



THE GRIEVANCE REDRESSAL MECHANISM FOR BHUTAN FOR LIFE PROGRAM



MAY, 2022

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Introduction

The WWF's Safeguards Integrated Policies and Procedures (SIPP) and the Environmental and Social Management Framework (ESMF) for the Bhutan for Life (BFL) Project requires the establishment of an efficient and transparent grievance redress mechanism (GRM). The GRM shall constitute an integral part of BFL and assist the PCU and implementing entities in identifying and addressing the needs of local communities.

The main objective of a Grievance Redress Mechanism (GRM) is to assist to resolve complaints and grievances in a timely, effective and efficient manner that satisfies all parties involved. It provides a transparent and credible process for fair, effective and lasting outcomes. It also builds trust and cooperation as an integral component of broader community consultation that facilitates corrective actions. Since the BFL project spans over 14 years, it is particularly important to constitute the GRM as a permanent and accessible institutional arrangement for addressing any grievances arising from the implementation of project activities.

Specifically, the GRM will aim to achieve the following objectives:

- Provide affected people with avenues for making a complaint or resolving any dispute that may arise during the course of the implementation of projects;
- Ensure that appropriate and mutually acceptable redress actions are identified and implemented to the satisfaction of complainants; and
- Avoids the need to resort to judicial proceedings.

This GRM for BFL is adopted from the Feedback and Grievance Redress Mechanism (FGRM) for the *REDD+* program for Bhutan, 2021 which has been thoroughly consulted with stakeholders at all different levels. This will avoid the usage of two separate GRMs in the same department (DoFPS), and it would be administratively burdensome to have two distinct systems. To avoid duplication of the grievance redress mechanism for the implementing agencies, the BFL GRM will adopt the same implementation framework approved in the *REDD+* GRM.

Goals and Scope of the GRM

Goal

The goal of the BFL GRM is to channel grievances into an acceptable, institutionalized mechanism for timely resolving conflict that may arise from implementation of BFL project activities. The GRM mechanism will focus on dialogue and problem solving as an intermediate way for stakeholders to discuss problems. Furthermore, the GRM seek to complement the legal system, not replace it.

Objectives

1. The BFL GRM will support the Implementing Agencies (IAs) to have better and improved outcomes on the implementation of BFL project by resolving BFL related disputes in a short period.
2. The GRM will serve as the implementer's early warning system and capture grievances that might expand into more complex (or even intractable) conflicts.
3. Vulnerable communities can be stimulated to get more voice in BFL project through the BFL GRM. The mechanism will provide them opportunity to adapt to their needs, to submit complaints and argue for a better social situation. More importantly, vulnerable groups will have the opportunity to engage in dialogues with other forest user groups, NGOs, Government officials and other relevant agencies.

Scope

The BFL GRM will cater to redress grievance related to implementation of BFL project activities in the protected areas namely of following categories:

- Comments, suggestions or queries related to BFL project
- Grievances relating to non-performance of project obligations including safeguards.
- Grievances referring to violations of law and/or corruption
- Grievances related to project governance and implementation (Including OHS, Impacts related to activity)
- Grievances related to fair access and benefit sharing
- Grievance related to stakeholder engagement (including gender inclusion)
- Grievance related to budget allocation

However, it is not within the scope of this GRM to handle criminal cases. Any cases relating to not abiding by the laws of the country will be dealt accordingly by the existing judicial system of the country.

Implementation arrangement of BFL GRM

The GRM for BFL project is built in to the existing structure of the DoFPS and will operate at the national, regional and local levels. The Project Coordination Unit (PCU) for BFL will act as national level focal point for redressing the grievances related to BFL project. The PCU will have overall responsibility for the GRM administration, monitoring and evaluation and will further be guided by a committee; GRM appeal committee at department level. In cases where the PCU is not able to redress the grievances, BFL secretariat (BFLS) and WWF US Accredited Entity will be consulted whenever required. The PCU will be responsible for central registration of all grievances coming from the implementing agencies (IAs) and monitoring and evaluating the functionality of the GRM. ESS officer at PCU will be focal officer for all BFL related GRM issues. However, considering the nature of grievances expected entails fair and impartial process and multi-disciplinary inputs during dispute resolution, other governmental and non-governmental agencies will be involved at various levels as required.

