

Review of Policies and Provisions on Disaster Response and Recovery from Dalit Perspective

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Author:

Dr. Buddhi Nepali

Editor:

Mahesh Raj Maharjan

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Sanepa-2, Lalitpur, Nepal

P.O. Box: 6330

Tel. No. +977 1 5520851, 5521715

E-mail: info@samatafoundation.org

Website: www.samatafoundation.org

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ABBREVIATIONS

B.S.	Bikram Sambat
CBO	Community-based organization
CDO	Chief District Officer
CDRC	Central Disaster Relief Committee
CFT	Cash-for-Training
CFW	Cash-for-Work
DDMC	District Disaster Management Committee
DRR	Disaster Risk Reduction
DoLIDAR	Department of Local Infrastructure and Agricultural Roads
DRM	Disaster Risk Management
DWIDP	Department of Water Induced Disaster Prevention
EIA	Environmental Impact Assessment
FNCCI	Federation of Nepalese Chambers of Commerce and Industries
GoN	Government of Nepal
ICIMOD	International Centre for Integrated Mountain Development
INGO	International non-governmental organization
LDO	Local Development Officer
LDMC	Local Disaster Management Committee
MoHA	Ministry of Home Affairs
MPPW	Ministry of Physical Planning and Works
M&E	Monitoring and Evaluation
NGO	Non-governmental organization
NPC	National Planning Commission
NCDM	National Council for Disaster Management

NDMA	National Disaster Management Authority
NSDRM	National Strategy for Disaster Risk Management
NSC	National Seismological Centre
NRA	National Reconstruction Authority
PDNA	Post Disaster Needs Assessment
PDRF	Post-Disaster Recovery Framework
RDMC	Regional Disaster Management Committee
RNCRC	Regional Natural Calamities Relief Committee
UNDP	United Nations Development Programme
UNEP	United Nations Environment Programme
UN	United Nations
VDC	Village Development Committee
WECS	Water and Energy Commission

FOREWORD

"Collective Voice for Human Rights and Dignity" "AAWAZ" project is aimed to address core problem of caste-based discrimination and untouchability (CBD&U) and resultant exclusion which is a pressing human rights and development issue in Nepal. There are multiple instances of violation of human rights and crime against humanity as it neglects human dignity inducing inequality which is against national laws and international human rights standards and instruments. AAWAZ is a project which has been designed to implement through a consortium of five national level organizations, namely, SAMATA Foundation, Jagaran Media Centre (JMC), Rastriya Dalit Network (RDN), Madhesi Dalit Development Federation (MDDF) and Nepal National Dalit Social Welfare Organization (NNDSWO).

In this project, SAMATA foundation is primarily undertaking task of research and publication components. It basically focuses on policy reviews, implementation status of CBD&U Act 2011, preparation of shadow report on CERD, fact findings and litigation supports for CBD&U cases, and documentation of Dalit HR violations cases.

Nepal is ranked as one of the most vulnerable countries in the world to natural disasters. Our geographical difficulties have added further vulnerability despite the national efforts. Nevertheless, the government of Nepal, international and National communities, as well as local communities and individuals, have worked collectively with coordinated efforts to reduce risks and prevent disasters.

Unlike non-Dalits, Dalits are more vulnerable to natural and human-made disasters because of their marginalized social condition and discriminations they face. Their inhabitation in vulnerable spaces segregated from mainstream settlements worsens the situation. This often results in Dalit living in highly vulnerable places prone to all kinds of disasters. Yet, humanitarian minimum standards do not currently support, guide or even suggest that providers of humanitarian assistance in caste-affected countries understand and respond to the consequences of caste discrimination.

The main objective of this study is to review all the policies, plans and programs of the government regarding disaster response in Nepal on context of marginalized citizens. The study is focused on finding out policy gaps, implementation status, achievement and progress regarding disaster response and management concerning Dalits. In this study, SAMATA foundation and consortium partners at the field levels are thoroughly involved. The findings of the study are to be disseminated to all stakeholders including policy makers and concern organizations for further

policy improvements on disaster response and management. This report is intended as an honest effort to meet the above requirement.

Basically, various types of methods have been employed for the conduction of the study. Desk reviews are done. Data are collected from the central and local levels. The major part of the study is the review of policies, Acts and literatures related to natural disaster. For this study five districts (Sunsari, Saptari, Kailali, Dolakha and Gorkha) were sampled for the district Consultations. Key Informant Interviews (KII) are conducted with the government representatives in districts and central level.

At the end, I would like to offer my special thanks to our esteemed consortium partners for their generous support for the study both at the fields and at central level. I would also like to thank all the staff of SAMATA foundation for putting efforts to transform its mission into reality. SAMATA foundation has come up with this research report with the invaluable support of many individuals, groups and institutions. With an honor to the respondents from Dalit and non-Dalit communities, I would like to thank and congratulate AAWAZ consortium team, research team, consultant, and all the contributors.



Mr. Padam Sundas
Executive Chairperson
SAMATA foundation

EXECUTIVE SUMMARY

Nepal is highly vulnerable to natural disasters. Natural Calamity (Relief) Act 1982 has included earthquake, fire outbreak, storm, flood, landslide, drought, famine, epidemic, industrial accident, explosion, etc., under disaster. Nepal's physical infrastructures are vulnerable to disasters due to various reasons. These natural and human-made disasters have caused many deaths, loss of property, and other irreparable losses. Such disasters affect differentially on people with different caste, class, gender, ethnicity, and region. Among these, Dalits as the poorest and most excluded caste and class suffer the most adverse effects of such disasters.

This study focuses on policy gaps, implementation status, achievement, and progress of disaster response and recovery from the perspective of Dalit community. It focuses on how the policies, programs, and plans related to disaster are being implemented and whether the issues of Dalits are covered in them. There is a need for a study to understand gaps and shortcomings in the plans, programs, and actions of the government so as not to exclude Dalits in any circumstances. The core objective of this policy review is to explore policy gaps and provide recommendations to the government.

The major part of the study is based on review of policies, acts, and plans related to natural disaster management from the Dalit perspective. Apart from the review, fieldwork was carried out in five districts by the research team. An interaction was conducted with natural disaster victims comprising of Dalits, representatives of political parties, Dalit civil society persons, and NGOs/INGOs working in each district. Two in-depth interviews were conducted with CDOs and LDOs in each district, and five case stories were collected. A national-level discussion was conducted on 28 November 2016 to get comments and finalize the report.

There are 21 directly related legal provisions, 33 partially related legal provisions, and 8 international treaties on DRM in Nepal. There is a dearth of Dalit-specific legal provisions for natural disaster risk management. The major policy document consolidating the whole disaster-related components is the National Strategy for Disaster Risk Management 2009, which has taken the strategy of developing and restructuring of institutional structures and legal arrangements to ensure stakeholders' participation while adhering to integrated policy and decentralized implementation process; to create an enabling environment from the central to household level within the state; to prepare and implement disaster risk reduction and preparedness plans; and to ensure mainstreaming disaster reduction into overall development process along with sectoral development and poverty reduction plans.

Natural Calamity (Relief) Act 1982 has provision for institutional structures at central and district levels to fulfill the government responsibility to access rescue and relief-related initiatives to the disaster affected people, and coordinate with other line agencies in the process. Section 3 of the Act has the provision of declaring emergency area by the government during natural calamity. Similarly, Section 4 of the Act has provisions of forming committees for disaster management. It has provisions of forming the Central Natural Disaster Relief Committee, sub-committees as such relief and treatment subcommittees and supply, shelter and recovery subcommittee, and details roles and duties of central committees.

The directive principles of DRM planning are to mainstream DRM concept into development plans, ensure life safety and social security, give emphasis to gender and social inclusion, adopt decentralized process of implementation, follow the holistic approach, give priority to staff safety and security, follow one-door policy and cluster approach in implementation of DRM, and work in the spirit of participation, interaction, and coordination. As all DRM programs, including emergency and relief operations, tend to be situational, complex, and sensitive, there is a need to remain alert to the possibility of complicating the situation by specific class, caste, or gender would be necessary.

There are many provisions in DRM meant for marginalized groups and communities. All three scenarios (pre-, during, and post-disaster) will be identified and analyzed on priority basis while carrying out response operations. Arrangements will be made for informing children, women, senior citizens, and frail persons of all communities and that of minority communities to ensure against any obstacle in the uninterrupted operations of life-sustaining structures and systems in the community even during obstructions created on public services due to disaster. Vulnerable groups will be enabled to understand the nature and decide what to do, when to do, and how to do in the event of disaster. For this, activities will be carried out for enhancing their self-confidence by raising their awareness for making use of their knowledge, capacity, opportunity, and rights. Prior identification of families vulnerable to disaster, especially women, children, single men/women, senior citizens frail and sick persons, will be made, and rescue, relief and rehabilitation targeted programs will be carried out accordingly. During preparedness, risk reduction, rescue and relief, response, and recovery programs, special attention will be paid to the people who are excluded from social and economic rights and living in families and communities in marginal living condition, as these groups need special attention and protection in such circumstances.

"National Strategy for Disaster Risk Management 2009" and "Act Relating to Reconstruction of the Earthquake Affected Structures 2015" have covered the issues of Dalits and other marginalized and disadvantaged groups. There are provisions for special arrangements for marginalized groups, Dalits, deprived, and physically and mentally challenged people. National Reconstruction and Recovery Policy 2015 focuses on program identifying the specific needs of poorest families of

earthquake-affected area, Dalits, pregnant women and single women, people with disability, children at risk, and old aged citizens. Post-Disaster Recovery Framework (PDRF) acknowledges that specialized assistance is needed for such people with special needs.

