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- L**icence Agreements for Book Shops
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- A**dvisory on Labour law, Service Tax, VAT
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- O**perating Funds for Donors and Companies
- R**eviewing/Drafting Partnership MOUs & Terms of References
- A**ll FCRA compliance guidance
- T**rust Deeds for non-profit organisations
- I**ncome Tax Guidance and Compliance
- O**pen Door Policy
- N**otarising Documents within CAP



CENTRE FOR ADVANCEMENT OF PHILANTHROPY

Centre for Advancement of Philanthropy thanks all the organisations, advisors, resource persons who have collaborated with us to make our programmes successful and help us increase our outreach.

Quarter 3 – October – December, 2015

PHILANTHROPY

Legal news and updates for the social sector

*Wishing you a
great year ahead with
opportunities for
Collaboration*



CENTRE FOR
ADVANCEMENT
OF PHILANTHROPY

Collaborators come in all different shapes and sizes. We've identified the top nine types of collaborations that typically exist within an organization. Ranging from early adopters to social butterflies to the begrudging skeptics, we're sure you'll recognize more than a couple of the characters below.

The Stealth Ninja

The Stealth Ninja is the one who lurks, quietly moving from workspace to workspace viewing other people's work that ignites their interest. Stealth Ninjas are usually the first to view a file, even if they're not a part of the team. They usually abstain from commenting unless absolutely necessary with the only evidence of their presence an entry on the audit log.

The Executive

The Executive usually makes a decision, makes in your company or department who has limited time, yet wants or needs to be involved at a high level. Speed, efficiency and convenience are of utmost importance to the Executive, who prefers to communicate feedback and final decisions via email. In the purpose is usually to take in the status of various projects as opposed to actively engaging or working on a project at a detail level.

The 9 Types of Collaborators

The Ringleader

The Ringleader is one who leads, but is behind the scenes. The Ringleader is a ubiquitous person who helps other team members arrive at 'aha' moments. Ringleaders begin a lot of discussions, bookmark interesting content and add thought-provoking comments to discussions and files. Their membership spans all the departments.

The Expert

The Expert is the go-to person for questions about collaboration technology and best practices in your organizations. The Expert has a wealth of knowledge and capabilities of a collaboration solution and finds interesting and innovative ways to automate his or her work by leveraging applications like workflow, database and other advanced features. The Expert is usually the one who provides the most interesting hacks on the internet and custom coding to create the coolest-looking workspaces on the block. Oh and they usually have the most interesting desk toys and gadgets.

The Sloist

The Sloist enjoys working alone and is reluctant to share his or she is not used to it. Sloists tend to be a bit absent from the workspaces they're part of and like to do most offline. Sloists are actually most at risk of losing files and work because they prefer not to save and document their work. Sloists are usually the last to realize, if ever at all, that the internet is down.

The Dinosaur

The Dinosaur is not the most tech-savvy person in the organization. A creature of habit and uncomfortable with new ways of doing things, The Dinosaur tends to be a bit absent from the workspaces they're part of and like to do most offline. Sloists are actually most at risk of losing files and work because they prefer not to save and document their work. Sloists are usually the last to realize, if ever at all, that the internet is down.

The Socialite

This type of collaborator was born to be social. Socialites are usually the most active in your organization. They usually come as second nature to Socialites because they are more than used to sharing on a regular basis via Facebook, Twitter, Google+, MySpace, LinkedIn, etc. Socialites are usually the ones who get the point, the Socialite usually provides the most interesting hacks on the internet and encourages others to engage. Socialites are great for saving those who are less accustomed to open communication into being more social.

The Skeptic

The Skeptic is a somewhat vocal opponent to collaboration. Skeptics can often be detractors because they decentralize knowledge and information. They usually have a lot of questions about the workspaces they're part of and like to do most offline. Sloists are actually most at risk of losing files and work because they prefer not to save and document their work. Sloists are usually the last to realize, if ever at all, that the internet is down.

The Taskmaster

Taskmaster may err on the OCD side or simply be organized to an extreme. No detail is too small, no action item goes unassigned and no audit log is left behind. The Taskmaster is operationally focused using collaboration tools and usually has a list of action items that will follow up with a task list of action items five minutes after your call ends (and you're grateful for it!).

PHILANTHROPY

Newsletter Quarter 3 - October - December



CENTRE FOR
ADVANCEMENT
OF PHILANTHROPY

ABOUT US

Since its inception in 1986, Centre for Advancement of Philanthropy (CAP) has helped philanthropic organisations comply with the complex web of legal issues governing charitable giving in India.

WHO WE SERVE

- CAP's Services Extend To
- non-profit organisations
- social entrepreneurs
- NGO support organisations
- family/community/corporate foundations
- corporate social responsibility (CSR) units
- grant making organisations
- chartered accountants and lawyers

OUR AREAS OF SUPPORT

Legal Advisory

CAP specializes in all legal matters for non-profits and corporate social initiatives. CAP assists with Trusts/Societies Act, Income Tax Act, FCRA, Labour Law, Service Tax, VAT, Legal Aspects of CSR and a host of allied laws and good management & compliance practices.

Capacity Building

CAP training and consultancy advice on the core challenges of compliance – legal, financial, good board governance and human resource management.

Corporate Support

CAP also assists companies with their corporate foundation advisory and helps companies stay legally CSR compliant.

Research and Publications

CAP has published resource books that have become sector references on fund-raising, good board governance. CAP also publishes a quarterly newsmagazine that enables its readers to be up-to-date with pertinent news and legal updates in the sector.

To know more about our work –
www.capindia.in

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This magazine is available free to readers thanks to grateful support from The Tata Trusts.



The theme of this issue of Philanthropy is 'collaboration' and while leafing through our archives we found a report of the WINGS Forum 2002 held in Sydney, Australia where the theme was "Philanthropy in a divided world -- **Thinking globally - collaborating regionally**". By a strange coincidence we found our self once again in Australia this December at an exploratory workshop on philanthropy research in the Asia-Pacific Region on the Swinburne University Hawthorn campus in Melbourne. The object of the workshop was learning and sharing of experiences and explore possibilities to collaborate in an effective and sustained manner.

We, at CAP, have always believed in the power of collaborative action and we run it across all our four verticals. Where our legal advisory services are concerned we collaborate and depend on the expertise of leading law firms like AZB on issues such as labour laws, whereas on issues like VAT & Service Tax we collaborate with Khare and company. When it comes to outreach of

our expertise in CSR compliance we collaborate with institutions like CII and the National CSR Hub at TISS. Even where capacity building and research is concerned we make the process inclusive, drawing the best talent from the sector in order to leverage effectiveness of our programs. But, collaboration must be based on equity in order to be effective.

Read more in this issue what makes collaboration tick

In the meantime the Ministry of Home Affairs has issued a Notification with regard to amendments in the FC Rules and various new forms. Please follow our blog for periodic updates.

Noshir Dadrawala -CEO, Centre for Advancement of Philanthropy.



CAP Archives

From our Archives (CAP Newsletter March-April 2002)

Philanthropy in a divided world Thinking globally - collaborating regionally

WINGS Forum 2002 was held 10-13 March 2002 in Sydney, Australia.

WINGS Forum 2002 aimed to contribute to the enhancement of the capability of the associations and support organizations serving grantmakers in more than 60 countries to promote and support philanthropy at the local, national, and international levels. It focused on four issues:

- Institutional Development (membership, governance, and emerging associations)
- Financial Sustainability
- Public Relations (working with governments, communication strategies and information technology, and promoting philanthropy)
- Legal and Regulatory Reform

Ambassador James A. Joseph, President Emeritus, The Council on Foundations, USA spoke on the theme, "Philanthropy in a divided world, thinking globally - collaborating regionally". He felt, it is in the progression from private acts of compassion to the idea of collaborative action that we come to grips with many of the new realities of private philanthropy. In other words, **what starts out as a private act of compassion invariably leads to the more strategic question of collaborative action and public policy?**

Renewal of FCRA Registration & The New Foreign Contribution Regulation Amendment Rules 2015

By Noshir Dadrawala

The Ministry of Home Affairs (MHA), FCRA Wing, has at last issued a circular dated 14th December 2015 notifying that application for renewal of FCRA Registration must now be made online at: <https://fcraonline.nic.in>

The last date for filing of renewal application has been extended to 15.03.2016. Earlier it was 31st October 2015 for organizations that were registered before FCRA 2010 came into force on 1st May 2011.

MHA has launched a new website from 14th December 2015. Application for new Registration, Prior Permission and Renewal of existing registration must now be made in the **new Form FC 3**.