Protected Area Office Level

At the protected area level, the Chief Forestry Officer (CFO) will act as the central point for registering grievances. The CFO will receive the grievance from project affected people directly and also through the Range office, Beat/guard post office and gewog office. This is to ensure maximum participation in the GRM by providing various channels for submission of grievances so that the complainant can choose any channel which is most convenient to them. The CFO will assign the cases to the designated forest officers who will serve as Grievance Officer for the BFL GRM. Two grievance officers will be nominated; primary grievance officer and secondary grievance officer at each Park Area Office (PAO) to avoid any conflict of interest. PAO here is referred to the Park or BC office. These focal officers will help the CFO in the grievance handling. The PAO will be specifically responsible for coordinating three important tasks for grievance handling: registration, fact-finding (research) and decision-making (as appropriate).

The CFO will instruct the Grievance officer to initiate a fact-finding mission along with other relevant experts after forming an independent assessment team. An Independent assessment team may not necessarily be formed for simple cases (Ex. *Grievances related to disposal of wastes in small quantity etc.*) which can be solved by the grievance officer or CFO. If the independent assessment team is required to be formed, the experts are carefully selected from different entities, such as communities, interest groups, NGOs, and private sector. It will be ensured that the assessment team Member does not have any conflict of interest, have knowledge on the subject and experience of resolving a grievance and team will be selected as per the nature of the grievance after declaration of conflict of interest. The primary purpose of the team is to make an independent decision. After the decision has been made by the team, the CFO will ensure the decision is implemented within the laws and regulations governing forestry sector in Bhutan.

Range Office level

Further down at the Gewog level, the Range Office and the gewog office will be responsible for receiving and registration of grievances and forwarding to CFO or grievance officer as soon as they receive the grievance. They will not be involved in resolving the grievance and only be responsible for receiving it and forwarding to the CFO.

Beat Office Level

The lowest level office for receiving the grievance under BFL GRM will be Forest Beat office that provides services at the Chiwog level. This office will receive grievances at village and community levels. The grievance can be submitted at all levels but they will only act as a recipient and only the CFO office; PA/BC HQ will be responsible for resolving process or forwarding to PCU or appeal committee if they are not able to resolve the grievance at their level.

Others

The option of registering the grievance directly to the CFO, PCU, BFLS and WWF US will also be provided to the grievance holder if he/she is not comfortable registering it at the gewog level and Beat office.

Several channel for receiving the grievances will be provided to the project affected people in BFL GRM to encourage them to put up their grievance wherever they feel comfortable and convenient. However, to ensure that the grievances are valid and proper redressal mechanism is followed, all the grievance received by various channels (offices) shall be forwarded to the grievance officer or CFO at protected area office (PAO) HQ.

The grievance officer at PAO along with his/her team with guidance from CFO will investigate and handle the grievance and try to redress it within their capacity first and forward to the next office only if they are not able to redress it.

