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Mapping Philanthropy in the Indian Juvenile Justice System

November, 2022

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ABSTRACT

This paper attempts to explore the role and patterns of philanthropy in the Indian Juvenile Justice System (JJS). The qualitative research methodology is used to understand the philanthropic sources, process, patterns, use (kinds of activities with children) challenges, and resultant consequences in the JJS. The paper also suggests ways to deal with the challenges of funding in the JJS. The findings and arguments draw from secondary data analysis and thirteen in-depth interviews with the representatives from five organisations working in the JJS in Mumbai, Maharashtra, and three funding organisations. Findings suggest that comprehensive, structured, long-term interventions with the children are possible through sustainable funding. Funding for children in conflict with the law and children with addiction is particularly limited by the beliefs of the society in general and philanthropists in particular.
The child rights approach is missing in Indian philanthropy; the focus is on service-oriented interventions, with lesser priority given to process-oriented interventions with children.

Key words: Philanthropy, Juvenile Justice System, Children in conflict with the law, Children in need of care and protection

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1. INTRODUCTION

1.1. Introduction to the broad research problem

The Juvenile Justice System (hereinafter JJS) in India, under the Juvenile Justice (Care and Protection of Children) Act, 2015 (hereinafter JJ Act), includes structures, policies, processes, and institutions that aim to provide care, protection, and rehabilitation to children. The Indian JJS places the child at the centre of the system, while other stakeholders include parents/guardians of children, the police, probation officers, counsellors, staff of child care institutions (CCIs),[2] the judiciary, government departments, experts, social workers, voluntary organisations, and various institutions and bodies established under the Act, who work in convergence with each other in the best interests of the child.

The Act specifies several rehabilitation mechanisms and procedural safeguards for two categories of children: 'children in need of care and protection' (hereinafter CNCP) and 'children in conflict with law' (hereinafter CCL). The system, under the Act, focuses on fulfilling the basic needs of children, and rehabilitating and reintegrating both categories of children into society. This is done through provision of a number of services including health, institutional care, education, nutrition, skills training, counselling, adoption, foster care, and sponsorship among others.

Though the JJS is often associated with the criminal justice system for children who come in contact with law, the legislation guiding the Indian JJS is not exclusively legal in nature, focusing on penalising children, and not only provides care, protection, and rehabilitation, but also aims to prevent CCL from reoffending (Nigudkar, n.d.). It takes into account psycho-socioeconomic factors that can lead children into crime. As the focus of JJS shifted from penalising a child to reformation and rehabilitation of a child, it recognized that a coordinated response from all stakeholders in the JJS is required to achieve the aims of the JJA. To achieve this, the Act has distributed and defined the roles and responsibilities of all the stakeholders (Mukundan, n.d.). The state has set up institutional machinery— in the form of appointing authorities, setting up of Child Care Institutions (CCIs) such as children's homes, observation and special homes, constituting the Special Juvenile Police Unit[3] and the District Child Protection Unit.[4] The JJ Act and its rules also provide for the involvement of voluntary/non-profit organisations (NPO) in providing services such as CCIs, sponsorship to children, vocational training, job placement, education, and recreation. The Integrated Child Protection Scheme[5] of central government is an umbrella scheme that brings together multiple child protection schemes. It highlighted that apart from the state, civil society has a vital role in child protection and implementation of the scheme (ICPS, Ministry of WCD).

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[2]Child Care Institutions (CCI) are places of safety which includes children's homes, open shelters, observation homes, special homes, specialised adoption agencies, and fit facilities recognised under Section 2 (21) of JJ Act, 2015 for providing care and protection to the children who need it.

[3]SJPU—Special Juvenile Police Unit (SJPU)—is a unit of police set up in a district or city or railway unit under the JJ Act to co-ordinate all functions of police related to children.

[4]The District Child Protection Unit (DCPU) is a child protection unit for a district, established by the state government under the JJ Act 2015. It is the focal point to ensure the implementation of the Act and other child protection measures in the district. protection measures in the district.

[5]The Integrated Child Protection Scheme (ICPS) is a scheme sponsored by the central government to protect children in difficult circumstances or vulnerable children. It is implemented through government–civil society partnership.

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All CCIs, whether private or government, have to get registered under JJ Act and they are monitored by the government. However as mentioned in the Report of the Ministry of Women and Child Development, only 32 per cent of total CCIs across India are registered under the JJ Act. 91 per cent of CCIs out of 9589 are run and managed by non-profit organisations (WCD 2018). Also, these NPOs have to follow a lengthy process to get funds from the government. The government funding depends on the number of children sanctioned and admitted to the institution, thereby making it difficult for private CCIs to have adequate funding for children's needs (Mazumdar 2020).

As per the provisions of the cost sharing ratio under ICPS scheme, NPOs having CCI receive 90 per cent grant in aid from the central and state governments; they have to raise the remaining 10 per cent themselves (DWCD Maharashtra 2018). However, there is a gap between grant received by the CCIs and the actual expenditure of the CCIs and there are financial crunches faced by development programmes (CAS). The implementation of funds under ICPS varies from state to state leading to inconsistent and unpredictable funding. Also, there is a lack of required expertise and human resource in the CCIs (Gupta 2021). The Report of the Ministry of Women and Child Development, 2018, found CCIs receiving funds from various sources. Among 9589 CCIs across India, 42.3 per cent CCIs received funds through the government, 14.8 per cent through non-government grants, 56.8 per cent received funds through individual donations, and 23.4 per cent through foreign funds. It shows that a substantial number of CCIs are raising funds through individual donations, and less than 15 per cent CCIs raise it through non-government grants (WCD 2018).

Additionally, the JJ Act also provides for the setting up of Juvenile Justice Funds by the states for welfare and rehabilitation of children. These funds can receive donations, voluntary contributions, subscriptions or funds under Corporate Social Responsibility (CSR) (JJ Model Rules 2016).

Apart from CCIs run and managed by NPOs, there is wide range of strategic and consistent social work interventions conducted by the NPOs for the protection, development, rehabilitation and reintegration of children. Such organisations are contributing to dealing with issues such as infant mortality, malnutrition, child labour, child marriage, child trafficking, child abuse, and other concerns affecting children. These NPOs also require funds either from the government or from the private sector to adequately and efficiently respond to the diverse needs of children and ensure that the rights of children are protected and they receive equal opportunity for development.

In this paper, I explore the pattern of private funding available to NPOs working in the JJS in the two districts of Mumbai (Mumbai City and Mumbai Suburban).

1.2. Specific objectives

i. To map philanthropy initiatives in JJS (with a focus on select organisations)

ii. To identify the criteria considered by funding organisations giving funds for JJS

iii. To assess impediments of funding in JJS

iv. To explore the difference in funding for CCL and CNCP

v. To make recommendations on how grantee and funding organisations should approach funding for JJS for minimizing the impediments

1.3. The objectives have been further broken down into the following specific research questions:

i. What are the different sources of private funding in the JJS: philanthropic organisations, CSR, high-net-worth families, crowdfunding, or individual donors?

ii. What type of activities with children are covered through philanthropic initiatives under the JJS?

iii. What criteria do funding organisations have? What is the process of funding?

iv. Is there any difference in philanthropy for children in need of care and protection and children in conflict with the law? If so, what is it?

v. What are the challenges faced by organisations in securing funding for JJS from private organisations?

vi. If the funding is low, what are the consequences of low/no funding for organisations? How does the pattern (type of programmes and activities with children gets fund) of funding on social work interventions with children affect the organisations and JJS?

vii. What are the challenges on the part of private funding organisations while awarding funds?

viii. What are the suggestions and recommendations to eliminate the challenges?

1.4. Operational definitions

i. The Juvenile Justice (Care and Protection of Children) Act, 2015 (JJ Act): The Act is a key legislation that consolidates and amends the law relating to children in conflict with the law and children in need of care and protection in India. The Act focuses on catering to the needs of children through providing services for care and protection, rehabilitation and development in a child-friendly manner. The Act gives paramount importance to the best interest of a child.

ii. Juvenile Justice System (JJS): For the purpose of this paper, the JJS is a socio-legal system established under the JJ Act and includes children and their parents/guardians; authorities and machinery established/ engaged under the Act; CCIs (short-term and long-term basis); Department of Women and Child Development, and other government departments such as education, health and skill development; District Child Protection Unit; the Judiciary, Police-Special Juvenile Police Unit; voluntary organisations or NPOs, and so on.

iii. Child: As per Sec 2 (12) of the JJ Act 2015, a child is 'a person who has not completed eighteen years of age'.

iv. Child in need of care and protection (CNCP): CNCP is a broad category of vulnerable children. As per the definition mentioned in Sec 2 (14) of the JJ Act 2015, CNCP includes a) a child who is without a home and without any means of subsistence; b) a child found begging; c) a child living on the streets; d) a child working in contravention with labour laws; e) a child who stays with a person who abused, neglected, or threatened to kill a child or have the child killed; f) or child who stays with a person who has neglected some other children; g) a mentally ill child or physically challenged child suffering from terminal or incurable disease; h) a child abandoned by parents; a missing or runaway child; i) a child exploited for the purpose of sexual abuse or drug abuse; j) a child victim of trafficking; k) a child victim of armed conflict, natural calamity, civil unrest; l) a child at risk of marriage before attaining the age of majority; etc.

v. Child in conflict with the law (CCL): As per Sec 2 (13) of the JJ Act 2015 CCL is 'a child who is alleged or found to have committed an offence and who has not completed eighteen years of age on the date of commission of such offence'.

vi. Organisations working in the JJS: For the purpose of this research paper, participant organisations that are performing interventions with children under the JJS are termed as Organisations working in the JJS. This paper studies five such organisations: one is a field action project of the Tata Institute of Social Sciences (hereinafter TISS); four are NGOs working in the JJS (hereinafter participant organisations).

vii. Funding organisations: These include corporate foundations working under CSR, philanthropic foundations, and child rights organisations awarding funds to organisations working in the JJS.

viii. Social work interventions: Social work interventions include casework with individual and family, group work, community development. It is a practice of supporting individuals, families, and communities, while using different skills, techniques and methods.

2. LITERATURE REVIEW AND THEORETICAL FRAMEWORK

During the review, no study or paper focusing on philanthropy for JJS was found by the researcher. This section summarises the literature and arguments on philanthropy in India in general and philanthropy for children and/ or JJS.

