



PACTA
SOCIAL | IMPACT | LEGAL

2021-2022
**Annual
Report**

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01

A Note To Readers

Dear Reader,

I am glad to share with you Pacta's journey over the past two years in this report. With the pandemic showing signs of receding, we came together as a team to work physically from our Bengaluru office in mid-2022. Until then, Pacta was a fully remote operation.

I set up Pacta in 2016 to provide legal services to non-profit clients, since I noticed a dearth of affordable, high quality legal services tailored for the social sector. From being a two-member team with two clients in 2016, Pacta has come a long way in the last seven years. We are now an all-women team of 12 lawyers and public policy specialists.

In the past two years, Pacta has enhanced the scope of work, from a social sector exclusive law firm to a think-tank. As a think-tank Pacta pursues research to enable evidence-based public policy across five thematic areas - education, philanthropy, disability, technology and gender.

Our contribution to India's public policy dialogues became richer, since I had the opportunity to spend 10 invigorating months at Princeton University's School of Public and International Affairs, where I pursued a Masters in Public Policy. I was in Princeton from July 2021- May 2022, among eminent faculty and accomplished peers. This gave me the opportunity to view India's policy conundrums from a distance, and through diverse lenses. The Princeton experience equipped and empowered me with the skills to lead and direct rigorous research in public policy at Pacta. I returned with renewed public service commitment.

Though we had kept going through the pandemic, operating across time zones, Covid-19 infections among the Pacta team and close family brought us many anxious moments. We were immensely lucky to tide over the trying times. Pacta had the opportunity to support several of India's civil society responses to the pandemic, such as Breathe India and Covid-19 Vaccination Drives by drafting funding agreements and MOUs on behalf of our clients.

Despite its challenges, we used the pandemic as an inflection point for several research studies. In August 2020- January 2021, we piloted an exploratory study on impact of the Covid-19 pandemic on inclusive education for children with disability. Between June- December 2021, we researched the Impact of the Pandemic and Technology Transitions on the Future of Work in South Asia. The year 2022 was very significant for us, because we won the first Multilateral research grant we applied for. The United Nations Women selected Pacta to undertake an Exploratory Study on the Impact of Three Gender Equality Laws Applicable to the Corporate Sector in India. The experience was an exhilarating one.

In the last 7 years Pacta has

Reached Non-profits in India and abroad	250
Drafted Agreements for varied purposes	1000+
Grown from a team	2 to 12
Worked on SDGs	9
Grown in Revenue	4x

I am very excited to share with you the work we have done in the last two years under the Pacta Law and Pacta Policy Verticals. I hope this report provides you with a better insight into the work we do. We welcome you to share your thoughts on how we can support you and your work more meaningfully in the future.

We look forward to beginning 2023, with our sights set on reaching greater heights. I welcome you to join us in this odyssey, and want to thank each of you for being with us as we have taken shaky steps in our journey so far.

I wish you and your loved ones, A Very Happy 2023.