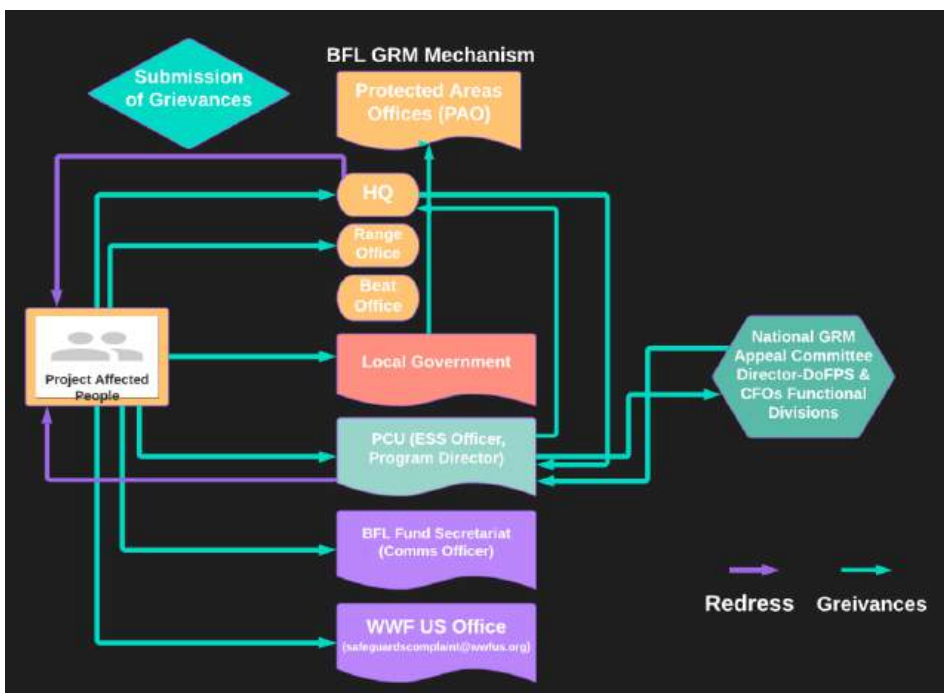


Figure 1: Implementation arrangement for BFL GRM

Procedures

The maximum total turn-around time (TAT) for resolving the grievances is estimated to be 30 working days for all levels. It includes the time the grievance is received until a resolution on the dispute is found (or not). However, for cases which are simple in nature the TAT shall not take 30 days but less than that. Therefore, the TAT for resolving the grievance is dependent on the nature of the case and will vary from case to case. However, the time taken for the process shall not exceed the maximum time limit (30 days) which is mostly applicable for complex cases. The grievance, once received, follows a systematic process consisting of six steps as shown in *Figure 2*. The process is inclusive and participatory with involvement of multiple parties early on (from step 2 onward). This is done to promote discussions among different stakeholders to arrive at a workable resolution to the grievance submitted.

The six steps in the process are: i) Receive and Register, ii) Acknowledge, Assess and Assign, iii) Process Response, iv) Agreement on Response, v) Implement agreed Response, and vi) Monitor. Each of these steps are further described below.

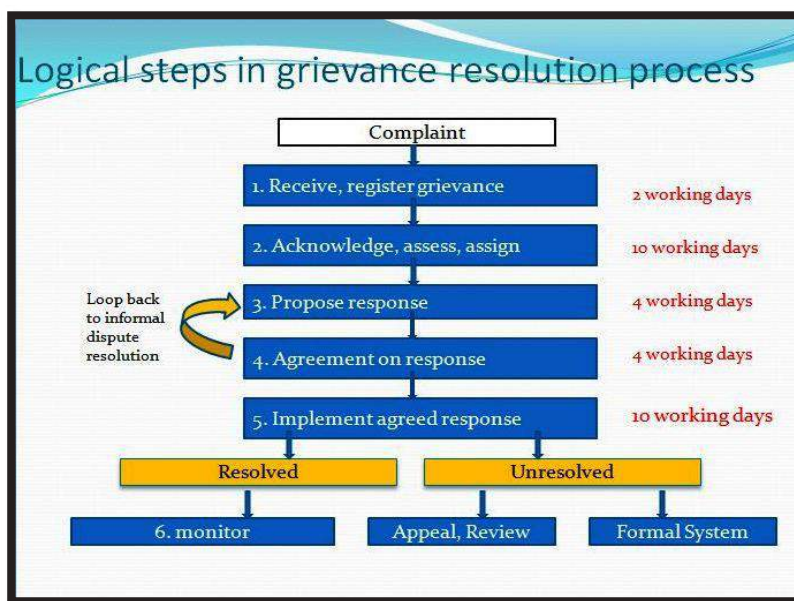


Figure 2: Process of grievance handling for BFL GRM

Step 1 Receive and register Grievance

Each grievance will be registered with the following information: i) name of the complainant, ii) date of the grievance, iii) nature of the grievance and location, iv) number of persons involved, v) tracking no. and vi) potential solutions. *A specific form dedicated for submission of the grievances is attached in the annexure of this document.*

Receiving and registering feedback and grievance is a procedure where project affected people, can submit grievances to the gewog office, range office, beat office, PCU, National GRM appeal committee, BFLS and WWF US through written letter, email, phone call, SMS and oral complaints whichever is convenient for them. During the awareness program, the people will be made aware on the nearby available facilities for submission of their grievances so that they will know where and how to submit the grievances. Special provision in the GRM will also enable the offices to receive and register grievances from anonymous complainants. Such grievances will be thoroughly scrutinized during the screening for authenticity before initiating further actions for redressal. This provision is expected to help the weaker or the vulnerable section of the society to register the grievances without the fear of repercussions.-

The grievance received by each office other than protected area HQ/ CFO will forward the grievance to protected area HQ/ CFO for registration of the grievance and to start the grievance handling process. The grievances received will be registered on all working days during office hours. Once received, grievance handling process is set on motion and the

TAT for the process shall be followed. The grievance officer at protected area office HQ will contact the complainant by the same means of communication used by the complainant to register the grievance to confirm that the grievance has been officially registered.

The complainant is also informed about the process of grievance handling and the Grievance officer conveys the following information:

- i) acknowledge the receipt of the grievance,
- ii) overview of the steps in the grievance handling process,
- iii) the time frame by which a next response is expected from the grievance unit,
- iv) the registration number of the case,
- v) the contact person for the grievance handling in case there is any more information needed.