To ensure representation of Dalits in DRM, it is necessary to amend existing policies and legal provisions. There are government policies for resettlement of flood-affected Dalit communities and to guarantee alternative income provision for them. For example, Local Disaster Management Committee (LDMC) has inclusive provision of local stakeholders, members of political parties, and representatives of vulnerable groups. However, Dalits at grassroots are not aware about the natural disaster related government policies and regulations as well as the benefits entitlements related to them.

Due to conflicts and monopoly of political parties, identification of natural disaster victims and relief distribution system is affected. As a result, non-transparency increases and real victims are deprived. No Dalit leader is in the leading position of district level committee; as a result, Dalit communities are not informed about activities of political parties' after natural disasters. Fake reports of disaster affected people are submitted because of undue political influence. This mostly applies to earthquake affected people. There should be special provision in the natural disaster-related policies for compensation to natural disaster victims for their alternative settlement. To ensure inclusion of Dalit victims of natural disaster from the central to local level structure, government agencies, National Dalit Commission, Dalit Development Board, and Joint Dalit Struggle Committee should be represented from central level disaster rescue committee to DDRC and other related public agencies. There should be the provision of alternative income generating opportunities for Dalit victims affected by disasters.

1.1 Introduction and Context

Nepal is in a troubled situation emanating from series of disasters caused by floods, landslides, earthquake, fires, and hailstorm, cloudbursts generated by the oceanic typhoon, drought, and famine. In addition, epidemics, industrial accidents, explosions, road accidents, and poison-related incidents also are common in Nepal. Every year the country faces natural or human-induced disasters. According to Natural Calamity (Relief) Act 1982, disasters includes earthquake, fire outbreak, storm, flood, landslide, drought, famine, epidemic, industrial accident and explosion, etc.

Nepal is placed in the 20th place in the global hazard map, while the country is ranked 30th in terms of water-induced hazards such as landslides and floods. According to the Disaster Vulnerability and Risk Assessment Study Report (UNDP/BCPR 2004), Nepal ranks 11th globally among countries most vulnerable to earthquake. The whole country is vulnerable to earthquake as it lies in high MMI IX and XI vulnerability scale, with especially the middle belt of the country sitting on high earthquake intensity zone. In seismic vulnerability ranking, Kathmandu valley is placed in the first place inside Nepal. As per the joint report prepared by ICIMOD/UNEP, out of 2,315 glacial lakes of Nepal, 22 are in imminent danger of outburst (ICIMOD, 2007). Fire breakouts in rural Tarai remain a major problem during the summer season, when the temperature soars up to 45 degree Celsius. Forest fires have been on increase as additional disaster in recent years. Despite such high rate of disaster vulnerability, concrete measures remain yet to be taken in a meaningful way, like capacity building and preparedness.

Nepal's physical infrastructures are vulnerable to disasters due to various reasons. Gradual deterioration in the social system working for common interest of communities, which has made social trusts (*guthis*) dysfunctional, is also responsible for making the society susceptible to natural disasters. Rapid population growth in urban areas including Kathmandu; centralization of economic potentials and opportunities for livelihood; environmental deterioration; and increased level of pollution in air and water are additional factors helping raise the level of disaster vulnerability year by year.

Lately, a 7.6 magnitude earthquake struck Barpak in the historic district of Gorkha, about 76 km northwest of Kathmandu. The earthquake killed more than 8,000 people and injured more

than 20,000 people, and destroyed half a million homes and buildings, historical sites, and infrastructures. There have been many reports of exclusions of and biases against historically marginalized communities, including Dalits, in relief distribution and government cash transfers.

1.2 Objectives of the Study

In the above mentioned context, this study attempted to review all the policies, plans, and programs of the government related to disaster response in Nepal from the Dalit perspective. The study focused on finding out policy gaps, implementation status, achievement, and progress regarding disaster management with reference to Dalit. It also provides recommendations to the government so as not to exclude Dalits in any circumstances.

1.3 Scope and Limitation of the Study

The study focused on how policies, plans, and programs are accommodating Dalit issues in terms of disaster and resilience. This review is basically based on secondary data analysis of existing legal provisions and some international documents. Due to limitations of resources, field-level data were collected from only five selected districts.

1.4 Methodology of the Study

The major part of the study is review of policies, acts and literature related to natural disaster management. For primary information, 5 districts (Sunsari, Saptari, Kailali, Dolakha and Gorkha) were visited by research team, and a case story was collected from each district. An interaction was conducted with natural disaster victims from Dalits, representatives of political parties, Dalit civil society persons, and NGOs/INGOs working in each district. Two in-depth interviews were conducted with CDOs and LDOs in each district. A national-level discussion was held on 28 November 2016 to have comments before finalizing the report.

2.

REVIEW OF EXISTING POLICIES RELATED TO NATURAL DISASTERS AND DALITS

There are 21 directly related legal provisions, 33 partially related legal provisions, and 8 international treaties on DRM in Nepal (Disaster Management Digdarshan, 2071). There are only 6 legal provisions directly related to the disaster management and Dalits in Nepal. There is dearth of Dalit-specific legal provisions on natural disaster risk management. The review of existing policies, acts, rules and other literature related to Dalits and natural disasters covered the following documents.

2.1 Natural Calamities (Relief) Act 1982

Institutional journey on disaster management in Nepal began with the promulgation of Natural Calamities (Relief) Act 1982. This Act was promulgated with the objective of smooth execution of pre- and post-disaster relief and rescue works by bringing the work of disaster management under the scope and responsibility of the government. According to the preamble of this Act, it is expedient to conduct natural disaster relief related works and maintain the general people's facilities to protect general people's life and property and public property. The Act has also made provision of institutional framework necessary for managing disasters.

Section 2 of the Act defines “natural calamity works” as any work for protecting common people's lives and properties including the public property, recovery of victimized people from disaster, control and prevention of possible effects of disaster, and reconstruction in the disaster affected area for relieving the affected people. This section also defines the committees working for the relief during the disaster time.

Section 3 of the Act has the provision of declaring emergency area by the government during the natural calamity. Similarly, section 4 of the Act has provisions of forming committees for disaster management. It has made the provisions of forming the Central Natural Disaster Relief Committee, sub-committees such as relief and treatment subcommittees, supply, shelter and recovery subcommittee, and of the roles and duties of central committees. The central-level and regional-level committees are assigned the right to formulate the policy and programs, and implementation has been focused on the district- and local-level committees. Section 7 of the Act

has made some mechanism of formation of other committees such as regional committee and its roles and responsibilities, and district disaster relief committee and its roles and responsibilities, local disasters relief committee and its roles and responsibilities.

Section 13 of the Act has provision of fund management and transfer of central level support fund and regional, district, and local disasters support fund. Section 14 has the provision of accounting and auditing.

2.2 Local Self Governance Act 1999

The Local Self Governance Act 1999 has promoted the concept of local-self governance within the decentralization framework for managing environment-friendly development. The Act has given due emphasis to interrelationship between development process, environment, and disaster explicitly and inexplicitly. The Act encourages local entities—District Development Committees (DDCs), municipalities, and Village Development Committees (VDCs)—for finding solutions to problems by themselves. Although the Act has made local entities responsible, as the situation stands, integrated execution of concepts introduced through the Act has stalled due to absence of necessary rules and budgetary allocation for the purpose.

2.3 National Strategy for Disaster Risk Management 2009

The major policy document consolidating the whole disaster-related components is the National Strategy for Disaster Risk Management (NSDRM) 2009, which was approved by Nepal government on 11 October 2009. Objectively, this Strategy Paper is an integrated effort on reducing disaster risk in the days ahead through materialization of spirit of participation. There are five main priorities and associated activities by assigning responsibilities to each sector line agency. Inherent objective of this Strategy is to guide towards reducing disasters in the process of execution of development programs for national development.

MoHA, instead of moving ahead alone, tried to take along sector line agencies including the ministries of energy, irrigation, physical planning and works, local development, health and population, and other central entities like the National Planning Commission (NPC) in a coordinated manner. Such efforts and arrangements in the past, however, were not effective from qualitative and quantitative aspects of disaster risk reduction as they used to focus mainly on responding to post-disaster situations. As a result, the trend of annual losses of lives and properties continued. Upon realization of these realities, a brief review of existing legal and institutional arrangements from central to local levels, their capabilities to cope with different natures of disasters, and their technical capacities were included in the Strategy Paper to facilitate preparation of action plans (on disaster risk reduction).

The long-term vision of this Strategy is to establish Nepal as a disaster-resilient community. The mission of the Strategy is to provide guidance and ensure effective disaster management through development, and implementation of the concept of effective preparedness for mitigation, risk reduction, and incidence of calamities. The sub-missions to materialize the long-term mission of the Strategy are: development and restructuring of institutional structures to strengthen policy-wide and legal arrangements to ensure stakeholders' participation while adhering to integrated policy and decentralized implementation process, create enabling environment from the central to household level within the state to prepare and implement disaster risk reduction and preparedness plans, and ensure mainstreaming disaster reduction into overall development process along with sectoral development and poverty reduction plans.

2.4 Act Relating to Reconstruction of the Earthquake affected Structures 2015

Nepal is the 11th most earthquake-prone country in the world (UNDP, 2009). Ever since the first recorded earthquake of 1255 A.D. that killed one-third of the population of the Kathmandu Valley and its King, Abhaya Malla, Nepal has experienced a major earthquake every few generations. The last great earthquake (of magnitude 8.4) in 1934 A.D. resulted in more than 10,000 deaths in the Kathmandu Valley. Most of the infrastructure and major heritage sites had to be rebuilt. There have since been earthquakes causing severe human and physical loss in 1980, 1988 and 2011. On Saturday, 25 April 2015 at 11:56 local time, a 7.6 magnitude earthquake, as recorded by Nepal's National Seismological Centre (NSC), struck Barpak in the historic district of Gorkha, about 76 km northwest of Kathmandu. The earthquake killed more than 8,000 people and injured more than 20,000 people, and destroyed half a million homes and buildings, historical sites, and infrastructures.

