCM.

SELECTION OF THE PR(S)

- 44. India-CCM shall use transparent criteria and a formal process for the selection of the PR(s) for each round of call for proposals. The selection criteria and process shall be documented and made available publicly as part of the procedures followed in the invitation for expression of interest to participate in the preparation and formulation of the proposal for each round of call for proposals by the Global Fund.
- 45. The following conditions apply to PR in India:
 - 45.1 **Government PR:** The Department of Economic Affairs of the Ministry of Finance is the only government entity authorized to receive and disburse funding from external sources. Consequently this entity is the automatic PR for all Government Grants funded by the Global Fund. The Department of Economic Affairs serves as the legal channel for fund flow and delegates and designates the respective Government units selected by India-CCM as Operational PR. The Operational PR shall manage the programmatic aspects of the grant as well as the disbursement and audit of funds entrusted to the sub recipients of the grant.
 - 45.2 **Non Government PR:** Non Government PR shall be a domestic

entity possessing the legal status to enter into a grant agreement with a non-domestic / external entity as per the rules and regulations stipulated by the Government of India and not in breach of any central or state specific legal provisions governing the functioning of such entities in the country.

46. Global Fund rules governing PR shall be taken into consideration by the CCM for the selection process which include; experience, programme management and monitoring capacity, financial management systems, monitoring capacity and past reputation as a PR.
47. India-CCM shall also consider the relevance of the proposal to the national disease control strategy, the value added by the PR, the technical expertise of the PR and the capacity to coordinate with other Government and non-Government PR.

PROGRAM IMPLEMENTATION

48. For each India-CCM proposal financed by the Global Fund, India-CCM shall come to a clear understanding with the PR concerning the role clarity between the oversight functions of the India-CCM and the implementation functions of the PR and the smooth coordination of the information sharing necessary to maintain the clarity of roles. India-CCM shall not involve itself in the day-to-day management of grants, implementation details, SR management, etc. and shall concentrate on the long-term grant performance and performance indicators.
49. The India-CCM shall receive and review copies of disbursement request and progress updates from the PR to the Global Fund.
50. The India-CCM shall periodically evaluate selected grant activities.

CONFLICT OF INTEREST

51. The India-CCM shall make every effort to ensure that Chair, Vice-Chair and members are not from the organizations that are serving as PR for projects financed by the Global Fund. If this does not prove possible, the India-CCM shall adhere to the written plan that has been ratified to reduce to a minimum the inherent conflict of interest posed.