The total (maximum) time to complete the task under step one takes 2 working days.

Step 2 Research (Acknowledge, Assess and Assign)

Screening

Grievance screening and execution should be separated tasks because there will be judgment made on eligibility. For example, in a case where the local RO is party in the dispute, there can be some bias in judging the case for eligibility. Therefore, it is appropriate that the grievance officer at park office HQ carry out the screening process. In case where the primary grievance officer is involved in the case or not available to handle the case, the secondary grievance office will take the lead so that the conflict of interest be prevented and the grievance handling is not delayed. Thus, the grievance officer with guidance from the CFO will hold the central registrar position and screen each grievance received to see if it is eligible for the BFL GRM.

The grievance will be screened for eligibility against several criteria as follows:

- i. The grievance is a result of implementation of BFL activities.
- ii. The complainant is a participant or has been involved or is affected by any of the BFL program
- iii. The protected area office (PAO) has authority and capability to handle the grievance.
- iv. The complaint can be handled by the grievance mechanism. The GRM can handle conflicts which are resulting because of BFL implementation only.
- v. The grievance is not a case of criminal nature or cases defined as crime as per the penal code of Bhutan: It is not within the scope of the GRM to handle any criminal cases.

Independent Assessment

The grievance officer gathers information for identifying key issues that help determine whether and how the complaint might be resolved. Depending on the severity and nature of the grievance, the CFO will instruct grievance officer to initiate the independent assessment by appointing an expert-based independent assessment team of which he/she is the leader. Experts are carefully selected from different entities, such as communities, interest groups, NGOs, and private sector based on a specific requirement of the case.

The number of experts appointed depends on the nature of case and there are two options.

Option 1: The implementing agency (IA) is not a party to the dispute. In this case, the grievance officer appoints two persons who are independent experts on the issue. The Independent experts will be members communities, interest groups, NGOs, and private sector based on a specific requirement of the case. Decisions are made by the grievance officer and two other experts unanimously or through majority consensus.

Option 2: The implementing agency (IA) is party to the dispute. In this case, the grievance officer appoints three persons who are independent experts on the issue. These three experts take a decision on the case unanimously or by majority consensus.

During investigation, the team contacts the complainant and other relevant parties to gain first-hand information to better understand the problem. The team gathers views of the complainant and other main parties involved. The assessment team can also discuss with the complainant which process he/she finds suitable for resolving the dispute. Once the assessment is completed, the assessment team will submit the outcome to the grievance officer and the team dissolves. When a grievance officer is unsure about a finding of the assessment submitted by the team, he/she consults the CFO. Then, the CFO can call the team for a second term, or appoint new members and form a new assessment team, in case there are special circumstances, such as social, economic or other sensitivities which were not taken into account by the earlier team. This two-tier system allows for checks and balances within the grievance process so that a resolution is always developed in multi-party team and not solely dependent on the unilateral decision of an officer.

The total screening and assessment process takes maximum 10 working days.

Step 3 Process (Propose Response)

The grievance officer sets forth a resolution approach based on the outcome of the assessments in step 2. A **resolution approach** is the proposal for a process in which the complainant and other affected party come together, mutually discuss the proposed resolution from the team and finalize an acceptable process for both parties.

One of the options stated below can be adopted.

Option 1: Self-propose a Resolution: When complaints are simple, such as cases with clear solutions or addressing comments and queries, the grievance officer will self-propose a resolution and convey this to the complainant and other affected party.

Option 2: Alternate/Informal Dispute Resolution: The grievance officer will rely on indicators to assess if alternate dispute resolution system can be applicable to the dispute such as:

- i) parties prefer maintaining the relationship and have close community relations
- ii) level of trust parties has in informal/ alternate dispute resolution
- iii) acceptance of the outcome
- iv) success rate
- v) earlier use of informal system on the current case

In case the alternate resolution is a feasible option, the grievance officer resolves the grievance using informal local mediation processes. When this option is chosen cases are settled locally.

Option 3: Self-Problem Solving: Whenever alternate dispute resolution is not feasible, the preferable method to use is problem solving. The grievance officer will act as the mediator to positively influence the interaction process but avoids interfering with the decision-making ability of parties. The grievance officer assist parties to solve what potentially could be a relationship issue or a dispute over the fairness of procedures and the parties frame solution for problems that might address their collective interests, evaluate options and select solution/ package of solutions.