Best,
Nivedita

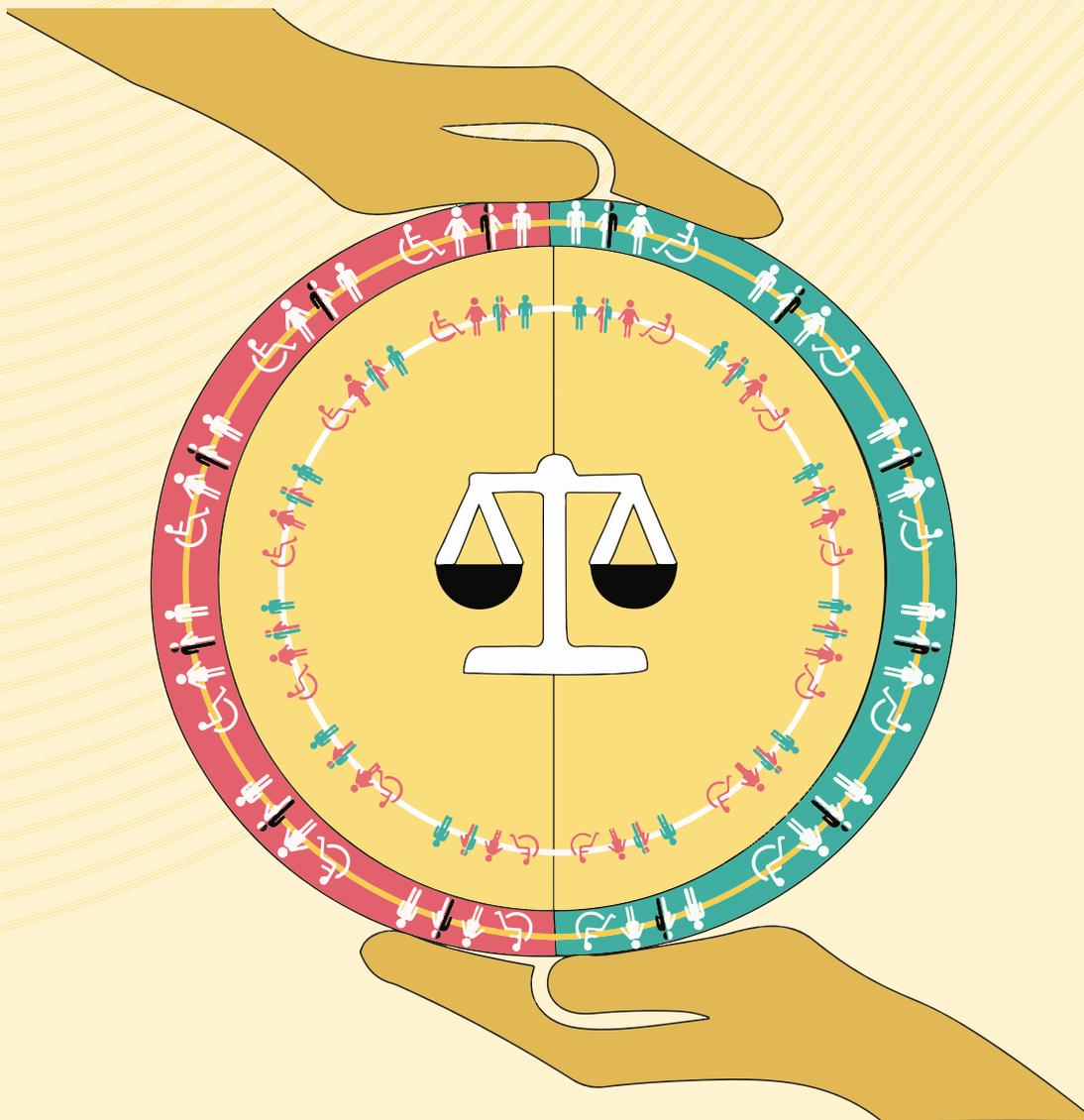


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Pacta's Charter

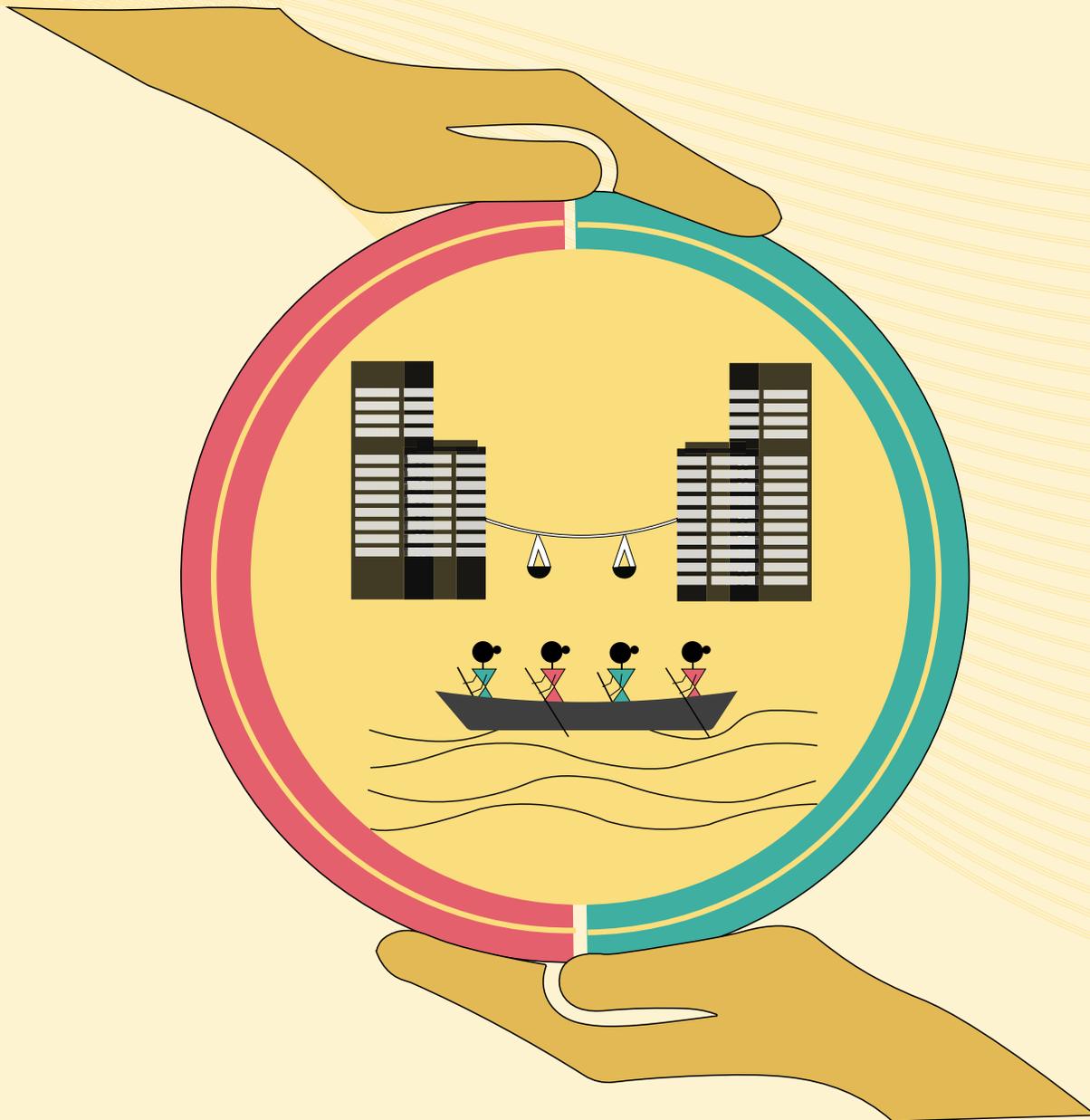
Our Mission- Pacta Law

To provide high quality, affordable, pragmatic legal advisory and strategy support tailored for not-for-profit organisations in India.