2.1. Mapping Philanthropy in India

Giving has always been a part of Indian culture. All kinds of '*daana*' (the act of charity), '*dakshina*' (giving alms) in Hinduism, or *bhiksha* (giving alms) in Buddhism or '*zakat*' (payment made annually for charitable and religious purposes) and *sadaqaat* (voluntary offering) in Islam have had a place in this tradition for centuries (Bhuyan 2016, 253).

Neoliberal reforms have led to a lower budgetary allocation in the area of correction, and this shows the state losing faith in social integration through institutional treatment and rehabilitation of persons coming in contact with law. It began with the involvement of civil society and the private sector for rehabilitation functions such as health, education, and so on (Sinha 2019, 30). Such reforms after the 1990s resulted in the expansion of philanthropy in India. It opened the doors for private participation to bring out changes in the spheres such as education and health that were earlier seen to be a responsibility of only the state (Bhuyan 2016, 253).

Apart from religious/cultural giving by individuals, there are other private sector funding sources as mentioned in the India Philanthropy Report 2021: foreign, corporate, retail (funds from individuals), and high-net-worth individuals (HNWI) or families. According to the report, foreign contribution constitutes 25 per cent of all funding, CSR funding accounts for 28 per cent, retail investors 28 per cent, and the remaining around 20 per cent of funding comes from family philanthropy (Sheth et al. 2021).

Indian philanthropy is more inclined to give grants towards education and health sectors. Reports show that during 2013 to 2017 domestic including CSR in India was highly focused on education (33 per cent) and health (22 per cent) sector ('India's Private Giving: Unpacking Domestic Philanthropy and Corporate Social Responsibility' 2019). This trend is also observed in 2020 when the sectors of education and health care received higher shares from family philanthropy at 47 per cent and 27 per cent, respectively (Sheth et al. 2021).

The 'Estimating Philanthropic Capital in India' (2021) report of Ashoka University's Centre for Social Impact and Philanthropy (CSIP) documents sources of philanthropic flows in India to understand their operations and grant-making practices. It notes that contributions (fund value and volume) from overseas (foreign contribution) and the state have declined over the last four years and there is some increase in corporate giving (under CSR) and significant increase in giving by individuals and HNWI. The CSR data reflects a preference for education and healthcare over the other sectors. The categories of 'social' and 'education' received the maximum funds through Foreign Contribution (Regulation) Act (FCRA) since 2015–2016; however, the FCRA does not

define what activities or programmes will come under 'social' category ('Estimating Philanthropic Capital in India' 2021).

Apart from the philanthropic sources mentioned above, there is retail or individual fundraising through various platforms such as GiveIndia, Milaap, and ImpactGuru, which provides opportunities for NPOs to connect with individual donors and raise funds at low cost through online platforms. It is a steady alternative flow of funds that reduces dependency on big funding organisations (Visweswariah 2021). Their focus is on bridging the gap between individual donors and NPOs. Over the past seven years, Indian NPOs received more than INR 10 crores to support their interventions through GiveIndia (Ramesh 2022). Organisations working in the JJS such as CRY which also a funding organisation are also using these platforms to raise funds.

2.2. Philanthropy and JJS

The review of existing literature on philanthropy and JJS reveals that there is not much documented about the need or role of philanthropy for children in general and JJS in particular. However, the review finds that the philanthropic initiatives in JJS are few and far between.

There is a lack of dialogue and coordination among governmental bodies, donors, and voluntary organisations, causing funds to be poorly deployed to address the complex social issues. Additionally, there is a lack of learning from one another and best practices are not replicated adequately (Krishna 2021). Third, as with CSR giving noted in the CSIP report 'Estimating Philanthropic Capital in India' (2021) mentioned earlier, in Indian family philanthropic giving there is a problem of concentration of funds in few sectors with preference for the education and healthcare sectors: 47 per cent of funding is directed towards education and little over a quarter towards healthcare, the trend is similar in CSR funding as well (education 30 per cent and healthcare 17 per cent). Areas such as gender equality, malnutrition, training to promote sports, vocational skills, and special education receive less funding ('Estimating Philanthropic Capital in India' 2021).

The philanthropic resources are also not equally distributed in all regions of the country, and three-fourths of India's ultra-high-net-worth individuals are concentrated in, Delhi, Bengaluru, and Mumbai (Krishna 2021). There is a possibility that these HNWIs give funds to organisations in their own regions. This could affect the child-centred social work initiatives in other parts of India.

The challenges of securing funding for children in general and for JJS in particular is compounded by the approach to fund different thematic sectors. In India, philanthropists mostly give funds under the development paradigm (G. Ananthapadmanabhan and Madhan 2017), for example, with reference to children, providing services to vulnerable children to aid in their economic development and improve their access towards education, healthcare, etc. Such approaches prioritise urgent needs and the violation of child rights or human rights is seen as less urgent. However, human rights and development goals are interlinked and they are not two separate areas (G. Ananthapadmanabhan and Madhan 2017). If a child is school

drop-out and has to work in contravention with the labour laws or if a child is used for drug trafficking, both are not just human rights issues but they are issues affecting the development of a child. Hence the language of human rights workers and philanthropists should be the same; it must recognise the interlinkage of human rights and development goals (G. Ananthapadmanabhan and Madhan 2017).

The challenges faced by NPOs, with respect to funding patterns, are also reflected in some of the reports such as 'Building Strong, Resilient NGOs in India: Time for New Funding Practices, 2021' (Venkatachalam et al. 2021). The report highlighted the experience of organisations working in the JJS other than the participant organisations of the current study, mentioning funding organisations focused on funding programme cost only, and showed less interest in awarding funds to non-programme expenses such as administrative cost, cost on capacity building. As the organisation grows, the organisational cost becomes a barrier. Further it states that CSR is setting low indirect cost for capacity building and organisational development and the amendments in Foreign Contribution (Regulation) Act, 2020, have cut down the amount percentage towards administrative expenses.

Academicians consider JJS as a part of the larger Criminal Justice System (CJS). The understanding behind it is that CCL requires differential treatment than adults receive from the system. Similar to CJS upholding the principles of natural justice and rights conferred on both victims and offenders, JJS too takes responsibility in considering the welfare of child victims by providing care and protection to them (Mukundan, n.d.). Social work intervention in JJS has not been a priority for philanthropic initiatives. Voluntary/non-profit organisations working towards the rehabilitation of CCLs with a holistic perspective—that is, psychological, social, legal and economic spheres—are limited in number. Also, there is a misconception that working with CCL primarily involves legal interventions, while working with the CNCP requires social work interventions. One of the reasons for the lack of interventions with CCL is the lack of organisations who want to fund interventions with CCL. Another challenge is that issues pertaining to CCL are not seen as issues of 'child protection, but they are perceived as state subject (Mukundan 2017, 146). For the funding of criminal justice system initiatives, the strategic framing of an issue before the funding organisation is essential to convince the funding organisation to award the funding. Also, private foundations can be an important source of funds for innovative community-based criminal justice efforts (Finn et al. 1999).

The review of existing literature on philanthropy for JJS revealed very few studies with a focus on philanthropy for specific interventions by the NPOs. One of the studies regarding NPO services for children in Mumbai, though not focused on philanthropy per se, highlighted that the primary areas of focus were education (74 per cent) and health (54 per cent) (Sonawat and Sikh 2007). However, the study does not comment on reasons for such a focus on the education and health sectors, and if funding has any role in it. Recreation is rather important for the development of a child and most of the organisations, too, have imparted it in their programmes. Despite this, only six organisations enlisted recreation in their objectives. This could be because lay people do not see it as a legitimate need, nor do they view recreation as a development right of a child and, hence, refrain from offering any support for it. The study offered some

insights that organisations want to mention only those objectives that they are sure will attract the funding organisations' support. The study does not talk about the funding pattern of such NPOs (Sonawat and Sikh 2007).

Another research studied U.S.-based organisations' funding for social development programmes in India and found that grant-making organisations want to invest in initiatives where outcomes are measureable, and goals are clear and time-bound. When the outcome is intangible and takes long time to show impact, grant-making organisations are less inclined to give (Chatterjee and Rai 2017). Considering that the goals of JJS are not entirely measurable or tangible, producing results for funding organisations becomes challenging.

According to India CSR Network, the children related programmes and activities that are supported by the CSR include support in education to children, including children with disability, technical support to the organisation working in the JJS in developing Management Information Systems (MIS), support in awareness programmes for children, support in medical services, recreation facilities, creating infrastructure for feeding children in public places, and so on, which reflects a focus on providing support in education and medical services ('India CSR Network | CSR in India—Corporate Social Responsibility—Corporate Governance' 2019).

2.3. The gaps in existing literature and rationale for the study

It is found that the studies on philanthropy for JJS are few and there is a glaring need to map the existing philanthropic flows to the JJS in India. The literature also highlights various challenges that hinder philanthropic giving to the children's issues in general and to JJS in particular, exposing the need to understand these challenges in grant-making in a focused manner. This study is an attempt to fill these gaps by exploring the role and scope of philanthropy in Indian JJS and maps funding received by five organisations and funding given by three funding organisations.

The funding patterns do not only shape the interventions with children, but also influence the child rights discourse. Perspective of funding organisations, funding criteria, and procedures, changes in laws, rule and regulation have an impact on the interventions that are designed for children, and organisations are facing consequences. Hence, to understand the effectiveness of structured social work interventions in JJS, it is necessary to map the funding from philanthropic initiatives in JJS in India. The present study explores the funding patterns in the JJS, funding criteria, challenges faced by participant organisations and the participant funding organisations giving funds to the organisations working in the JJS.

I also wanted to understand the difference in funding patterns, if any, for CNCP and CCL. This is another reason why I have chosen Mumbai as the location of this study: the state of Maharashtra ranks number one and Mumbai is second after Delhi in hard crimes committed by juveniles.

3. CONCEPTUAL FRAMEWORK

This research looks at the patterns of philanthropic funding for organisations that work with children based on a child rights perspective that focuses on the child and recognises that a child has all the human rights that an adult person has. Additionally, children require special care and protection for fulfillment of their specific needs. It attempts to counter the social welfare, and need and charity-based approach of philanthropic initiatives, which focuses on providing ad-hoc services to meet the primary needs of the children without long-term planned and structured interventions. As against it, the child rights approach shifts focus from welfare to rights that demands equal status and opportunities for development, right against all forms of discrimination and abuse, and so on.