Option 4: External-Party Problem Solving: In case there are disputes with problems that have been reoccurring or there are discrepancies about facts or data, the grievance officer will decide for intervention of an external mediator. An external party will help the disputing parties to sort out difficult issues, improve communication and possibly reach agreement. It opens doors to parties to collaboratively come up with their own solutions, not specifically for the purpose of “profit”, but based on a renewed relationship. Generally, mediation is a durable process because it gets parties to cooperate and usually penetrates deeper to address underlying interest of parties. The most important part is that mediation does not end up in win-lose situations, where one party wins and the other loses. Potential mediators are trained persons and can be from: communities, CFMGs, NGOs, CSOs and local resource user groups and committees.

Resolution approach will include selection of resolution approach and then implementing the approach to resolve the grievance. During the process the complainant and team will come

together, discuss and choose the proposed resolution to resolve the grievance. Choosing a resolution approach and implementing the chosen approach to resolve the grievance takes 4 working days.

Step 4 Response (Agreement on Response)

Under this step, the grievance officer will formulate a written response on the decision and resolution approach that has taken place in step 3. A response will generally consist of: i) the complainant and issues that are taken into consideration, ii) the view of each party about the issues, iii) the rationale for the decision and iv) the decision and approach to resolution.

The response will be communicated by the grievance officer in a face-to-face meeting with the complainant and any other involved party, preferably at site. The grievance officer explains the proposed resolution to the parties in a step-by-step process. In case the complainant is not happy with decision, he/she can appeal or proceed to the next level in the GRM. If the complainant is satisfied with the resolution approach, he/she will receive instructions from the grievance officer on how to proceed further. Formulating and delivering a response takes 4 working days.

Step 5 Implement (Implement agreed Response)

If acceptable solution to the dispute is identified, a settlement agreement will be drawn based on the response document in step 4. Settlement agreement is a *contractual agreement* between two parties valid under the Bhutanese law. Further settlement agreement will mean agreement between the disputants which is agreeable to both the parties. It will have defined, clear and measurable milestones to resolve the grievance to ensure that the grievance holder does not have similar grievance in future. The milestones of settlement agreement will vary from case to case depending on the nature of the case. The disputants will sign this agreement and are obliged to comply with its terms and conditions.

If no acceptable solution is found for the dispute, the grievance officer makes an outcome report of the problem-solving session. The report is conveyed to the complainant and all other parties involved in the dispute. The complainant can then choose to submit an appeal to the national GRM appeal committee which consists of head of the department and CFOs of functional divisions under DoFPS. Once completed, the CFO of protected area office from where the grievance was submitted is informed of the decision taken and instructed to proceed to the next step. The process (Step 5) will take about 10 working days.

Step 6 Monitor (Track agreement compliance and inform)

The grievance officer will be responsible for implementing settlement agreements. The grievance officer will work closely with the CFO in this step. The CFO can also ask other Government entities to help in the monitoring of an agreement. For example, in a case of women issues, the CFO can request the women's organization to help. Other entities that

can play a role in monitoring of the agreement are: District and gewog administration, municipality and other relevant agencies.

The process of track and inform will depend on the duration and condition in the settlement agreement agreed by both the parties involved. The grievances will be reported to ESS officer at PCU quarterly by the BFL focal at PA/BC (*the grievance officer will submit the grievances to the BFL focal at PA/BC*)

Potential Roles and Responsibilities for Stakeholders in the GRM

Besides the CFO who plays a central role in handling grievances alongside the grievance officer, there will be roles assigned to different groups of stakeholders in each procedural step. The purpose of having stakeholders involved as much as possible is to capture the interests of the stakeholders and adhere to safeguards and international guidelines. The following stakeholders are involved:

Support Groups

In Step 1: Receive and registration of Grievances – forest user groups, CFMG, District and Gewog level committees, Municipality, NGOs, CSOs, Women organizations and other interest groups can help complainants with i) providing required information so they drop the complaint in case of information related grievances, ii) referring the case to informal dispute resolution, iii) ensuring cultural appropriateness in grievance registration iv) translation of the grievance, iv) logistical support in submitting the grievance (transportation), and v) facilitate in preparing and submitting grievances, such as writing the complaint.

Independent Expert/External Mediator

In Step 2: Screen and Assess – Experts with required knowledge will be engaged for conducting an independent assessment where necessary depending on the nature of the grievances. In Step 5: Implement – external mediators may be involved with background in conflict resolution or related topics.

Other District-level Government Offices

In Step 6: Monitor – the protected area office located in the area where the grievance is submitted will play a major role in monitoring of the settlement agreement. The CFO can seek help from other offices such as the District Administration, Women association office in case women are involved, the Municipality, NGOs, Private sector association and other interest groups.