Under the new system there is no need for posting hard copies by speed post or registered post and the fees can also be paid online through the payment gateway.

Many associations have already applied for renewal after downloading Form FC 5. All these associations must still apply again online using the new Form FC 3 failing which they would lose their FCRA registration.

MHA has provided a list of associations whose Demand Draft has already been credited to the Government of India's account and who need not make online payment again. All others must pay the fee online.

To read MHA's Notice please go to:
https://fcraonline.nic.in/home/PDF_Doc/merged.pdf

To see the Foreign Contribution Regulation Amendment Rules 2015 please go to:
https://fcraonline.nic.in/home/PDF_Doc/doc00600120151214130739.pdf

What are the changes under the new Rules?

- 1) Application for new Registration, Prior Permission or Renewal of existing registration must now be made in the new Form FC 3 which is online. In the form Aadhar number of Board members is required.
- 2) The application should be digitally signed.
- 3) Applications sent by post will not be accepted. The process is now compulsorily online.



- 4) Payment of processing fees has also been made electronic, using payment gateway. Associations may use net banking or use their personal debit/credit cards for making payment and then claim reimbursement. Alternately, this task may be assigned to the organization's auditor.
- 5) Until now organizations that received foreign contribution in excess of One Crore Rupees/Rs. 10 million) were required to put in the public domain (organization's website) summary information about such receipts and utilization for the year of receipt and one year thereafter. Now, under the new Rules, every person receiving foreign contribution, regardless the amount received, is required to put on one's own website or on the Government's website every year, the annual audited statement of accounts of receipt and utilization. This must include income and expenditure statement, receipt and payment account and balance sheet. This must be completed within nine months of the end of the financial year in which the foreign contribution was received.
- 6) The new Rules also require organizations receiving foreign contributions to place quarterly statements containing details of foreign contributions received on its own website or the Central Government's dedicated website within 15 days of the completion of a quarter of a financial year giving details of donors, amount of foreign contribution received and date of receipt.
- 7) The new rules also require Banks to report within 48 hours to the Government any foreign contribution received by any person including those having registration or prior permission under FCRA.

Bahram Vakil and Meher Gandevia-Billimoria



Bahram Vakil

Meher Gandevia-Billimoria

At the request of many of our readers who wanted to know more about the people at CAP, we feature one board member and one staff in this column. Bahram is Senior Partner at India's leading Law Firm AZB Partners. He represents the legal fraternity and provides expertise on our board. Meher adds all the new spokes to the wheel at CAP making it move forward with new and enhanced programmes with greater outreach. Do these 2 Virgos have more in common than just CAP? Read to find out.

What's the toughest decision you ever made?

Bahram - There have been many, but one of the toughest has been leaving my first job at the law firm Little and Company. I was very attached, as my dad was there and naturally many senior partners were close and almost like family. It was overall a wonderful place. In fact, they were so upset when I decided to leave that they made me give a notice period of a year hoping that it gave me enough time to reconsider my decision.

Meher - Whether to keep trying OR walk away! Often in life we get into situations that where we put in our best, we try with all we have but for some reason or another things do not work out. While maybe the head says the best solution is to walk away – the heart cannot give up what has been built so far.

Share any one experience in your life that has changed you for the better

Bahram - I have been involved with the micro-finance space. Through Grameen I got involved with CASHPOR Micro Credit which is a poverty focused, not for profit Company that provides micro-finance exclusively to Below Poverty Line women in eastern U.P. and Bihar. As a board member, I made field visits at the grassroots. The poverty I saw there, was a stark contrast from my daily routine life. That experience was truly a life-changing one that made me both grounded and grateful.

Meher - I lived in Thailand for 5 years. Prior to that I had never travelled or set out of home. I worked there in the British International School, with expatriate children. It exposed me to a new way of education, a fresh culture. When I returned back to India, I worked at the Akanksha Foundation with children who were at the other end of the spectrum. I had no idea of a non-profit or never been exposed to this side of life. This oppositeness in both experiences broadened my thinking, my perspective to our problems and life.

Any childhood memory that you wish your children could re-live with you?

Bahram – " My children have been fortunate to have a wonderful childhood thanks to my wife Arti, including many of the simple pleasures I had, like cycling, kite flying, playing with marbles (very big in St Mary's at the time). However the one thing I feel they really missed out on, was spending time with my dad who unfortunately passed away when I was 15.

Meher - I believe the advances in technology have cut down the real life experiences for our children. The little things in life not only amused us but also were the big wonders and often special joys for us. I feel that is completely missing in our childrens' lives today. I wish my children could re-live some digitally detoxed days like we had.

What is the one thing that should be taught in school that isn't already? University or life experience, which do you feel best prepares you for life?

Bahram – Integrity and Communication. Although it is indirectly taught through social studies etc, I think the missing link is in having the students imbibe it as part of their daily life. I also think communication is such a vital skill that needs to be instilled, Experience prepares you better than any university can. I stayed in New York while I studied at Columbia in 1982. It was at that time considered a scary place and I think it taught us to be tough, independent and worldly wise...something no academic education could have prepared me for.

Meher - Nothing prepares you for life as well as real-life experiences can. No matter how prestigious the degree, no matter how high the grades, no matter how well-known the academic institution, it is only after you step out in the real world that the experiences good and bad & ugly shape us to become who we ultimately are. Living and working in Thailand for 5 years taught me more than my 15 years in academic institutions.

Which is the most interesting travel trip you have been to?

Bahram - By far the best travel trip I have gone on, is my honeymoon with my wife Arti. 8,000 kilometers in a Maruti 800, up and down both our beautiful coasts, and across India from West to East and back. Tiger sanctuaries to fabulous temples, people and landscapes and always delicious food... 'Dhabas' to one of Oberio's first resorts, Gopalpur on Sea, Orissa!

Meher – From the few experiences I have had, one I would like to repeat would be the houseboat in Kerala. Two nights of simple relaxation, pristine beauty waking up in the middle of the backwaters and blissful solitude accompanied by simple local cuisine. The other favourite has been the beaches in Hua Hin Thailand which for 3 years of my life was an every weekend ritual.

If you could be someone else for a day who would it be and why?

Bahram - Without a second thought – Roger Federer. We are a huge tennis fan family. My mum Jeroo Vakil played for India and was at No 2 or 3. She often competed against Kiran Bedi who was more than ten years her junior. Even today my mum, at 77 plays tennis thrice a week.

Meher – I have thought about this but can't really think of anyone.

What are some of the cuisines you enjoy? If you could only eat one dish for the rest of your life, what would it be?

Bahram – I love food, I love almost all types of cuisines – Indian, Italian, French, Thai and our very own Parsi food. I enjoy a variety of dishes through my travels. But if I had to eat one dish for the rest of my life it would be without a doubt 'dal-chawal'.

Meher - I like my meals simple but with the correct accompaniments, lightly flavoured and fresh. In spite of having a catering college background I am not into pretentious fancy food. I like Chinese food which definitely gets better the further it moves away from China. Thai padseev noodles and Indian butter chicken are also equal favourites. I would not tire of, dal, rice, aloo sabzi with pickle and papad.



Should TDS Be Deducted On Payment Of Membership Fees?

By Noshir Dadrawala

An interesting question was raised recently by a company wanting to join as a 'member' of an NGO. As we know, several NGOs are registered as Society or now increasingly as Section 8 companies. Many of these NGOs are membership organizations where individuals or institutions join as Life, Ordinary, Corporate or Institutional Members. The membership fee varies according to category.



The issue raised was regarding applicability of TDS on such membership. Most individuals and institutions join as members on invitation and as a form of support or affiliation to such NGOs and therefore one would argue that neither Section 194J (10% TDS) would apply for Professional or Technical Services nor Section 194C (2%) to 'contractor'.

How can 194J apply if no professional or technical services are provided to members?

How can Section 194C apply to NGO as a 'contractor'?

We also asked a couple of practicing Chartered Accounts and this has been their response:

I have encountered this issue in case of a few trade associations whom we consult, some of their members deduct TDS either u/s 194C or 194J, depending upon their own understanding. Although my view is similar to yours, either of the sections should not apply.

Section 194C

- The CBDT has issued a detailed circular (no. 681/8-3-1994) after Supreme Court's decision in case of ACC (201 ITR 435).
- Thereafter many clarifications have been issued, however, Para-Materia, the circular still very much applies.
- Para 7(l) states the types of contracts to which the section applies.
- By no stretch of imagination can one include membership within the definition of 'work'.