Importantly, the study also draws from an understanding of the JJS as implemented through social work interventions with children. Social work interventions provide a comprehensive array of services to protect the child rights of CNCP as well as CCL. The interventions include casework with individuals and families, group work, and community development practices. Social work interventions require many and varied specialized skills, techniques, and methods. As against the ad-hoc welfarist approach to child care, social work intervention approach ensures that the child is provided all required support in terms of health, education, counselling, protection, etc., for their wholesome development.

The JJ Act requires all stakeholders, including social workers and voluntary organisations, to adopt a convergence approach where they work together in the best interests of the child. The government structure is not sufficient to cater to the needs of children as well as to deal with the complex issues regarding their care, protection, development, and rehabilitation. Therefore, voluntary or non-profit organisations, which are working in the JJS as child care institutions, agencies, or facilities are providing services, including short-term or long-term residential care for children. Such organisations either receive grant-in-aid from the government (central and/or state) or raise funds on their own. Long-term, structured social work interventions with children require strategic philanthropic funds.

4. METHODOLOGY

This paper is a work of exploratory research that uses a primarily qualitative research methodology. The geographical location of this study is Mumbai, as it is a metropolitan city with a large presence of organisations doing social work interventions with children. The city also has the largest concentration of funding organisations and, according to EdelGive Hurun India Philanthropy List 2020, Mumbai is the philanthropy capital of India, as 36 individual philanthropists on the list were from Mumbai (Hurun Report 2020).

The details of data collection are given below:

4.1. Primary data

Data was collected from two categories of organisations: organisations working in the JJS and funding organisations. Participating organisations were identified through a purposive sampling method. Non-profit organisations that were working with either or both CNCP and CCL were selected as organisations working in the JJS. For funding organisations, the criteria were to approach funding organisations who have awarded funding to the participant organisations working in the JJS. Interviews were conducted with the representatives of the participant organisations and these representatives' included personnel from leadership, programme implementation, and accounts management positions in the participant organisations. Representatives of participant organisations with whom interviews were conducted hereinafter will termed as 'key informants. Primary data of participant organisations and funding organisations was collected for the time period of three years (2019 to 2021). The data was collected during May to July 2022. However, the information regarding source, grant making process, challenges is not restricted to the three-year time period.

Two separate semi-structured interview guides were developed for data collection from the two categories of organisations: NPOs and funding organisations. The interview guide for participant organisations included questions relating to sources of funds, grant-making processes, criteria, and themes of funding, activities carried out with funding, challenges faced by organisations with children and funding organisations, and so on. Similarly, questions relating to funding areas, processes, programmes/activities carried out with funding, review and impact assessment from funders, challenges and recommendations were part of the interview guide for the participant funding organisations.

Sr. no.	Organisations Working in the JJS
1	Prayas
2	Children's Aid Society (CAS)
3	Salaam Baalak Trust (SBT) Mumbai
4	SUPPORT
5	Resource Cell for Juvenile Justice (RCJJ)
	Funding Organisations
1	Tata Motors CSR
2	Shri Balaji Foundation
3	CRY

Table 1: List of Participants

4.2. Secondary data

Annual reports of the three participant organisations were reviewed and out of these three, one organisation's annual reports of previous years were reviewed as the reports for the year 2019, 2020, 2021 were not available. The other two orgnisations did not share their annual reports. Annual reports (for the financial years 2019, 2020, and 2021) and websites of ten funding organisations who fund the participant organisations were reviewed for secondary data. These funding organisations are listed below:

Sr. No.	Funding Organisation	Type of Philanthropy	Themes/ broad areas of funding
1	Tata Motors	CSR	i) Health ii) Education iii) Employment or Skilling iv) Environment v) Drinking Water vi) Affirmative Action
2	Axis Bank Foundation	CSR	i) Education ii) Health-Highway Trauma Care Sustainable iii) Livelihoods iv) Watershed management and Agricultural Productivity v) Livestock Enhancement vi) Vocational training vii) Livelihood for disabilities
3	Mazagaon Dock Shipbuilders Limited	CSR	i) Health ii) Education iii) Solid waste management systems iv) Clean drinking water v) Providing quality education vi) Skill development vii) Women's empowerment
4	Bharat Petroleum Corporation Limited	CSR	i) Education ii) Environment iii) Sustainability iv) Skill Development v) Health and Hygiene vi) Community Development
5	IndusInd Foundation	CSR	i) Rural Development ii) Environment Sustainability iii) Education iv) Inclusive sports v) Projects on regional needs basis vi) Disaster Relief, or Support during Public Health Emergencies vii) Relief or National Emergencies or State Emergencies.
6	Thyssenkrupp	CSR	i) Education ii) Skill development iii) Sanitation iv) Health Care
7	Ansari Foundation	Family foundation	(i)Education among street children ii) Skill Development iii) World Wildlife Fund iv) Health v) Animal Welfare
8	Butterfly	Organisation funding in JJS	Implementing and funding organisation in JJS. They partnered with a participant organisation on children's cooperatives. Area of interventions are education, long-term change and healthcare cooperative, sports cooperative, child development
9	Save the Children	Organisation funding in JJS	i) Education ii) Health and nutrition iii) Child Protection iv) Humanitarian response v) Poverty and inclusion
10	CRY	Organisation funding in	i) Education ii) Health and nutrition iii) Safety and

		JJS	protection iv) Child participation

Table 2: List of Funding Organisations and Themes/Broad Areas of Funding

4.3. Limitations of the study

I approached seven organisations and six funding organisations, but received responses only from five organisations and three funding organisations. Because of the limited sample size of the organisations and funding organisations they are not representative of all the organizations that possibly exist in Mumbai; hence, the findings cannot be generalised. However, they do throw light on some crucial aspects of funding patterns, issues, and challenges in the JJS with regard to private funding.

Though I planned to analyse the quantum of funds received by the sample organisations as well, it was not possible as the organisations did not share the quantitative data of funds to maintain privacy. They were also limited by lack of time to collate and share the data with the researcher.

Along with a qualitative analysis of the patterns and constraints of funding on granter and grantee sides, I also wanted to present a quantitative description of how much funds have been granted to the participant and other organisations working in the JJS over last three years and whether there is any difference in the funds granted and used for the two categories of children, CNCP and CCL. However, due to unavailability of the reports of few organisations including unavailability for relevant years, for instance, 2019 to 2021, and a lack of uniformity in quantitative data regarding funds for children-related programmes, the comparative quantitative analysis of the funding organisation could not be done.

This study indicates the need for more research on strategic giving of philanthropic initiatives in child rights issues.

4.4. Profiles of research participants

Organisations working in the JJS

1. Prayas started as a field action project of the Tata Institute of Social Sciences under the theme of social work in criminal justice and is now registered as a non-profit organisation. The work of Prayas was initiated in the Mumbai Central Prison in 1990. Prayas works with socio-economically vulnerable individuals and groups who come into contact with the criminal justice system. They have two units for children: a unit for children of prisoners (CNCP) and a unit for CCL.

2. Children's Aid Society (CAS) was formed in 1927. CAS is an umbrella organisation, and there are nine institutions under it for catering to the needs of the CNCP and CCL. The society and its institutions receive grants from the Department of Women and Child Development (DWCD), the Government of Maharashtra, and one of its institutions receive grants from the Social Justice and Special Assistance Department of the Government of Maharashtra.

3. Salaam Baalak Trust (SBT), Mumbai, works with street children (CNCP) in Mumbai. They have five shelters and four contact points across Mumbai and Thane to provide care to street children. They have open shelters for children which are set up under the Deendayal Antyodaya Yojana. The Bruhan Mumbai Municipal Corporation has provided space to SBT for the open shelters in Mumbai.

4. SUPPORT (Society Undertaking Poor People's Onus for Rehabilitation) is an organisation which, for 35 years, has been working with street children and youth using drugs. They have a day care centre near Mumbai's Chhatrapati Shivaji Maharaj Terminus for runaway children and residential rehabilitation centres. For the youth, they have also set up a residential vocational training programme. The Juvenile Justice Board and the Child Welfare Committee refer children placed in children's homes/observation homes who need to undergo de-addiction treatment with SUPPORT.

5. Resource Cell for Juvenile Justice (RCJJ) is a field action project of the Tata Institute of Social Sciences, Mumbai, which started in 2005 with the objective of promoting child rights in juvenile justice, with a special focus on children in conflict with the law (CCL). The project has not been functional since May 2022. Its focus was on CCL and mainstreaming the issue of juvenile justice at large and particularly with respect to CCL. In the premises of observation homes of six districts in Maharashtra, 'Help Desks' were set up to provide support in the form of information and guidance to the CCL and their parents. The Help Desks also assisted the functionaries to operationalise the child protection principles in JJS.

4.5. Funding organisations

Primary data was collected from the following funding organisations:

1. Tata Motors CSR funds Prayas' unit for CCL. The CSR initiatives gives funds with the focus on improving the quality of life of underprivileged communities. Their areas of interventions are health, education, employability, and the environment.

2. Shri Balaji Foundation funds Prayas' unit for children of prisoners. It is a family trust of the business family, formed to award funds for philanthropic activities.

3. CRY is a prominent child rights organisation in India. It directly implements programmes for children as well as funds other child rights initiatives at the grassroots level to create sustainable changes for children in India.   In the past they have awarded funds to the RCJJ.

5. FINDINGS, ANALYSIS, AND DISCUSSION

5.1. Key Insights from the Sources and Patterns of Funding

Type of Source of Funding	Participant Organisations Working in the JJS				
	Prayas	**SBT**	**CAS**	**SUPPORT**	**RCJJ**
Govt Support (grant/space for facilities)		✓	✓	✓	
CSR	✓	✓	✓	✓	✓
Trusts/Family Foundations	✓	✓	✓	✓	✓
HNWI/Families	✓				
Foreign Contribution		✓		✓	
Individual and Group Donations	✓	✓	✓	✓	✓
Retail Funding- Online Campaigns/Crowdfunding	✓	✓			✓

Table 3: Type of Source of Funding

The organisations receive funding from a number of government as well as private sources for their different programmes. All the organisations receive funds under CSR. Even though some CSRs are working through their foundations, for this research, their funding is counted as CSR funds. Funding from trusts/ foundations, that is, non-profit organisations, include family trusts supporting charitable activities which are awarding grants. Funding is raised through individual donations as well as group donations such as the Rotary Club, Lion's Club, and others. Children's Aid Society, SBT, and SUPPORT also receive support from the government in form of grant-in-aid or provision of space for the centre, etc. Only SUPPORT receives foreign funding under FCRA directly. SBT received foreign funding through sub-transfer. All the select organisations receive funds from individual donations in the form of cash and kind, and also donations from groups. Prayas, SBT, and RCJJ also raised funding through online campaigns and through crowdfunding platforms such as Milaap, GiveIndia.

