

# Grievances Management Related To Reconstruction and Rehabilitation Guidelines, 2073

## Contents

1. Short title and Commencement: .....	3
2. Definition: .....	3
3. Grievant.....	3
4. Medium for Giving Grievances: .....	3
5. Types of Grievances: .....	3
6. Management for Grievances Registration:.....	4
7. Document to be submitted while doing Grievance Registration: .....	4
8. Grievance Management Measures:.....	4
9. Mechanism for Grievance Management .....	4
10. Miscellaneous .....	8
11. Changes and Revision in Work Procedure .....	8
Annex-1 .....	10
Annex-1 .....	10
Annex-2 .....	13
Annex-3 .....	<b>Error! Bookmark not defined.</b>
<i>Annex-4</i> .....	17

## **“Grievance Management Related to Reconstruction and Rehabilitation Guidelines, 2073”**

Due to the devastating earthquake of 12<sup>th</sup> Baishak 2072 and the following aftershock, to reconstruct the earthquake affected private housing, reconstruction of other physical infrastructures, economic and social recovery and redressing of Grievances related to rehabilitation,

National Reconstruction Authority has formed the mentioned “Grievance Management Related to Reconstruction and Rehabilitation Guidelines, 2073” on the basis of clause 31 of Reconstruction of Earthquake Affected Structure Act, 2072.

### **1. Short title and Commencement:**

- 1.1. The guideline is named as “Grievance Management Related to Reconstruction and Rehabilitation Guidelines, 2073”
- 1.2. This guideline will be initiated from the date of approval from working committee.

### **2. Definition:**

Unless the subject or context otherwise required, in this guideline:

- 2.1. “Law” refers “ Reconstruction of Earthquake Affected Structure Act, 2072”
- 2.2. “Authority” refers to National Reconstruction Authority formed under clause 3 of the Law.
- 2.3. “Grievance” refers to the written complain registered by the beneficiary as per clause 3 of work procedure to the Authority following the medium as mentioned in clause 4.
- 2.4. “Beneficiaries” refers to those people identified as per clause 3 of “Grant Distribution Guideline for Private Houses damaged by Earthquake. 2072”.

### **3. Grievant**

Grievant are person who are earthquake affected and are listed in beneficiaries list. Despite this other person can also register Grievances in the subject mentioned in clause 5 related to dissemination of service by Authority.

### **4. Medium for Grievances:**

Grievances can be registered either by electrical medium or by application.

### **5. Types of Grievances:**

Grievances related to Grant Distribution for Private Houses and Reconstruction and Rehabilitation of other Infrastructures and economic, social recovery are classified as mentioned.

- 5.1. Grievances related to private House Reconstruction
- 5.2. Other Grievances (like Grievances from “Hello Sarkar” or other agency or organization )

## 6. Management for Grievances Registration:

- 6.1. Earthquake affected people can register Grievances by filling the form related to the private houses.
- 6.2. Grievances received on office have to be registered on separate registration folder. After the registration of Grievances, the proof of Grievance registration has to be given to related person.
- 6.3. For the registration of Grievances following agencies has been mentioned.
  - 6.3.1. Respective Village Development Committee /Municipal office /municipal ward office of the earthquake affected person.
  - 6.3.2. District Administration Office/District Development Committee of related District
  - 6.3.3. Concern Sub-regional office of National Reconstruction Authority
  - 6.3.4. National Reconstruction Authority.

## 7. Document to be submitted while doing Grievance Registration:

Grievant have to submit following mentioned documents with the Grievance form while registering Grievances related to Private Houses Grant.

- 7.1. Survey Slip (For Grievances related to Private Houses Reconstruction)
- 7.2. Description of name included in Beneficiary list.
- 7.3. Submission of only application for other Grievances.

## 8. Grievance Management Measures:

Training must be operated in the consent place, if in case because of reliable reason place have to be changed then permission have to be taken from the permission giving agency.

- 8.1. Each office doing the Grievance Registration have to do redress and decide on the registered Grievances and if they can't then have to forward Grievance to agencies as mentioned in clause 9 within 15 days of Grievance Registration.
- 8.2. Have to inform Grievant about the Grievance being forwarded to concern agency.