Section 194J

- The section covers payment for 'professional' and 'technical services'.
- Professional services are identified by section 44AA and notifications issued by the CBDT from time to time. Obviously, payment for membership will not qualify as fees for professional work.
- Technical services mean managerial, technical or consultancy service as defined in explanation (2) to section 9(1)(vii). As such, by becoming a member there is no rendering of service. Membership may only entitle the member to avail of certain services. However, in my view, for section 194J, there must be direct link between payment and receipt of service. In my view, membership fee will not qualify as payment for technical services.

Having said this, my experience with practice of TDS provisions is that it's always better to err on side of caution. Deduct, when in doubt, even slightest, since consequences of non-deduction are dire. So, at the advising advice, it might make sense to deduct; however, if one has to defend a past event of non-deduction, yes, it's a good case to fight out.

Milind Gandhi - Gandhi & Associates (Chartered Accountants)

On this topic, I would like to add the following:

1. Membership fees are paid to get affiliated to an organization, but the fees by themselves, may not result in a quid pro quo. Separate fees may be payable to avail a specific service. Again, this service must be in the nature of Professional service or Technical service to be taxable, or such other payment which is covered by other provisions of TDS.
2. Memberships brings in the principle of "mutuality" into play. Thus it is not a commercial transaction and tax is not deductible on a payment made by a person to himself.
3. In normal course, no professional or technical service as defined under Sec. 194J or in Sec. 9(1) is rendered to members per se. Membership only culminates in the formation of a body of persons / individuals and keeps them together in a form of a group.
4. Charitable organizations render services to the community in the form of charity work being relief to poor, etc. and not in the form of Professional or Technical service. They are neither Professionals by themselves nor Technically qualified to render such services. Of course, certain organizations like FICCI, IMC, and certain professional bodies do render services to members. But I believe they are charged separately, albeit at a concessional rate to members. The membership fees does not entitle them to get any Professional or Technical service in return, nor is the fee paid in expectation of any specific service. A whole gamut of services might be on offer, but the member needs to pay for availing those.

Sundeep Wagh - Wagh & Associates, S. M. Wagh & Co. (Chartered Accountants)

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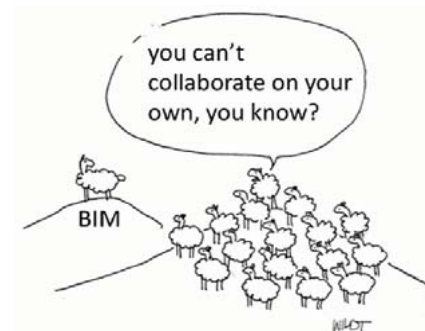
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"I called this meeting to try to figure out what we were collaborating on"



Corporate – NGO Collaboration & Partnership By Noshir Dadrawala



The Indian Companies Act 2013 has considerably impacted the relationship that companies used to have with NGOs. From acting as 'benevolent giver' to 'grateful beneficiaries (NGOs)' the relationship has evolved to one of partnership and collaborative action. In fact, under the CSR Rules NGOs are referred to as the company's "implanting agency" for CSR activities. However, despite statutory and other regulations there is still lack of understanding, appreciation and trust between Companies & NGOs. This essentially stems from lack of clarity of roles & responsibilities on both sides and because both parties are often unsure about 'goals' & 'benefits'.

What is CSR?

Essentially, CSR is the process by which an organization thinks about and evolves its relationships with stakeholders for the common good, and demonstrates its commitment in this regard by adoption of appropriate business processes and strategies. Thus, quite clearly, CSR is not charity or merely an act of giving donations. Yet, many NGOs still hope that companies will 'donate' fund to them to sustain their 'good work'. This is a 'myth' that must be dispelled. CSR is a way of conducting business, by which corporate entities visibly contribute to the social good. Socially responsible companies do not limit themselves to using resources to engage in activities that increase only their profits. They use CSR to integrate economic, environmental and social objectives with the company's operations and growth. The CSR Rules make it clear that, "CSR activities may generally be conducted as projects or programs (either new or ongoing) excluding activities undertaken in pursuance of the normal course of business of a company."

What Makes for Good CSR?

- Choosing a cause that the company truly believes in and aligning the same to its business interest
- Choosing a cause that would benefit business (e.g: what company employees care about ... what customers believe is important)
- Identifying good grassroots level partners (NGOs)
- Optimal use and impact of CSR funds
- Doing what no one else is doing

Due Diligence

Due Diligence is an exercise that both companies and NGOs must conduct before collaborating. Due diligence is simply an investigation or audit of a potential social investment and it serves to confirm all material facts in regards to a partnership. It refers to the care a reasonable person should take before entering into an agreement or a transaction with another party.

While companies could conduct legal and fiscal due diligence checks on NGOs, the NGOs too should exercise diligence in studying the company's CSR Policy and CSR reports for previous years.

Legal, Fiscal & Tax Aspects To Consider

- 1) NGOs should apply to the Chairman of the CSR Committee or the CSR Head (if any) of the company. This information can be obtained from the company's website after studying the company's CSR Policy & CSR Report.
- 2) It should not be a request for "Donation". It should be a "CSR Grant Proposal".
- 3) The NGO should ensure that the project/program that it is applying for meets 3 essential criteria:
 - i. The project/program meets the requirement of "Specified CSR Activity" as listed under Schedule VII of the Indian Companies Act 2013;
 - ii. The project/program is in sync with the company's CSR Policy;
 - iii. The project/program as far as possible is in the local area and areas around where the company operates.
- 4) There should be clear 'grant agreements' or Memorandum of Understanding (MoU) signed by both parties outlining clear needs, goals, objectives, input, output and projected outcome.
- 5) The budget and budget lines should be very clear but should allow a degree of variance.
- 6) The monitoring and evaluation as also reporting system, including frequency of such reporting should be spelt out clearly.
- 7) Submission of annual reports, both, narrative and

financial together with a project utilization certificate by an independent financial auditor would be in good order.

- 8) While CSR spend is not tax deductible as a business expenditure u/s 37 of the Income tax Act, the company can claim tax deduction u/s 80G or 35 AC etc.
- 9) Many companies ask NGOs to raise an invoice and NGOs should feel free to do so, but, these NGOs should ensure that the invoice is raised for seeking "CSR grant instalment for CSR project"
- 10) Some companies wrongly insist on deducting tax at source (TDS) when an invoice is raised. Companies should understand that although a grant is contractual in nature in as much as there are specific, agreed, terms, conditions and program deliverables, a grant is essentially in the nature of a "gift" and therefore TDS would not apply.
- 11) Similarly, because a grant is essentially a "gift", 'Service Tax' would not be applicable.
- 12) Companies should avoid using terms like 'vendor' for NGOs. As required under CSR Rules they should be referred to as CSR implementing agencies.

Essentials for collaborating!

Collaboration calls for investment of time and energy in the relationship and making it work. Corporate houses all over the world are realizing that "money" is not the only corporate resource that they can provide to social development initiatives. Today, the role of a grant-maker, be it a company or a corporate foundation, has

graduated from a "giver" (of funds) to an investor in social change and community development. Voluntary organizations, on the other hand, are now increasingly being viewed as the investor's "partner in change". The relationship is symbiotic.

Voluntary organizations have ideas and the capacity to solve problems, but little or no money with which to implement them. Grant-making foundations and corporations, have the financial resources but hardly the time, inclination, skills or the human resource to create, implement and sustain programs. When the two come together, the result is a dynamic collaboration. Like in human relationships, the corporate-NGO relationship should be based on equality, mutual respect and trust. Both partners should be open to new ideas and receptive to constructive criticism. Grant-makers should be careful in maintaining their supportive role without getting involved in implementation. Voluntary organizations should enjoy the freedom to work according to their own style.

However, disclosure of information, both as required by law and voluntary reporting is the most powerful mechanism for public accountability of voluntary organizations. It is important for voluntary organizations to re-assess the need for greater openness as part of their obligation to exhibit leadership in living up to the highest standards of accountability. Effective Communications, good governance, full accountability and transparency are an integral part of good partnership.

News contd. from page 3

- 8) NGOs which are registered under FCRA but do not receive foreign contributions may continue to file Annual Return in the new Form FC 4 keep the registration alive. However, such organizations have been exempt from filing certificate issued by Chartered Accountant or income and expenditure statement along with receipt and payment account and balance sheet.
- 9) The new Rules make it compulsory for NGOs to intimate change of name or address within the State to the Government within 15 days. Similarly, changes in the NGO's nature, objects, change of registration with local or relevant authorities, bank, bank branch or designated bank account number for foreign contribution and replacement of 50% or more of "key members" of the NGO must be

intimated within 15 days. The term "key members" has not been defined. It may probably mean key office bearers like President or Secretary or "Chief Functionary". The process here is merely that of intimating the change to the government. It does not require any formal approval of the government.