Children's Aid Society is receiving INR1500 grant-in-aid per child, per month, from the Department of Women and Child Development for meeting the primary needs of the children. It also receives grant from Ministry of Social Justice and Special Assistance Department for one of its institutions, namely the Home for Mentally Deficient Children. The funds are to meet the expenses of children towards food, clothing, shelter, and other needs of children. The central office of the CAS receives the grant

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that is further disbursed to the institutions. According to the key informant from CAS, the sanctioned grant is insufficient to take care of all these needs. Hence the society has to raise money from other private sources to meet the basic expenditure. CAS receives indirect income from compensation for film shooting, donation in kinds among different indirect sources.

Sometimes instead of giving funds of infrastructure, a funding organisation directly does renovation works. For instance, a funding organisation renovated a room for the CCL unit of Prayas at the Dongri Observation Home. During the lockdown, Prayas received laptops and mobiles for children to have access of online school classes. SUPPORT also received tablets for children, also as requested by SUPPORT, the funding organisation allowed the usage of unspent funds for the setting up of a library.

5.1.1. Donations from individual donors play a crucial role in meeting emergency needs of the organisations:

Even though donations from individuals are not commonly regarded as philanthropic contributions because they are not 'strategic' funding, but more a kind of emotional, cultural form of giving, they nevertheless constitute a noteworthy share of private funding. All the organisations stated that they receive individual donations, which may not be substantial, but still play a supportive role in the sustainability of the organisation. According to key informants from Prayas and SBT, individual donations cover the shortfalls in institutional funding; they also cover collateral costs (such as travel or urgent medical, educational expenses of children, administrative and infrastructural expenses such paying electricity and water charges) and also help them meet sudden and urgent needs. As stated by a key informant from RCJJ, the Help Desk for CCL and research that had been initiated was halted due to discontinuation of funds. The research was completed and the working of the Help Desk resumed thanks to the funds raised through Milaap' and individual donations.

Prayas receives donations from individual donor covering programme cost towards the girl children (minority community) of prisoners. When one of its major funding organisations discontinued funding, Prayas had to approach other funding organisations and individual donors who supported the salaries of the social workers and other rehabilitation programmes for targeted population. As shared by a key informant from Prayas, instead of smaller CSR funds from many places, they prefer to receive funding from a few HNWIs who can offer substantial funding to meet all the expenses of the programmes. According to them, funding from HNWIs or other individual donors enables greater programmatic freedom and flexibility and reduces the time spent on meeting multiple reporting and documentation requirements. Funds received from funding organisations come with conditions regarding purposes, activities, and targets. In contrast, individual donors do not attach conditions on the utilisation of funds, which gives some flexibility to the organisation to direct it towards areas where there is little or no funding.

During the COVID-19 lockdown, along with CSR funds, most of the organisations received individual donations for their beneficiaries, mainly for ration kits. CAS and SUPPORT stated that food donations from individual donors are very common; this could be because of the cultural belief in '*annadanam*' (Practice of donating food to the people who are in need).

5.2. The funding process

Different funding organisations have different grant-making procedures. Mostly, it is the trustees and directors of organisations who approach funding organisations that they know about through different platforms such as child rights conferences, consultations, seminars, and other such forums where organisations and donors come together for their individual funding and granting needs. In other cases, organisations directly approach funding organisations in their area of operation with similar interests.

As shared by a key informant from RCJJ, they are constantly looking for funding opportunities by visiting funding organisations' websites and identifying funding organisations working with their target populations in their geographical locations. Individual donors are approached through personal contacts, social media, etc.

In terms of process, once an organisation applies for funds, the grantee's documents, reports and track records are thoroughly studied by the funding organisation. As shared by all the participant organisations, including funding organisations, prior to reaching a grant-making decision, a funding organisation visits the field and office of the potential grantee. According to the participant from SUPPORT, one of the funding organisations sent a representative to the field to observe the interventions and go through relevant documentation. Based on their observation, the representative suggested that SUPPORT submit a proposal. The representative also gave a presentation to the funding organisation's board on the basis of their visit and SUPPORT's funding proposal. After that, more senior officers from the funding organization visited SUPPORT before finally sanctioning and awarding the grant.

All the participant organisations shared that it takes about six months to a year from the time of approaching a funding organisation to getting the budget sanctioned. At the time of grant approval, the funding organisation specifies performance indicators, expected outcomes and timelines, review mechanisms, and documentation formats. Timelines are determined based on programme needs: some programmes require weekly or fortnightly reporting and follow up, as against others where quarterly or biannual reporting is expected.

Sometimes, instead of being approached by implementing organisations, funding organisations themselves reach implementing grassroots organisations to award funds. For instance, a funding organisation approached SUPPORT after getting information from the website about the interventions of SUPPORT. CRY also shared that they also reach out to organisations who are willing to work for their own community. They may not have all the resources but may have local connections, know the situation, local language, socio-cultural, economic, political environment and might be willing to work. CRY identifies such local partners and offers support in providing the resources they lack. This includes funding, capacity building of partners, linking them to various institutions at the village, block, or district levels.

5.2.1. Negotiations between grantees and funding organisations— Scope for better understanding of the 'best interests of the child':

Negotiations between grantees and funding organisations take place from the beginning of the grant application process. Negotiations pertain to issues such as extending funding to other category beneficiaries, reporting timelines, using remaining funds under different heads than budgeted, and so on.

One of the funding organisations of Prayas, who had initially awarded funds to be used only for the children of prisoners, later allowed these funds to be used for children of women rescued from commercial sexual exploitation. This was possible because of regular dialogue between the grantee and the funding organisation. Some funding organisations are very interested in how funds are spent and where they can be saved. When SUPPORT required funds for children in addiction, it had to explain to funding organisations why the per capita cost was higher for this category of children than with children in other categories (children in addiction require a healthy and greater quantity of food as well as trained staff to handle them). Sometimes organisations can request additional funds for any crucial purpose (not identified or specified during the application process) without which programme outcomes cannot be achieved. When Prayas needed to hire an in-house vocational trainer reaching out to children in the institution, they had to convince the funding organisation for additional funds. Salaam Baalak Trust also shared instances of negotiating with funding organisations for incidental or collateral costs, in addition to the programme cost.

Regular field visits by the funding organisations and dialogue between funding organisation and field-level workers can have a positive outcome for children as well as organisations. As shared by the key informant from the Shri Balaji Foundation, there was a lack of a play space for children who were staying with their mothers inside the prison. This was noticed during the field visit of the funding organisation, which led to building a play space inside the prison.

5.3. Use of funds: Type of programs and activities covered with the philanthropic funding

We can divide the social work activities of the participant organisations at i) micro level, that is., direct work with the children, their parents and guardians, ii) meso level, that is, interventions with child's school, neighbourhood, community, etc., and iii) macro level, that is, working with the society and state such as awareness programmes, research and policy advocacy, etc. All these three levels comprise institutional and non-institutional interventions that receive philanthropic funding.

Institutional social work interventions include working with children in institutional settings such as CCIs, open shelters, de-addiction centres, and so on. Non-institutional setting interventions includes working with children in the community, as well as working with other stakeholders.

Organisation	Category of Children	Programmes and Activities Carried Out with Children
Prayas	1. CNCP—a) Children of prisoners b) Children of women rescued from commercial sexual exploitation 2.CCL	i) Emergency support-medical emergency, etc., ii) Educational support, iii) Vocational training, iv) Research and advocacy, v) Facilitating shelter facilities, vi) Psycho-social support in the form of counselling, vii) Legal assistance, viii) Networking and coordination with other stakeholders in the interest of child, ix) Home visits and collateral visits, x) Preparing reports upon order the CWC/JJB
Children's Aid Society (CAS)	1. CNCP 2. CCL	CCIs providing i) Shelter, ii) Food, iii) Clothing, iv) Medical services, v) Educational service, vi) Recreation, vii) Vocational training support, viii) Psycho-socio-legal support, ix) Rehabilitation and reintegration of children
Salaam Baalak Trust (SBT), Mumbai	1. CNCP- Street children	i) Shelter—open shelters, contact points, ii) food and nutrition, iii) Clothing, iv) Education, v) Creativity related activities, vi) Vocation, vii) Recreation, viii) Medical care, ix) Counselling, x) creating legal identity and linking children with the schemes, xi) Children's cooperative sports, Bank, etc.
SUPPORT	1. CNCP—Children in addiction 2. CNCP and CCL referred by CWC/JJB	i) De-addiction: Awareness /detoxification through medical treatment, ii) Rehabilitation—skill development, iii) Social reintegration—reunion with family, iv) Awareness—Drug prevention
Resource Cell For Juvenile Justice (RCJJ)	1. CCL	i) Direct work with CCL—Legal guidance and assistance, home tracing, home visits, repatriation, preparing social investigation reports, financial assistance, representing CCL before JJB, children's court, networking, referral to other agencies etc., ii) Help Desk—provide information to parents and children, assist functionaries, iii) Training and awareness programmes iv) Research and advocacy

Table 4: Type of Programmes and Activities Carried Out with Children by Organisations Working in the JJS

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The Prayas unit for Children of Prisoners and unit for CCL works with children (CNCP and CCL) in institutional and non-institutional settings. Also, they work with the stakeholders (CWC, JJB, CCIS, SJPU, DCPU, DWCD, Judiciary etc) in the JJS. Prayas receives funds for supporting children (CNCP and CCL) for education and vocational trainings. For children of prisoner's unit, there is a fund for visits and funds required for providing services to the child. However, Prayas does not have team of people in CCL unit for extensive casework, for building an ecosystem, for research and policy-level work. They have very few staff in that unit due to lack of funds for the human resources. Both the units receive only programme costs, and their administrative cost is covered through other funding sources.

With regard to CAS, all the activities are carried out within an institutional setting, which is primarily funded by a government grant. The available grant is for providing basic services such as shelter, food and nutrition, clothing, education, vocational training, recreation, and medical care. The salary of the sanctioned staff members is also provided by the government. However, according to the key informants, the received grant is inadequate for carrying out all the activities and hence they are raising funds from various other sources. For the Mentally Deficient Children Institution, for additional staff including specialised trained staff and experts, they do receive CSR funds. They also receive donations in kind for stationery, sanitation, food, and so on. The salary for trainers for skill development and raw material for training are also provided by private funding organisations.