## 9. Mechanism for Grievance Management

9.1 Mentioned Mechanism will be there for Grievance redress.

### A. VDC/Municipality/ MU Ward level Grievance Management Committee

1. To redress the Grievance received in VDC/ Municipality/MU Ward mentioned VDC/ Municipality/MU Ward level Grievance Redress committee will be formed:
  - VDC President / Municipal Chief ----Coordinator
  - Social Mobilizer -----Member
  - Engineer Working on related VDC/Municipality—Member
  - President of concern Ward Citizen Forum —Guest Member

• Technical Assistant VDC/Municipality.....---Member Secretary  
But in case of Metropolitan, Sub-Metropolitan and municipality, ward Secretary will work as coordinator.

VDC President and Municipal Chief for this clause refer to person assigned to work as VDC President /Municipal Chief.

2. The secretariat of committee will be on the office of Secretary of related VDC/Municipality/Municipal Ward.
3. Related person can be invited in the committee meeting as per required.
4. The work, duty and rights of VDC/Municipality/Municipal Ward Level Grievance Redress Committee will be as mentioned:
  - a) To collect the Grievance received in VDC/Municipality/Municipal Ward office.
  - b) To classify the collected Grievance as per their subject.
  - c) Among the classified Grievances, Grievances with simple Processing error like error in Name and surname, error in Ward no., name listed as to get benefit from two different places have to settle by seeing the proof.
  - d) Settlement of Grievances must be done as per the approved description of work procedure implementation mentioned in "Grant Distribution Guideline for Private Houses damaged by Earthquake. 2072".
  - e) Grievance which cannot be settled in VDC/Municipal/Municipal Ward Level have to be forwarded with to District Grievance redress Committee with a reason why it couldn't be settled.
  - f) Have to do periodic record of collected Grievance and have to inform grievant about settled Grievance or has been forwarded to District Grievance Redress Committee.
  - g) VDC/Municipal Ward Level Grievance Management Committee have to collect the Grievances of type like; Name missing in Survey or Name not included in Beneficiary list but house damaged by earthquake and forward them to Central Level Grievance Committee for redress.

**B. District Grievance Redress Committee**

1. To settle the Grievance received from VDC/Municipality/Municipal Ward Level each District has District Grievance Settle Committee as mentioned:
  - Chief District Officer --Coordinator
  - Local Development Officer --Member
  - Chief, District Police Office --Member
  - District Project implementation Unit Chief --Member
  - District Coordination Sub-Committee Member Secretary-Member Secretary
2. Other People related to Grievance can be invited to the Redress Committee Meeting as per requirement.
3. The work, duty and rights of VDC/Municipality/Municipal Ward Level Grievance Redress Committee will be as mentioned:

- i. To keep the record of Grievance received from VDC/Municipality/Municipal Ward Level Committee.
  - ii. To classify the received Grievance and separate nature.
  - iii. To settle Grievance, which can be settled within District Level
  - iv. Settlement of Grievances must be done as per the approved description of work procedure implementation mentioned in “Grant Distribution Guideline for Private Houses damaged by Earthquake, 2072”
  - v. Have to forward the District Level settled and unsettled Grievance with reason to Sub-Regional Office and inform about that to the VDC/Municipality.
  - vi. To query either Grievance which has been send to Sub-Regional Office has been settled or not and inform the VDC/Municipality about that.
4. The secretariat of District Grievance Redress Committee will be on place as mentioned by coordinator.
5. Sub-Regional Office solve the Grievance received from District Grievance Redress Committee. Submit the opinion report which consists of reason behind the unsettled Grievance to the Authority.
6. Sub-Regional Office has to settle Grievance as mentioned:
  - i. Have to register and make report of the all Grievances received from Grievance Redress Committee within their work area.
  - ii. Classify the Grievance
  - iii. Have to inform about policy management and decision of Authority during local level Grievance Management
  - iv. To coordinate and make spontaneous the Grievance settlement related work of VDC/Municipal/Municipal Ward and District Level Committee.
  - v. To settle the Grievance which can be settled and send that information to District Grievance Redress Committee.
  - vi. Grievance which cannot be settled by Sub-Regional Office and has to be ended as per policy has to be send to Central Office of Authority with Opinion.
  - vii. Issues received while settling the Grievance sent to central level office must be written to District Committee.
7. As mentioned Central Grievance Redressing Committee will be formed to redress the Grievance which has been forwarded and registered to Authority from District Level Grievance Redressing Committee and Sub-Regional Offices along with opinion report.
  - a) Working Committee Member mentioned by Working Committee -Coordinator
  - b) Technical Joint Secretary, National Reconstruction Authority –Member
  - c) Project Chief, Related Subject Central Project Implementation Unit --Member
  - d) Grievance Related Department Chief, National Reconstruction Authority –Member
  - e) Officers Related to Management Information System (MIS)—National Reconstruction Authority ---Member
  - f) Representative, Central bureau of statistic –Member
  - g) Under-Secretary, Social Mobilizer and Grievance Management Section—Member