The National Reconstruction Authority was established in order to promptly complete the construction works of the structures damaged due to a devastating earthquake of 25 April 2015 and subsequent aftershocks, in a sustainable, resilient and planned manner, and to promote national interests and provide social justice by making resettlement and translocation of the persons and families displaced by the earthquake.

Section 2, Definition: "Reconstruction" means works related to economic, social, and physical development, new construction and reconstruction of the damage caused by the earthquake, in a sustainable resilient and planned manner. Also, "Earthquake Affected Area" means any area so specified by the Government of Nepal by a notification in the Nepal Gazette that it is necessary to make resettlement of the displaced persons because of widespread human or physical damage caused by the earthquake and to make reconstruction of social and archaeological structures, by way of plans or programs of special nature.

Section 3 has the provision of NRA and Section 4 has the provision of functions, duties and power of the Authority from determining the damaged caused by earthquake to approving policies, plans, budget and programs with schedule of operations as required for the reconstruction.

Section 5 of the Act has the provision of formation of the National Reconstruction Advisory Council for the purpose of advising the steering committee on the formulation of reconstruction policies and plans. For this committee, there is the provision of 14 persons nominated by the Advisory Council in a manner to have representation from each district, on the basis of inclusive principle, from amongst the members of parliament who represent the earthquake affected districts in legislature parliament. Similarly, 5 persons including at least 2 women nominated by the GoN as to have representation from amongst the experts of universities, non-governmental organizations, civil society, and private sector for the membership.

Section 6 has the provision of steering committee to act as the central body of the Authority. This committee shall be formed under leadership of prime minister and it has also the provision of 3 persons nominated by the GoN, on the basis of inclusive principle, from amongst the experts who have gained at least 10 years of experiences in the concerned fields including national and international projects, after doing master's degree from any university recognized by the GoN in infrastructure building and engineering, law, economics, geography, geology, archaeology or development planning.

In section 8, the functions, duties and powers of the steering committees have been provisioned from approving the policies and plans on reconstruction prepared by the executive committee to approving budget and organizational structure of the Authority.

Section 11 has the provisions relating to Chief Executive Officer, and Section 12 has the provisions of functions, duties and powers of the chief executive officer from drafting of the Authority's policies, plans relating to reconstruction prepared and submitted to the Steering Committee for approval and other reconstruction related works.

Section 15 has the provision of reconstruction fund for the Authority operation. This fund will be received from GoN, Prime Minister Disaster Relief Fund, any organization, institutions and persons, any foreign person, government or international organizations in cash or in commodity aid or in form of programs and amount from any other sources.

In section 25, there is the provision of District Coordination Committee in each district to coordinate the activities carried out by the Authority in the earthquake affected area. The functions, duties and powers of the District Coordination Committee are to coordinate, monitor and appraise the activities carried out by the Authority including the recommendation for action if any district-based official or employee related with the functions of the Authority does any act contrary to this Act and perform other actions prescribed by the Act. For the purpose of these acts, District

Coordination Committee may as required invite any official of a body, woman and social activist in the district to the committee.

Section 26 has the provision relating to appeal. A party who is not satisfied with a decision or order made by the Authority in the performance and exercise of the functions, duties and powers set forth in the Act may make an appeal to the appellate committee as provided.

2.5. National Reconstruction and Rehabilitation Policy 2015

National Reconstruction and Rehabilitation Policy 2015 aims at providing support transparently, maintaining consistency between area-wise and agency-wise (government, non-government), and formulating appropriate program identifying the specific needs of poorest family of earthquake affected area, Dalits, pregnant women and single women, people with disability, children at risk, old aged citizens.

The strategies of the policy are to:

- Protect and uplift the persons and community of earthquake affected area who are at vulnerable condition.
- Conduct trainings on health service, employment related skill development on the basis of interest and needs of earthquake affected women, children, marginalized and disadvantaged groups to uplift them.
- Uplift and protect the people and community who are at risk in the earthquake affected area.
- Formulate and conduct programmes related to health services, employment skill development and trainings based on the desires of earthquake affected women, children, marginalized and disadvantaged groups to uplift their livelihood.
- Enhance access of products and services to the market from economically poor, marginalized and disadvantaged groups in the earthquake affected area. Special attention will be paid to the social security, basic health, reproductive health, child health, health of adolescents and improvement in nutrition in the earthquake affected area.

The working policy is to:

- Encourage in house construction with the help of community to the families of having single women, children, people with disability and old age citizens. Residential houses should be constructed friendlier to people with disability, women, children, and old age citizens. Special training provisions will be ensured for maintaining social solidarity and

cohesiveness to develop and promote the health, education, skills and awareness. The rehabilitation provision will be ensured to the earthquake affected single women, people with disability, children without their parents and old age citizens.

- Promote access to market of commodities and services produced by groups of economically weak, marginalized and disadvantaged of earthquake area. The economically weak, marginalized and disadvantaged groups' access will be enhanced to the financial sources. Persons who have no access to the financial resources will be supported to formulate the saving and credit groups. The bank and cooperatives and saving and credit groups will be mobilized to conduct the economic rehabilitation programmes.

Gender equality and inclusion: Special needs of people with disability, old age citizens, children and women will be addressed during the reconstruction and recovery of physical and social infrastructure. The financial support of government for residential house construction will be provided through the joint bank account of husband and wife as far as possible. Child labour will be prohibited in the local level during works, and equal wages will be ensured to men and women. Minimum one third of women participation will be ensured in the trainings and orientation programmes conducted by the government. The people with disability will be encouraged to conduct livelihood and business providing skill based trainings on the basis of their needs.

Training and dissemination of safe construction method: The safe building construction related trainings will be conducted extensively. In these kinds of trainings, locally available engineers, sub-engineers, supervisors, masons, carpenters, plumbers, electricians, bar benders, etc., will be participated. In such trainings, local youths, women and disadvantaged groups will be prioritized.

Use of weak techniques and low quality construction materials in the construction of buildings and infrastructure are the additional structure-related vulnerabilities. Not only construction works become weak, but also disaster vulnerabilities are aggravated due to construction of physical infrastructures without technical supervision of engineers and their support, and compromised construction process. Situation is such that disaster vulnerabilities could not be reduced as awareness, knowledge, and skills are concentrated in and around academic centers. Expansion of unmanaged housing building and related services in disaster-prone and marginal land in absence of prudent land-use practice and execution of land-use policy have helped further aggravation of disaster vulnerability.

Disaster risk and vulnerability has increased due also to security issues and decreased livelihood opportunities, migration, displacement, limited access to and weak flow of information to the population displaced internally due to more than a decade-long conflict in the country. Apart from the National Action Plan, the National Planning Commission developed Tenth Five Year Plan (2002-2007), and the Interim Three Year Plan (2007-2010) has important policies towards

reduction of hazards. The Guidelines implemented for distribution of relief to disaster affected people is another policy measure in that direction. Sector policies on water resources, agriculture, housing building, mines and geology, and health have also been playing major roles in managing disaster risks.

2.6 Directive Principles of DRM Planning

The directive principles of DRM planning are: to include mainstreaming DRM concept into development plans; ensure life safety and social security; give emphasis to gender and social inclusion; adopt decentralized process of implementation; follow the holistic approach; give priority to staff safety and security; follow one-door policy and cluster approach in implementation of DRM; and work in the spirit of participation, interaction, and coordination. It has major strategic priorities of integrating disaster risk reduction in sustainable development strategies and plan preparation; strengthening institutions, mechanism, and capacities for developing resilience to disaster; and incorporating DRR concepts in preparedness, response, and recovery programs in an organized way. Five priorities are recommended for achieving the above-mentioned objectives in the implementation process: (a) putting a vibrant institutional framework in place for its implementation by prioritizing DRR at both the national and local levels; (b) strengthening assessment, identification, monitoring, and early warning system on potential disaster; (c) making use of knowledge, new ideas, and education for the development of safety and disaster resilient culture at all levels; (d) minimizing existing risk factors; and (e) making disaster preparedness strong enough for effective response.

2.6.1 Organizational Structure and Approaches for DRM

Natural Calamities (Relief) Act 1982 has made the provision for institutional structures at central and district levels to fulfill the government liability to access rescue and relief-related initiatives to the disaster affected people, and coordinate with other line agencies in the process. Experience of the last three decades has proven the capability of such structures in coordinating rescue and relief activities of smaller and medium scales. Such institutional provisions in the Act, however, do not seem sufficient for shifting the emphasis from relief to preparedness and mitigation and mainstreaming DRR into development efforts of the country. There is a need to bring qualitative change in the national structure for DRM.

The DRM structure consists of National Council for Disaster Management (NCDM), Regional Disaster Management Committee (RDMC), District Disaster Management Committee (DDMC), Local Disaster Management Committee (LDMC), Local Disaster Management Committee (LDMC), and National Disaster Management Authority (NDMA). It has Preparedness Management Committee, Rescue and Relief Management Committee, and Rehabilitation and Reconstruction

Management Committee. NDMA has the responsibility to ensure the following: sectoral action plans and programs conform to this NSDRM; adequate budgetary allocation is made for their implementation; the program allows for resource mobilization from outside the government funds, and it has adequate system of monitoring and evaluation of plan implementation.