- 10) Annual Return must be filed in the new Form FC 4 along with an "affirmation" that it has "not used the foreign funds for activities that are likely to prejudicially affect the sovereignty and integrity of the country, the security, strategic, scientific and economic interests of the State and the public interest." Organizations which work on Human Rights issues, Legal Rights, Policy, Governance, Electoral reforms etc., are likely to be prejudicially affected.

To keep in touch with the latest news related to legal compliance, stay connected to CAP through our blog on our website or through the Facebook page.

The Art Of Shared Commitment

By: Dr. Ruth A. Shapiro

Incorporated at the end of 2013 in Hong Kong, the Centre for Asian Philanthropy and Society (CAPS) is a uniquely Asian Centre dedicated to facilitating excellence in philanthropy. It promotes best practices and standards through its own research, capacity building and conferences and through partnership with its intermediary network. The Centre helps to improve governance and aid the efficacy of philanthropists and social delivery organizations working on education, health, environment and poverty alleviation in Asia. This work will contribute a great deal to scale impact of social delivery organizations working on social change throughout the region.



businesses will only increase in number and scope. But these can be treacherous. NGOs often want to partner with business to receive much needed financial support. Companies want outcomes that may or may not be aligned with the goals or processes of the NGO partner. As more and more partnerships take place, shared learning for both the government and the company side will increase and over time, and hopefully, partnerships will become easier to carry out.

Partnering with government can lead to extraordinary scale. But, as everyone in India knows well, government bodies are not the easiest of partners! They often have time consuming reporting, rigid rules of engagement and an inability to be flexible when changes need to take place on the ground.

Partnering with other NGOs, while seemingly the most benign can also entail risks. It is crucial to understand what each party is bringing to the table and the added value of working together. While we NGOs are all working to make the world a better place, we are also often competing for resources.

In all cases, it is critical to go into the relationship with one's eyes wide open. Regardless of who you are partnering with, certain steps can increase the success of the endeavor:

1. Write up clear, detailed memorandums of understanding to mitigate the chances of miscommunication and abuse. Agreements must be reached and adhered to around goals, partition of the work, outcomes, deadlines and credit. The very process of discussing the agreement can help clarify expectations.

contd. on page 13 10

Give And Take – Adam Grant Why Helping Others Drives Our Success

By: Tina Vajpeyi

In an ever changing world and one in which the majority of jobs are now in the service sector as opposed to manufacturing, a world of increased competition but also opportunities, the need to find and nurture talent is more and more critical to the success and growth of any organisation. Whilst many tools have been developed to be used by HR teams to train, develop and assess employees, this book gives us an altogether new insight into how different people might operate.

Working hard, having great skills and talent and of course a little bit of luck help towards success but what Adam Grant has researched over the last ten years is that there is a fourth element which is critical to success and this is how an individual interacts with others. **Success relates not only to individuals and companies but also to communities impacted perhaps by a politician, a health care worker or any other person.**

Adam Grants work has led him to identify three traits, givers, takers and matchers and this book gives interesting insights backed up with case studies, research and stories of people from diverse backgrounds and how their traits have affected their careers and positions. In his extensive research and analysis he shows that whilst there are some people who may appear to be givers they are actually takers and there are ways to spot them and perhaps guide them to correct their methods of work.

One may have assumed that takers who work on a premise of self promoting themselves and getting what they need from their co workers do get ahead of others. What we see in actuality is that givers who pay more attention to what others need from them are ultimately more successful. **Interestingly in the early years of their careers the research also shows they can be the least successful but as their work leads them to a stage where more team work is required and where their skills have also become more developed the results become better.**

The method of this book is academic in nature but keeps you turning the pages with its wide spread of characters and roles they work. It leaves much to ponder over and put into practice when analyzing our own or the working traits of others. It shows how people can be modest and yet influence others but it also highlights case studies of those who give and yet



burn out, unfortunately there isn't a 100% success rate. Towards the end of the book the section on action for impact gives various tools and resources that can be implemented to encourage the action of developing givers.

About the Author

Adam Grant is the youngest professor at Wharton Business School and has been honored as one of Business Weeks favorite professors and one of the worlds top professors under forty. He has also been a junior Olympic spring board diver, a former record setting advertising director and a professional magician.

Should you like to review a book or suggest one - connect@capindia.in

The Unique Struggles of Human Rights CSOs



Studying At: National Law University, Delhi

At CAP: For 4 weeks

Assisted With: Report on the Struggles faced by human rights NGOs and related compliance research

My experience as CAP was thoroughly fulfilling and gave me a unique insight into human rights and the struggles that NGOs face. The independence I was given helped me grow, and discover a better work ethic, while the simultaneously improving my researching and writing skills. It was a great introduction into the legal and social sector space.

Human rights are a paramount concern in a developing nation like India, and the role of Civil Society Organisations is crucial in the protection of these rights. Due to their social and economic circumstances, women, children and marginalised populations are often unable to realise their needs, and the government and judiciary often fall short in providing and protecting their inherent rights. However, an examination of the current situation of human rights CSOs highlights the unique struggles that they face.

Due to the controversial nature of their work, human rights CSOs often receive much less financial support than those fighting for other causes. Causes like sex work and rights of homosexuals can cause legal problems as they are banned under the law. However, what needs to be understood is that most often, these

By: CAP Intern Shreya Ramann

CSOs are not working to legalise these activities, but simply working for the welfare of these people as citizens of the country.

Domestic Funding

In contrast to other CSOs in India, working for health, nutrition, environment or education, the nature of human rights activities are essentially more controversial, as they involve criticising of state activities and often dealing with issues that are illegal or taboo. Many CSOs work for the rights of sex workers, transgenders, LGBT communities, Dalits and migrant populations. The experience of human rights CSOs working in these sectors is that getting any support through CSR is a challenge and private trusts and corporates are extremely hesitant to give financial support to such causes, either due to prejudice, to protect their reputation or to remain outside of controversy. They may believe that getting involved in provocative issues would be tantamount to promoting them, and they try to avoid such strong opinions. It is thus, the unnecessary burden of the CSO to convince organisations and try to change their mind-set towards such causes, by using multiple arguments and angles.

Foreign Funding

Due to the stereotypes and taboos that exist in Indian society, foreign contributions, thus, become very important to human rights CSOs. However, here too, they face immense obstacles.

The restrictive provisions of the Foreign Contributions Regulation Act are possibly the harshest on human rights CSOs. By this act government can, at its own discretion, block any foreign funds, or refuse registration of any NGO, for activities of a particular nature. This is done in the name of 'national interest', a term so vague that it allows limitless power to the government to shut down any projects that jeopardize their own interests. This is in direct violation of international law, and denies several classes of people their basic human rights, since these sensitive and contentious issues are often instances of the most gross human rights violations.

Many human rights bodies, including those in the UN system, have emphasized that access to funds and resources is essential for CSOs, and is an integral component of the right to freedom of association since without funding CSOs obviously cannot effectively engage in the promotion of human rights. This Indian

legislation is in blatant violation of International norms, and continues to follow restrictive practices, such as that of re-registration, which has already been opined as unnecessary requirement by the United Nations. Thus it is clear that the FCRA has been used as a political tool and lever against organizations critical of the government or its departments.

Apart from funding;

the very nature of the existing laws is a hindrance to CSOs fighting for certain human rights. For example, CSOs that are working solely for the empowerment of sex workers do not register themselves as such, for fear of rejection. This has a crippling effect to their activities, as they can no longer solely target the community that they wish to, thus diluting their ultimate impact. Any health drives that they organise would then have to be open to the whole community, as opposed to being directed towards check-ups for high-risk groups, such as sex workers.

Another instance, is that of arrested sex workers in police custody. Many of these women and men are HIV positive, but do not get treatment when in custody. They are even unable to ask for medical help, as they do not wish to reveal their identities as sex workers, for fear of violence and discrimination, CSOs cannot intervene in such situations, out of deference to the wishes of the sex workers, and maintain confidentiality in such situations. This is a pitiful condition, where discrimination has reached such proportions that even CSOs have their hands tied in protection of basic rights.

The Government has also majorly hindered the role of CSOs in the counselling of victims of domestic violence. By a recent circular, they have banned the ability of CSOs to conduct pre-trial counselling for these women. A PIL has now been filed

to challenge this circular, as a ban on counselling for these women goes against the letter and spirit of the Protection of Women from Domestic Violence Act and Rules. The counselling that women receive from the service providers is crucial for them, as several women are either afraid of the legal process or do not know how to go about it. In such situations, immediate counselling is necessary and must be provided by registered service centres.