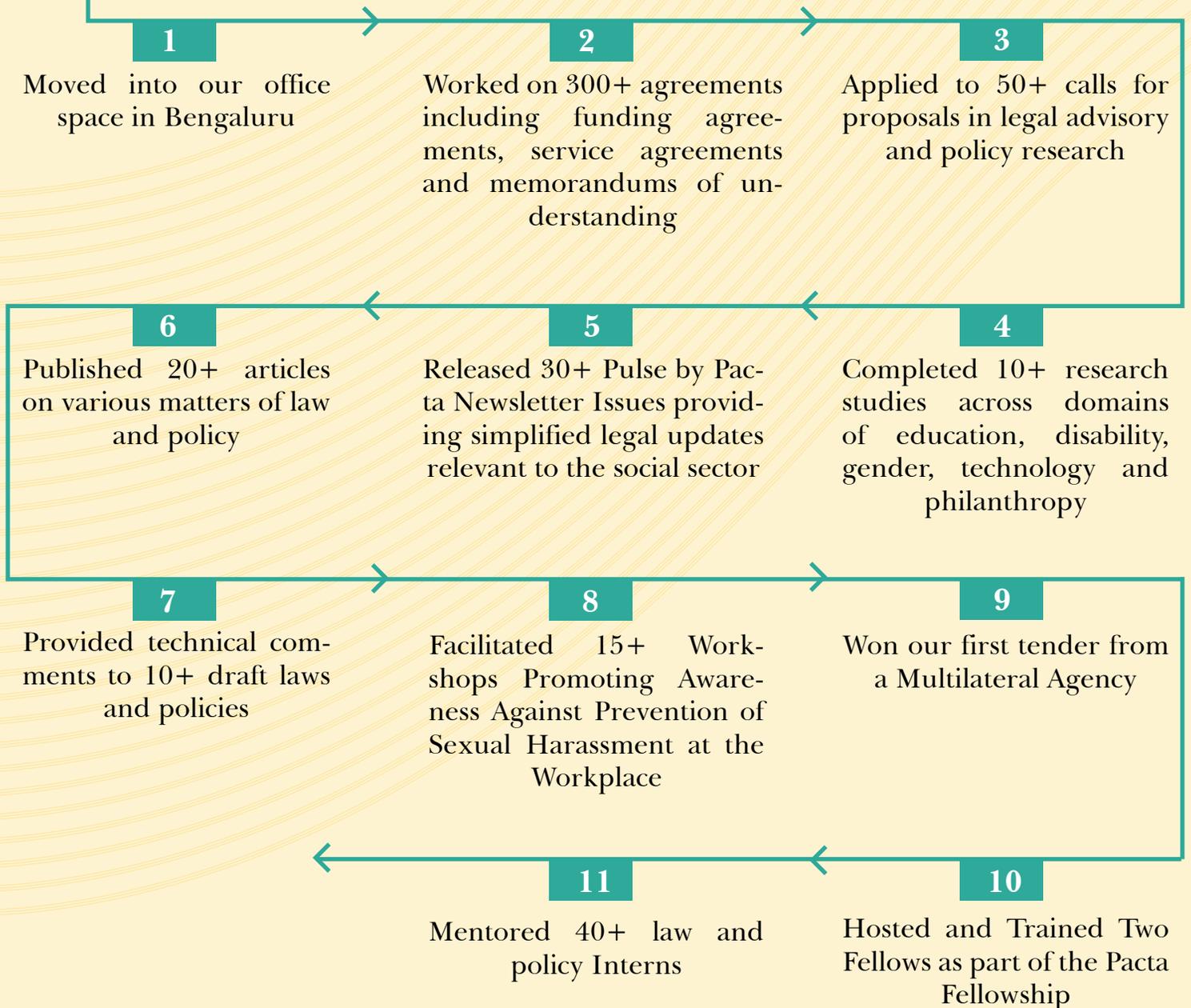
Our Mission- Pacta Policy

To undertake rigorous self directed and commissioned social science research to strengthen and inform evidence-based policy in india.



03

Highlights (2021-2022)



Adventure at Pacta



Team off-site



Speaker Series at Pacta



Dr. Manimozhi Theodore (Retd) Director of DEBEL Labs DRDO, spoke to us about crisis management.

Navratri Celebrations at Pacta



Right To Education Conclave



Nivedita Krishna, Panelist on the Future of Ed-Tech, RTE Conclave, Organized by GNLU Center for Women and Child Rights

Agami



Pacta team members attended Agami Summit 2022 that brings together people seeking to transform the justice landscape

04

Our Projects

Pacta Law

1. Pacta has advised on setting-up and structuring and governance of 10+ non-for-profit entities. We help social sector founders navigate the question of which would be the most appropriate entity to set up.
2. In the last two years we have drafted variety of contracts and collaborations on behalf of
 - Partnerships and Memorandum of Understanding as part of civil society's Covid-19 responses. This included mobilising medical aid and relief including oxygen and oxygen concentrators, supply of PPE kits, masks and sanitisers and Covid-19 vaccination drives.
 - Helped set up tele-medicine platforms and services in government hospitals, enabled last-mile health infrastructure through tele-medicine and migrated menstrual and reproductive health programs online
 - Engineering contracts to build schools and universities across India
 - Contracts that envisaged skilling of labour who had lost jobs due to work-from-home mandates on new models of work and emerging technologies
 - Initiatives for implementing good practices relating to mental health at the workplace
3. We supported our clients to adopt the work-from-home mandates while supplying them with amended policies on sexual harassment at the workplace, enable legally and ethically compliant systems to ensure child-safety as education migrated on-line and modify employment, leave and work-from-home policies to suit the need of the times.
4. We drafted 50+ grant agreements to support research grants and program grants to not-for-profit organisations that accommodated the uncertainties associated with working during the Covid-19 pandemic.