National Council for Disaster Management (NCDM) is a significant body of the proposed organization structure for DRM in Nepal. NCDM endorses DRM related policies, approves DRM national and sectoral plans, takes policy decisions, arranges financial resources and supervises for risk reduction/mitigation, preparedness, response and recovery, rehabilitation, and reconstruction activities; and takes policy decisions for bilateral, sub-regional, regional and international cooperation in the areas of DRM. NDMA is supposed to be the secretariat of this Council. Arrangement of the following three high-level committees is made with assignment of intensive, accountable, and clear-cut responsibilities for carrying out different natures of activities in three major (pre-, during, and post-) phases of disaster. Similarly, Preparedness Management Committee, Rescue and Relief Management Committee, and Rehabilitation and Reconstruction Committee are purposed for the structure of DRM in the central level. Regional, District, and Local Disaster Management Committees would be formulated under this structure.

This Strategy Paper has incorporated the provision of Regional, District, and Local level Disaster Management Committees. It is directed towards avoiding any confusion at working levels of Regional, District, and Local level Disaster Management Committees for facilitating effective performance by clearly delineating their scope of work, and rights and responsibilities.

The Paper reflects full realization that disaster management is possible only through integrated participatory and collaborative involvement of all partners. As such, due importance and recognition is given to UN agencies, donor community, inter-governmental agencies, NGOs (national and international), CBOs, civil society, media, experts, and the people through appropriate representation arrangements. The Strategy envisages disaster management work to be result oriented as it has made Ministry of Home Affairs, NDMA, Regional and District Disaster Management Committees responsible under the one-door policy for effective collaboration, consensus-based, and participatory coordination process.

Nepal has two national entities at the policy-making level: namely, the Legislature Parliament and the Council of Ministers. Various commissions play advisory role in framing policies and plans; sector ministries are responsible for policy-making and executing plans; and departments, regional and local entities execute policies and plans, and offer advice and feedback to their higher-level entities.

National Planning Commission has been playing the lead role in formulations of long-term, periodic, and annual disaster management plans. The Commission has also been garnering resources from bilateral, multilateral, and international sources for reconstruction of disaster

damaged infrastructures and rehabilitation of the affected. In the meantime, NPC has been engaged in preparing projects, their execution, and monitoring and evaluation at the policy level.

Water and Energy Commission (WECS), Central Disaster Relief Committee (CDRC), Ministry of Home Affairs, and other related ministries and Regional Natural Calamities Relief Committee (RNCRC) are working in the central level for natural disaster management. Similarly, Departments/Agencies involved in disaster management are Department of Hydrology and Meteorology, Department of Water Induced Disaster Prevention (DWIDP), Department of Mines and Geology, Department of Health Services, Department of Local Infrastructure and Agricultural Roads (DoLIDAR), Department of Soil Conservation and Watershed Management Department of Urban Development and Building Construction, District Natural Disaster Rescue Committees, District Development Committees (DDCs), Municipalities, and Village Development Committees (VDCs), national non-government organizations (NGOs), UN agencies and international organizations.

2.6.2 Implementation Strategy of NSDRM

The implementation strategy of NSDRM are as follows: prepare and carry on plans and sectoral action plans for DRM; use transparent and inclusive process; take coordinated initiative; make use of technical assistance; assess the resource need and demand, and garner external financial resources when domestic resources fall short of requirement; arrange public hearings on a regular basis; publish and publicize successful initiatives; and conduct peer review of initiatives.

The objective of the Strategy Paper—gradually developing the culture of safety, having positive impact on poverty reduction, and transforming Nepal into a disaster-resilient community—will be achieved if all partners at all levels of socio-economic development effectively apply this Strategy by accepting development as their lifestyle. The major objective of this Strategy is to guide towards reducing disasters in the process of execution of development programs for national development. This Strategy has adopted the rules pertaining to the process of DRM as such to help towards achieving national goal of sustainable development and poverty reduction through arrangements for institutional, policy-wide, and legal instruments for disaster management by ensuring stakeholders' participation for security of lives and livelihoods, and safeguard of properties. The government and the communities are equally responsible for ensuring safety from potential disasters that could pose threat to security of citizens' life and to right to livelihoods. A concrete action plan on preparedness, rescue and relief, recovery/rehabilitation process will be developed for avoiding potential disasters as it is not always possible to have control over incidence of disasters. Sensitivity will be practiced on issues like social equality, justice and inclusiveness, and gender and caste equality while managing disaster risk for vulnerable communities and structures. Special arrangement will be made for marginalized groups, *Dalits*, deprived, and physically and mentally challenged people.

2.6.2.1 Gender and Social Inclusion

All those involved in DRM will have the following responsibilities to ensure the state's basic policy/principles on gender and social inclusion: All issues on gender and social inclusion will be mainstreamed into all phases of DRM. As all DRR programs, including emergency and relief operations, tend to be situational, complex, and sensitive, remaining alert of the possibility of complicating the situation by specific class, caste or caste group would be necessary. All three stages (pre-, during, and post-disaster scenarios) will be identified and analyzed on priority basis while carrying out response operations. Arrangements will be made for informing children, women, senior citizens, and frail persons of all communities and that of minority communities to ensure against any obstacle in the uninterrupted operations of life-sustaining structures and systems in the community even during obstructions created on public services due to disaster.

Vulnerable groups will be enabled to understand the nature and decide what to do, when to do, and how to do in the event of disaster. For this, activities will be carried out for enhancing their self-confidence by raising their awareness for making use of their knowledge, capacity, opportunity, and rights. Prior identification of families vulnerable to disaster—especially women, children, single men/women, frail and sick persons—will be made, and rescue, relief and rehabilitation targeted programs will be carried out accordingly. During preparedness, risk reduction, rescue and relief, response, and recovery programs, special attention will be paid to the people who are excluded from social and economic rights and are living in families and communities in marginal living condition, as these groups need special attention and protection in such circumstances.

Strategic priorities include integrating disaster risk reduction in sustainable development strategies, and plan preparation; strengthening institutions, mechanism, and capacities for developing disaster resilience; and incorporating DRR concepts in preparedness, response, and recovery programs in an organized way.

Five priorities, in the implementation process, are recommended for achieving the above-mentioned objectives: (a) DRR to be the national and local priorities; (b) a vibrant institutional framework to be in place for its implementation, and to strengthen assessment, identification, monitoring, and early warning system on potential disaster, (c) making use of knowledge, new ideas, and education for the development of safety culture and resilience at all levels, (d) minimization of factors of existing risks; and (e) making disaster preparedness strong for effective response.

Based on the above priorities, sector-wide, institution-wide, and phase-wise arrangements are made for DRR. Following are the agreed principles for implementation arrangements made in the process: garner active and collective participation of vulnerable people and communities; empower communities through awareness-raising activities with full knowledge of risk potentials, and firm belief and commitment towards necessary measures; promote necessary knowledge, skill,

and processes for risk reduction; and maintain sustainability through community and institutional capacity development for targeting factors of disaster.

2.6.2.2 Sector Strategy for Livelihood Protection

Efforts on enhancing and diversification of livelihood options are still in infancy. There is still the necessity of making good and successful cases nationwide. In addition, there is a need of factoring such programs into the existing disaster preparedness programs. Disasters can physically destroy livelihood infrastructures. Hence, there is the need of paying attention towards preparing unbroken infrastructure services plan. Quick restoration of livelihood becomes very important in a post-disaster scenario. Programs such as Cash-for-Work (CFW) and Cash-for-Training (CFT) facilitate rehabilitation works in such circumstances. Success of such programs depends much on whether the concepts and program planning incorporate such issues as gender sensitivity (women-headed households in a post-disaster situation), rehabilitation of handicapped, old-age people, orphans, maimed by the hazard events, the Dalits and disadvantaged groups. Although a cross-sectoral issue, its protection and strengthening is not yet an important agenda for overall post-disaster recovery program.

The five strategic activities for DRM in the livelihood sector are to:

- 1) *Ensure that disaster risk reduction is a national and local priority with a robust institutional arrangement for implementation in place:* Promulgate new or amend existing legislations, acts and policies with special attention paid to bring improvement in diversifying livelihood options, and opportunities and choices for poor and excluded groups with consideration of a post-disaster scenario. Strengthen institutional mechanisms across all sectors to incorporate livelihood protection issues with due consideration of the impact of disaster event on livelihood. Improve physical as well as social infrastructure in the rural areas with access to poor and disadvantaged groups. Develop a livelihood protection package for people at high risks. Establish adequate and appropriate warning systems and post-disaster response plans at the community level to reduce risks and vulnerability, particularly to reduce loss of livelihood assets.
- 2) *Identify, assess, and monitor disaster risks and enhance early warning system:* Formulate special packages for livelihood protection. Such packages clearly identify roles and responsibilities of each sector for the protection of the people, areas, and livelihood at risks. Develop and deliver livelihood protection package programs for poor and excluded groups.
- 3) *Better knowledge management for building a culture of safety at all levels:* Deliver needs assessment training programs focusing on livelihood issues. Such programs should cover all

aspects of DRM, with built-in extension characteristics. Encourage use of local languages for mass communication media to raise awareness as well as to educate people in DRM and livelihood protection issues. Impart training on livelihood management focusing on managing enterprise. Improve and expand communication systems in rural areas.