A human rights NGO is set up to protect rights where the government and judiciary fail to. The purpose of such an organisation is to highlight the rights violations that are occurring, and to try to empower the downtrodden to reclaim these rights. In India however, it is clear that the existing legislative provisions and the prevailing attitudes are not conducive to the work of human rights CSOs. The problem is not a simple one of increased awareness or tapping into a larger funding base, but a deep-rooted and complex problem of changing the mind-set of the Indian society towards the rights of certain sections of society. Unless their rights are not seen on par with the rest of the country, the restrictions of the work of these CSOs will never be relaxed.

Thus, human rights CSOs in India have a dual responsibility, of initiating legal proceedings and promoting the welfare of certain section of society, as well as finding innovative and impactful means of changing prevalent attitudes and shaking off the taboo relating to certain identities. In this way, their challenge is much greater than that of other causes, and thus, they need much greater support from organisations that can provide it.

(CAP would like to thank Apnalaya, Aastha Parivar and SNEHA for sharing their thoughts with our Intern for this article)

Overseas Outlook contd. from page 10

2. It is helpful to put in place a mutually agreed upon communication schedule and "check-ins".

3. When appropriate, it may be helpful to agree on a mutually acceptable third party who can mediate when necessary. Companies, NGOs and government speak from different perspectives and while literally speaking the same language, figuratively they are often speaking very different languages, so a translator can often be helpful!

Partnering is like marriage. You may agree on the reasons for entering into it, but it doesn't mean that there aren't bumps along the way. The better prepared you are before working together, the better the likelihood of success.

Hava A Collaborative New Year

Collaboration - Comfort or Crucial *By Meher Gandevia-Billimoria*

The social sector today has realised the difference between the impact of working for change in isolation versus a more structured cross-sector coalition. Today NGOs are increasingly finding worth, value and merit in working closely with other NGOs, as also with government and corporates for social change. Organizations around the world have begun to see collective impact as a new and more effective process for social transformation. Here are some of the voices from the sector capturing what they feel about collaboration.

What Are Some Pre-requisites Of A Good Collaboration?

- **Collaboration is less about creating similarities and more about embracing differences.** It's critical for both sides to understand what they excel at and then work with those who complement them.
- **Alliances require alignment in core values and approaches.** Required for reasons having more to do with ideologies than about process.

- **Specific goals are more useful than a common cause.** Rather than focus on just the macro cause (education), have specific goals such as 'target beneficiaries in specific schools would gain a certain curriculum.'
- **The partnership should be based on familiarity and trust and run deeper than just work.** Important but unpredictable challenges such as culture, decision-making, risk acceptance, resource availability can best be addressed when there's trust to draw upon.

We asked our NGOs what they see as key fundamentals for effective collaboration?

Hema Ganachari has been in exports almost all through her career. She switched to the developmental sector for the last 6 years. She manages Operations at **Idobro Impact Solutions**, a social enterprise that works with women, social and green initiatives to multiply their impact. "I believe that collaboration is absolutely essential when we want to

achieve far reaching and meaningful results, especially in the development sector. To be effective, I believe that the most critical pre-requisites for forging effective collaborations are clarity in, the objective and goals, both at organisation and individual level. Understanding what each collaborator is bringing to the table and the level of expertise. I have experienced that there is sometimes a mismatch perceived in the levels of expertise in the stakeholders, before and after the agreement hence also defining roles and responsibilities post collaboration."

Over the past 30 years, **IDEX (International Development Exchange)** has supported more than 500 grassroots, community-led projects led by women, youth and indigenous people in Africa, Asia and Latin America. **Trishala Deb** is the Regional Director for Asia. Her views, "I'd say the primary ingredient is a real commitment to genuine success of all the parties. The only way to get to impactful partnerships are honest, significant and thorough knowledge of our mutual interests, strategies and differences. I also think that it helps to proactively engage differences, and not be afraid of them since they are often the source of collective efficacy."

Ashoka: Innovators for the Public is the one of the largest networks of social entrepreneurs worldwide, with over 3,000 Ashoka Fellows in 70 countries creating large-scale impact through new innovations. **Olina Banerji**, as part of the Venture and Fellowship team, leads the engagement strategy with senior Ashoka Fellows by building supportive platforms, conversations and connections. She adds, "The cornerstone of effective collaboration is trust, the willingness to let go and agility with your idea /organisation. Collaboration works when individuals within organisations have the determination to see the partnership through. Another key fundamental is a joint, mutually affirming purpose."

Cuddles Foundation is striving to help impoverished, helpless children survive the trauma of cancer. Their founder **Prudhvi Bahl** sees 3 clear fundamentals. ● Clear Division of labour where each partner knows what the other is doing and that there is no duplication of effort. ● Transparency that leads to trust - there should be clarity in terms of donors being approached, plans and goals. ● Clear downward communication: many a times the management of the NGOs are in sync while there is no clarity in the ranks downwards. Hence, the purpose of partnerships, the goals and the clear division of labour has to be communicated clearly.

All four organisations shared their experiences which were very positive.

Hema – "Every year, we organise our annual flagship event, the RISE Summit, which attempts to bring together the Corporations, Government, NGOs and the Academia, with the objective to start at least a dialogue between stakeholders to collaborate to achieve their goals. I am happy to share a success story, where through the RISE Summit, a corporation is achieving the double objective of dealing with MDF waste on the one hand, and using it to create livelihood opportunities for an NGO, on the other. The project is its final stages of the pilot, and looks to be successful."

Trishala – "IDEX is built on the idea that all relationships can be partnerships. We commit to our partners in the field for 5-30 years. We engage in funding collaborations, artists in residence programs, and experimental ventures with donors. We treat each partnership as a genuine long-term dialogue, which surpasses any transactional value."

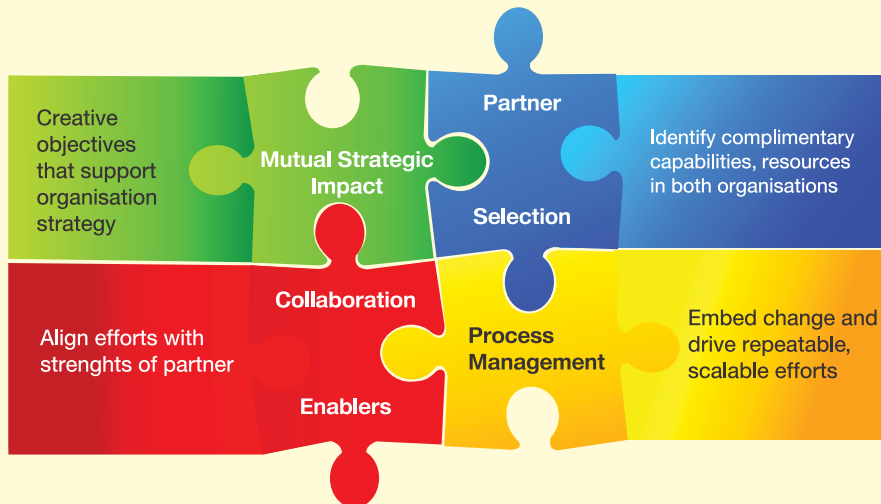
Olina – "Our organisation works primarily through collaborating with its stakeholders. There have been several successful partnerships with Fellows such as the Nutrition Programme, the Housing For All programme and the Changemaker Schools Programme, where we have worked with schools, businesses and other CSOs to drive common outcomes."

Purnota – "Yes, we have collaborated successfully with other NGOs working in the field of cancer like Sanjeevani and Chetna foundation. However while trying to work with a NGOs in the exact same field of paediatric cancer, we have not been able to collaborate. NGOs in the same field seem to focus a lot of energy on work, which they can brand and take credit for without really focussing on the big picture. This has been the biggest limiting factor for us."

Cross Sector NGO - Corporate Partnerships - Can We Address Imbalances Of Power In Cross-sector Partnerships?

While most say, 'Opposites Attract', is that true of NGO-Corporate Partnerships? While some feel corporate solutions are not always suited to grass-root level problems; other feel there is adequate opportunity for successful cross learning and cross working.

Features of a Successful Collaboration



Corporations and NGOs are very different in their goals, structures, motivating factors and work cultures. They enter into relationships with each other with differing objectives. The primary motivation for a company to enter such a partnership is to enhance its brand, reputation and credibility by doing social good. On the other hand, NGOs enter partnerships primarily to access funds.

What does effective collaboration look like when a nutrition program for children in India involves a government health department, an overseas agency, and local and international NGOs? Is it even possible for these partners to work together collaboratively and effectively when such different levels of influence exist? Each brings different strengths and abilities to the table.