5. Several laws were amended in the last two years and we have advised on:

- The new labour codes and its applicability to non-profit entities
- Import related compliances for COVID relief programs
- Implications of amendments to the Foreign Contribution Regulation Act (FCRA Amendment Act, 2020), Corporate Social Responsibility (CSR) laws (Companies (CSR Policy) Amendment Rules, 2021, 2022) and data privacy laws (the Information Technology Rules, 2021) for the Indian Social Sector

Pacta Policy

Pacta pursues research to enable evidence-based public policy across five thematic areas - education, philanthropy, disability, technology and gender. Our research is sometimes commissioned and many-a-time self-directed. This allows us to choose our research questions and carry out independent, non-partisan work. We have a heavy focus on the disability sector. Our commitment to research in disability comes from acknowledging gaps in translation from policy to law to practice, and towards enabling meaningful inclusion of people with disability.

Policy Research Studies by Pacta

Forthcoming

1. *Gender (2022) Exploratory Study to Assess the Implementation of Three Laws on Promoting Gender Equality in the Corporate Sector in India* (commissioned by the United Nations Women, India)

Pacta's exploratory research, under the aegis of UN Women, the European Union and We-EmpowerAsia studied the representation of women on boards of Indian listed companies. The study aimed to assess the state of gender diversity on corporate boards, examining the involvement of women directors in corporate decision-making. It was found that in 2020-21, men occupied 81.89% (2020-21) of the board positions. Further, it was found that corporations meet the minimum compliance requirement. On the positive side, it established that law has been effective in initiating gender sensitive conversations on corporate boards and enabled active participation of female board members.

In Progress

1. *'Understanding the Intersectionality of Tuberculosis and Disability in India'*
(Commissioned by Reach India under the aegis of United States Agency for International Development)



Tuberculosis (TB) is one of the leading causes of mortality and morbidity in India. While the TB elimination program is one of the best of its kind, run with robustness and efficiency, there is still a gap in the understanding of the long-term effects of TB i.e., in causing disabilities and how persons with disabilities are affected by TB. Through this study, we will help strengthen the vision of the National Strategic Plan for Elimination of Tuberculosis (2017-2025) by providing recommendations on the need for a more inclusive and equitable approach to disability in the care cascade. Early findings have pointed out that people with disabilities are missing from and/or invisible to India's public health systems.

2. *'Data Gaps in Disability Data in India' (Independent Research)*

Pacta is conducting a study that aims to highlight the existing gaps in disability data. The project acknowledges the importance of data on persons with disabilities in enabling improved research and policy implementation. Through the project, we highlight some critical missing data from the existing data sources and provide actionable recommendations to overcome the same. The data gaps are looked upon by broad themes: Socio-economic indicators, Health, Education, Employment and Social Protection, Access to Policies and Institutions etc.

3. *'Survey on 'Obtaining Universal Disability Identity Card: Caregivers' Perspectives on Challenges' (Independent Research)*

Inclusive policies for people with disability are missing in India because of lack of relevant data pertaining to people with disabilities. The government's Universal Disability Identity Card (UDID) is equivalent to Aadhaar for people with disabilities. But getting the UDID is a nightmare. There are several obstacles to obtaining UDID in India. In collaboration with Nayi-Disha, Pacta has developed a survey instrument in English, Hindi, Kannada and Telugu that will help to identify the barriers to obtaining the UDID.

4. *'Explaining Low Corporate Social Responsibility Funding for Promotion of Sports in India' (Independent Research)*

This study aims to identify why CSR to promote sports is less than 2% of the total CSR spend. Compared to other categories under Schedule VII of the Companies Act 2013, such as education and health, sports receives a very small percentage of funding. This study will identify challenges in fundraising by sports non-profits in India, determine factors that feature in the calculus of sports funders, provide inputs on fundraising strategies for sports non-profits, and catalyze policy solutions to enable better funding for sports.

5. *'Competition Law and Abuse of Data Dominance in Food Delivery Platforms' (Independent Research)*

The emergence of data as a significant commodity in the digital world has come with a host of regulatory issues. In this context, our project looks at data dominance in digital platforms, with a focus on food aggregators such as Swiggy and Zomato. In this study, we look at how early entrants and big companies accumulate data, and how this becomes an entry barrier for other firms to enter the same market. Through a comprehensive review of literature on the topic, jurisprudence, primary data, and interviews with stakeholders, we make a case on why data related practices must be regulated under competition law within the Indian legal framework.

Completed

6. (2022) Conference Paper Presentation Titled **‘Legislative and Policy Measures for Inclusion of Children with Disabilities in Early Childhood Education’** (in collaboration with Vidhi Center for Legal Policy; Presented to GNLU Right to Education Conclave)

The Nation Education Policy envisaged early childhood care and education from age 3 onwards. But the Right To Education Act provides every child between ages 6-14 the right to education. There is a need to evaluate the policies and laws to understand how inclusion for children with disabilities at the early childhood (ECE) level can be assured in the future. Using a 4A framework, Pacta assessed the various education policies, laws, and schemes for inclusion at the ECE level. Our findings revealed that the current legal policy frameworks do account for different factors such as physical accessibility, curricular accommodations, teacher training, and the creation of accountable environments for inclusion of children with disabilities. However, they remain prescriptive rather than practically enforced. Hence there is a need for developing an actionable legal framework for children with disabilities at the ECE level.