- 4) *Reduce Risk Factors:* Expand saving and credit cooperatives and financial institutions to create more livelihood options, choices, and opportunities. Explore the feasibility of insurance schemes and expand them. Create employment and income opportunities along with promotion of farm-based or off-farm enterprises. Develop and implement programs that contribute to local livelihood diversifications, and prepare and practice CFW and CFT programs. Establish and promote a tax system that encourages personal and property insurances by providing rebate to those who pay premium for disaster insurance like earthquake, flood, and other natural hazards. Allocate adequate resources and develop adequate systems to mobilize resources for emergency preparedness as well responses from the central to local levels. Establish beneficiaries participating M&E system.
- 5) *Enhance preparedness for effective response:* Promote decentralized public service delivery system. Scale up programs that promote farm-based or off-farm enterprises to create employment and income opportunities. Develop local emergency preparedness plans and implement them. Develop a joint program and planning system and empower the local authority to implement livelihood protection programs.

2.7 Post-Disaster Recovery Framework (PDRF) 2016-2020

A year after the devastating earthquakes of 25 April and 12 May 2015, significant efforts are underway to ease the suffering of Nepal's earthquake affected citizens and families who lost loved ones, homes, assets and employment. The National Reconstruction Authority (NRA) was established on 25 December 2015 with the mandate to plan and coordinate implementation of the reconstruction and rehabilitation programme. It has been time to review progress, to recognize the gains and accompanying shortcomings, and to renew efforts to assist and support our citizens who have suffered due to and in the aftermath of the earthquake. PDRF is intended to do just that. Prepared under the guidance of the Steering Committee of the NRA, the Executive Committee Members have endeavoured to involve as many stakeholders as possible from within government and beyond.

As a result of the earthquake, 8,790 people died and more than 22,300 people were injured. Assessments showed that at least 498,852 private houses and 2,656 government buildings were destroyed. Another 256,697 private houses and 3,622 government buildings were partially damaged. In addition, 19,000 classrooms were destroyed and 11,000 damaged (PDNA, 2015). At the same time, a system to coordinate and finance medium- and long-term recovery has been

put in place with the establishment of the National Reconstruction Authority (NRA) and National Reconstruction Fund in late 2015 and with the approval of its governance structure soon after.

The Reconstruction and Rehabilitation Policy 2016 provides the policy instrument for steering reconstruction and rehabilitation. The organizational structure of the NRA and the implementation modality and approaches have been finalized. These policies and guidelines clarify the roles and responsibilities of different institutions working on reconstruction and rehabilitation. The Advisory Council, Steering Committee, and the Executive Committee of the NRA are now in place. The Council of Ministers has approved guidelines for the following interventions: housing grant distribution, environmental impact assessment, land acquisition and land registration, public procurement, reconstruction regulation, land registration and working with non-governmental organizations.

PDRF was prepared under the leadership of the NRA, in consultation with key stakeholders, to provide a systematic, structured and prioritized framework for implementing recovery and reconstruction. It is a common framework meant to serve all of government, as well as national and international partners and other recovery stakeholders, including the affected population. The PDNA prepared in 2015, led by the National Planning Commission (NPC), forms the basis for the PDRF, with strategies, priorities and financial requirements updated as required. The Recovery Vision of the Government of Nepal is establishment of well-planned, resilient settlements and a prosperous society. The central policy will provide the basis for decentralized implementation of reconstruction that encourages the use of local materials, furnishings, knowledge, skills, labour and traditional architecture. The principle of Building Back Better should guide reconstruction, and people should be provided the necessary means and information to build safely, but according to their own preferences, while avoiding pre-fabricated housing solutions.

The guidelines for recovery and reconstruction established the initial goal of maintaining the spirit of national unity, harmony and resilience experienced during rescue, relief and search operations after the earthquake. Utilising the capacity and skill of the Nepalese people to a maximum degree in planning and implementing reconstruction is also part of this vision. Non-discrimination and transparency must be maintained in providing assistance to earthquake-affected families, no matter where these families are located, or who are helping them (for example, government or non-governmental agencies). However, specialized assistance will be needed for those with special needs (for example, the poor, Dalits, pregnant women, single women, people with disabilities, children at risk and senior citizens). Relocation of villages will be avoided or kept to a minimum, while respecting local livelihoods, culture and traditions. Traditions include maintaining familiar land use patterns in relocated villages so that people's traditional ways of making a living can still prosper. Public buildings should be reconstructed safely, using local materials and practices, with the help of government, community members and donors. Both public and

privately-constructed buildings should be accessible to children and people with disabilities. For larger infrastructure reconstruction projects, the greatest support possible will be sought from neighbouring countries.

The National Reconstruction and Rehabilitation Policy defines the following policy objectives for recovery and reconstruction:

- To reconstruct, retrofit and restore partially and completely damaged residential, community and government buildings and heritage sites, to make them disaster-resistant using local technologies as needed;
- To reconstruct damaged cities and ancient villages to their original form, while improving the resilience of the structures;
- To build resilience among people and communities at risk in the earthquake-affected districts;
- To develop new opportunities by revitalizing the productive sector for economic opportunities and livelihoods;
- To study and research the science of earthquakes, their impact including damages and effects, and post-earthquake recovery, including reconstruction, resettlement, rehabilitation and disaster risk reduction; and
- To resettle the affected communities by identifying appropriate sites.

These policy objectives have been used to define five Strategic Recovery Objectives which translate these policy objectives, as well as sector priorities and outcomes, into a set of concrete, overarching recovery outcomes.

- Restore and improve disaster resilient housing, government buildings and cultural heritage, in rural areas and cities;
- Strengthen the capacity of people and communities to reduce their risk and vulnerability, and to enhance social cohesion;
- Restore and improve access to services, and improve environmental resilience;
- Develop and restore economic opportunities and livelihoods and re-establish productive sectors; and
- Strengthen capacity and effectiveness of the state to respond to the people's needs and to effectively recover from future disasters.

The key elements of the National Reconstruction And Rehabilitation Policy are reconstruction of housing and cultural heritage sites. For this, the standard approach will be to support owner-

driven housing reconstruction. The government will provide financial and technical assistance to homeowners, who will undertake reconstruction according to prescribed seismic standards. The restoration and retrofitting of historical buildings and structures is a priority. Partially-damaged public buildings will be restored and retrofitted. Other key elements of reconstruction and rehabilitation policy are relocation and land use; engaging the community, private sector; volunteers and diaspora in reconstruction; integrating principles of disaster risk reduction and building back better; providing financial assistance restoring employment and livelihoods improving data collection and public information and compliance and monitoring.

2.7.1 Approaches for Policy Implementation

Owner-driven reconstruction: An owner-driven reconstruction process has begun with the damage assessment, which determines the eligibility of households and will confirm the scale of the housing reconstruction effort. Cash assistance is being accompanied by government-instituted support mechanisms for technical, material, supervisory, training and social facilitation, by which homeowners will build back better with enhanced hazard resilience.

Relocation of villages: Most of the housing reconstruction will be in-situ. Only where it is unavoidable will the government relocate villages. Land for relocation of villages will be acquired as per the National Reconstruction Act, or pooled through community-based arrangements.

Integrated habitat approach: Housing recovery will be implemented through an integrated habitat approach, leading to improved community and civic infrastructure and better living conditions in the reconstructed settlements. Where the scale of reconstruction is large, village or town plans that include water supply, sanitation facilities, electricity and road networks as well as social services such as health centres and schools must be prepared.

Urban reconstruction to improve cultural or historical settlements: A number of towns badly affected by the earthquake, such as Kathmandu, Bhaktapur and Patan, are of enormous cultural and historical importance. Urban reconstruction would restore the heritage status of these places and revive them as tourist destinations. Efforts will be made to utilise local architectural styles and construction materials in the restoration and retrofitting of historical buildings.

Application of building codes and disaster risk reduction measures: During the course of reconstruction, the NRA will enforce the National Building Code and ensure the inclusion of earthquake-resistant features in all houses, public buildings and social infrastructure in the entire reconstruction programme. The NRA will direct the establishment of the Earthquake Technology Research Centre, which will monitor seismic activities in Nepal through a network of seismometers across the country. The NRA will train seismologists in order to support national research on earthquakes.

Cash transfers: Cash transfers to earthquake-affected people will be a central part of the recovery and reconstruction effort. Such transfers are critical for housing and other interventions related to livelihoods and the revival of small businesses.

Livelihoods support: The policy emphasises the need for income generation and livelihoods support for earthquake affected people. The NRA will work with different sectors and stakeholders to improve these opportunities. The NRA will work with the private sector, NGOs and international agencies to promote livelihoods support, particularly in the construction, tourism and agriculture sectors. The livelihood recovery strategy will follow a two-pronged approach—a livelihood restoration package and employment creation. Entrepreneurship will be promoted and communities will be encouraged to establish co-operatives for self-help and community empowerment.

Community outreach: The programme will promote community centered recovery through actively involving communities and households in the design and reconstruction of their own homes. The NRA will set up a network of social mobilisers and facilitators across the districts, VDCs and municipalities to encourage community engagement. These consultations need to be undertaken for reconstruction of houses, choice of services and infrastructure to be provided, and application of earthquake-resistant features.

Social inclusion: The NRA will develop solutions that benefit the poorest and ensure that interventions are tailored to meet their needs. Particular efforts will be made to organise community groups to support reconstruction of houses of single women, persons with disabilities, senior citizens, marginalised groups and communities living in remote and inaccessible areas and to help them access recovery assistance from the government and its partners. Mechanisms will be developed through the formation of CBOs, to give priority assistance to the disadvantaged people for reconstruction of their houses. The NRA will set up coordination forums for interacting with the NGOs and civil society organisations and implement specific measures in partnership with these agencies.

Capacity building: The NRA will undertake capacity building efforts to augment its own functioning and to strengthen the capacities of various implementing agencies in the programme. The different types of efforts are elaborated upon in the chapters on institutions and implementation arrangements.