NGOs have strong relationships with the local community, the overseas agency would have great technical resources and experience, and the government would have the ability to make decisions on operations and approaches. **Each may be doing excellent work, but more often than not - in parallel rather than together.**



Do you think partnerships can be effective if there are imbalances in power or abilities? To what degree should flexibility be maintained?

Hema most certainly believes that a collaboration is easier between 2 parties where one is much "more equal than the other", in terms of abilities; where the strengths and weaknesses are clearly seen and understood. "Where 2 organisations are similar in strengths and abilities, clear roles and responsibilities will need to be laid down if the collaboration is to achieve its objective, Trust in each partner would be crucial to maintain any flexibility."

Olina considers an exercise of power is anti-thetical to a successful partnership. "It should be premised on equality and openness. Flexibility is important because despite best efforts, there are things that may not go according to plan. However appropriating blame in this situation is not useful. The partnership work load should also play to the strengths of each partner. Quite simply, define the scope of work in a manner that partners complement each other."

What are some of the steps/measures you would take to ensure the partnership remains effective and sustainable?

Trishala has a practical outlook, "With partners in the field, we make long term, multiyear funding commitments. This means that our annual monitoring and evaluation data is not tied to annual funding. On that basis, we can have really honest conversations about the merits and lessons learned from different program and development strategies. Everyone learns more through this process."

Olina suggests, "A good partnership relies on specific point people both sides, who are completely on board with the scope of the project, its timelines and its ultimate objective. They should have prior clarity of roles and how the partnership is useful both partners. Another key move is to incorporate timely check-ins to ensure that things are on track not just operationally but also in terms of the vision of each partner. Partners should be honest sounding boards for each other and considerable time should be spent aligning the organisations initially in the partnership."

Effectiveness Of Collaboration? - Should We Be Measuring Partnerships?

In recent times collaboration between humanitarian aid organizations and non-profits has been successfully implemented in times such as the Nepal disaster. In almost all relief situations, this is an operational imperative. There are also other successful partnerships in the education space such as larger NGOs working with smaller NGOs and schools etc. Many NGOs working on child rights and rescue do manage to achieve collective impact working with the government. Whether the collaboration is between two NGOs, an international NGO and a local relief group, or an NGO and government agency, partnerships have become a primary means of improving the efficiency and effectiveness of many causes. Though much has been discussed about what organizations can do to build successful partnerships, comparatively little has been written

about how to determine if these partnerships are achieving each organization's stated objectives.

NGOs often face limited resources and tight deadlines, so any activities not directly tied to the work at hand may get deprioritized. In the case of partnership assessments, the results can be well worth the resources expended. Here are some of the benefits of measuring organizational partnerships:

- Determine if the partnership is the ideal way to accomplish your goals.
- Make your collaboration more efficient and effective.
- Make partners accountable for their actions and attitudes within the combined organization.
- Discover benefits of the partnership that go beyond those expected.
- Determine whether the partnership is still in line with your original goals.
- Analyze the impact of the partnership on the community.

How Do We Measure Partnerships?

Partnership experts have yet to devise comprehensive tools for measuring partnership effectiveness. The types of metrics that most organizations use often don't tell the whole story. However here are some pointers

● **Be very clear of each organization's definition of "success."** The partnership may have been formed with one primary objective, but the truth is that each organization comes to the table with their own expectations. Aside from the common goal, each organization may expect varying outcomes and also have different standards of success.

● **Separate the project from the partnership.** It might seem natural to think that if the project is successful then the partnership is, as well. You may achieve the desired outcomes of the project but at the cost of a rocky partnership. Focus on both and while working on how to achieve the end result don't compromise on the plan to work on the process of getting there.

● **Choose between and internal and external assessment tools to measure the effectiveness.** Internal assessments, conducted by one's own staff are far easier to execute because the team conducting the assessment is already employed by the organization and knows the people and situations involved. In addition, the people within the organization may know and trust an internal assessor and be more candid than they would to outsiders. On the other hand, external assessments are done by sources outside one's own organization they are impartial and easier to benchmark. Some donors and funders

require external assessments and generally place more confidence in those results.

How would you gauge if your partnership has been effective? Do you have any tools/benchmarks to measure effectiveness?



Hema's suggestion –" Simple common tools like logical framework analysis, M&E plan and theory of change with little bit of tweaking are quite capable of analysing and assessing the effectiveness and impact of the partnership. We have to add a section in these tools telling us which organisation is responsible for a particular activity. The more the project is broken down into activities, and the responsibilities are assigned, the easier it will be to measure the effectiveness. A comparison of the actual activities with those as per the initial document will be a good way to measure effectiveness."

Trishala's recommendation, "We have an annual evaluation tool that is tied to our theory of change, and is designed to track information from the standpoint of the organizations that are doing the work. Effective partnership is gauged on whether organizations are meeting their own goals for progress, and it the collaboration with IDEX has included more support than just funding. IDEX strives to develop each relationship with support from funding, capacity building, relationships with other organizations, communications tools, and long term problem solving."

Purnota admits that they don't have a numeric metric yet to gauge the impact. "Delivery of aid in the smoothest way possible and alleviation of the issue is the most effective way to gauge the partnership. The ease of both the teams to work collaboratively is also a great way to gauge how successful the relationship is."

Does The Social Sector Collaborate Effectively Enough?"

In order to sustain our causes and achieve greater success in outcomes, organizations are finding innovative and more intentional ways of working together. However others feel -There is an interest and need for organizations to collaborate, but yet organisations prefer to work in isolation often re-inventing the wheel. Large-scale social change requires broad cross-sector coordination, yet the social sector remains focused on the isolated intervention of individual organizations. What are your views??



Pradeep Mahtani,
CEO,
HelpYourNGO Foundation

HelpYourNGO in its new avatar will be three years old next year. Our objective is to provide a high level of transparency in the social sector through detailed analysis of NGO financial statements thereby encouraging informed philanthropy. No other organization does this in India. So lots of scope for collaboration right? This is the social sector; profit making is not the motive, the only aim is public good. If a new skill set (financial analysis) can provide greater comfort to donors resulting in higher funds raised, this would help the sector, right?

We thought so too. However, the reality has been different. When we reached out to existing enablers in the social sector, we were largely ignored, with a few notable exceptions. **Common experiences included empty promises to meet or ignoring our emails.** Fortunately, operating NGOs have been largely enthusiastic, despite being jaded by many organisations, which take registration fees but are unable to deliver on the commitment of attracting significant funds. Why is there reluctance to collaborate, we wonder? Perhaps, the social sector is run like a business. Nothing wrong in that, they need funds to sustain, but some collaboration would help the space as a whole. Is it suspicion of an unknown new entity or the need to guard their turf? Are some philanthropists driven by recognition that may get

diluted if they joined hands with newcomers? I am still looking for the answer and hoping for more collaboration. There are too many people and too many NGOs following similar paths. Using the internet to multiply outcomes and impact is the way forward.

HelpYourNGO's services include validating/standardizing NGO financials to provide comfort to donors when making donation decisions; and customized CSR and volunteering solutions.



Amisha Modi,
Programmes Lead,
Adhyayan

The social sector is invested in impact and benefit to the world to increase effectiveness. Whilst collaboration is desired to achieve these goals, the social sector has not yet agreed on what it entails. With individuals and organisations beginning to share and learn together, we think about what effective collaboration looks like and how one would measure this.

Establishing a vision of collaboration in the social sector would help us all to agree on how we would like to interact, learn and support each other towards the common goal of an egalitarian and democratic society. As individuals we currently seek opportunities to collaborate with known organisations, trusted referrals and with those who are easy to connect with face to face or virtually. This sense of security with those known to us helps to interact openly and share experiences that help each of us to grow in our knowledge, skills and attitudes that can impact the work that we do. **The diversity of India allows the social sector to focus efforts in particular contexts and programmes that target a specific sector or community.** Whilst we may master growth in our own fields, how do we contribute to a cohesive social sector approach to development? Establishing a vision by including representatives from across the social sector would help us generate a consensus on what effective collaboration

looks like. This is essential in firstly identifying our effectiveness and building the roadmap towards greater collaboration.

Adhyayan is an education movement of Indian and international educationists, dedicated to improving the quality of leadership and learning in schools.

By Meher Gandevia-Billimoria

Collaborations in the social sector can be tricky; most organisations have chosen the route to do it alone. **However, there has been change that is fairly visible with organisations finding a common purpose and achieve the final result, which, in most cases has been the same.**

The collaborations that normally sees are the more direct, NPOs – Corporate entities, NPOs and intermediaries and NPOs – NPOs. Corporate entities are actively working with their investees or NPO partners to develop solutions together and in doing so have developed better problem solving solutions. An integrated approach fostered by collaborating on the ideals and goals does lead to enhanced social development impact.