7. (2021-22) Research Report Titled **‘Future of Work, Digital Futures in Asia Series’** (commissioned by ITforChange in special consultative status with the United Nations ECOSOC)

Touted as the ‘Fourth Industrial Revolution’, or 4IR, the near future is characterized by the ‘Internet of Things’ (IoT), Artificial Intelligence (AI), augmented reality, and advanced manufacturing technologies such as 3-D printing. This paper captures some of the trends which are beginning to take shape and are expected to substantially transform the near future of work. This includes the growing prevalence of artificial intelligence and digitalization across employment, education and reskilling, and businesses in key economies in South Asia, Southeast Asia and East Asia (South Korea, Japan, China). The paper also discusses the policy measures that are essential to make 4IR equitable and inclusive.

8. (2021) Research Report Titled **‘Corporate Social Responsibility and Sexual and Gender Minorities: Building the Bridge’** A Study of the Status of CSR in India for LGBTQ+ Initiatives and a roundtable discussion with significant domain stakeholders (commissioned by Solidarity Foundation)

Less than 2% of CSR funds in India have been spent on Sexual and Gender Minorities. Pacta’s research helped to establish explanations for the poorly financed LGBTQIA sector. Pacta studied international and Indian legal positions on- Recognition of ‘Third Gender’ and Decriminalization of Consensual Same-Sex Relationships. Despite progressive judg-

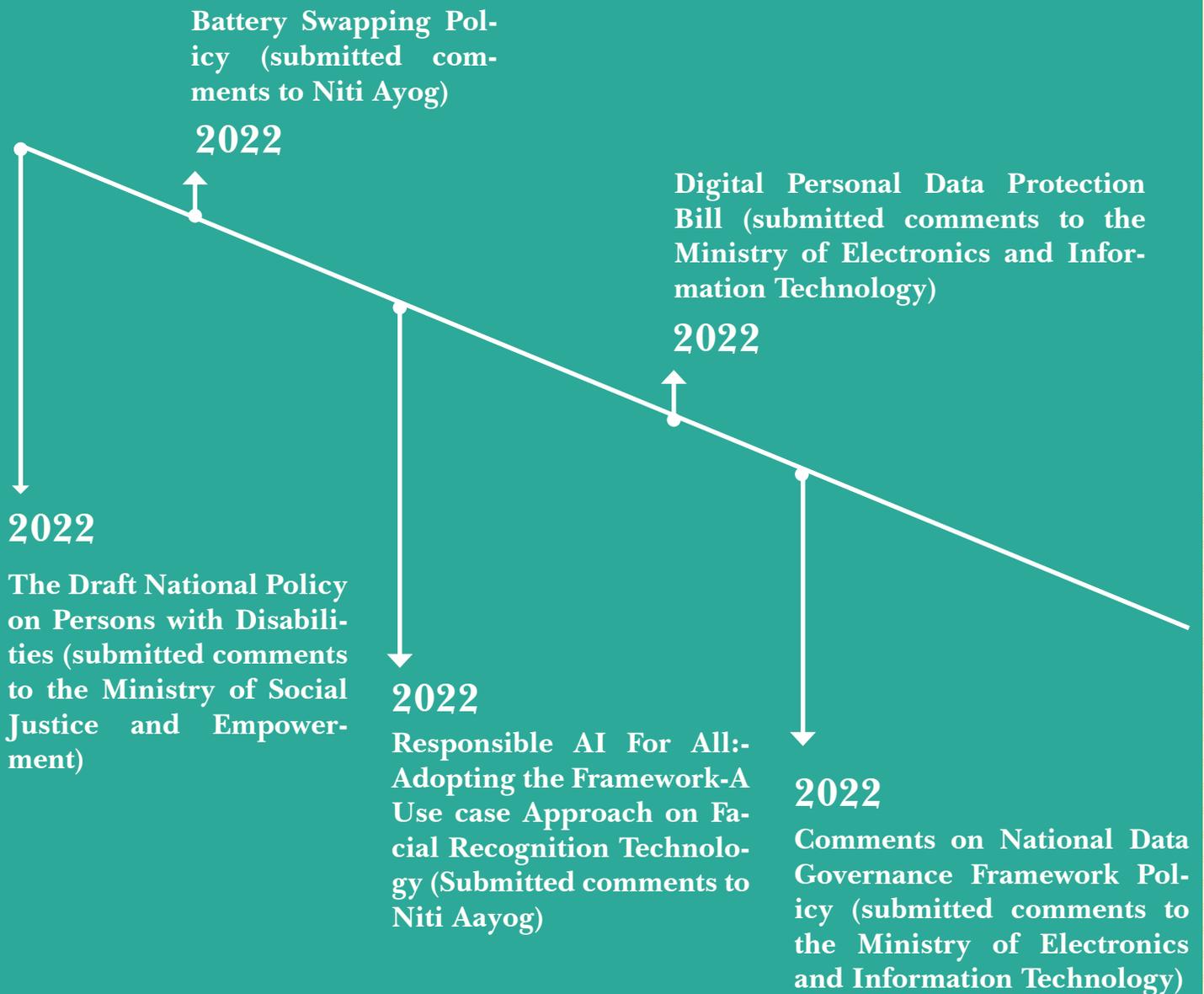
ments, essential civil rights remain elusive for sexual and gender minorities. It was found that Corporate actors can lend support to the LGBTQIA+ sector by: (1) Supporting organisations engaged in SGM welfare through direct CSR contributions; (2) Differentiated measurement & reporting of CSR impact on SGM community/individuals; (3) Supporting research and empirical studies to identify the needs of the community, and (4) Supporting change in social perception and improving social inclusion through self-driven initiatives.