Environmental and social safeguards: The government has established the procedure for environmental impact assessments (EIAs) in the reconstruction of earthquake-affected structures. The NRA and implementing agencies will observe these EIA requirements in the course of the programme. The NRA will also develop social safeguards when implementing relocation of villages, ensuring that peoples' rights are respected and that they have equal access to basic services.

3.

POLICY GAPS OF NATURAL DISASTERS AND DALITS IN NEPAL

Institutional journey on disaster management in Nepal began with the promulgation of Natural Calamities (Relief) Act 1982. The objective of this Act is smooth execution of pre- and post-disaster relief and rescue works by bringing the work of disaster management under the scope and responsibility of the government. The Act has also made provision of institutional framework necessary for managing disasters. This Act has been amended four times after its promulgation, and its latest amendment was done on 7 Magh 2066 B.S. Despite such amendments, it missed out the provision of proactive mitigation measures like preparedness and mainstreaming of hazards reduction in development process, making it imperative for drafting a new Act that internalizes the paradigm shift in technology and development initiatives. Moreover, there is no Dalit-specific provision on the Act.

The Local Self Governance Act 1999 has promoted the concept of local-self governance within the decentralization framework for managing environment-friendly development. Although the Local Self Governance Act 1999 has made local entities responsible, as the situation stands, integrated execution of concepts introduced through the Act has stalled due to absence of necessary rules and budgetary allocation for the purpose.

The latest NSDRM and earthquake related Acts and policies are trying to adopt the Dalit issues in its policies programs to some extent. Particularly, their involvement in the programs of interventions is prioritized. But there is no specific provision for their participation in the implementation mechanisms. So, the upcoming policy interventions should be focused on the institutional and implementations sector of DRM from the Dalit perspective.

3.1. Findings from the Field Study

Apart from the review above, fieldwork was carried out in five districts by the research team. This section presents the views expressed by natural disaster victims comprising of Dalits, representatives of political parties, Dalit civil society persons, and NGOs/INGOs working in the five districts sampled.

To ensure representation of the concerned aspects, it is necessary to amend the Natural Calamities (Relief) Act 1982. A special policy and procedure should be formulated for empowerment of

disaster-affected community in addition to their representation¹. Government policy is necessary for resettlement of flood-affected Dalit community. There should be guarantee of alternative income provision for them.

In Sunsari district, flooding, fires, cloudburst, thunder are the major natural disasters. About 1,000 to 1,500 households are affected by flooding every year.² There are 10 clusters for the response of natural disaster affected victims coordinated by DDRC. The cluster includes other supporting agencies that can be represented in any form. Local Disaster Management Committee (LDMC) is formed under the leadership of VDC/ward level secretaries. There is the provision of local stakeholders, member of political parties, and representatives of vulnerable groups.

The grassroots Dalits are not aware about the natural disaster-related government policies and regulations in spite of existing Right to Information Act provision. If we were informed about the policies and regulations, it could raise our voice forcefully for representation.³ The economic condition of Dalits is weak and miserable, so they are compelled to be settled densely in straw-roofed shelters which are more prone to fire in the hot season and face property and life loss every year.

Due to cold wave, 30-35 Tarai Dalits lose their lives every year. For claiming relief, the state asks for death certificate from hospital. How can a Dalit get death certificate for one who died at home? Due to such technical reasons, Dalits are deprived of relief.⁴ Moreover, due to conflicts and monopoly activities of political parties, the right identification of natural disaster-affected victims and relief distribution system is affected. Due to this political influence, non-transparency increases and real victims are deprived.

In Saptari district, there is no Dalit leader in the leading position of district level committee of political parties. So, Dalit communities are not informed about activities and actions of political parties against natural disasters. Police, VDC secretaries, and social mobilisers have also discriminated towards Dom caste of Dalit victims affected by flooding, so their actual data has not reached DDRC.

Social organizations have blamed the government of discriminating natural disaster-affected children, pregnant women, and Dalits during distribution of relief. “The state never behaved Madheshi Dalits as Nepali citizens. As a result, instead of addressing Dalit settlements affected by flooding, cold wave, drought, or typhoon suitably every year, the state has been reluctant and just

1 Kamal Thapa, Assistant CDO, Sunsari, interviewed on 23 Bhadra 2073 B.S.

2 Bhesraj Ghimire, program officer, DDC, Sunsari, interviewed on 23 Bhadra 2073 B.S.

3 FGD with victim Dalits, conducted on 24 Bhadra 2073 B.S. in Sunsari.

4 FGD with victim Dalits, conducted on 26 Bhadra 2073 B.S. in Saptari.

witness of it. When fire happens in hilly area, the Prime Minister goes by chopper to the spot, but when same incident happens in Tarai, even an assistant of government does not present. Why this discrimination?”⁵

Case 1

Jogindra Marik was born in the Dom community 25 years ago at Rampura Maleniya of Saptari. The settlement of Dom caste was in the bank side of river. On 7 Shrawan 2073 B.S., the flooding of Khanu Khola and Chita Khola engulfed around 210 Dom settlements. He says, “We were compelled to stay on the retaining wall for up to 10 days. A pregnant woman of Dom community delivered a baby at the same time, but the baby died after five days because they were unable to take her to the hospital. VDC provided Mudi and Chiura. CDO office provided 3,000 cash and a bucket. Due to the negligence of data recording by government, many victims of Dom could not get the relief.

There is problem in the structure on the foundation of policy, and there is problem in implementation, coordination and data collection.⁶ The inclusive mechanism can contribute to effective distribution and implementation of relief. There should be special provision in the natural disaster related act for compensation towards natural disaster victims for alternative settlement. For the disaster risk rescue, 5 percent amount has been allocated by the VDC, but due mobilization and monitoring is necessary. To protect from fires in the Tarai region, there should be alternative cooking technology by the government or other organizations.

There is provision of including victims at risk, including the vulnerable Dalits, in the structure of VDRC. This provision is set up through the local disaster and monitoring mechanism program.⁷ The scientific and appropriate way of addressing issues and concerns is through representation. To understand the issues of concerned community, it is necessary to represent themselves.

There is problem in budget allocation from the central to local level for natural disaster victims. Only persons who have access have got the relief.⁸ There should be provision in the Act that all the structures for disaster management are inclusive and Dalit friendly. Loss of victims and their economic status should be the basis for relief distribution.

5 Bishweshwor Rajak, chair of Madhesi Dalit Bikas Federation, interviewed on 26 Bhadra 2073 B.S., in Saptari.

6 Dharendra Kumar Yadav, Planning Officer, DDC, Sunsari, interviewed on 26 Bhadra, 2073 B.S.

7 Egam Kalel, Social Development Officer, DDC, Kailali, interviewed on 9 Asoj 2073 B.S.

8 FGD with Dalit stakeholders, conducted in Kailali on 9 Asoj 2073 B.S.

Case 2

This incident happened in Kavre-6, Dolakha. Eldest and elder sons got red card of relief of earthquake, but the youngest did not get it as he was abroad. The two sons received Rs. 50,000 as a first installment from the government. The mother requested them to share some part of the money to the youngest son. But they disobeyed her request. They also did not go to her to take the *tika* of Dashain. Eventually, she hung up herself on the 28 Ashwin 2073 B.S. This incident shows the non-transparency of relief distribution at the time of card distribution to the earthquake victims.

There should be policy and planning for status category and transparent relief distribution. The problem has been seen in the relief distribution to Dalits from the perspective of information, access and proactivity.⁹ The earthquake victims, mainly Dalits who have no land certificates, are deprived of shelter construction from the government relief. A fake report of disaster affected people was submitted because of undue political influence. This case mostly applies on the cases of earthquake affected people. Lack of classification of victims and non-inclusive nature of the organization has led to the fake report.¹⁰

9 FGD with Dalit stakeholders, conducted in Dolakha on 1 Kartik 2073 B.S.

10 Hem Pathak, HURADEC, Dolakha, interviewed on 1 Kartik, 2073 B.S.

4.

CONCLUSIONS AND RECOMMENDATIONS

4.1 Conclusions

The major recurrent disasters in Nepal are drought, flood, landslide, glacial lake outburst flood, avalanche, earthquake, fire, hailstone, epidemics, windstorm, thunderbolt, and cloudburst. Natural Calamity (Relief) Act 1982 includes earthquake, fire outbreak, storm, flood, landslide, drought, famine, epidemic, industrial accident and explosion. Nepal is placed in 20th place in the global hazard map while the country is ranked 30th in terms of water-induced hazards such as landslides and floods. Nepal ranks 11th globally most vulnerable countries to earthquake (UNDP/BCP 2004), and Kathmandu valley is placed in the first place in Nepal. Dalits are most vulnerable community of Nepal from the perspective of natural disaster.

There are 21 directly related legal provisions, 33 partially related legal provisions, and 8 international treaties on DRM in Nepal. There are only 6 legal provisions directly related to the disaster management and Dalits in Nepal. There is dearth of Dalit specific legal provisions from the perspective Natural Disaster Risk Management. The existing legal provisions related to Dalits are: National Strategy for Disaster Risk Management 2009; Post Disaster Recovery Framework 2016-2020; Natural Calamities (Relief) Act 1982; Local Self Governance Act 1999; National Reconstruction and Recovery Policy 2015; Act Relating to Reconstruction of the Earthquake affected Structures 2015.

The National Strategy for Disaster Risk Management 2009 and Act Relating to Reconstruction of the Earthquake affected Structures 2015 have focused the issues of Dalits and other marginalized and disadvantaged groups. There are special arrangement for marginalized groups, Dalits, deprived, and physically and mentally challenged people. National Reconstruction and Recovery Policy 2015 has focused on program identifying the specific needs of poorest family of earthquake affected area, Dalits, pregnant women and single women, people with disability, children at risk, old aged citizens. The Post-Disaster Recovery Framework (PDRF) has provision of specialized assistance for those with special needs (for example, the poor, Dalits, pregnant women, single women, people with disabilities, children at risk and senior citizens).