There are a few that I have come across through our work where NPOs running a health program and an education program have come together, a health intervention with a recreational life skills development program. The collaboration between Leap for Word and Manitham Charitable Trust, both of which are investees of the Edelgive Foundation is an example that demonstrates the same. Communities are able to benefit from these collaborations, which allow for multiple interventions aimed at a particular group that brings in an overall development of a particular community. Collaborations allow for number of local collaboration partners who understand the nuances of local geographies.

Toolbox India offers pro bono consult to NGO's providing them with Coaching and expertise tailored to the requirements and the programs of each NGO.



Vijaya Balaji,
CEO,
Toolbox India



Percy Ghaswala,
Founder & CEO,
Ghaswala Vision Foundation

Collaboration is the key. Be it business or non-profits. At our Vision Foundation we focus on identifying relevant resources, collaborate with them and thereafter harness these resources for better social impact. The social sector would defeat the purpose of "social betterment" if it chooses to work in silos. Our stakeholders range from patients, surgeons, charitable hospitals, State Government departments, Law & Judiciary and Technology experts from various fields. **Despite critics who thought otherwise, our collaborative model of sight restoration and life restoration worked very well. Both, direct services as well as the advocacy efforts work on a collaborative model.**

A service based organisation usually rolls out benefits (for beneficiaries) and prefers to work in isolation while an NGO with a "rights based" approach collaborates and connects with every stakeholder in order to have wider reach. While working in isolation maybe easier for an organization, collaboration requires tremendous negotiation / mitigation skills, clarity of thought along with sincere zeal for dispute resolution.

Even today several non-profits choose to work in isolation. They will eventually become outdated and irrelevant to society. Their existence will be challenged by changes in life styles, technology and an evolving society. Collaboration on the other hand will enhance learning, widen horizons and expand the scope of work. Collaboration also exposes individuals and institutions to innovations in a domain which eventually help in achieving goals much sooner than projected. While non-profits do actively collaborate, much more needs to be done.

Ghaswala Vision Foundation supports various activities related to eye care and blindness in general but the main focus of the foundation is to fight corneal blindness.

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Sameera Iyengar & Sanjna Kapoor

We founded JUNOON because...we wanted to share the deliciousness and richness of the arts with people across India, and make it a part of our daily lives; because we believe that a world infused with the arts is a world that embraces possibility and takes joy in living with each other.

Our one learning has been...the power, reach and beauty of true sharing and collaboration, which allows us to collectively achieve in rich ways what none of us could have every achieved alone.

Challenges along the way...developing the structures, systems and organisational culture that allows us to keep the free creative spirit alive and vibrant for ourselves and for our collaborators; funds (of course!); learning to lead an organisation as a duo leadership.

Our work has come a long way because...we've had many people from different walks of life believe in us and our vision, we have an amazing network of artists who have just stepped forward to take up any experiment and challenge, we have been lucky to pull good people into our team who work and contribute with passion and care.

Funding for any organisation...is always a tough call. You just have to believe you are going to get the funds. The challenge is not to become someone or something else as you seek funds – the temptation is often there and you have to have the strength to stay anchored in your vision and say no to funds. That integrity and credibility is extremely important in any socially relevant work.

How We Got Here

By Meher Gandevia-Billimoria

Social Impact according to us is...transforming lives, one person at a time. Infusing people with a sense of possibility so they can imagine and reach for their own individual and collective futures. This means you care about the impact you make in each individual you touch, you see people as people and not as numbers, you try to reach as many people as you can, but never at the cost of the people themselves.

Our thoughts on scaling up...Scaling needs to balance deep impact with reach to numbers. We keep striving for clarity on what level of impact is deep enough for the larger social transformation we desire by connecting people to arts. Scale is also achieved through collaborations, sharing of resources and data, and through building and making available models and approaches that others can adopt. The point is to touch and make a difference to a lot of people – it does not matter if we do it or if someone else does it.

If we could change one thing about the social sector, it would be...we take ourselves less seriously and do our work with more joy in ourselves and others.

We believe in collaboration...completely! None of our projects would have been realised or had the impact they have managed to have so far if they were not conceived and run in collaboration with like-spirited people and organisations.

The non-negotiables for any collaboration would be...trust, integrity, willingness to work through differences and misunderstandings, investment in each other as people, acknowledgment and celebration of everyone's contribution, sharing of credit across the board.



Challenges in a collaborative effort are...really sharing ownership of a project. This has to be done consciously and with genuineness. The oversights we inadvertently make are often the most costly mistakes – they can break trust, they can make people or organisations feel used. We have to be ready to address this, if and when it comes up, with true humility and care.

Cross sector collaboration (bw companies & NGOs) is ...necessary, but we need to be clear that what we want to achieve does not get lost in the companies' agendas. This requires alertness and a willingness to walk away from money, if it affects the overall aim of our work.

In my free time we...“I like hanging out with my dogs, reading, doing jigsaw puzzles, swimming but

About Junoon - we seek to weave arts experiences into the fabric of society. Working closely with artists from theatre and allied arts fields, we strive to build a world imbued with the spirit of the arts, a world where imagination, inquiry, possibility, rigour and empathy are collectively celebrated, nurtured and valued. Our ongoing programmes include Mumbai Local, which offers regular monthly addas with artists and scientists across Mumbai, and Arts at Play with schools – an immersive 5-day arts programme in schools where children get exposed to professional arts practice, engage and interact with artists, attend arts workshops and end up creating a mad wonderful exhibition that transforms spaces in their schools with their expression. We are also a Managing Partner along with the India Foundation for the Arts with SMART (Strategic Management in the Art of Theatre), a 5-month course in theatre management to equip theatre groups to strategically plan and manage themselves more effectively.



best of all I like meeting people and chatting and basking in their company.” (Sameera)
“I like to dive into a delicious book, read to my son, getaways into the jungle and scuba diving into the deep blue, balmng my soul!” (Sanjna)

If I wasn't at Junoon, I would probably be...“I have no idea – I'd probably come up with something else that has meaning for me. If India had a better infrastructure for sports, I may have entered the sports world and not the arts when I was younger. But the arts deals with people – who they are, and that's where I like to be.” (Sameera)
“I would find some work in the field of education, some way of staying connected to children and their holistic education through creativity.” (Sanjna)

Interaction contd. from page 17

No matter how effective the collaboration, there is bound to be, a small degree of disagreements be it in ideology, method or approach. To conclude we asked how our organisations would manage it.

Hema ends, “I feel that timely communications and regular meetings / updates, trainings will minimise disagreements, and will make it easier to control any such issues. Lastly, but most importantly, willingness, trust and patience will also determine the effectiveness and sustainability of the collaboration.

Tishala closes, “We expect differences and disagreements, and treat them all as learning opportunities. Since none of our funding agreements are tied to project support, and are all general operating grants, we are never in a position to disagree over an implementation strategy. Therefore, it's through dialogue, learning and

evaluation that we can understand why organizations and leaders make the choices that they do.

Purnota proposes, “Regular team meetings, an open mind and the willingness to reach a compromise is the only way to manage control. Also, a very important point is discussing what are non-negotiable in the relationship. Also at what point the partnership should be dissolved helps the NGOs to watch out for the red flags and avoid conflicts.”

Olina concludes, “A face-to-face, honest conversation where both sides are open and vulnerable enough to understand each other's perspectives. A useful way may also be to have programme managers and others working on the partnership to undergo exercises in active listening and communications.”

Technology Tools For Collaboration

Collaborative learning is essentially people working together to solve a problem or a common cause. Today the landscape of technology that can be used to support central activities of collaborative learning is vast and varied. For many organisations that have their employees working from various locations, collaboration tools are a boon to keep them linked together. Here are some commonly recommended & used popular tools.



Everyone knows Google Apps, but many of us are using them in a one-off fashion. However, used as a suite, Google provides via Gmail, Hangouts, Calendars, Docs, Sheets, Slides and more many of the features project management and collaboration software offer. Like some other apps it requires a connection to the Internet, but it's accessible on most devices. Google Docs allows users to work on the same document at the same time and see changes in real-time. It allows you to create documents, presentations & spreadsheets. You don't even need to have any office software installed – everything happens right in your browser or via the mobile app for iOS and Android. It can also show you a history of changes made to a given document, it's easily sharable and it's absolutely free! Of course, every document you create online can be exported and used offline. Google Apps can also create hangouts for group chats or video conferencing.