Salaam Baalak Trust (SBT), Mumbai, runs open shelters and contact points through which they provide shelter, food and nutrition, clothing, education, vocational training, recreation, medical care, and counselling to the street children. The space for shelter is provided by the municipal corporation and water and electricity charges are to be paid by the SBT. For all other services, they raise funds from the private sector. A Funding organisation working in the JJS partnered with SBT to reach out to the street children and prepare their legal identity cards (Aadhar card, etc.) and help them in linking those with the social services schemes of the government. To carry out this activity, they received funding.

SUPPORT directly works with children through their programme on de-addiction. They provide the service of detoxification, which is a 21-day programme, and then the children enter into a long-term residential programme. If they are below 15, they are enrolled in a government school and extra academic coaching is provided by SUPPORT. For the youth they have residential vocational training programme. On the completion of the training, they are placed for a job. Even after this SUPPORT continues to offer them guidance. Children and youth with families are united with their family after the deaddiction treatment. They also conduct awareness programmes on drug abuse. SUPPORT is receiving FCRA funds, as well as funds from CSR, foundations, individual and group donors, and so on. FCRA funding is majorly for education and CSR funding is focused on education and vocational training. There is also CSR funding for medical services.

RCJJ directly worked with CCL, providing legal guidance and assistance to the CCL and their parents/guardians. The activities included home tracing, home visits, repatriation, preparing social investigation reports upon the order of the JJB, financial assistance in form of seed money, representing CCL before JJB, children's court, networking, referral to other agencies, and so on. 'Help Desks' were set up in the premises of observation homes to provide information to parents and children and assist functionaries. Apart from it, they conducted Training and Awareness programmes with various stakeholders and did research and advocacy. For getting philanthropic funding, RCJJ had to strategically link the 'Help Desk' with vocational training, as getting funds for mentoring and handholding of CCL was a tough task.

Overall, funding in the JJS system is available in a combination of government and private sources. For example, food, clothing, and shelter grant is received either through government under grant-in-aid programmes or any other scheme or through philanthropic contributions. The other services such as education (except below 14 years of age where children's right to education is guaranteed), health care, counselling, recreation, vocational training are supported largely by philanthropic contributions. Sometimes the teachers and counsellors are appointed under one specific programme through private funding and their services are discontinued after the expiry of the project term. As shared by a key informant, RCJJ had to discontinue their Socio-legal Help desk because of lack of funds and they always had to link their programme with skill development to attract funding organisations. Prayas' CCL unit does not have a specialised team to work with CCL, as there are no funds for it. It shows that funding is available for providing basic needs of children and education and vocational training, but it is still a challenge to obtain funds for mental health, recreation, rehabilitation, research and policy–level advocacy, and building ecosystems.

5.4. Patterns and criteria of funding

Philanthropic funding, especially under CSR, is usually organised around thematic areas identified in corporate CSR policies, and applicants must submit proposals under appropriate themes, such as education, healthcare, skill development, environment, etc. Organisations have to match their activities with these areas to receive grants. Funding organisations want to award funds to credible organisations who have all the system in place such as Management Information System (MIS), well established structures, and clear and well-defined objectives and goals, successful impact of activities, good past track record, visionary leadership, and so on.

5.4.1. Funding for specific service-oriented programmes rather than process-oriented interventions and human resource–oriented work:

Achieving juvenile justice requires process-oriented social work along with basic services provided to children. There are processes such as building rapport with a child, providing counselling, need and safety assessment and preparing an individual care plan, working with other stakeholders, linking a child with the support network and keeping track of a child's progress. As shared by a key informant from the RCJJ, social work intervention with children—especially with CCL—is a human resource–intensive endeavour that requires as much mentoring and handholding as it requires providing for basic needs of food, shelter, education, health, skills development, etc. All this requires specialised education, skills, techniques, and resources. A social worker works with a child from the beginning. For instance, if a child is apprehended by the police for any alleged commission of an offence, then social work interventions with the child start from the police station. Upon the order of Juvenile Justice Board, social workers conduct home visits; prepare a social investigation report; supervise the child when he/she is out on bail or after final order; submit reports to the Juvenile Justice Board; and provide referral services to the child. It is more of a one-to-one engagement with children. These services are often overlooked by funding organisations funding programmes for children. As shared by RCJJ informant, 'Funding organisations like to see that the administrative cost should be less and programme cost should be more, but I don't have a programme cost. We need funds for travel of staff for home and collateral visits. Staff will travel to prepare the Social Investigation Report of a child or will find an agency as a referral service for CCL and will take the child to that agency, etc. Hence, the programme cost is not so much.

As shared by a key informant from Prayas, getting funds for hiring personnel for long term is particularly challenging for organisations. It is even more difficult to get funds for salaries of social work staff, who will provide the services for which the programme expenses are being incurred.

It is a major concern of the organisations interviewed that funding organisations regard human resource–oriented work as an administrative cost that the grantee is responsible for than it being a programme cost, which they are willing to fund. To cite another example, the SBT deals with cases of girl child sexual abuse through contact points and, in such cases, the social worker supports the child at every stage from accompanying the child for a medical test, to recording her complaint and statement with the police and magistrate, to providing support throughout the trial, until the child is healed and rehabilitated. We could see from both the examples mentioned earlier that in such type of social work interventions, the social worker himself/herself is an instrument of the interventions. However, in the RCJJ's experience as well, funding organisations do not recognise such human resource–intensive work. While they are willing to fund activities/programmes that will have tangible outcomes, they are reluctant to fund interventions (such as handholding, being present with a child during a medical test, regular supervision home visits of CCL, mentoring a child to lead a crime-free life) that cannot be tangibly measured, even though such interventions require professional expertise. All these processes are conducted by professional, trained people, and each process ensures that the rights of a child such as the right to be protected from abuse, violence, discrimination, and exploitation, access to medical services, right to be listened to, right to be rehabilitated, right to counsel, right to ensure child's views are taken into consideration in the matters affecting them, and the right to get humane and child friendly treatment in the JJS.

5.4.2. Funding organisations are more inclined to support programme costs than administrative costs

An organisation's expenditure budget can be mainly divided into two categories such as programme cost and administrative cost. However, as stated by key informant, where to allocate human resources, cost varies from programme to programme. Programme cost includes costs for the activities that are enlisted to be carried out to achieve the objectives and goals with the beneficiaries/target group, as well as human resource that is core to the programme. The administrative cost is a cost towards the salaries of the support staff, expenses incurred for office infrastructure including water and electricity charges, rent and maintenance work cost, etc. For working with children in different settings, such as in a prison with prisoner's children, in CCIs, and in the community, as well as to carry out different activities such as providing counselling and other services, going on home and collateral visits, working with the stakeholders in the life of the child, referral and linkages, carrying out research and documentation, and advocacy and fundraising there is a need to have a team of people who are core to the implementation of any programme with children.

As shared by all the organisations, funding organisations are willing to support programme costs, but not administrative costs. However, organisations incur administrative expenses in the course of their normal operation; for example, they need to pay the rent for the programme space, water and electricity charges, basic office infrastructure, etc. Even if some project space is provided by the government—for example, in the case of open shelters—organisations still have administrative overheads for which they have to depend on private donors. Sometimes, if the programme is for the long term and the if the funding organisation agrees after negotiations, then the funds for the salary of accounts and administrative staff are provided by funding organisations.

Organisations such as the SBT have open shelters, as well as open spaces (as contact points for engaging with children and communities in Thane and Kalyan), where services are provided to children and their families. As stated by the key informant during 2012, they found that there are a high number of cases of child abuse and drug abuse among children in the areas of Thane and Kalyan, adjacent to Mumbai. Hence SBT decided to reach out to children in the community through a contact points project where a shed is provided by the local municipal corporations in the community. Out of four contact points, only one contact point has office space in the form of a closed room for social workers. During the day-time study, learning and fun activities are carried out with the children. However, it is an open space with three contact points and not a closed room that can ensure privacy, confidentiality, and create a sense of comfort among children. However, the SBT is struggling to obtain sustainable funding for closed spaces for children. To ensure a stable presence of social workers and the organisation (in the form of closed spaces for community centres/contact points) it is important that the project funds cover a range of needs and related expenses.

Similar challenges are faced with regard to incidental/collateral costs, as shared by Prayas and SBT. For example, funding organisations offered programmatic support for education or skill development. But they did not cover travel costs of going to school or the training centre or the costs of uniforms and of instruments for vocational training. A child's right to free and compulsory education will be rendered meaningless if they are not able to go to school due to the lack of financial assistance for travelling to school. Prayas is trying to meet the incidental/collateral costs by other means such as reaching out to more funding organisations and individual donors. SBT also shared that when the primary funding organisation is not able to cover the entire cost of collateral expenses, they negotiate with other funding organisations to cover these incidental costs.

5.4.3. Insufficient funding and the challenge of strengthening ecosystem:

A Supreme Court Bench comprising Justices Madan B. Lokur and Deepak Gupta observed different issues and challenges in the JJS such as poor conditions of children and large number of vacancies in CCIs, improper utilisation of the Juvenile Justice Fund[6],

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[6]As mentioned in Sec 105 of the JJ Act 2015 and Rule 83(1) and (3) of the model rules 2016 of the Act, the Juvenile Justice Fund is created by the state government for the welfare and rehabilitation of the children dealt with under the Act and the rules. It may receive donations, voluntary contributions, subscriptions or funds under corporate social responsibility, whether or not for any specific purpose, and these shall be directly credited to the Juvenile Justice Fund.

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and so on (Bhattacharya 2018). Thirty-two per cent of the 664 districts in the country do not have children's homes. Twenty-seven districts do not have child protection units, while 66 do not have special juvenile police units *(The Economic Times 2016).* The Committee also pointed out that the CCI lacks the basic infrastructural requirements where they are forced to live.

According to a key informant, lack of funding also limits efforts to collaborate to strengthen the ecosystem. For instance, there is a Coordination Committee for Vulnerable Children (CCVC), which is a forum where child rights organisations come together to discuss and work on related issues and challenges. There was funding from a child rights funding organisation for conducting meetings; however, the forum does not have a full-time coordinator or any admin staff due to lack of funding, as shared by the key informant.