To ensure the representation of the Dalits, it is necessary to amend existing policies and legal provisions. The government policy is necessary for resettlement of flooding affected Dalit community and guarantee of alternative income provision for them. Local Disaster Management Committee (LDMC) has inclusive provision of local stakeholders, members of political parties, and representatives of vulnerable groups. However, the grassroots Dalits are not aware about the natural disaster related government policies and regulations. The miserable economic condition of Dalits has compelled them to settle densely in straw-roofed shelter which is more prone to fire in the hot season and facing property and life loss. Due to the cold wave, 30-35 Tarai Dalits lose their lives every year. For claiming relief, the state asks for death certificate of hospital.

Due to conflicts and monopoly of political parties, the right identification of natural disaster affected victims and relief distribution system is affected. As a result, non-transparency is increased and real victim is deprived. No Dalit leaders are in the leading position of district level committee, so Dalit communities are not informed about activities of political parties and actions against natural disasters. Fake reports of disaster affected people are submitted because of undue political influence. This case mostly applies on the cases of earthquake affected people.

4.2 Recommendations

- There should be special provision in the acts related to natural disaster for compensation towards natural disaster victims for alternative settlement.
- For the disaster risk reduction, 5 percent amount has been allocated at the VDC, but there is necessity of due mobilization and monitoring.
- To protect Dalit settlements from fires in the Tarai region, there should be alternative cooking provision from government or organizations.
- There should be provision of awareness and pre-information mechanism to the citizens of risky zone of disaster.
- Well-being ranking should be based on victimized people from the disaster for the relief distribution, but not blanket approach in the policy.
- To ensure inclusion of Dalit victims affected by the natural disaster from the central to local level, Dalit government agencies, National Dalit Commission, Dalit Development Board, Joint Dalit Struggle Committee are to be represented from central level disaster rescue committee to DDRC and other related public agencies.
- The state should take initiative to shift Dalit settlements near river banks to the safety shelter zone.

- The social nature of Dalits and elites is vastly different, so there should be different standards of relief distribution to Dalits.
- Dalit parliamentarians should focus on amendment of natural disaster related bills to make them Dalit friendly.
- There should be alternative income arrangement to Dalit victims affected by the any disasters.
- There should be policy provision of collective shelter arrangement to physically disabled people affected by earthquake.

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Annex-1**SAMATA Foundation
AAWAZ Project****Program: Review of Policies, Plans and Programs on Disaster Response and Recovery from Dalit Perspective**

Venue: Union House, Anam Nagar, Kathmandu

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S.N	Name of Participants	Gender	Organization	Contact No.	Email
1	KP Anmal	M	JMC	9848846626	anmalkp@gmail.com
2	Ram Bahadur Chamkar	M	NNDSWO	9841574886	ram@nndsw.org.np
3	Prakash Rai	M	TU Student	9842118651	prakashryang@gmail.com
4	Anita Pariyar	F	DANAR – Nepal	9849958961	anitapariyar961@gmail.com
5	Roma Khadka	F	JMC	9860925560	khadkaroma@gmail.com
6	Trilok Chand Vishwokarma	M	NNDSWO	9851045906	nndsw@wlink.com.np
7	Maniram Deshal	M	NNDSWO	9848424313	nndsw@wlink.com.np
8	Santosh Bishwokarma	M	NGDF	9843183847	info@ngdf.org.np
9	Ekaraj Lakandri	M	DNF	9841475200	lakandriekraj@yahoo.com
10	Bimala Khadka	F	SOCH Nepal	9851177871	bimalakhadka73@gmail.com
11	Bindu Pariyar	F	ADWAN	9841583264	adwannepal@gmail.com
12	Mohan Shashankar	M	Advocate	9851083207	mohanshankar@gmail.com
13	Shiraji Gayak	M	JMC	9851187294	sjgoyak@gmail.com
14	Dinesh Kumar pariyar	M	Dalit Activist	9851211178	yunisue.yuvaraj@gmail.com
15	D.B Nepali	M	Panche Baja Foundation	9841578299	danbahadur777@gmail.com
16	Bhadraman Mote	M	Dalit Civil Society	9851281180	bhadraman8mote@outlook.com
17	Ajay Nepali	M	JMC	9849191852	ajay@jagarmedia.org.np
18	Gopal Sunar	M	CACE Nepal	9851130320	gopalsunar@gmail.com
19	Umesh Sapkota	M	SAMATA foundation	9841727218	sapkota.umesh@gmail.com
20	Ganesh Pokharel	M	SAMATA foundation	9815568420	ganeshpokharal@gmail.com

21	Sanjay Kumar Mohara	M	NDJK	9842839106	ndjknepal@gmail.com
22	Tapendra Bahadur Rawal	M	Journalist	9849666021	rawaltapendra54@gmail.com
23	Sushil Darnal	M	RSS	9849130459	journalist.sushil@gmail.com
24	Ishwori Prasad BK	M	Dalit Civil Society	9858022401	bkishwori@yahoo.com
25	Fatik Bahadur Thapa	M	NEPAN	9851224655	nepan@nepan.org.np
26	Kala Sawarkakar	F	FEDO	9841298153	kala@fedonepal.org
27	Gyanu Gaire	F	CPN UML	9860113367	
28	Dulari Harijan	F	MP CPN(MC)	9847047243	dulariharijan2014@gmail.com
29	Saroj Dilu Bishwokarma	M			
30	Bhakta Bishwokarma	M	NNDSWO	9851084469	gbkbhaqkta@yahoo.com
31	Ganesh BK	M	RDN Nepal	9851032733	ganeshbikal@gmail.com
32	Bhoj Man Lamgale	M			
33	Padam Sundas	M	SAMATA foundation	9851023776	sundaspadam@yahoo.com
34	Sita Ram Ghale Pariyar	M	NDC	9841575118	sitaranghale2010@hotmail.com
35	Kopila BK	F	NDC	9846074239	
36	Dr. Buddhi Nepali	M	SAMATA foundation	9851018183	buddhi.nepal@yahoo.com
37	Moh Lal Thapaliya	M	DCS	9851043128	bhojman@hotmail.com
38	Raj Kumar Hingmang	M	MORCHHA		
39	Sunita Pariyar	F	SAMATA foundation	9860397068	rubricacu2014@gmail.com
40	Arjun Bishwokarma	M	SAMATA foundation	9849398132	arjunknamal@gmail.com
41	Rajan Kumar Pariyar	M	SAMATA foundation	9851237569	rajanchrit@gmail.com
42	Namita Bhandari	F	SAMATA foundation	9843660522	namita.sapkota72@gmail.com
43	Sanju Tikhatri	F	SAMATA foundation	9841922141	sanjukhatri77@gmail.com
44	Prakash Nepali	M	SAMATA foundation	9841352381	prakash.advnepal@gmail.com
45	Gopal Nepali	M	SAMATA foundation	9860663807	gnepali5@gmail.com
46	Laxman Darnal	M	Journalist	9841460849	journalist.laxman@gmail.com
47	Hem Lamsal	M		9841709777	

48	Sushil BK	M	DHR Nepal	9841442960	
49	Neha Sharma	F	Metro FM	9851177152	
50	Chakraman BK	M	DWO	9851090538	
51	Amrita Sundas	F	SAMATA foundation		
52	Chatra Bahadur Pyakurel	M			
53	Sagar Arahi	M	OPMCM	9843217107	
54	Udbir Nepali	M	RDKS	9847623998	
55	Maga Shrestha	M	SAMATA foundation	9813752680	
56	Laxmi Thapa	F	RA PRA PA	9801612299	
57	Ujjwal Sundas	M	SAMATA foundation	9851146331	ujjwalsundas@gmail.com
58	Sunil Nepali	M		9815568420	
59	Ram Laxhan Harijan	M	DNF	9851031768	
60	Rama Nepali	F			
61	Prabin Tiwari	M	SAMATA foundation	9843690005	
62	Prakash Rokka	M			
63	Reema BK	F			

Program: Review of Policies, Plans and Programs on Disaster Response and Recovery from Dalit Perspective

Venue: Sangam Hotel, Charikot, Dolkha

Date: 2073/07/09 (17 October 2016)

S.N	Name of Participants	Gender	Organization	Contact No.	Email
1	Amit Chakarwati	M	Christian Aid	9851194774	chakarwati@christian.aid.org
2	Tika Ram Diyali	M		9851164488	
3	Ghanshyam Rijal	M	ECARDS	9844061068	ghanshyamrijal70@gmail.com
4	Nabraj Khadka	M	CDF Nepal	9844308153	nepalikhadka@gmail.com
5	Raju Thapa	M		9851089372	rajthapa70@gmail.com
6	Dal Bahadur BK	M			
7	Govind BK	M			
8	SK Sharma	M	ANTO	9844065325	
9	Mohan Rjal	M	Press Chautari	9844070807	rijalmohan@gmail.com
10	Mukesh Kumar Sarki	M	HURADEC	9814877156	mkrrijak@gmail.com
11	Layok Kandawa	M	HURADEC	9823533805	cayoklimbu@gmail.com
12	Hom Pathak	M	HURADEC	9851186690	huradec@live.com
13	Ishwor Joshi	M	CEEPAARD Nepal	9851203470	ceepaardedurecav2015@gmail.com
14	Kutta Bahadur BK	M	NDMS	9849628326	
15	Prakash Nepali	M	Dalit Sangh	9849784252	
16	Krishna Pariyar	M	FARMER	9804814281	
17	Sita Gajmer	F	FARMER	9744001008	
18	Kedar Basnet	M	APANG Member		
19	Mohan Bahadur Karki	M	APANG Member	9744007549	
20	Krishna Bahadur Ghising	M	APANG Member	9744026926	kghising2@gmail.com
21	Pabita Jirel	F	APANG Member	9744021744	jirelpabital@gmail.com
22	Mina Kumari Nepali	F	APANG Member		
23	Paspati Nepali	F	APANG Member	9844288415	
24	Sanjay Pariyar	M			
25	Puspa Nepali	F			
26	Gopal Nepali	M	SAMATA Foundation	9860663807	gnepali5@gmail.com