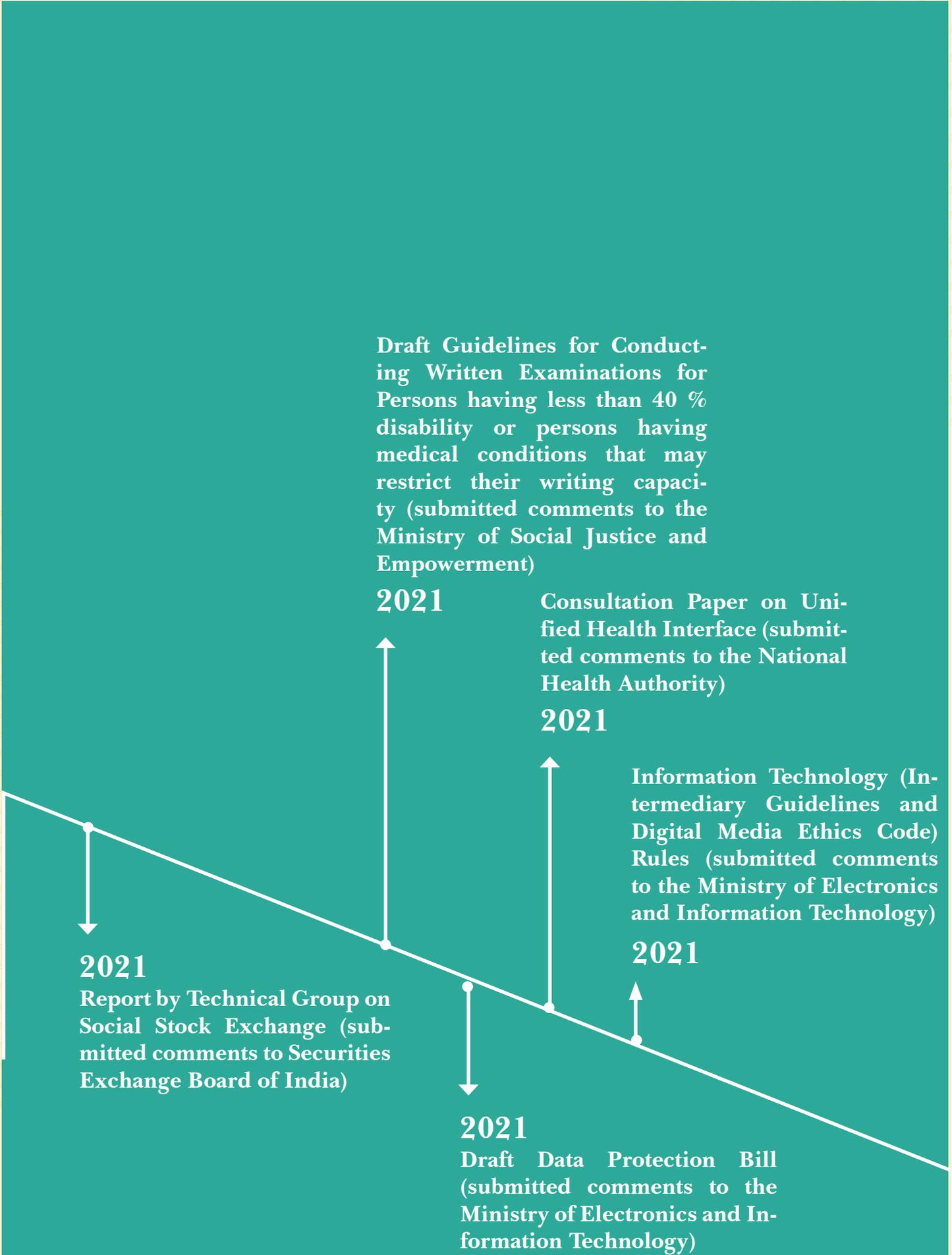
9. (2021) *Exploratory Study-Impact of COVID-19 on the Status of Inclusive Education Opportunities in India* (Funded by Azim Premji University)

As education in India and across the world shifted online in 2020 with the onset of the COVID-19 pandemic, it was accompanied by a rise of EdTech and e-learning platforms. This also brought into sharp focus the impact of unequal access to education and the growing digital divide. Pacta, in collaboration with Dr Kirthika Rajaraman and through the funding support of Azim Premji University, carried out a research to study the impact of COVID-19 on inclusive education for children (aged 6-14) with Neurodevelopmental disabilities (NDD) in the state of Karnataka. The study concluded that there is a looming threat to inclusive education practices and their manifestation in the post-pandemic school. A combination of short-and long-term strategies to drive and improve the participation of children with disabilities in the education system is the need of the hour.

Comments to Shape and Inform Legislation & Policy

We have provided considerable inputs on the following policies and laws in the last two years





UPCOMING PROJECTS - PROTEST DATA IN INDIA

The Pacta team constantly looks for new opportunities for research that is shaped and informed by events on the ground. We came across the Armed Conflict Location and Event Dataset (ACLED) Project, that provided fortnightly updates on protests taking place in several countries including India. **India has the highest number of protests in the world from 2016-2021, as per data from ACLED. India sees about 13000 protests per year and 36 protests per day.**

We dived into the data a bit and were intrigued by patterns that emerged in India. We are now considering commencing a new Situation Report (SitRep) series that will carry India Protests pertaining to Labour, Environment and Urban Amenities. The SitRep will carry updates on protests on these subject matters from across India, and will be based on the ACLED Database. The ACLED database itself is based on news-reports compiled from periodicals, dailies and other e-sources. The database also records events reported by local partners, that is, organizations with information on local events that have partnered with ACLED.

If you are an organisation or person interested in tracking India's protest patterns in Labour, Environment and Urban Amenities, please do watch out on our social media handles to receive updates about the Periodic SitRep. We promise, we will not spam you. If you would like to collaborate with us on this project in any way, by offering your time, resources or networks, we welcome you whole-heartedly.