As we are all tech junkies, we own quite a few pieces of technology, including multiple laptops, tablets and smartphones. With DROPBOX we can access our files from each gadget we own. Dropbox is compatible with all popular computers - and mobile platforms. You can also access your Dropbox from the internet browser. This tool allows you to create so-called "shared folders", which will appear in every team member's computer. Any file, which has been uploaded to those folders, can be accessed by every person with access to it. It is as simple as creating a new folder on your computer, putting files in there and sharing a link with your friend or co-worker. Now, if this person accepts your invitation to the shared folder, all the stuff that you add to it on your end will magically appear on the other person's compute



Highly recommended for teams to communicate with your team members. To put it simply, think of Slack as a chat client on steroids. With this communication tool you can get all your different conversations sorted into different "channels", you can integrate tons of services and so much more!

Some who used Skype to Hangouts, have noticed that they are somewhat limited by the main communications channel, which is chat. "We couldn't put important conversations into places where they could be easily found for future reference, searching for past messages was a pain."

With Slack you can get all of that in-stream, so you can discuss with your team who will take over the latest bug or task. Lucky for all small teams, can use it for free and update when they need to. Over 125,000 people use the app every day, among them 13,000 teams at companies as large as eBay, Sony, Yelp, and NBCUniversal.



There are free team/project collaboration tools out there, including popular ones like Asana and Podio. But there is one tool out there which is different. Trello uses a card-based system for keeping your project overview as simple as possible. You can create custom columns like "To-Do" or "In Progress" which you will use to organize individual tasks. The tasks will be then added as a small card to the column. For each card you can set a due date, write comments, assign people to it and many more.

One especially great thing about Trello is the user experience. The interface is very simple to use. For example, you can drag every card from column to column (i.e. after completing a task) and assign people to the card by dragging their profile picture onto the card. Also, Trello probably has the best mobile and tablet collaboration app out there.

This project management tool is like a magical customisable to-do list on a single interface, which you can share with others in real-time.



A social network for business, Yammer provides a platform for you to communicate and collaborate privately with your colleagues. Employees sign in with a company email address and can use the platform via web, desktop or mobile to chat openly or privately, and share documents; you can even like somebody's status if you so wish! With over 7 million users, it's the most widely used enterprise network tool and, now owned by Microsoft, can be integrated with SharePoint.



Team work can get messy when communication is a mishmash of emails, Skype, video and text messages. Binfire lets your group to collaborate on tasks, files, projects, almost anything. Group chat, personal inboxes and status reports ensure that everyone in the the group is always updated & on the same page.

It has an interactive whiteboard & PDF markup tool - the perfect place for teams to brainstorm and collaborate in real time. Binfire's analytical tools like the burn-down and Gantt charts to track your progress while working on projects or research. Share with everyone in your group the latest updates instantly. With one click, for project reports you can share your overall progress, visualized through a simple gantt chart with students and colleagues.



UberConference presents something of a revolution in free voice conferencing. The beauty of UberConference is in its visual interface that lets you know who is connected to the call, and identifies who is speaking at any time. Photos of callers are presented in your display and small icons indicate their status. You can also break out of the conference for a private talk with a single participant with the 'earmuff' feature and mute any of the callers to eliminate a noisy line. Particularly strong is UberConference's integration with document sharing services Evernote and Box. This allows you to share documents in call and collaborate with your call participants in real time in what is a truly interactive conference call. Another excellent feature is the social media integration

that is built into each caller's profile you see on your display screen. Simply click on the appropriate icon during a call to reveal a participant's career background via LinkedIn or their latest Twitter comments in real time. As part of the free subscription, you also receive call analytics at the end of the call

FCRA FAQs

ASK THE EXPERT

Q - Advice required. We are trying to file FCRA Form FC-6 online. The Form is showing address of our old registered office, also it is showing name of our old bank instead of the new one. We had informed them about the same several times. Should we go ahead, file, and inform them once again.

A - We are assuming that you had informed MHA about these changes in the appropriate correction forms. In any case with 31st December 2015 as the last date for filing your FC returns for FY 2014-15, we suggest you file the returns without any delay even if the MHA has not incorporated the changes. Incidentally, with the new FC Rules the return must now be filed in the new Form FC 4

Q - Our organization has spent from our domestic account on one of our science lab projects that was in its second year, as the donor company told us they would be renewing the project for sure. It came through finally in early October but the funds will be released next week and into our FCRA account, (Its Head office is in the USA).

- How can we reimburse the spent amount into our domestic account from where we conduct other activities?
- If we cannot take the reimbursement, can we spend on our other activities from the FCRA account up to the tune of the reimbursed sum?

A - Under FCRA you cannot move funds from your FCRA Bank account to your local/domestic account. Yes, you may spend directly from the FCRA account for other purposes if the donor allows you to.

Q - We need advice on the explanation of "Separate books of accounts for FCRA". Does that mean that we open a separate tally company just for FCRA or is it okay if we have FCRA as one of the cost centre in our regular tally company.

A - Having an FCRA cost centre will suffice.

Q - Our organisation has an FCRA registration. We wish to hire a foreign (British) volunteer for our work in India. Will it be a problem?

A - Being registered under FCRA has nothing to do with this issue. Employment visas are issued to foreigners who are working in India, for an organization registered in India. Foreigners doing volunteer/intern work in India are now granted employment visas.

Employment visas are usually granted for one year, or the term of the contract. They can be extended in India. In order to apply for an Employment visa, the foreign national will need proof of employment with your NGO, such as a contract that states the terms and conditions. There is also a rule that applicants must be earning \$25,000 a year or more. However, exceptions are made for volunteers, ethnic cooks, translators, non-English language teachers, and members of Foreign High Commissions and Embassies.

Your organisation should enter into a clear volunteer or internship agreement and state the terms and conditions for the same including any local hospitality such as stay, meals, travel allowance, what the volunteer will work on and why and the duration etc.

All queries answered by Noshir Dadrawala, who is one of India's leading legal expert on advisory for charity organisations in areas of Trust Law, Income-tax, FCRA, Labour Law, service Tax & VAT. To know more about our service offerings contact - connect@capindia.in

The 9 Types of CollaboHaters

Smarter Collaboration is a key to the future of work, but not everyone enjoys cooperation. Occasionally, you will run into a colleague who would rather scheme and obstruct than dream and construct. Left unchecked, these me-firsters will waste your time, wreck your morale and test your sanity. Prepare yourself for the 9 collabohaters!



The Saboteur

Hide the hatchets! Saboteurs are quick to steal credit, spread gossip and undermine projects. Shield yourself with careful documentation and candid conversation about their behaviour and your company culture. Get frank before you get shanked!



The Diva

Brilliance always has a price tag. When working with Divas, it may be an emotional price you pay. Divas typically add drama, require coddling and demand silly concessions. Like a weary parent, learn to strike a balance between refusals and accommodations.



The Clown

Well-timed jokes work miracles in an office, but Clowns ignore boundaries, blinded by their hunger for the spotlight. They use hapless attempts at humor to disrupt meetings and deflect difficult decisions and conversations. Keep the circus out of the conference room.



The Known - It - All

Know - it - Alls are always unable to resist an opportunity to bully, inserting themselves into everything from critical decisions to frivolous office banter. Resist the urge to retreat into old-fashioned silos; these wannabe Einsteins often have real value when guided properly.



The Prophet of Doom

Is the end right? The Prophet of Doom sure thinks so. These eternal Eeyores always see the worst case scenarios in your plans and projects, while seldom contributing anything resembling a solution. Left untreated, Prophets of Doom will almost certainly infect others with their pessimism.



The Bridge Troll

None shall pass! Passionate but abrasively territorial, Bridge trolls long for the old days to departmental silos. When bothered by outsiders, they cause so many delays and disruptions that you may seek detours around them. Resist the urge. You can share the bridge.



The Doormat

Healthy collaboration requires occasional conflict. Doormats, however, take the path of least resistance: green-lighting bad ideas, over-committing your team and grossing everyone out with subservience. Who knew that hearing "yes" could cause so much stress?



The Sloppy Joe

Are you detail - oriented? Your arch-nemesis is sure to be the Sloppy Joe, who lives by a simple credo: "Don't sweat the small stuff." These corner-cutters meet but never exceed expectations, and can be counted on to ignore tasks or processes they consider cumbersome. To boost productivity, try to place Sloppy Joes in the orbit of more diligent and disciplined colleagues.



The Half - Baker

Half - Bakers always offer ingredients, but never care about the actual recipes. As such, they often derail discussions and muddy up meetings with half - baked ideas and tiresome tangents. Establish clear boundaries to keep from reinventing the wheel or rehashing old debates during every committee meeting.