8. Concern Exports can be invited in the Committee meeting as per requirement.
9. The work, duty and rights of Central Grievance Redress Committee will be as mentioned:
  - i. The Grievance which can be settled by the VDC/Municipality and District Level Grievance Redress Committee who classify and ask to classify the Grievance have to be sent to the respective level
  - ii. To make Damaged Private Housing Matrix of the Grievant in MIS accessible by same Matrix System.
  - iii. To analyze by seeing the image of so called damaged Private residence of Grievant.
  - iv. To make sure about the need of resurvey, if resurvey is necessary have to recommend to executive committee along with the report related resurveying.
  - v. While redressing the Grievances related to the Private Housing Grant distribution mentioned technical aspects have to be taken as basis
    - 1.To manage and ask to manage MIS during Grievance Redressing. Have to assess the reason behind not being listed in beneficiary list if found being surveyed. Possible Reasons: the house is temporary shed, cowshed etc., if the house owner have more than one house in same place and one of them has not been damaged, house owner has house in other district and those house have not been damaged, have or have not to do repair because of Grade of damage of house being DG-1, DG-2 or DG-3 , and among above mentioned reason if the reason found is house being in grade DG-1, DG-2 or DG- and , have to do simple maintenance or have not to do anything, then to make sure have to assess the detail description of damage found in MIS System and check if the image of damage building match the building on site. Necessary words has to be sent to VDC/Municipal Level Grievance Redressing Committee which describe that house owner's name has not been included in beneficiary list because the house match the image and has minimum damage ( simple restoration required because of being in DG-1, DG-2 or DG-3 or nothing has to be done)
    - 2.If the category of the damage, photo and the details is found different then site inspection has to be done and report has to be prepared and that has to be sent to the District level Grievance Redress Committee. The District level Grievance Redress Committee forms a technical team for site inspection and after the report is ready it is to be sent to the Central Grievance redress Committee.
    - 3.After the site inspection reports are received, if the CBS survey database is to be edited then NRA should manage the amended data differently. After the amended data is prepared, based on the damage level of the house , whether to keep the name in the beneficiary list or not, it should be processed. But if it is not to be edited on the data then that information has to be provided to the grievant through VDC/Municipality Ward Level Grievance Redress Committee. If the house has been missed during the survey, then detail survey has to be done for that house hold and NRA should

manage that on the database and based on the report of the survey, it should be processed whether to keep or not keep in the beneficiary list. The information of the house included in the database or enlisted in the beneficiary or not shall be provided to grievant through the VDC/Municipality ward Level Grievance Redress Committee

4. About the grievances related to the work of NRA, necessary decisions are to be taken and if it cannot be decided then decisions with suggestion is to be submitted.
5. To provide the necessary grievances, the committee can take the services of the Technical team or the expert manpower.
6. Based on the prevalent Law and guidelines, necessary decisions are to be taken for grievance reimbursement.