Implementation of the Grievance Redress Mechanism

The operationalization of the BFL GRM will take place in following steps:

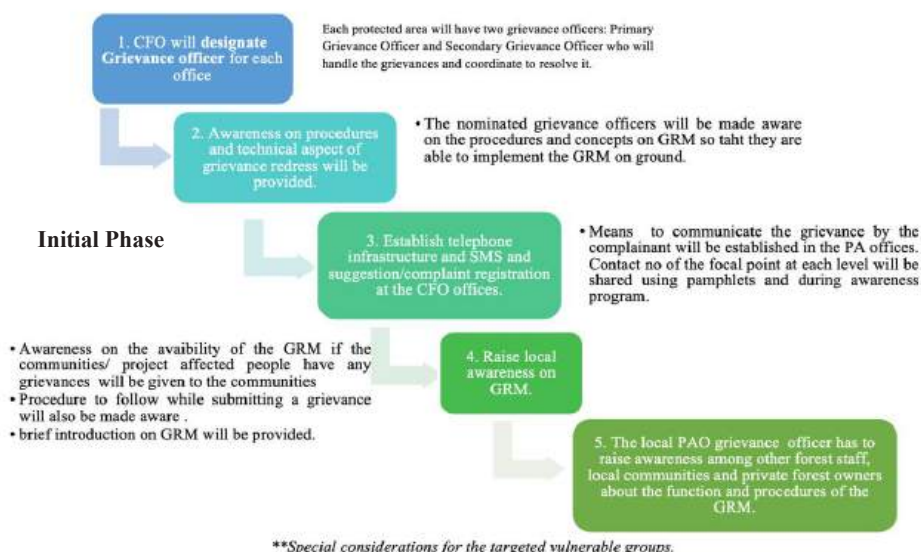


Figure 3: Steps involved in operationalization of BFL GRM (Initial Phase)

Once the initial phase of BFL GRM operationalization is completed the GRM will be fully functional at all Protected Area offices. Following steps will be taken place:

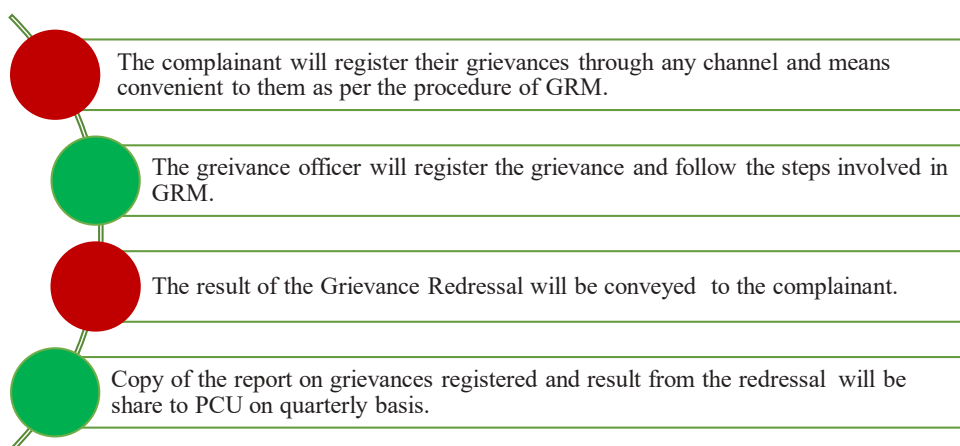


Figure 4: Steps involved in operationalization of BFL GRM (after initial Phase)

Monitoring and Evaluation

Monitoring

The overall result of an effective GRM is to enable stakeholders affected by BFL to receive timely feedback and appropriate responses. To achieve this outcome, specific outputs and criteria have to be set and overall progress will be tracked through a timely monitoring exercise. The outputs will consider participation level of stake holders in GRM, effectiveness of GRM in dispensing the grievances and satisfaction level for the resolutions provided by the GRM.

Monitoring will be conducted by the PCU using relevant criteria such as follows:

- ☐ Number of grievances registered,
- ☐ Number of stakeholders using the GRM,
- ☐ Percentage of grievances resolved,
- ☐ Percentage of grievances addressed within set time frame,
- ☐ Percentage of grievances resolved with satisfactory result against each expected output annually.

During the monitoring process few representative cases will be selected region wise that are of importance and relevant to the implementation of the BFL GRM. For transparency, stakeholders will have an opportunity to track grievances as well. The monitoring officer will on annual basis publish/update a list of existing and new grievances on the BFL web site.