Key informants at Prayas and RCJJ also spoke about the importance of working at the policy and system levels. As stated by a key informant, it is not enough to work with the CCL in the field, but documentation of the interventions and the societal and structural issues pertaining to these children is required for advocacy and policy-level changes. Because of having a larger portfolio such as working with women, children, young adults, working in prison, shelter home, observation home, Prayas is able to attract people who are interested in supporting them and it also helped them advocate for the children of prisoners in the larger framework of prisoners' rights.

As stated by the key informant from Prayas, on the basis of the Prayas's work and research report with the children of prisoners, the Supreme court issued a guideline about the rights of women prisoners and their children living with them in prison in the case of R.D. Upadhyay vs. The State of Andhra Pradesh & others, 2006. In the suo moto petition in the Bombay High Court, Prayas was appointed as an amicus curiae.[7] In that judgement, a model was passed based on Prayas's suggestion that there should be an increase in the budget of the Bal Sangopan scheme[8] for children. However, Prayas was able to do advocacy work for children of prisoners through research studies wit,h support from funding organisations. Funding for their work with CCL continues to be scanty. Prayas is unable to do advocacy work and ecosystem building work in the JJS through the CCL unit, as they don't have team of people to do it because of lack of funding for maintaining a specialised team. Their work with CCL is largely at the service level such as extending services to the CCL in the form of doing home visits and submitting reports upon the order of JJB, mentoring, facilitating legal aid etc., in observation homes and when CCL are out of the observation home, supporting their education, skill development, livelihood generation and so on. Funding is limited to such activities only.

In the case of Prayas, the HNWI/families were interested particularly in prisoner's issues and advocacy-level work. Shri Balaji Foundation wanted to bring about systemic changes, as well as change in the narrative around the punishment. Hence advocacy with regard to children of prisoners in the larger frame of advocacy in the Criminal Justice System was possible.

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[7]Amicus Curiae is an impartial adviser appointed by a court of law in a particular case.
[8]Bal Sangopan is scheme of Government of Maharashtra. It is implemented through the Women and Child Development Department. It provides a monthly grant to the foster parents to meet the basic needs of children between the age group of 0 to 18 years who are orphans, homeless, vulnerable, or in crisis.

5.4.4. Criteria of funding: Thematic and ideological priorities of funding organisations vs the needs of the children

Existing literature and secondary data from funding organisations show that education is the most common theme for funding regarding children-related interventions, and the focus is on strengthening the existing governmental education institutions and improving the quality of education. Apart from that, health, sustainable environment, skill development and livelihood generation, community development, and agriculture are a few other themes under which funding organisations are awarding funds.

Community-level work (creating support groups for children, developing leadership qualities among children, and to have a sustainable community development model) is one of the areas that do not clearly fall under the themes preferred by funding organisations and thus suffer from a lack of funding.

According to a key informant from SBT, funding organisations have their own perspective and preferences and hence funding is influenced by the funding organisations' ideology and thematic priorities, which could be different from those of the grantees. This requires grantees to adjust and adapt their applications and programmes to meet the thematic and ideological requirements of the funding organisations. Sometimes funding organisations support only a subset of the target population that the grantee works with: for instance, the SBT works with boys and girls who are vulnerable or who have suffered abuse and violence, but finds that funding organisations support only girls in form of education, nutrition, health care, and vocational training and hence are not able to assist boys.

Similarly, Prayas, which was working with children of prisoners and children of women rescued from commercial sexual exploitation, found it difficult to secure funds for the latter. While funding organisations have their preferred thematic areas, organisations cannot discriminate among the categories of children (children of prisoners over children of women rescued from commercial sexual exploitation, for instance) as well as their different needs (education over health, for instance) on the basis of such funding priorities. However, the study also finds contrary views of funding organisations in which one of the funding organisations place the condition that their grant should be used for a specific sub-category of children within the generic category. For example, the grant should be for girl child or children from any specific social category. This also causes challenges to the equitable use of funds as organisations could have chosen to focus on these sub-categories in response to context-specific community needs.

In another case as per a funding organisations' policy, the participant organisation has to use the funds for children as a generic category and not for any specific sub-category. For example, if the grant is for children of prisoners, then it should not be focused on girl children or children from minority communities. SUPPORT found that some individual donors imposed a condition that their funds were not to be used for providing non-vegetarian food. Sometimes individual donors restrict their food donations to vegetarian food even though children need a healthy diet inclusive of non-vegetarian food.

However, there are some funding organisations with specific objectives, who award funds for the activities designed to achieve those objectives, which may not be exclusively from specific broad areas such as education, health, skill development, etc., but the activities can be related to all these areas. For instance, Shri Balaji Foundation is a family trust that wants to change the narrative that exists around punishment in the criminal justice system. Accordingly, they have not restricted their funding for education or vocational training. It is the social workers who identify the needs of children and decide on how best to spend the funds (this could range from nutritional needs to paying rent for accommodation to fees towards education, etc.). When the objectives of the funding organisation and the organisation working in the JJS match, then holistic, comprehensive, long-term, structured interventions become feasible and effective impact is achieved.

The period of funding is another criterion that becomes a challenge for the grantee organisations. In most cases, funding organisations specifically CSR are able to provide only short- to medium-term funding, that is, for 3 to 5 years, based on yearly reviews. The grantee then has to find other ways of securing funds to sustain themselves. As shared by a key informant from CAS, receiving long-term funding support from one funding organisation is not possible, so they have no option but to approach other funding organisations after one source of funds dries up. Additionally, no one funding organisation—grant-in-aid, CSR or individual—can meet all the funding needs, which means that grantees must diversify their funding pool and approach many funding organisations and resultantly comply with multiple and varied programmatic and reporting requirements. All this increases staff workload.

Secondary data analysis of annual reports shows that funding organisations in JJS like CRY, too, have specific themes and programmes for awarding funds. However, these themes are based on large framework of child rights such as child's right of survival, protection, development, participation.

5.4.5. Target-oriented funding:

According to a key informant from Prayas, earlier funding organisations were more concerned about the perspective, approach, objectives, and quality of the programme, etc. While targets were important, they were not rigid and there was scope of flexibility because the emphasis was on the entire process of intervention: if funding organisations were convinced of the importance of the intervention, they were willing to be flexible regarding targets. However, now the focus has shifted onto targets, especially with CSR funding. While there is little focus on long-term outcomes, output indicators and targets are specified in the proposal and funding agreements. However, tangible outputs are not always realistic and, in several cases, there are legitimate reasons why targets are not met.

For instance, in the case of CCL, according to a key informant from RCJJ, 'When you are working with victims, you are able to show an outcome. But when you are working with CCL, it is difficult to show outcomes. And CSR wants tangible outputs.' The key informant added that if two or three CCL complete a course, it is a successful outcome for the NPO, but not so for the funding organisations. In the case of skill development

courses for CCL, it is not possible to achieve the target all the time. CCL stay in the CCI only for a short period of time. The precondition of the age of 18 and above and 8th-grade passed bars many CCL from enrolment in any skill development programme. When a funding organisation enforces the condition that they will need 50 or 100 children in a month for skill development before sanctioning the grant, then it is not possible for the organisation to accept it.

Social workers establish a rapport with CCL and conduct interventions that have an impact on their lives. However, after they leave the CCI, their success cannot be tracked. If a former CCL can abstain from criminal activities in the future, then it is a successful outcome for the organisation.

> *'Sir, mujhe tab samajh me nahi aaya tha, par ab samajh raha hai aapne mere sath kya kiya'(Sir, I didn't realise your interventions in my life at that time, but now I am able to understand.) A former CCL after becoming an adult citizen and leading a crime-free life contacted their social worker after years just to convey that now they understand the importance of the interventions done by the social workers; this counts as a successful outcome for the social worker and the organisation. However, this is not seen as a tangible outcome or success for funding organisations who are seeking measurable results in a fixed period of time.*

A review of the annual reports of the funding organisations also reflects the qualitative impact on beneficiaries more than the qualitative aspect of process of interventions and significant but intangible outcomes of the programmes.

5.5. Approach of funding organisation towards CCL or issues such as addiction among children and youth

RCJJ, SUPPORT, Prayas, and Children's Aid Society shared that they face significant challenges in convincing funding organisations to support programmes for CCL and/or children and youth facing addiction issues. Children who are booked for any alleged offence or are drug addicted are seen as deviants who have created difficult circumstances for themselves on their own and are thus not deserving of any philanthropic support. Hence, in such cases, they should be punished as per law and it is the responsibility of the state to deal with such children. Also, culturally there is a belief that donations should be given to the one who deserve it, that is, satpatri daan. Satpatra means a person who is worthy to receive presents or honours, gifts, or charity According to a key informant, after working for many years in the field, they realise that there is a great deal of ignorance and related lack of acceptance of the issue of addiction in children; society believes that working with addicts is unnecessary and a waste of resources. Key informants believe that decision-makers in funding organisations hold similar views. This could be a reason why there are very few organisations that are working on the issue of de-addiction among children.

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As obtaining funds for CCL is difficult, organisations such as RCJJ had to approach funding organisations for funds under the theme of 'vocational training' and 'education' and not directly label these as funds for CCL. RCJJ had to bargain very hard with their funding organisations to get funding for a help desk programme to support CCL: 'We connect Help Desk with skill development and it was a hard task to bargain and convince funding organisations for Help Desk along with skill development.' Those who are working in the development sector suggested to them that if you want to apply for funds for CCL, then while approaching the funding organisations, use the term 'children' rather than 'CCL' as there is a stigma attached to CCL.

Another organisation shared that while their senior management did agree to award funds for CCL, the lower-level management were unhappy about this decision. Another reason for the reluctance to fund CCL is that funding organisations want photographs of funded activities with children that can be used for their own reporting and publicity purposes, which is not possible in the case of CCL. Therefore, they ask for work with different categories of children to show photographs. According to a RCJJ key informant, 'Clubbing CCL with skill development for funding purposes does not work.' This is because, they were not conducting a skill development programme, but they were referring the children to other services offered by other training institutes. Similarly, they could not raise funds under the theme of de-addictions as they were referring the CCL to deaddiction services. Key informant further added that even in the case of crowdfunding, appeals for CCL generate less support than, say, those for orphaned children.