## **10. Miscellaneous**

- 10.1 If any person is found receiving the tranche of private housing grant by submitting the false documents then such amount will be collected back as penalty as government surplus and will be written to concern Authority to be punished as per the present law.
- 10.2 Sub-regional office can monitor related to Grievance settlement within their work area except the condition that Grievance cannot be settled and opinion report has been submitted.
- 10.3 Authority can do/ask to do monitoring of Grievance related work as per needed.
- 10.4 It is responsibility of concern office to settle received Grievance within appropriate Time.
- 10.5 The biased and personal ego based grievance will be identified and listed.
- 10.6 Decision regarding Grievance will be informed to the applicant.
- 10.7 Person who give untruth or false description, abuse or threat or give Grievance with intension to spoil the time and source of office will be punished as per present Law.

## **11. Changes and Revision in Guidelines**

- 11.1. If any problem is found in implementation of work procedure Executive committee can make changes or revise as per necessary.
- 11.2. If this guideline is contradictory to any of present Law then present law will be followed.



## Annex-1

Housing Reconstruction Project

### Grievance Registration Form

For Official Use Only	
Grievance Form Serial Number:_____	Registration Number-_____
Grievance Registered Place:-District:-_____	VDC/Municipality:-_____ Ward No.:-_____ Tole/City:-_____
Date:-_____	

1. Description of Personnel who has Grievance:		
Name, Surname:-	Landownership certificate no:-	Assigned date:-
Father's Name, Surname:-	Citizenship No:-	Assigned date:-
Grand Father's Name, Surname:-	District:-	
Total Number of Family Number:-	VDC/Municipality:-	Ward:-
Survey Slip No:-	Tole/City:-	
	Contact Phone No:-	

2. What is the Legal Status of Land where you are staying? 1. Private 2. Organizational/Trust 3. Governmental /Public 4. Other.....	
3. Type of Grievance (Tick all that matter)	Describe In summary about Grievance



**[For Official Use Only]**

S.N	Nature of Registered Grievance	Grievances has been Responded or not	If Yes, Grievance Responding Agency	If no, Recommended Agency	Approving Officer to forward in upper unit	Informed Date after Responded Or Date of Forwarded to Upper Agency
1.		a. Yes b. No c. Recommended	a. VDC/Municipality b. Resource Center c. DDC d. NRA (National Reconstruction Authority)	a. VDC/Municipality b. Resource Centre c. DDC d. NRA (National Reconstruction Authority)		
2.		a. Yes b. No c. Recommended	a. VDC/Municipality b. Resource Center c. DDC d. NRA (National Reconstruction Authority)	a. VDC/Municipality b. Resource Centre c. DDC d. NRA (National Reconstruction Authority)		
3.		a. Yes b. No c. Recommended	a. VDC/Municipality b. Resource Center c. DDC d. NRA (National Reconstruction Authority)	a. VDC/Municipality b. Resource Center c. DDC d. NRA (National Reconstruction Authority)		

Detail of Grievant Responded:- .....

Responding Officer, Name, Surname:- ..... Designation:- .....

Signature ..... Date:-.....