Table 1: Monitoring and Evaluation framework for BFL GRM

Output	Criteria	Methods/ Sources of information	Frequency of data collection	Responsible entity
Participation	Number of complaints registered (gender disaggregated data)	Computer Database	Quarterly	PCU
	Number of stakeholders by categories (local communities, CSOs, NGOs government officials, academia etc)			
	Percentage of grievances Resolved			
Effectiveness	Percentage of grievance addressed in set time frame			
	Percentage of grievances handled with simple conflict resolution techniques (apology, explanation, information sharing etc.)			
	Percentage of grievances handled with more complex procedure (problem solving, mediation)			
Resolution	Percentage of grievances resolved with satisfactory result			
	Complaints resolved by categories(options)			

Evaluation

The GRM evaluation will help in improving the grievance handling process and identifying the gaps in the existing GRM structure. The BFL PCU will work with the protected area offices to gather insights and lessons learned from the implementation process and subsequently use those to improve the existing GRM. The emphasis and focus will be on the resolution of the grievances.

- i. Some possible questions to pursue more qualitative information about the functioning of the GRM as a whole are listed below. Is the system making a difference and if yes, how?
- ii. What are the gaps? What is and what is not working? The evaluation has to help analyze the efficacy of all components of the GRM: types of responses that are more effective and can build trust with the stakeholders.
- iii. How effective is the system in resolving BFL related issues for different genders? What actions would increase effectiveness?
- iv. How does the GRM facilitate identifying deeply rooted conflicts e.g. persistent, recurrent or unresolved conflicts? What kind of actions can be taken to address these root causes?

What kind of demonstrable change is the GRM producing in the BFL program for the program management and the stakeholders?

The evaluation will be carried out **two years** after the operationalizing the GRM.

Table 2: Sheet for personal information of the Complainant

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Annexure 2

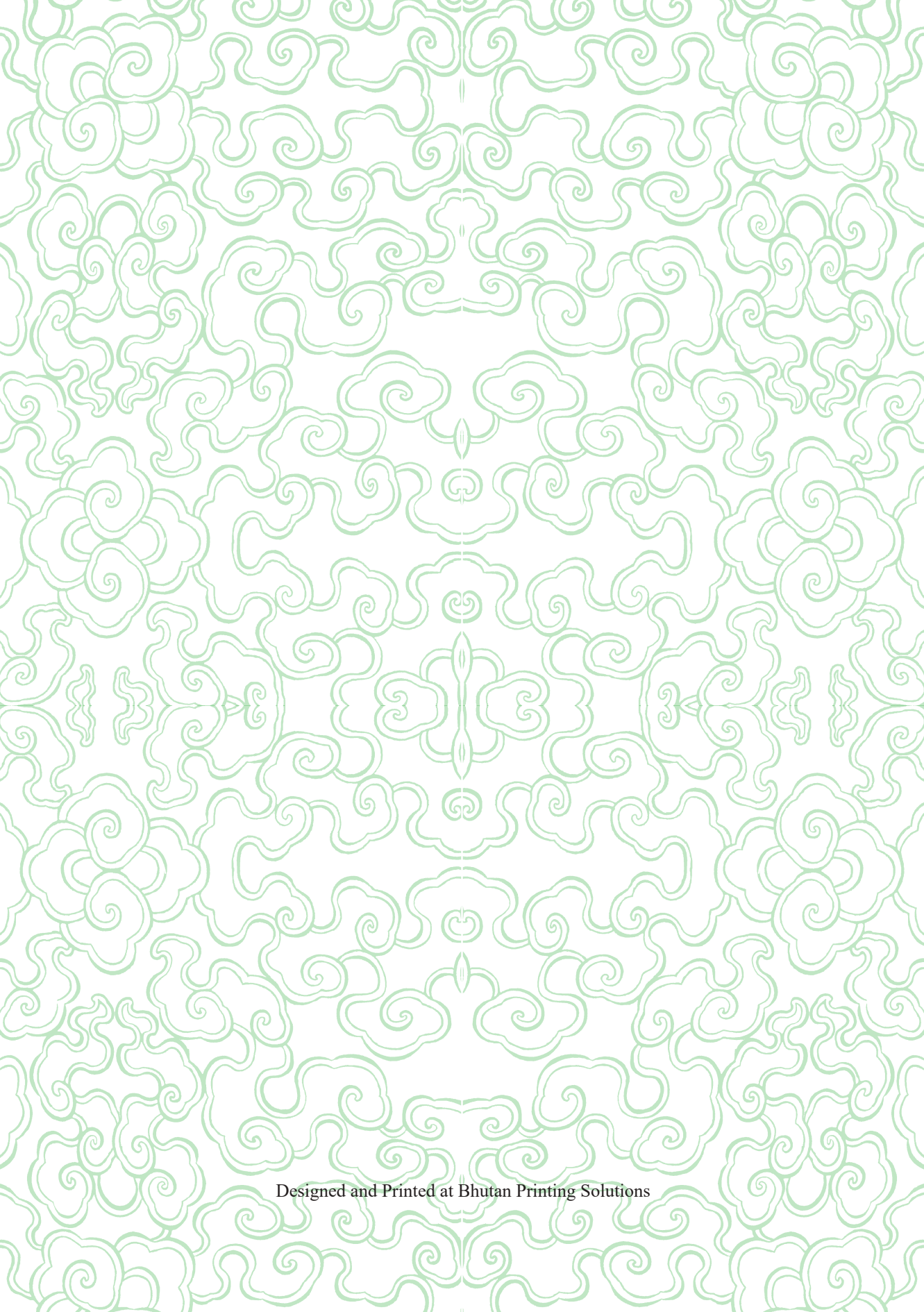
Table 4: List of Grievance officer from protected area office