As stated by Prayas key informant, 'The main challenges are with regard to those who are left out in all these processes, and usually CCL, children of prisoners, children of women in commercial sexual exploitation are left out because they are not visible to the community or the state. Secondly, even when they are visible, there is a social stigma attached to them. If we are talking about children of prisoners, then there is a stigma about parents being in crime or being in prison, children of women in commercial sexual exploitation as children of women in immoral work. If we are talking about CCL, there is a stigma of somebody being an offender or being in offence. Also, we have seen majorly post the Nirbhaya case[9] that there is a narrative in the media constantly hyped about serious offenders, heinous crimes committed/ allegedly committed by CCL. All this creates a perception that, why should an organisation be supporting these children?'

The experiences and opinions shared by the organisations reflect the particular challenges faced by organisations working with CCL and other CNCP whose parents are in conflict with law.

[9]Nribhaya Case: See https://www.researchgate.net/publication/359650381_Juvenile_Justice_in_India_with_special_reference_to_ the_Nirbhaya_Juvenile.

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5.6. Funding challenges and related consequences faced by organisations working in the JJS

5.6.1. Holistic comprehensive, structured, planned, long-term intervention for rehabilitation of children is a challenge:

A key informant from Prayas stated that social work interventions with CCL are not tailor-made and each child demands a different set of interventions depending on their situation. According to a key informant from RCJJ, 'Nobody is providing that comprehensive package that we used to provide in terms of socio-legal interventions for CCL.' One reason for this could be that funding is available only for specific thematic areas and therefore specific services.

Some organisations who work with specific categories of CNCP such as street children, orphans, children dealing with addiction, survivors of sexual abuse, and CCL employ holistic approaches. Both CNCP and CCL need emotional support, trauma counselling, medical care, and a safe place to stay, in the first instance. In medico-legal cases, social workers support the child through all the stages, that is, pre-trial, during trial, and post-trial. Social workers work with other stakeholders—families, guardians, counsellors, probation officers, police, judiciary, and the CCI—to prepare a structured plan for rehabilitation. Funding in piecemeal for a specific service or activity may not be adequate to ensure meeting child's needs and rehabilitation. If funding is only for education, counselling, vocational training then it fulfils only those aspects of the needs of a child, and other aspects such as handholding, mentoring, follow up, and working with other stakeholders in the interest of child gets hampered.

5.6.2. Human resource–related issues:

As mentioned earlier, the organizations working in the JJS are unable to hire adequate and competent professionals with specialisations due to lack of funding.

This leads to the staff having to fulfil multiple roles. As stated by a key informant from SUPPORT, multiple specialised functions, ranging from direct interventions, networking and coordination with the stakeholders, to training, documentation, and fundraising are carried out by the same people. Dedicated staff for different activities may not be possible. A key informant from CAS also shared that proper documentation, presentation skills, media presence and publicity are required for raising funds and they do not have funds to hire specialised persons for such work. Considering that fundraising requires proper documentation and presentation skills, it becomes challenging for these smaller organistaions to compete with other organisations that have more elaborate HR structures in place.

Social work interventions with children are intensive and require professional skills. However, limited funding makes it difficult to hire professionals such as social workers and counsellors. According to key informants from Prayas and SBT, due to the lack of affordability to employ professionals, sometimes programme activities are carried out

by para-professionals and sometimes organisations have to depend on voluntary services of mental health practitioners, art-based therapists, students of social work, law, etc. Students of social work and law get valuable field experience while supporting the interventions. However, their commitment is for a specific time period and they cannot be considered regular employees with a specific job profile and responsibility to deliver the work. Similarly, volunteers can contribute based on their availability. A planned and structured intervention requires professionals; without professional skills and commitment, long-term, planned and sustainable social work interventions with children are impossible. Oganisations feel compelled to have low salary slabs or negotiate with funding organisations for the salary of professionals. However, according to a key informant from Tata Motors, while they do engage in cost-cutting, if the human resource is a core component of any programme, then the salary of that staff is considered as a programme cost. For example, if a teacher is a primary component of a programme on education or a counsellor is a core component of a programme providing mental health services, then in such cases their salary will be considered a programme cost. However, working with children is comprehensive in nature and not limited to any one skill or any one service such as providing education, counselling, or providing skills development.

5.6.3. Sustainability of programmes:

Organisations receive funds for specific activities for a specific duration and have fixed expected outcomes. However, as per a key informant from the SBT, issues relating to children are complex and persistent; they require continuous work and cannot be time bound. CNCP and CCL require long-term support till they are fully rehabilitated. Even when they are rehabilitated, they still require follow up from social workers/caseworkers—in fact, this is one of the most important tasks in rehabilitation. Funding for a limited time period makes it difficult to engage with children in the long term. For instance, there is a need to supervise, mentor, handhold CCL when they are out in the community from the observation/special home, which requires follow-up visits of social workers/interventionists, as well as arranging meetings of the CCL periodically in places convenient to children. This is possible only with adequate funding.

When a funded programme is for a specified time, both the programme and associated staff are discontinued once the funding period ends. If the organisations want to continue the programme, they have to raise funds again and must contend with questions like when will the new funding be secured, what will the conditions of the new funding organisation be, what will the outcome target be, etc. There is always an uncertainty of obtaining funds, which makes staff retention difficult.

5.6.4. Challenges due to existing law provisions, and amendments in laws and practices;

In 2020, amendments in the Foreign Contribution (Regulation) Act (FCRA) had significant adverse impacts on many grantees. The amendment prohibited transferring foreign contributions received by an entity authorised under FCRA to any other entity. This closed the doors of foreign funding for many small and grassroots organisations that did not have an FCRA licence or FCRA bank account

(both of which are difficult to obtain), but were getting their funds through sub-transfer. Many organisations—including the SBT—were affected. The annual reports of many funding organisations also talk about how the funding of grassroots organisations stopped overnight. CRY had to start more direct implementation programmes as the amendment prohibited the sub-transfer of foreign funds to the other entity, that is, other organisations working in the JJS which did not have FCRA licence. This caused discontinuation of partnership with grassroots-level organisations working in the JJS (other than participant organisations), which had a better understanding of the socio-cultural scenario, issues prevailing in their communities but only lacked adequate funding to work with children. Also, as CRY has started direct implementation, they have to restructure their organisational setting.

Another amendment in the FCRA decreased the administrative expense cap from 50 per cent to 20 per cent. As discussed earlier, funding organisations tend to support programmes rather than administrative expenses. As a result of the FCRA amendments, stricter limits were also imposed on foreign contributions for administrative needs. Amendments in FCRA and CSR rules are making it challenging for the organisations including those working in the JJS to raise the funds.

As per the report of the High-Level Committee on Corporate Social Responsibility 2018, substantial CSR spending, that is, a total 44 per cent through the corporates directly (34 per cent) by themselves or through their trusts/ societies/company set up under Section 8 (10 per cent). The CSR expenditure through other implementing agencies such as NPOs is 43 per cent. However, the CSR may not have adequate support of experts in child rights issues, still the substantial amount is spent by them directly.

5.6.5. Changes in the CSR landscape during COVID-19 pandemic

During the Covid pandemic, on 28 March 2020, the Ministry of Corporate affairs issued a notification clarifying that the donations and contributions towards PM-CARES Funds will be counted as CSR spend. Further in August 2020, the government amended the norm of CSR and included Research and Development spending on new vaccines, drugs, and medical devices related to COVID-19 (Choudhary et al. 2020).

According to Invest India survey on select corporates spending on CSR during COVID-19, it was found that preventive healthcare, food security, and donations to government funds such as PM-CARES were the primary recipients of CSR funds which might have side-lined the existing programmes for children (Choudhary et al. 2020).

5.7. Challenges faced by funding organisations and related consequences for JJS

5.7.1. Varying nature of annual CSR budgets affect programmes

As provided by the Sec 198 of the Companies Act, 2013, CSR funds are drawn from the 2 per cent of average net profit made during three preceding years of the company. As per a key informant from Tata Motors, the CSR budget is always dependent on the net profit of the company. For some companies, the nature of their business is such that their turnover and net profit vary every year. Cyclical industries such as the steel industry, for example, might have a high turnover and net profit for five years and then not much turnover and profit for next few years. In such cases, the CSR budget and long-term commitments with the programmes are affected. Sometimes companies face huge losses, as for example, during COVID. Once again, this affects their CSR budget. `

5.7.2. Compliance with rules makes CSR funding a tedious and complex process:

According to a key informant from Tata Motors, CSR rules and procedures can make sanctioning funds time-consuming and tedious: The review of general circular issued by the Ministry of Corporate Affairs, dt.25August 2021 (Frequently Asked Questions [FAQs] on Corporate Social Responsibility [CSR] 2021) shows specific challenges as mentioned below:

• To get CSR funding, it is necessary for the trust/society/company to be registered under Section 12A and 80G of the Income Tax Act, 1961. In addition, it must have an established track record of undertaking activities for at least three years. CSR funds cannot be given to the newly registered organisations without this track record.

• New changes/amendments in CSR rules are also challenging. The Juvenile Justice Fund is set up under the Juvenile Justice Act, 2015, Maharashtra Rules, which invites CSR and philanthropic funding. However, as shared by a key RCJJ informant, contribution to any other funds than mentioned in the Schedule VII of Companies Act, 2013, is not considered as an admissible CSR expenditure as per law.

• It is not enough for CSR to disburse the funds to the grantee. It is only when the grantee fully utilises the whole amount disbursed to them that it counts as CSR spending. This means that if the amount is not fully utilised by the grantee, it will count as an unspent amount on the part of the Company CSR. Sometimes CSR funds are disbursed in the third or fourth quarter of the financial year which makes it difficult for the grantee to spend the whole amount during that financial year.

• In the case of ongoing projects under the CSR funds, the time period cannot be extended beyond three years excluding the commencement year.

It is reflected in some annual reports that the actual spending of the grantee organisations working in the JJS including participant organisations is lower than the sanctioned budget. The reasons for this could not be ascertained during the study.

5.7.3. Limited expertise of smaller grassroots-level organisations in handling data and finances and internal challenges:

As shared by CRY, one of the challenges while working with grassroots-level organisations is their fear of data. Capacity support has to be given to them to improve their ability to generate and interpret data and use it for advocacy. That is where the role of a funding organisation is crucial. Another challenge is the capacity of grantee organisations in remote rural areas to handle finances. CRY extends support in finding accountants and tries to monitor them closely to build their capacities in this regard.

