REVIVING THE ADMINISTRATION:
BIHAR STATE, INDIA, 2005-2009

SYNOPSIS
Nitish Kumar was elected chief minister of Bihar, India’s poorest state, in December 2005, when the state’s government was weighed down by two decades of institutional decline. He inherited a paralyzed administration, an unmotivated bureaucracy and a state that could not adequately respond to the needs of its people. His program of administrative reforms loosened the political stranglehold on the bureaucracy, decentralized authority within administrative hierarchies and brought government closer to citizens. By 2009, Bihar was seen as a pioneer among Indian states in some areas of administrative reform, especially in improving government accountability by implementing citizens’ rights to information. Two separate memos, “Coalition Building in a Divided Society” and “Clearing the Jungle Raj,” describe Kumar’s efforts to build a coalition for reform and to improve law and order in Bihar, respectively.

Rohan Mukherjee drafted this policy note on the basis of interviews conducted in Patna, Bihar, in July 2009.

INTRODUCTION
Nitish Kumar won a historic election in December 2005 to become Bihar’s chief minister. At that time, popular opinion held that the Indian state had reached such a low point that the situation could not get much worse. This sentiment buoyed the new chief minister’s reform efforts, which followed a 15-year period of single-party dominance that had earned Bihar the reputation in The Economist of being the “armpit” of India.¹ The previous regime was widely suspected of maladministration ranging from nurturing criminal elements to siphoning billions of rupees from state coffers. Development pundits and academic observers had all but written off Bihar as a lost cause when Kumar emerged as an unexpected winner in the state election. Through a strong reform effort in administration, infrastructure, and law and order, he was able to turn Bihar around in a relatively short period. The government in Bihar lacked not only the structural components of good governance but also the basic elements of everyday administration. A financial scandal in the previous regime involving billions of rupees embezzled from funds for cattle fodder had constricted government decision making. The government was unable to
deploy resources in a timely or effective manner. Centralized decision-making authority in the administration complicated matters. Although a six-month period of direct federal rule following an inconclusive state election result in February 2005 helped Bihar decentralize some administrative decision-making authority, the real impetus for reform arose out of Kumar’s victory in a second round of elections late that year.

As chief minister, Kumar’s focus on administrative reform was threefold: first, to restore the physical infrastructure and procedural foundations of the state; second, to delegate authority within administrative hierarchies, particularly with regard to financial expenditures; and third, to bring government closer to the people. By 2009, accolades for Bihar’s administrative reforms poured in, and the government of India conferred the National e-Governance Award on the state for its innovative approach to implementing federal legislation guaranteeing the right to information for every citizen.

Context

If one were to pour the populations of the American states of California, Texas and New York into the area occupied by the state of Indiana, one could approximate Bihar’s demographic and geographic dimensions. Combined with a per-capita income lower than countries such as Eritrea, Malawi, Ethiopia, and Sierra Leone, Bihar’s challenges were great. Low standards of service delivery, a lack of quality human resources and widespread corruption at all levels of the bureaucracy complicated governance at an everyday level. A Maoist insurgency in the countryside challenged the legitimacy of the government and diminished its functional capacity by systematically attacking government property and personnel. On an operational level, social divisions along caste and religious lines hampered public policies. The majority Hindu community was broadly divided into three politically salient caste groups that competed for access to state resources. With 16% of the population, Muslims constituted a sizeable yet marginalized minority. Social discord and poor administration had deprived Bihar of its human capital and productive potential. Between 1991 and 1998, while economic reforms saw India’s economy grow 6% annually, Bihar’s grew at a 2.7% rate.²

Bihar’s successful administrative reforms were noteworthy for their simplicity. In technical terms, the efforts highlight the effect that minor amendments to existing rules can have on an entire administrative system. In strategic terms, they reiterate the importance of political backing and a political leader’s willingness to delegate authority to a highly competent group of handpicked senior aides. On a day-to-day level, the reform experience underlines the importance of building a foundation of basic functionality in terms of the physical infrastructure and procedural framework of administration, upon which a capable leadership can build more ambitious structures.