**Annex-2**

Nepal Government

National Reconstruction Authority

Housing Reconstruction Program

**Grievance Registration Receipt**

**Grievance Registration No:** .....

**Grievant Name and Surname:** .....

**Concern Beneficiary Name and Surname:**

**Permanent Address:**

**Grievance Registering Agency:**.....**District:** .....

**VDC/Municipality/DDC**.....**Ward No:** .....

**Types of Grievance:** .....

**Grievance Register, Name and Surname:** .....**Designation:** .....

**Signature:** .....**Date:** .....

**Recovery and Reconstruction related Grievance Management Guidelines, 2073**

**ANNEX – 3**

<b>SN</b>	<b>Type of grievances</b>	<b>Solution proposed</b>	<b>Documents required</b>
1	Name is in the eligible list; land-ownership not in his/her name but in the name of other member of his/her sole family	Provided that the land-owner provides written consent to the beneficiary to build a house with other required documents (citizenship certificate, survey slip and related land-ownership document), grant agreement can be immediately signed.	Documents expressing approval to use the land, Nepalese citizenship certificate, survey slip, land-ownership document (Form for expressing approval to use the land is included in the annex)
2	Name is in the eligible list; present in his/her name but not in the position to come and sign the grant agreement; land-ownership in his/her name	In such case, any member from the sole family/someone trusted by the family can be nominated as representative. Both nominator and nominee must sign in the representative nomination form. After furnishing citizenship certificates of both parties and the survey slip, grant agreement can be signed by the nominee on behalf of the beneficiary/nominator.	Representative nomination form, citizenship certificates of both parties, land-ownership certificate, survey slip (Form for representative nomination is included in the annex)
3	Name is in the eligible list; beneficiary not present in the country; spouse wishing to sign the grant agreement on the behalf of the beneficiary	In such case, spouse present in the country can be nominated as representative provided that both parties sign in the nomination form. In case the beneficiary is not in the country, necessary documents can be posted/received through mail	Representative nomination form, citizenship certificates of both parties, land-ownership certificate, survey slip
4	Name is in the eligible list; but doesn't possess the land-ownership of the land which they have been using	In such case, after surveying the plot through District Survey Office and obtaining the land-ownership certificate, grant agreement can be signed. For this purpose, separate guidelines related to receiving land entitlement and land registration has been prepared.	Nepalese citizenship certificate, land-ownership certificate, survey slip
5	Beneficiary listed as first household owner; his son/s listed as second/third household owners; inheritance-division mechanism not clear	In such case, the person listed as first household owner can sign the grant agreement. If the people listed as second/third beneficiaries are against it, grievance can be filed; provided that inheritance-division was done before <i>Baisakh 12 (April 25)</i> and is attested by legal documents, separate grant agreements can be signed; else, only one grant agreement can be signed.	Nepalese citizenship certificate, land-ownership certificate, survey slip, legal documents related to inheritance-division for grievance registration
6	Name is in the eligible list; but, the beneficiary wishes to use the land in the name of GUTHI for private use	If the land-ownership is registered in the name of related beneficiary, grant agreement can be signed provided the legal documents are furnished; in case the land is registered in the name of	Nepalese citizenship certificate, land-ownership certificate, survey slip

		GUTH, further proceedings should be carried out on the basis of a separate guideline (which is currently being drafted to address this issue); can be registered as a grievance for now.	
7	Beneficiaries whose houses are different but, because of the nature of design, seems like roofs are attached and is one house, listed as first and second household owners in the eligible list	Provided that the house owners furnish legal documents attesting to their claims of separate houses, both parties can sign separate grant agreements after registering their related grievance.	Nepalese citizenship certificate, land-ownership certificate, survey slip
8	Related to spouses, the other spouse (who is not enlisted as beneficiary) representing his/her spouse (who is listed as beneficiary)	Spouses may sign the grant agreement on each other's behalf provided the representative nomination form is filled and signed by both counterparts (husband and wife).	Representative nomination form, citizenship certificates of both parties, land-ownership certificate, survey slip
9	One house with multiple owners	In such case, only one grant agreement will be signed with joint ownership of multiple owners; or, the owners may nominate one of them as a representative party to the grant agreement.	Nepalese citizenship certificate, land-ownership certificate, survey slip
10	House damaged in a particular location; should the reconstruction be in the same location?	In such case, houses may be built anywhere in the land belonging to the beneficiary, in the plot next to the land of the beneficiary, in the same plot provided that land is vacant or in the neighboring VDC.	Nepalese citizenship certificate, land-ownership certificate, survey slip
11	Entire village block related land hasn't been registered/ people do not possess land-ownership documents	In order to address such issues, guidelines related to land entitlement for reconstruction of earthquake affected houses has been issued. As per the guidelines, land registration process must be carried out, and after receiving the land-ownership certificate, grant agreement can be signed.	
12	Father/elder brother enlisted as first beneficiary in the eligible list and son/younger brother enlisted as second beneficiary but living separately post inheritance-division; possess required legal documents	In such case, the first beneficiary can sign the agreement. Second beneficiary, after registering his grievance, upon furnishing legally attested documents proving that inheritance-division was done prior to <i>Baisakh 12 (April 25)</i> , will be eligible to sign separate grant agreements.	Nepalese citizenship certificate, land-ownership certificate, survey slip, legal documents related to inheritance-division
13	Name is in the eligible list; possessed required legal documents prior to the earthquake; but, due to earthquake/other reasons citizenship certificate/land-ownership documents got lost/destroyed	Grant agreement can be signed after the beneficiary furnishes the required legal documents (for which they can file requests to the related government departments for duplicates of original documents).	Nepalese citizenship certificate, land-ownership certificate, survey slip
14	In areas requiring land resettlement due to landslides/other geological/geomorphological impediments	In such case, for land resettlement or obtaining land entitlement, work-plan may be prepared on the basis of guidelines related to land entitlement for reconstruction of earthquake affected houses. For now, it can be registered as a grievance.	Nepalese citizenship certificate, land-ownership certificate, survey slip