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PACTA FELLOWSHIPS

We were thrilled to launch the Pacta Law & Policy Fellowship in April 2022. The Pacta law and policy fellowship is for fresh/early career lawyers looking to enhance their tactical toolkit in research at the intersection of Law and Policy. During their tenure, Fellows go through an immersive experience working alongside senior members of the Pacta law and policy teams on all practice areas and work on at least one research study that is underway. Fellows can expect to learn the basics of law & policy research, report writing, collaborative research applying a social impact lens. The Fellowship is a compensated experience, and lasts for a four month tenure.

In April 2022, we welcomed on board the first two Pacta Fellows in Law and Policy - **Srishti Singla and Ishita Mishra**. **Srishti is preparing for the judicial services examinations, while Ishita is pursuing an LL.M at a prestigious university in the United States.**

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The past couple of months, I have truly enjoyed working with the team and the process has been a learning and great experience for a person to start their career with.

I thank everybody for supporting and bearing with me. Especially, for being patient and kind towards me every time I didn't understand or missed out on a task.

It was a pleasure to be a part of PACTA as it's Fellow.

I hope to work with the team again in the future.

Srishti Singla



Ishita Mishra



Pacta wishes them both the very best !

Pacta Internships

Pacta hosts law and policy interns from time to time. Pacta has hosted about 40 interns from January 22 - December 2022. The internship helps students to experientially understand how law as a text is different from law as a practice. Interns freely participate in stimulating discussions on research topics, assist with legal research and drafting and enjoy tea-time conversations with the Pacta team.

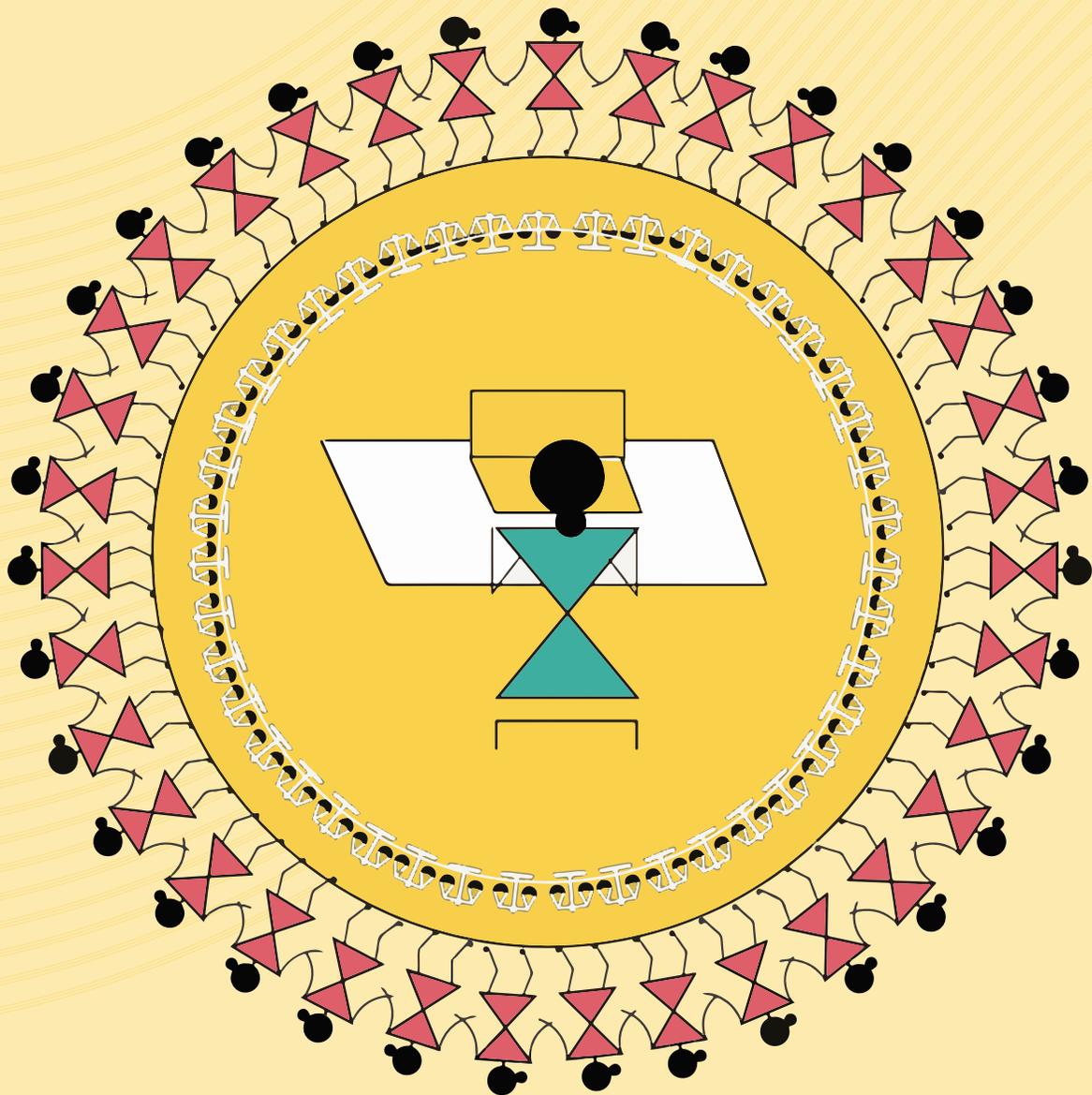
Pacta has hosted law and policy interns from NLUs at Visakhapatnam, Tamil Nadu and Delhi, NLSIU (Bengaluru), Army Institute of Law, NALSAR (Hyderabad), Azim Premji University (Bengaluru), Alliance University (Bengaluru) and several other universities pan India.