THE CHALLENGE

In an unprecedented turn of events, state elections in February 2005 resulted in a hung legislature in Bihar. No single political party or alliance of parties could claim the minimum number of legislators required to form the government. As a result, the government of India invoked a constitutional provision allowing direct federal rule, also known as “president’s rule,” for six months. Within that time Bihar had to gear up for another attempt at electing a viable government. In June, as the state reeled under political uncertainty, the World Bank released a report on a development strategy for Bihar. The report noted, “Most state governments are characterized by poorly defined service norms, political interference, and a large non-meritocratic bureaucracy. Especially so in Bihar, this is compounded by a highly centralized administration with the kind of incentive structure

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that thwarts decision making and can cause major delays.” Chirashree Das Gupta of the Asian Development Research Institute, one of Bihar’s leading think tanks, described the situation similarly when interviewed about Bihar’s administration: “The institutional machinery of the government had gone into a kind of standstill because there was so much fear about spending that expenditure levels went down. Nobody was willing to take responsibility for a signature or a sanction.”

The government’s decision-making paralysis was rooted in fear that grew out of the repercussions of the previous decade’s fodder scam, the Bihar government’s longest-kept and most damaging secret, in which billions of rupees were embezzled by successive administrations in the name of fodder for nonexistent herds of cattle. When the scam became public in 1996, it brought down the chief minister, Lalu Prasad Yadav, who was forced to resign after being found complicit by India’s Central Bureau of Investigation. Undeterred, Yadav went on to rule through his wife, who succeeded him as chief minister. When Yadav’s 15 years of direct and indirect rule ended, the Bihar government was on its knees.

Political interference in the administration had eroded incentives for bureaucratic initiative and innovation. Over the years, even though the federal government had steadily transferred more and more funds to bolster Bihar’s budget, the state government was unable to spend the money in a timely or effective manner. So acute was the problem that Kumar’s government inherited a revenue surplus and low fiscal deficit as a percentage of gross domestic product.4

Rigid and highly centralized rules of expenditure were largely responsible for Bihar’s inability to spend. The Bihar government’s Rules of Executive Business stipulated that any expense exceeding 2.5 million rupees (about US$55,000 in 2006) required the approval of the Finance Department. As a result of this low limit on discretionary spending, the Finance Department was inundated with proposals from all corners of government for projects large and small. Even though funds were theoretically available at the beginning of the financial year, often it would take until the fourth quarter for the department to clear the backlog of proposals. The delay compressed the implementation timeline for many projects into just a few months; little could be done before the unspent budget allocation had to be returned to the relevant treasury.

A lack of talented people also posed a major challenge. Not only had Bihar witnessed a flight of private capital during the preceding decades, it was also the only Indian state to experience negative net migration, i.e., more people had left Bihar than entered it, as recorded by India’s 2001 census. Personnel shortages in key service sectors had almost incapacitated the state. For example, no new teachers had been hired since 1993, and the police force was functioning at about two-thirds of capacity. Quality was also a concern. Over the years, Bihar had experienced a classic secession of the successful, as those with resources and education left the state. The impact was felt at the highest levels of the bureaucracy as well as among front-line staff in government departments. Senior officials would use their connections to obtain central-government postings in order to secure their own careers and their families’ futures. Government employees who stayed behind had to work in dilapidated offices under difficult working conditions.

FRAMING A RESPONSE

Six months of direct federal rule in 2005 created an opening for reform. Whereas the previous chief minister and his council had kept a large portion of decision-making authority and power to themselves, the interim administration devolved authority to the senior bureaucracy and began streamlining some administrative processes. This allowed reform-minded bureaucrats to get things done. Alok Chaturvedi, an Indian Administrative Service (IAS) officer of the Bihar...
cadre, returned to the Bihar government as secretary of expenditure in the Finance Department during president’s rule. He recalled that during this time there were wider consultations among senior bureaucrats on policy issues and greater freedom for officials to adopt their own ideas or “put in place what you think is right” based on experience. “Procedurally it was much faster to put in place new ideas because of the president’s rule,” he said.