Annex-3**SAMATA Foundation
AAWAZ Project****Program: Review of Policies, Plans and Programs on Disaster Response and Recovery from Dalit Perspective**

Venue: Kumari Hall, Sunsari

Date: 2073/05/24

S.N	Name of Participants	Gender	Organization	Contact No.	Email
1	Man Bahadur Rasaili Dinesh	M	NNDSWO	9842071698	dinesh.rasaili22@gmail.com
2	Raj Kumar Gajmer	M	DDO	9842233872	uniteditahari123@gmail.com
3	Rajan KC	M	Press Center Nepal	9842082802	kdmilan@gmail.com
4	Khagendra Pariyar	M	Pariyar Sewa Samaj	9805346881	
5	Ram Prasad Bishwokarma	M	DDC	9842040580	
6	Hem Bishwokarma	M	PHSRC	9805325878	swarnadhurya@gmail.com
7	Sabitri Bishwokarma	F	Dalit Mahila Sangh	9804399081	
8	Kaushila Bishaunke	F	CPN UML	9804384707	
9	Sunita Das	F	Jana Chetana Samuh	9807399265	
10	Shila Gajmer	F	Jana Chetana Samuh	9842034753	
11	Rita Kalikot	F		9807363628	
12	Mamata BK	F		9810477257	
13	Radhika BK	F	Jana Chetana Samuh	9804005705	
14	Tek Maya Pariyar	F	NNDSWO	9842340712	
15	Mishan Rasaili	M	Bishwokarma Ekata Samaj	9852062414	mishanrasaili@gmail.com
16	Binod Bishwokarma	M	Samajik Justice Manch	9842181101	binodbk55@gmail.com
17	Ghanshyam Ranpaheli	M	Dalit Samnya Samiti	9807032908	jagat_gajmer@yahoo.com
18	Ramesh Gajmer	M	DWO	9842283895	
19	Jagat Gajmer	M	Bishwokarma Ekata Samaj	9842149181	
20	Badri Narayan Sharma	M	NNDSWO	9842067679	
21	Shiv Pariyar	M	Pariyar Samaj Sewa	9819028976	
22	Shyam Kumar Pariyar	M	Pariyar Samaj Sewa	9825336262	
23	Sita Rasaili	F	NNDSWO	9842050910	

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Venue: Paradise Hotel, Gorkha

Date: 22 October, 2016

S.N	Name of Participants	Gender	Organization	Contact No.	Email
1	Jyoti Gandhari	F	SAMATA foundation	9803253131	jyotigandhari@gmail.com
2	Mina BK	F			
3	Sor Maya Gurung	F			
4	Ghan Kumari Gurung	F			
5	Sarita BK	F			
6	Puja Rokka	F		9806521395	
7	Bhim Bahadur BK	M		9846312182	
8	Ganesh Sunar	M		9813160216	
9	Kiran Sunar	M		9826100376	
10	Dil Bahadur Sunar	M		9846127867	
11	Ramesh Shrestha	M		9846098435	
12	Dayaram Sarki	M		9804175446	
13	Dipak BK	M		9818239830	
14	Ram	M			
15	Rohit Deula	M			
16	Sita BK	F			
17	Bina Bishwokarma	F		9806560750	
18	Bhakti BK	F			
19	Bishweshwar Kattel	M	Emale, Gorkha	9846042606	bishawor_kattel@gmail.com
20	Mohan Pokharel	M	Congress, Gorkha	9856040988	mpokharel26@gmail.com

21	Hari Bahadur Gandhari	M	Congress	9841695793	
22	Balkrishna Achhami	M	DEC Nepal	9849206488	balkrishna030@yahoo.com
23	Dil Bahadur Senchuri	M	CPN UML	9846088316	
24	Kaji Ram Rokka	M	DNGO	9856040622	kajiroka15@gmail.com
25	Gyan Bahadur Pariyar	M	Pariyar Samaj Sewa	9817110782	gyanu@gmail.com
26	Rabin Gaire	M	Nepal Dalit Muktti Morcha		rabinbabugaire@gmail.com
27	Mandal Bayalkoti	M	Nepal Dalit Muktti Morcha		
28	Laxmi	F			
29	Rem Bahadur	M		9806352317	
30	Hom Bahadur Nepali	M	Nepal Dalit Muktti Morcha	9846456698	
32	Ram Bahadur Ramtel	M	Ne Ka Pa Emale	9846056379	
33	Bam Bahadur Byalkoti	M			
34	Gopal Nepali	M	SAMATA foundation	98606663807	gnepal5@gmail.com

Program: Review of Policies, Plans and Programs on Disaster Response and Recovery from Dalit Perspective

Venue: Bitya Hotel, Kailali

Date: 2073/06/10

S.N	Name of Participants	Gender	Organization	Contact No.	Email
1	Kaushlya BK	F		9848463150	
2	Prakash Bahadur Bham	M	Congress	9848428872	
3	Ram Autar Chaudhary	M	Ne Ka Pa Emale	9846207412	
4	Khadka Rawat	M	DWO	9849016980	Khadkakrawat87@gmail.com
5	Binod Ghimire	M	Bhumi Adhikar Manch	9848467542	binodfedo@gmail.com
6	Rakumar Kushrmi	M		9814620833	
7	Purna Bahadur Nepali	M		9868433266	
8	Kalawoti Chaudhary	F		9814676222	
9	Bhagi Ram Chaudhary	M		9804688610	
10	Setu Ram Chaudhary	M		9825609172	
11	Khem Sarki	M		9848486623	
12	Bharat Koli	M	DWRF	9868762559	Kolibharat9516@ymail.com
13	Chintamani Dhungel	M	NGO Federation	9848424715	
14	Prem Chaudhary	M		9848575692	Pchaudhary147@gmail.com
15	Nityanand Joshi	M	FAYA- Nepal	9848429102	
16	Ishwor Dev Joshi	M	NRCS	9858422996	Ishwar.nrcs@gmail.com
17	Dil Chaudhary	M	INSEC/DHN	9848484600	Dilsir2006@gmail.com
18	Pabitra Tamarkar	F		9812961613	
19	Geeta Khathi	F	YAC Nepal	9848564566	geetakhatni@yahoo.com
20	Anvesha Bagchand	F	Far west Media D.C	9815614188	anveshabagchand@gmail.com
21	Deepak Dhungel	M		9848401509	ddhungel@gmail.com

22	Ankush Kunwar	M	Sudar Sandesh Dairy	9848629764	Kunwar.ankush22@gmail.com
23	Chakra Bahadur BK	M	NNDSWO	9848415238	Chakrabk34@gmail.com
24	Tek Bahadur BK	M	RDN Nepal	9848608855	tekbk@hotmail.com
25	Gopal Karki	M	DPO	9841986055	Karkigopal806@gmail.com
26	Dan Bahadur BK	M	CPN	9848422723	dlchitram@yahoo.com
27	Prem BK	M	RDN Nepal	9848424220	
28	Gorakh Sarki	M	RDN Nepal	9860445595	gorkhsarki@gmail.com
29	Kamal BK	M		9848415399	
30	Bishnu Chudhary	F			

Program: Review of Policies, Plans and Programs on Disaster Response and Recovery from Dalit Perspective

Venue: Rajbiraj, Saptari

Date: 2016/09/11

S.N	Name of Participants	Gender	Organization	Contact No.	Email
1	Nabin Chaudhary	M	FM	9801527660	nabin.9star@gmail.com
2	Bhubaneshwor Saphi	M			
3	Gita Devi	F			
4	Laxmi Kumari Mandal	F	FM	9804383591	
5	Bindeswor Saphi	M			
6	Prabhu Ram	M			
7	Jogendra Marik	M			
8	Dev Narayan Chaudhary	M		9841315447	bds.rashares@gmail.com
9	Shoba Chaudhary	F			
10	Dinesh Sharma	M	Krishna Dainik	9852820828	sharmama21@gmail.com
11	Raju Bishwokarma	M	Ra.Sa.Sa	9842830159	rajubk.rss@gmail.com
12	Dev Narayan Shah	M	Si.Si.Manab	9815778234	
13	Uma Pokharel	F		9852820888	
14	Manu Khanal	F	Nagarik Sambad Kendra	9842823375	manukhanal@gmail.com
15	Manohar Kumar Pokharel	M	INSEC	9852821021	manoharpokharel@gmail.com
16	Sukumar Shah	M	HRSC	9807709792	
17	Hukum Dev Shah	M		9815796854	
18	Arun Kumar Tiwari	M			
19	Shambu Khatu	F			
20	Shivhari Bhattachari	M	JMC	9852810617	shiv.das617@gmail.com
21	Rameswor Jairu	M	MDDF	9806422189	spjairu2073@gmail.com
22	Punita Shah	F		9804222189	
23	Rubi Shah	F	MDDF	9804730231	
24	Kisan Mandal	M	BSKBS	9806830241	