15	Provided with survey slip but not enlisted in the eligible list	In such case, because the damage grade is less than 3, s/he may not have been included in the eligible list; but, if s/he has doubts related to the survey (based on her/his perception that her/his house has been significantly damaged), s/he can file a grievance. However, the decision to include/not include the related person in the eligible list will only be made upon making a detailed examination of the survey details. Filing a grievance case does not warrant the inclusion of one's name in the eligible list.	Nepalese citizenship certificate, land-ownership certificate, survey slip
16	House damaged by the earthquake in own name but not surveyed	In such case, grievance can be registered. Post attestation/verification through public query in the respective village, the grievance case can be forwarded to higher authorities for carrying out the survey.	Nepalese citizenship certificate, land-ownership certificate, survey slip, proof of verification/attestation through public query
17	Difference of name/last name in survey slip and eligible list; difference in no. of household members	Such mistakes may arise due to errors in the survey. On furnishing the relationship certificate or Nepalese citizenship certificate which expressly states the true name of the beneficiary, grant agreement can be signed.	Nepalese citizenship certificate, land-ownership certificate, survey slip, relationship certificate or any other legal documents stating the name/last name of the beneficiary

To facilitate the process mentioned solution process decision has been made to approve forms as per annex.

- A. Representative Assigning Form for Grant Agreement.
- B. Approval Form to construct House on the Land
- C. Grievance Registering Form

## *Annex-4*

Decision No 1 –Refine the annex -2 of “Grant Distribution Guideline for Private Houses damaged by Earthquake. 2072” and add and revise the beneficiary selection byelaws for reconstruction of earthquake affected private housing as mentioned:

2.1. Those family who has already passed family partition deed document in Land Revenue Office before 12<sup>th</sup> Baishak 2072, are counted as different family and provided with the grant amount. But the family partition deed document has not been passed from office still had constructed and are staying on separate house before 12<sup>th</sup> Baishak 2072 and are included in data collection of earthquake affected conducted by CBS and in condition of staying in separate house after family split, the family can be enlisted as a different family after the public inquiry is done in front of the VDC/Municipality Chief or someone appointed by him.

2.2. In case of death of landowner and remaining of transfer of land to his/her beneficiary, Grant can be given or taken either in the name of all beneficiaries or one of beneficiary after receiving approval from other beneficiaries of the death landowner if the beneficiary of death landowner submit the application along with the death certificate.

2.3 In case of the house owner who are listed in statistic in program of data collection of earthquake affected conducted by Central Statistics Bureau but house owner have already started construction of house before grant contract,

- I. Grievance related to the missing during Beneficiary Survey.
- II. Name must be included in Beneficiary list but are not included.
- III. Name must not be included in Beneficiary list but are included
- IV. Related to Quality of Building Construction Technical Drawing and Design material.
- V. Construction Examination Pass and Construction Completion Report
- VI. Related to Resettlement
- VII. Related to listed in Beneficiary list but difference in description.
- VIII. Related to the construction ongoing or completed private housing before Grant Contract.