Funding organisations also shared that they do not receive good proposals from organisations. As stated by a key informant from Shri Balaji Foundation, a funding organisation looks for organisations that will carry the project for long term and scale it up. One of the concerns of small family foundations could be inadequate internal resources to able to make more contributions. As shared by a key informant from Shri Balaji Foundation, they do not have a website or social media account. So, through common contacts either organisations are reaching out to them or they are reaching out to prospective partners. Sometimes they do write to organisations having similar interests, expressing their interest in partnership. However, as per their experience, they receive a response from only around 20 per cent of the organisations.

5.7.4. Area and themes of funding are less flexible for funding organisations:

As mentioned in CSR annual reports and shared by the key informants from funding organisations, CSR funding areas are mostly based on Sustainable Development Goals and Activities mentioned under Schedule VII of Section 135 of Companies Act, 2013, and are aligned to the company's business policy. A CSR policy is designed by higher-level management and it cannot be easily and frequently changed. CSR categories have broad themes such as education, health and nutrition, skill development, and rural development, and they award funding for children-related activities under these themes.

As stated by a key informant from RCJJ, except Azim Premji Philanthropic Initiative, no other philanthropic initiatives have mentioned CCL as a category of children along with CNCP, street children, children doing hazardous labour, and runaway children as an area of funding

6. CONCLUSION

Organisations working in the JJS place their objectives and design their activities within the framework of child rights guaranteed by the national and international legislations. To achieve these objectives, they have to rely on philanthropic contribution from a range of sources. Philanthropic initiatives, especially CSR programmes, do believe in legal and social justice and support a number of programmes for children but continue to not hold a rights-based approach. The understanding of the particular complexities of the issues of CNCP and CCL and the social-economic structure of society, political system, policy implementation, and so on remain insufficient and inadequately translated into funding processes. The study finds that the funding initiatives tend to be piecemeal: for specific target populations (for instance, support only for girls in the community, but not for boys); for specific thematic areas (for instance, health, nutrition, skill development) rather than holistic social justice interventions and advocacy strengthening the ecosystem. Funding supports activities with measurable outcomes that do not recognise the fact that interventions with children are not tailormade and differ from case to case. Hand-holding and mentoring are very effective methods while working with children, but may not have measurable outcomes.

It is found that very few organisations in the JJS work with CCL. Some foundations such as the Azim Premji Philanthropic Initiative do include CCL along with CNCP as one of their intervention areas for funding. The narrative around CCL and issues such as addiction among children needs to change to attract more funding organisations. Post-Nirbhaya, there is more focus on harsher punishment for heinous crimes committed by children, and less discussion about the protection and rehabilitation of children.

CSR expects that programmes should become self-sustaining, which may not be possible. The role of government in social work interventions with children is shrinking. However, the approach of funding organisations and laypeople towards rehabilitation and correction is an old one, which assumes this is a responsibility of the state. Here I would like to quote the comment of Justice Verma Commission: 'The Juvenile Justice Act has failed miserably to protect the children in the country. We cannot hold the child responsible for a crime before first providing to him/her the basic rights given to him by the Indian Constitution.'

7. RECOMMENDATIONS

Here are a few recommendations that I would like to suggest based on the present study and analysis:

- The Juvenile Justice Fund can be part of funds that are mentioned in Schedule VII of Companies Act, 2013. The Fund should be registered under 80G of Income Tax Act, so as to receive more funds from CSR and other philanthropists.

- Collaborative CSR should be promoted to enhance the impact, where companies can combine their financial and human resources and support child-related programmes for meeting all the needs of the children so as to ensure the protection of children's rights.

- The training of funding organisations for understanding issues with CNCP, CCL, child rights, and particular areas of interventions of specific organisations working in the JJS may be useful in increasing the number of funding organisations whose funding activities will be based on a child rights approach.

- Ecosystem organisations bridging the gap between funding and non-profit organisations can connect organisations working in the JJS with the philanthropists in India. While it is important that funding organistaions support capacity building of organisations in skills like fundraising, leadership development, strategic planning, developing Management Information System (MIS) and use of technology, and so on, there is an equal need for building the capacity of funding ogranisations in understanding the socio-legal framework within which these JJS organisations work.

- With regard to funding for CCL, the narrative around crimes allegedly committed by the children needs to be changed. Focus should be equally placed on acknowledging difficult circumstances leading to a child caught in the criminal justice system. The aim of the JJS should be addressing the vulnerabilities of the CCL and providing them opportunities for rehabilitation.

- The focus of CSR audit should be on social impact assessment and not the amount of spending and quantitative analysis. Outcomes that are not measurable should have a place in performance indicators.

- There is a need for a comprehensive, strategic, and holistic approach to funding in JJS that goes beyond providing food and shelter to children. Funding organisations should recognise process-oriented interventions that include handholding, mentoring, providing all the support including emotional support till a child is fully rehabilitated. There is need for the funding organistaions to engage more with the field work being done by the organisations working in the JJS. A regular dialogue with field-level staff during the field visits of the funding organisation is bound to have positive outcomes for enhanced funding chances.

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APPENDIX 1

Interview Guide for organisations working in the Juvenile Justice System

Profile of organisation (organisational details)

1.   Category of children
2.   Geographical location
3.   When was it established? (Starting of the intervention with children)
4.   Purpose of the organisation
5.   Mission statement, Objectives

Questions relating to funding for Juvenile Justice System programmes

6.   Who are the funding partners awarding funds for CNCP and CCL?
7.   What is/are the types of funding? (Different sources—CSR, Govt, Individual/family, FCRA, Crowdfunding)
8.   What is the time duration of the grants for various programmes relating to children?
9.   Apart from funds, what are the other resources, expertise, skills awarded by philanthropic initiatives?
10.   How did you approach funders?
11.   What was the grant-making process? (Procedure followed by each funder for extending funding—Was it online? If not, how was it? Were there instructions from funders about the process including evaluation process communicated to you before/at the time of applying for funds? Did it sound tedious? Was it clear? Was there any nodal person available to extend support to you during the grant-making process as well as afterwards?)
12.   Was it the same for all? If not, what was the difference? Why is it so?
13.   What was the theme/portfolio under which you applied for funding?
14.   What were the criteria of the funders for awarding funds?
15.   How much time did it take from approaching a funder to receiving funds?
16.   What is the minimum and maximum duration of funding? What is the criteria for time duration? (Table to prepare: Each funder—years of funding)

Programmes/activities carried out with funding

17.   What are the programmes/activities carried out with the funding?
18.   What are the objectives behind the planned activities?
19.   Which activities/programmes were/are for CNCP and which are/were for CCL? (Direct interventions with CNCP and CCL and their families)
20.   Who are the other stakeholders and what are the activities/programmes carried out with them?
21.   Was the grant fully utilised? If not, what were the reasons?

Evaluation, impact assessment from funding organisations

22.   What is the procedure for evaluation/review of programmes from funders? (Mention each funder's review procedures)
23.   What are the requirements of funders as a part of a review?
24.   What were the expectations from the funders regarding impact?
25.   What is the mechanism for impact assessment by funders?
26.   What were/are the effects of impact assessment? (Positive/negative: funding increased/decreased/stopped)
27.   If the funding is decreased/altered/stopped what were/are the reasons communicated by the funding partners to you?

Impediments, challenges regarding fund related issues

28.   What were/are the impediments while approaching and getting funds?
29.   What challenges did you face during the funding period in relation to funding?
30.   What were the other challenges?
31.   What was the impact of impediments/challenges in relation with funds?
32.   How did you address it?
33.   Explain, with examples, over the years how funding has moulded/changed the activity.
34.   According to you, what could be the highlights of the perspective of philanthropic initiatives towards the social work intervention and issues relating to CNCP and CCL.

Ideological perspective on philanthropy in Juvenile Justice System

35.   What is your perspective on social work interventions and philanthropy in the Juvenile Justice System?

Way forward and recommendations

36.   What is the way forward and future plans of the organisation regarding funding and programmes relating to children?
37.   What are your suggestions on philanthropic contributions?

APPENDIX 2

Interview guide for funding organisation

Profile

1. What is the type of funding? CSR/ Ultra/ High Net Worth Individuals/Foundation
2. Mission statement and objectives of funding organisation
3. Geographical location
4. Starting of the intervention with children (portfolio/theme relating to children)

Questions relating to funding (area of funding, Process) for Juvenile Justice System programmes

5. What are the different portfolios and themes under which you are offering funds?
6. What is the criteria for selecting the initiative /institution? (Focused on objectives/planned programmes?)
7. Who are your grantees? How many of them work with children?
8. Apart from funds, what are the other resources, expertise, skills offered by you?
9. What is the grant-making process? (Online? Define the steps in it, documents required, etc.)
10. How much time does it take since application from the grantee to the awarding of the funds?
11. Was it the same for all? If not, what is/was the difference? Why is it so?
12. What is the minimum and maximum duration of funding (relating to children)? What is the criteria for it (Table to prepare: Each grantee—years of funding)

Programmes/activities carried out with funding

13. What are the programmes/activities carried out with the funding? Is there any role for you in the programmes, apart from funding?
14. Which activities/programmes were/are for CNCP and which are/were for CCL? (Direct interventions with CNCP and CCL and their families)
15. Who are the other stakeholders and what are the activities/programmes carried out with them?

Review, impact assessment from funders

16. What are your/funding organisation's aspirations regarding impact through philanthropy?
17. What is the procedure for evaluation/review of programmes carried out by grantee? (Is it similar for every grantee?) (Performance indicators)
18. What is the mechanism for impact assessment from you?
19. Were/are the outcomes of the programmes as per your expectations/aspirations? If not, where are they lacking? What was your response towards it?
20. What were/are the effects of impact assessment? (Positive/negative: funding increased/decreased/stopped)

21. If the funding was decreased/altered/stopped, what were the reasons? (Fund not fully utilised, progress report and SOE not submitted on time, no/minimal impact etc)
22. Do you play any role in capacity building of the grantee?
23. Details of strategic alignment, if any with regard to child-related issues? (non-material, thematic, industry and business alignment)

Impediments, challenges

24. What were the impediments you face as a funding organisation?
25. What is the impact of impediments/challenges?
26. What do you do to address it?
27. According to you, what could be the highlights of perspective of your initiatives towards the social work intervention and issues relating to CNCP and CCL.

Impediments, challenges

28. As per your understanding, what is required (knowledge, skills, etc.) for the funder while working with children/while awarding funds for children? (child legislations, child rights, and issues, etc.)

Way forward and recommendations

29. What is the way forward and future plans regarding the funding towards children and the Juvenile Justice System?