In December 2005, Nitish Kumar won the second round of Bihar elections in a coalition with the Bharatiya Janata Party (BJP). Because Kumar’s party had the larger share of seats in the winning coalition, he became the obvious choice for chief minister. Kumar’s victory was historic. For the first time in 15 years, Lalu Prasad Yadav’s party had been dislodged from government. Kumar’s winning strategy was to project himself as a pan-Bihar leader rather than as the leader of any particular caste or community. Kumar’s focus on issues instead of identity tapped into public discontent with the previous government.

Three priorities emerged from Kumar’s campaign focus on governance, development and social justice. The first was a commitment to rebuild the institutions of government and revive the state through administrative reforms. The second was to engineer development by expanding and improving infrastructure, including roads, bridges, electricity, health and education. The third was to broaden the government’s social coalition by attending to the needs and demands of almost every caste grouping and major religious community. For the technical aspects of reform, Kumar drew from World Bank expertise as well as his own background as an engineer and years of experience as a member of the Indian Parliament.

One of Kumar’s first actions as chief minister in December 2005 was to start trying to lure administrative talent back to Bihar. The chief minister’s office contacted numerous high-ranking Bihar cadre IAS officials on deputation to the central government, and some who were abroad or on study leave, earning advanced degrees. The message was clear: Now was the time to make a difference in Bihar.

Anil Sinha had been in the Bihar cadre of the Indian Police Service for 26 years. Wary of Bihar’s predicament, he had spent the previous eight years on various assignments outside the state, most recently with a specialist group in charge of the Indian prime minister’s security detail. His tenure there was coming to a close, and he was pondering his next move when Kumar’s office contacted him. “I got a call, and then I came back promptly,” said Sinha. “I was given a very important and a very crucial portfolio; that portfolio was actually where things were moving.” He joined as inspector general of Headquarters and Administration in December 2005 and was soon promoted to additional director general of Law and Order.

The spirit of change that surrounded Kumar’s election became infectious. Slowly, officials began returning to Bihar. Some had completed their tours of duty in the central government. Others prematurely gave up attractive postings or lucrative career opportunities. The chief minister’s appeal was not financial, since IAS officers’ pay scales were centrally determined. Instead he appealed to their connections with Bihar. For some, it was their Bihari identity; for others, it was a sense that change was finally around the corner.

Those who returned were given key positions in the government with ample authority to implement their mandates. For example, Navin Kumar (no relation to Nitish Kumar), a senior Bihar cadre IAS officer, returned in September 2006, after seven years in the federal government, to become principal secretary of the Finance Department.

The return of such officials had two effects. First, the appeal to their professional and (in many cases) personal roots resonated strongly and created a sense of mission. Second, they brought with them a wealth of experience from the
positions they had held. Nitish Kumar was thus able to create a motivated cadre of senior officers who would be receptive to his ideas and skilled in implementing them.

GETTING DOWN TO WORK

As senior IAS officials trickled in, the chief minister focused on rebuilding the institutional machinery of his administration. His first target was his own office. A month into his debut as chief minister, he had said to a journalist, “When I walked into my office, all I found was some old Remington typewriters and moth-eaten paper. There was no carbon paper, so I wrote my first order by hand and copied it out by hand.” In order to move forward on governance issues, the government would first have to put its own house in order. The secretariat buildings in Patna were renovated and refurbished, elevators were made functional, office supplies were ordered and each senior official was issued a new laptop computer. The main objective of these measures was to improve the working conditions of senior bureaucrats. Kumar also focused on reviving basic procedures that had been abandoned by the previous government. Simple activities like weekly cabinet meetings and regular assembly sessions helped to restore a sense of purpose among the bureaucracy and to facilitate administration. An Administrative Reforms Commission was established in January 2006 with the goal of “establishing a responsive, sensitive, transparent, proactive and effective administrative system.”

Kumar’s constitutional powers as chief minister allowed him to rally his new cabinet around his reform agenda and to push for new laws and regulations. The government cleared the legislative backlog and enacted laws to strengthen the legal framework for reform.

With the aim of improving governance, institution building was the order of the day. Field officials gained greater powers, and the cabinet passed orders on subjects ranging from electricity to education in an attempt to rapidly deliver on the electoral promise of good governance.