In August 2022, Pacta was a host organisation for Common Purpose, a global non-profit that runs leadership development programmes all over the world. Four students from the University of Birmingham interned at Pacta on a leadership & employability skills programme here in the Silicon Valley of India. The students contributed to several ongoing research tracks at Pacta.



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PACTA PUBLICATIONS



- **Digi Yatra- Ticking the right boxes in theory, but not in practise**
Nivedita Krishna | December 20, 2022 | The Times of India Blog
- **Why do CSR Funds Not Include the LGBTQIA+ Sector in India?**
Nivedita Krishna | December 19, 2022 | LSE Impact Blog
- **Digital Personal Data Protection Bill 2022: How it has left both civil society and industry body shell shocked**
Nivedita Krishna | November 29, 2022 | The Times of India Blog
- **Delhi's model virtual school: Can other states adopt this model?**
Nivedita Krishna | November 14, 2022 | The Times of India Blog
- **The Need for an 'Education Technology Policy' in India**
Nivedita Krishna | September 21, 2022 | Higher Education Digest
- **There are valid concerns over the Draft Indian Telecommunication Bill, 2022**
K.K Prahalad | October 13, 2022 | The Leaflet
- **Why does India need an education technology policy now?**
Nivedita Krishna | August 11, 2022 | The Leaflet
- **Cyber Security versus right to privacy : Some global concerns**
Nivedita Krishna | August 3, 2022 | The Leaflet
- **The Good, The Bad and The Ugly of India's National Disability Policy**
Nivedita Krishna | August 1, 2022 | The Bastion
- **Recommendations for Draft New National Disability Policy- May 2022**
Nivedita Krishna | July 1, 2022 | Pacta Blog
- **Promoting Welfare of Gender and Sexual Minorities through Corporate Social Responsibility: The Road So Far & What Lies Ahead**
Deepanshi Sharma | November 5, 2021 | Pacta Blog
- **For Blooming and Blossoming – Revisiting the Disability Accommodations for Persons with Neurological Disabilities**
Deepanshi Sharma | August 4, 2021 | Pacta Blog
- **How Can CSR Grant Agreements Be Redesigned to Not Stifle Non-profits?**
Nivedita Krishna and Geetanjali Bisht | May 18, 2021 | The Bastion

- **Inclusive education for children with disabilities during COVID-19**
Dr Kirthika Rajaraman and Nivedita Krishna | April 27, 2021 | India Development Review
- **The 2021 IT Rules: Do They Bark or Do They Bite?**
Nivedita Krishna and Geetanjali Bisht | March 23, 2021 | The Bastion
- **Hanging by a Thread: Affordable Private Schools and COVID-19**
Nivedita Krishna and Deepanshi Sharma | May 18, 2021 | The Bastion
- **How the Information Technology Rules, 2021 Impact Non-Profit Organisations?**
Nivedita Krishna and Geetanjali Bisht | March 20, 2021 | The Bastion
- **Impacts of COVID -19 on Inclusive Education in India - An Exploratory Research Study**
Nivedita Krishna and Dr. Kirthika Rajaraman | March 6, 2021 | Pacta Blog
- **Making a Case for a ‘Goldilocks’ Regulation of the Ed-Tech Sector**
Nivedita Krishna and Deepanshi Sharma | February 16, 2021 | The Bastion
- **Online Schooling during Pandemic**
Nivedita Krishna and Deepanshi Sharma | October 31, 2020 | Eyra Magazine
- **Reopening Schools After 6 Months: Policy Innovation in the Face of Learning Losses**
Nivedita Krishna and Deepanshi Sharma | October 25, 2020 | The Bastion
- **Building a Case Against Domicile Reservation in Private Unaided Universities**
Nivedita Krishna and Deepanshi Sharma | December 24, 2020 | The Bastion

07

Future Kaleidoscope

Hybrid setup increasing in popularity

Modern social initiatives are beginning to assume sustainable structures, as they include their own revenue streams to fund their charity operations. Working with nonprofits, we have seen how the same services are often rendered to clients for-profit as well as not-for-profit. We expect this trend to strengthen and continue in the coming year.

Indian philanthropies - creating enabling environments

Philanthropic giving in India has become conscious about creating impact, while also nudging non-profits towards financial sustainability. Donors are also focussed on building capacity for fundraising and enabling measurable impact. We are seeing grant agreements adopt more equitable language and models of funding. We are seeing a gradual shift in openness towards unrestricted grants (think McKinsey Scott type large unrestricted grants) and expect more philanthropies to make unrestricted grants in the coming year.

Data is the New Gold

Yes, we all know that this is true in the private for-profit sector. But even civil society is becoming more and more intertwined with data and therefore data governance. More people in civil society have begun to speak about the digital commons, digital public infrastructure, data for good and digital rights. As ChatGPT threatens to replace google search, we must all be concerned about how digital systems must be designed and regulated. We foresee a lot of legislative and regulatory action on digital systems - markets, ed-tech & gaming, health in the coming year.

The Pacta team is looking to pick new challenges to work on in the coming year. We invite you to reach out to us for collaborations and collective action. After all, as someone recently pointed out, *“if power had a shape, it would be a circle, not a triangle”*.

You can connect with us

Email: hello@pacta.in

Website www.pacta.in

LinkedIn: <https://www.linkedin.com/company/13752681/admin/>

Address: P/37, 11th Cross Rd, JeevanBhima Nagar, Bengaluru, Karnataka-560075