Sl. No.	Name	PA Office	Remarks
1	Namgay Shacha	BWS	Primary Grievance officer
2	Lhakpa Tshering	BWS	Secondary Grievance Officer
3	Nado	WCNP	Primary Grievance officer
4	Tenzin	WCNP	Secondary Grievance Officer
5	Phuntsho	JKSNR	Primary Grievance officer
6	Sangay Wangchuk	JKSNR	Secondary Grievance Officer
7	Tenzin Rabgay	PNP	Primary Grievance officer
8	Balaram Mafchan	PNP	Secondary Grievance Officer
9	Norbu Wangchuk	BC7_DFO, Mongar	Primary Grievance officer
10	Phuntsho Norbu	BC5_DFO, P/gatshel	Primary Grievance officer
11	Pema Tshering	BC5_DFO, P/gatshel	Secondary Grievance Officer
12	Kinley	BC3_DFO, Tsirang	Primary Grievance officer
13	K N Ghimeray	BC3_DFO, Tsirang	Secondary Grievance Officer
14			
15	Rinzin Tshomo	BC4_DFO, Zhemgang	Secondary Grievance Officer
16	Sonam Tobgay	BC6_DFO, Tgang	Primary Grievance officer
17	Chimi Dema	BC6_DFO, Tgang	Secondary Grievance Officer
18	Dorji Wangchuk	RMNP	Primary Grievance officer
19	Karma Gyelsten	RMNP	Secondary Grievance Officer
20	Dorji Phuntsho	SWS	Primary Grievance officer
21	Pema Rinzin	SWS	Secondary Grievance Officer
22	Dorji Wangdi	JWS	Primary Grievance officer
23	Maylam Zangmo	JWS	Secondary Grievance Officer
24	Jigme Gyeltshen	JDNP	Primary Grievance officer
25			
26	Pabi Maya Mongar	RBP	Primary Grievance officer
27	Jas Bdr. Rai	RBP	Secondary Grievance Officer
28	Dorji Gyeltshen	BC1_Paro	Primary Grievance officer
29	Dawa Pem	BC1_Paro	Secondary Grievance Officer
30	Kuenley Gyeltshen	PWS	Primary Grievance Officer
31	Khandu Tshomo	PWS	Secondary Grievance Officer

32	Karma Chorten Dendup	JSWNP	Primary Grievance officer
33	Abir Man Sinchuri	JSWNP	Secondary Grievance Officer
34	Kelzang Choden	BC8_Bumthang	Primary Grievance Officer
35	Karma Dorji	BC8_Bumthang	Secondary Grievance Officer
36	Sangay Dorji	BC3_Sarpang	Primary Grievance officer
37	Namgangla Dukpa	BC3_Sarpang	Secondary Grievance Officer
38	wangda	BC2_Wangdue	secondary Grievance Officer
39	Phuntsho namgay	BC-02 Wangdue	primary grievance officer
40	Phurpa	BC5_SJ	Primary Grievance officer
41	Ugyen Wangchuk	BC5_SJ	Secondary Grievance Officer

Annexure 3: Content for settlement agreement: The settlement agreement shall have followed information on the grievance:

1. Names of the parties involved with CID
2. Terms of settlement
3. Finalizing cost and payments (if any)
4. Confidential clause
5. Dates
6. Signature of both the parties on legal stamp



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