Kumar’s Administrative Reforms Commission submitted its first report in May 2006. During the first 15 months of its tenure, the government acted rapidly, implementing approximately a quarter of the commission’s 300 recommendations.7

Fixing financial administration

The Finance Department was the target of some of the government’s most important administrative reforms. As secretary of expenditure, Alok Chaturvedi had been chipping away at the department’s centralized rules and procedures. He was quick to recognize the vital role that finance played across all departments. “Suppose you are in [the] education department; you’ll be able to reform only the education scenario. But if you’re in the Finance Department, all these procedures can unleash reforms in the entire government,” Chaturvedi said. Having experienced long delays and difficulties at the hands of the Finance Department as a field officer, he could identify the procedures that needed reform.

Many of Chaturvedi’s ideas came from observing the government of India, along with the finance departments of more advanced Indian states like Karnataka, Andhra Pradesh and Maharashtra. During the period of direct federal rule, Chaturvedi had submitted to the chief secretary of Bihar (the senior IAS official in the state) a proposal to modify the Rules of Executive Business and facilitate the delegation of financial authority and decision making on spending. The proposal was approved. When Kumar came to power, he found a useful model in place and improved upon it. Chaturvedi was retained in his position for 2½ more years in recognition of his initial accomplishments. He continued making small but significant modifications to the financial rules by which the Bihar government operated.
At various points, Chaturvedi said, he would battle with his officers’ long-held aversion to decision making and responsibility. “Some of the changes were very drastic, and some people, who have been in the Finance Department for ages and they worked on the older provisions, they used to say, ‘No, no, no, it is too drastic a change. If something happens, some scam happens, then you’ll be made responsible,’” Chaturvedi said. This kind of thinking was a carry-over from the fodder-scam days, and he set out to change these perceptions in two ways. First, he involved his subordinates in his decision making. Second, he adjusted his expectations, realizing that prioritization was required when wholesale change was impossible. While drafting an important order or circular, he would invite the relevant officers to discuss the new proposal. They would present their perspectives or disagreements with the policy and also hear the other side’s arguments. If a criticism was justified, Chaturvedi said, he would modify his draft. If not, he reasoned that at least those opposed to the final circular would know what went into it and where it was coming from.

Chaturvedi’s overall approach was incremental, given his subordinate officers’ hesitation to implement radical changes. In his opinion, “Rather than making the best circular, I would say, ‘OK, my circular will be aiming at these three things. Forget about the next four, five things which could also be attempted.’ I would not worry about that because three things are important.”

Meanwhile, the Finance Department, which had been a highly centralized control mechanism, was evolving into a facilitator of expenditure and a systemic catalyst for change, much as Chaturvedi had envisaged. Navin Kumar began expanding the reforms.

While spending authority had already been decentralized for plan expenditure (out of which new public programs were approved), Kumar extended this reform to non-plan expenditure (out of which existing public programs were funded). Principal secretaries could approve higher levels of spending without Finance Department approval, removing a significant bottleneck in Bihar’s public spending.

In addition, Kumar observed that government allocations for operations and maintenance had been steadily declining. This was because successive governments, faced with the need for more funds and unable to draw down either salary payments or interest and loan repayments, had resorted to chipping away at the budget allocation for the operation and maintenance of government assets. Kumar understood the shortsightedness of this practice: “If you spent crores (an Indian counting unit equal to 10 million) of money in creating an asset, and if you’re not given money for maintaining it, it is totally illogical.” He therefore implemented a sustained increase in the budgetary allocation for operations and maintenance.

**Computerizing the Treasury**

Next on the agenda was computerizing the state’s treasury system. Although computers had been installed 10 years earlier, each district treasury functioned as a stand-alone unit. As a result, it was impossible to obtain an accurate picture of state finances at any given time. Various offices provided only monthly or annual estimates. The lack of data hampered the government’s ability to ascertain its exact financial position when a spending decision had to be made.

Navin Kumar set out to develop a comprehensive financial-management system that could provide vital information and answers in real time. He hired a private firm to develop computer software based on the firm’s work in other Indian states.
Implementation was a problem. For instance, treasury officials needed computers and the skills to use them.

Because treasuries could not be closed down for training their entire staffs, two or three employees from each treasury were trained at a time. Training lasted two days, after which the best performer from each treasury was retained for an additional five days. Members of this group were provided further training and called the “champions” of their particular treasuries. Their job was to return to their respective offices and train their colleagues, and also to address any problems that arose in the computerization process.

