

Mitigation of Conflict of Interest: India-CCM Plan

A. General Principles:

1. For the purpose of this mitigation plan, a “conflict of interest” can arise when an individual or organizational entity represented in the India-CCM:
 - a. Makes or is faced with making a decision and the outcome of that decision is likely to benefit the individual’s or organizational entity’s own direct interests.
 - b. Is responsible for reviewing the performance of another individual or organizational entity for whose performance the individual or organizational entity is already at least partly responsible.
2. The India-CCM will organize its structure, management processes and day-to-day activities so as to minimize the chances of perceived or potential conflicts of interest from arising. Where such situations *do* arise, every effort will be made to ensure that the perceived or potential conflicts are not realized.

B. Safe-guards in place in the Terms of Reference of the India-CCM:

1. Clause 7.6 - Pertaining to Responsibilities if Individual Members:- “Explicitly declare perceived conflict of interest when the India-CCM is discussing an issue which could have an impact on them or their organization, and offer to recuse themselves from participation, during that discussion and/or decision.”
2. Clause 18.6. – Pertaining to Voting and Decisions at India-CCM Meetings:- “The India-CCM may decide to exclude its member(s) by vote in circumstances where it perceives that the member(s) has(ve) not explicitly declared a perceived conflict of interest and offered to be recused from participation, during the relevant discussion and/or decision.”

C. Additional safe-guards to be adopted by the India-CCM:

1. Any individual member of the India-CCM, sub-committees of the India-CCM, the Principal Recipient(s) [PR(s)], the Operational Principal Recipient(s) [OPR(s)], the Sub-Recipient(s) [SR(s)], the India-CCM Secretariat can refer perceived or potential conflicts pertaining to the GFATM grant related processes and projects in India to the India-CCM for assessment and resolution.
2. A conflict of interest clause would be incorporated in all contracts and agreements governing expenditure of GFATM monies in India. The clause will allow reference of perceived or potential conflicts to the India-CCM by any of the entities listed in C.1 above. Any conflicts that cannot be satisfactorily resolved will lead to the India-CCM recommending suspension of the relevant contract or agreement to the GFATM in the case of PR(s) and to the PR(s) in the case of SR(s) after due deliberation by the India-CCM and/or its sub-committee nominated for the purpose.

D. Perceived / Potential Conflicts of Interest and Mitigation Plans:

1. The three national disease control programme divisions of Ministry of Health and Family Welfare (MoH&FW), Government of India (GoI), namely, the National AIDS Control Organization (NACO), the Central Tuberculosis Division (CTD) and the Directorate of the National Vector Borne Disease Control Program (D-NVBDCP) are recipients of HIV/AIDS, Tuberculosis and Malaria grants respectively from the GFATM. The heads of CTD and D-NVBDCP while not voting members of the India-CCM, take part in the India-CCM meetings as Permanent Invitees. The head of NACO, the Director General and Special/Additional Secretary, MoH&FW, GoI is a voting member of the India-CCM. The India-CCM is currently chaired by the Secretary, MoH&FW, GoI who is the highest level administrator of this Ministry with oversight of all policies formulated and programmes/projects implemented by the Ministry. The Principal Recipient in all these instances is the Department of Economic Affairs, Ministry of Finance (DEA-MoF), GoI, which does not have any direct role with respect to the performance of the grant implementing agencies – namely the three national disease control program divisions of the MoH&FW, GoI, mentioned above. A Joint Secretary of the DEA-MoF is a voting member of the India-CCM.

The fact that the members of the India-CCM mentioned above are partly responsible for evaluating the proposals submitted by the national disease control program divisions, their nomination as grant recipients and evaluation of their performance on GFATM grants as OPR(s) is perceived to be and could lead to potential conflicts of interest.

Similar potential conflicts of interest could arise if any organization to which any other member of the India-CCM is affiliated becomes a PR or an OPR or a SR of GFATM grants in India.

The India-CCM seeks to resolve the above potential conflicts through:

- i. Adherence to the safeguards listed in Clauses B and C above; and*
- ii. Instituting when necessary appropriate mechanisms for evaluation of proposals, nomination of PR(s) and OPR(s) [and SR(s) where necessary] and evaluation of performance of PR(s) and OPR(s) [and SR(s) where necessary].*