Bringing government to the people

The Finance Department was not alone in implementing administrative reforms. The Department of Administrative Reforms and Personnel implemented important changes. Prominent among them was the Right to Information (RTI) Act, which was legislated by the federal government in 2005. The law required governments and government departments across India to provide certain types of information to citizens, who could file petitions in a specified format for a small fee at government offices. The act was influenced by a national civil-society movement toward greater freedom of information, pioneered by nongovernment organizations in the state of Rajasthan. The act’s purpose was to improve disclosure practices so that citizens could hold government directly accountable and make it more responsive to their needs.

OVERCOMING OBSTACLES

Although the RTI act was a major step toward citizen empowerment, its implementation in Bihar was a challenge due to the state’s low literacy rate (48%, according to the 2001 Indian census) and widespread corruption in its administration at the time when Nitish Kumar took office. The act required individuals who could scarcely read or write their own names to write petitions in specified formats for submitting to a government agency. Moreover, the requirement of physically submitting RTI petitions left the door open for intimidation and corruption among government officials who might have a vested interest in withholding information from the public.

Kumar viewed the situation as another opportunity to remove the middleman from citizen-state interactions and bring government closer to the people. He hit upon the idea of a different medium for registering RTI petitions, one that would require neither direct physical interaction nor a written document. He suggested to the administrative-reforms department the idea of a call center that could receive citizens’ RTI requests by telephone. The department worked out a system under which agents at the center would be trained to elicit the relevant information from callers and input it into the required format. The call center would assign each petition an identifying number and forward it to the relevant government department. Telephone software would be modified to add the application fee of 10 rupees to the caller’s monthly phone bill. The setup eliminated the need for applicants to physically submit petitions for information, reducing the chance of roadblocks or intimidation while saving applicants the cost of transportation to the government office and the loss of wages in order to make the trip.

Management of the call center was outsourced to a private company, with an eye on the sustainability of the initiative. “Had we gone for our own telephone lines, our own government employees as operators, then their recruitment, payments, training, turnover, all this would have been problems,” said Amir Subhani, principal secretary of Administrative Reforms and Personnel for Bihar. Because call-center operators were not government officials, training them to
understand government systems and the appropriate vocabulary of RTI petitions was a challenge. To speed the process, the administrative reforms department brought in retired government officials to conduct training.

Because the federal RTI act was largely the outcome of a national civil-society movement for greater public accountability, the Bihar government tried to involve civil-society organizations at every step in the process. Subhani said, “NGOs [nongovernmental organizations] kept a close watch over the call center when it was taking shape and kept us informed about the initial deficiencies, the teething troubles and the problems faced in the first few months.” In order to build public support for the initiative, the administrative-reforms department enlisted the state public-relations department. The departments distributed handbills, put up billboards in popular locations in Patna, placed advertisements in newspapers and magazines, organized public workshops and even set up a stall at the annual Sonpur cattle fair to spread information and generate enthusiasm for the project. Kumar officially launched the jankari (information) call-center initiative in January 2007.

Public interaction

Barely four months into his administration, Kumar launched Janta ke Darbar Mein Mukhyamantri (the chief minister in the people’s court), a weekly public forum at his official residence during which he would accept petitions and complaints. Senior government officials had to be present with the chief minister at these events in order to note specific complaints. Complaints were assigned unique numbers that complainants could use to track progress on their cases. The Darbar became a regular fixture in the chief minister’s schedule, and citizens came from all over Bihar to submit grievances.

In January 2009 Kumar undertook his first Vikas Yatra (development journey), a month-long visit to rural districts of Bihar, where he replicated the Darbar model at the village level. At these meetings, Kumar was known to give out the cellphone numbers of senior government officials, including the chief secretary of the state administration, to citizens so that they could follow up on their petitions. While critics dismissed both the Darbar and Yatra as populist gimmicks, the initiatives were instrumental in helping Kumar bolster his public image and “demystify the state structure,” according to Shaibal Gupta, member secretary of the Asian Development Research Institute. “People cannot imagine ever interacting with the chief secretary or with the principal secretaries of the departments,” Gupta added. Kumar’s initiatives brought government to the doorstep of the people and helped him improve the quality of administration in Bihar by compelling it to be more responsive.

ASSESSING RESULTS

The success of relatively simple procedural changes in liberating an entire administration was evident in a mundane event that took place in March 2009. Navin Kumar, principal secretary of finance, sat alone in his office, working on files. Since 2005, Bihar had seen a steady and substantial rise in spending levels, and the Finance Department was no longer a bottleneck. The office was silent, the door unlocked. His colleague, Development Commissioner Anup Mukerji, walked in and somewhat bemusedly said, “Navin, on the 31st of March, when we have seen such a heavy rush of officers and people coming here for their clearances, you are sitting alone in your room. … I feel that this is not the Finance Department; this is the finance-less department!”

Senior administrators saw an important indicator of their success: International agencies
were finally taking an interest in Bihar. The World Bank was the first to take note of the potential for change in Bihar under a technocrat chief minister with a reputation for honesty. In 2005 it released a report with recommendations for a new development strategy for Bihar and later followed up with loans and projects when it became clear that Kumar was a reformer. Soon the Asian Development Bank and the U.K.’s Department for International Development followed. In 2008, the latter launched the Bihar Administrative Reforms Mission in partnership with the state government. Its primary staff members were employees of private consulting firm Deloitte, who used laptop computers and presentation skills to accelerate Bihar’s administrative reforms. Bihar’s administrators were not accustomed to this kind of attention, since most international agencies had washed their hands of the state many years earlier. In the past, these agencies had been frustrated by the lack of government initiative and a culture of obstructing development efforts. After 2005, however, if international attention was any indication, Bihar seemed to have turned a corner.

Because Chief Minister Kumar’s reforms were widely recognized as a one-man effort, questions arose about sustainability. Scholar Shaibal Gupta called the reforms “CM-centric.” Kumar was also credited with having the kind of experience and knowledge of the federal government’s inner workings that helped Bihar obtain larger shares of federal assistance. The state’s plan expenditure increased significantly under Kumar.

Some observed that to further his reform agenda, Kumar had created a fairly pliable Council of Ministers and senior bureaucracy. Staffed largely by similarly reform-minded individuals, the administration put up almost no resistance to Kumar’s reform efforts. Political resistance also was minimal. While many attributed this to the success of Kumar’s initiatives, some expressed concern that the highly individualistic nature of Bihar’s reform leadership might be unsustainable. Without avenues for the institutionalization of current efforts, future reforms could falter in the event of a change in leadership.

REFLECTIONS

Generalizations based on Bihar’s experience are difficult, as it is a state within the Indian polity that operates on parliamentary federalist model. Under that model, the federal government has a disproportionately influential role in state-level affairs compared with other federalist countries such as the United States, Germany and Australia. While this fact no doubt constrained Nitish Kumar’s autonomy, it was also a major asset in terms of Bihar’s finances, of which the Indian government provided almost 75%. It also was an asset in terms of human resources, as senior officials of the Indian Administrative Service staffed the upper echelons of every state administration in India. Highly trained and widely experienced officers of the Indian Administrative Service were nationally recruited and permanently assigned to state-level cadres.

Thus Bihar cadre IAS officers, one-third of whom were native to Bihar (according to federal-government rules applicable to all states), spent their entire careers in various departments of the Bihar administration, with intermittent duty in the federal government. Although Bihar did suffer a human-resource crunch even at the senior levels of bureaucracy, the return of many Bihar cadre IAS officers under Kumar’s new government had a positive impact. Countries facing similar human-resource challenges may not enjoy such good fortune in this regard.

From 2005 to 2009, Kumar and his senior administrators worked to reverse the conventional wisdom that Bihar was beyond repair. Amir Subhani, principal secretary of Administrative Reforms and Personnel, summarized a philosophy that previously would have struck a hollow note in Bihar: “The moral of the story is that it is
It is possible to bring about revolutions, make fundamental changes and produce miracles even in the most adverse situations and seemingly the most unreceptive society. The only thing is that you have to find the ways of how to do it. The task itself is not impossible.” Would things continue to improve? In mid-2009, the mood in Patna was hopeful.

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