

Summary of the Replies Received by HCFI in Case of Separate CSR/Charitable Entity/Account in Government Hospitals

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The Hon'ble High Court of Delhi vide judgment dated 17.04.2014 in the matter titled as "Mohd. Ahmed (minor) versus Union of India & Others, Writ petition (Civil) No. 7279/2013 had held that:

"SUGGESTIONS BY THE COURT

81. This Court suggests that both the Central and State Governments should consider the following suggestions:

- i. All government hospitals could have a separate CSR/Charitable entity/account wherein donations can be received. The donations could be subject to an audit.
- ii. Each hospital could have a designated officer, to whom applications for assistance can be made by patients in need. The decision to whom financial assistance could be provided, be left to the Medical Superintendent/CEO of the Hospital along with Head of the Departments. Delhi could be adopted as the first model state.
- iii. The Ministries of Corporate Affairs and Finance could consider providing extra credit (for instance increased credit) for donations in certain sectors, such as health.
- iv. The Government could adopt a holistic approach to facilitate donations, so that the tax regime supports the said efforts.
- v. All donations in cash and kind must be accounted for, with complete transparency to ensure no misuse or misappropriation of donations.
- vi. Government hospitals could put up list on the State Department of Health website of the drugs, implants and devices they require for EWS/BPL patients. This way people would donate as per the need of each hospital. This could be revised on a monthly basis.
- vii. The State Government may put up a list of drugs, implants and devices which are excluded from its budget for which donations would be welcome.
- viii. Both the Central and State Governments could create a revolving fund to take care of recurring expenditure of patients suffering from chronic and rare diseases.
- ix. The Government could constitute a High Powered Interdisciplinary Committee to:
 - Develop and update a list of guiding principles/best practices in the area of donations in healthcare.
 - Develop a policy for tackling rare diseases and promoting the development of orphan drugs.
 - Evolve new and innovative methods for attracting spending in the area of healthcare.
 - This Committee could have representatives from various State and Central Government departments, private and government hospitals, non-governmental organizations working in the area of healthcare, representatives of patients rights groups, representatives of pharmaceutical and other companies in the healthcare sector."

In view of the above suggestions as given by the Hon'ble High Court of Delhi in the matter titled as **Mohd. Ahmed (minor) versus Union of India & Others, Writ petition (Civil) No. 7279/2013**, the Heart Care Foundation of India (HCFI) had sent one RTI application dated 02.04.2018 to Ministry of Health and Family Welfare, Central Government of India and one RTI application dated 02.04.2018 to Ministry of Health and Family Welfare, Delhi Government thereby seeking following information:

1. Whether all government hospitals have a separate CSR/Charitable entity/account wherein donations

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can be received? If yes, please provide the list of the hospitals having separate CSR/Charitable entity/account.

2. Who is the designated officer in each hospital to whom applications for assistance can be made by patients in need?
3. What steps/measures the Government has adopted to facilitate donations, so that the tax regime supports the said efforts?
4. Do Government hospitals put up list on the State Department of Health website of the drugs, implants and devices they require for EWS/BPL patients? If yes, please provide the list of all such hospitals.
5. Does the State Government put up a list of drugs, implants and devices which are excluded from its budget for which donations would be welcome? If yes, please provide the list of drugs, implants and devices which are excluded from the budget for which donations are welcome
6. Have the Central and State Governments created a revolving fund to take care of recurring expenditure of patients suffering from chronic and rare diseases? If yes, please provide the details of such revolving fund.
7. Has the Government constituted a High Powered Interdisciplinary Committee to:
 - a. Develop and update a list of guiding principles/best practices in the area of donations in healthcare.
 - b. Develop a policy for tackling rare diseases and promoting the development of orphan drugs.
 - c. Evolve new and innovative methods for attracting spending in the area of healthcare.
 - d. This Committee could have representatives from various State and Central Government departments, private and government hospitals, non-governmental organizations working in the area of healthcare, representatives of patients rights groups, representatives of pharmaceutical and other companies in the healthcare sector.

After sending the said RTI applications, the Heart Care Foundation of India had received numerous replies from the Delhi Government and also from various Government Hospitals of Delhi. The details of the

hospitals from where replies have been received are as follows:

Sr. No.	Hospital Name	Date of Reply
1.	Aruna Asaf Ali Government Hospital	10.04.2018
2.	Deep Chand Bandhu Hospital	16.04.2018
3.	Sardar Vallabh Bhai Patel Hospital	16.04.2018
4.	Guru Nanak Eye Centre, Maharaja Ranjit Singh Marg	18.04.2018
5.	Maharishi Valmiki Hospital	24.04.2018
6.	Babu Jagjivan Ram Memorial Hospital	25.04.2018
7.	Maulana Azad Institute of Dental Sciences	26.04.2018
8.	Ch. Brahm Prakash Ayurved Charak Sansthan (under Government of NCT Delhi)	28.04.2018
9.	Dr. Hedgewar Arogya Sansthan	01.05.2018
10.	Janakpuri Super Speciality Hospital Society	01.05.2018
11.	Lal Bahadur Shastri Hospital	02.05.2018
12.	Institute of Liver and Biliary Sciences	04.05.2018
13.	Nehru Homeopathic Medical College & Hospital	04.05.2018
14.	Guru Gobind Singh Government Hospital	04.05.2018
15.	Acharya Shree Bhikshu Government Hospital	05.05.2018
16.	Jag Pravesh Chandra Hospital	07.05.2018
17.	Rao Tula Ram Memorial Hospital	08.05.2018
18.	Satyawadi Raja Harish Chandra Hospital	08.05.2018
19.	Sanjay Gandhi Memorial Hospital	08.05.2018
20.	Chacha Nehru Bal Chikitsalaya	09.05.2018
21.	A & U Tibbia College and Hospital	09.05.2018
22.	Institute of Human Behaviour and Allied Sciences	10.05.2018
23.	Dr. Baba Saheb Ambedkar Hospital	10.05.2018
24.	Govind Ballabh Pant Institute of Postgraduate Medical Education & Research	11.05.2018
25.	Attar Sain Jain Eye & General Hospital	11.05.2018
26.	Deen Dayal Upadhyay Hospital	14.05.2018
27.	Shri Dada Dev Matri Avum Shishu Chikitsalaya	15.05.2018
28.	Lok Nayak Hospital	16.05.2018
29.	Safdarjung Hospital & VMMC	25.05.2018

QUERYWISE REPLY

Query No. 1

Whether all government hospitals have a separate CSR/Charitable entity/account wherein donations can be received? If yes, please provide the list of the hospitals having separate CSR/Charitable entity/account.

Reply

It is very shocking that in none of the Government hospitals in the capital State of the country, Delhi, there is separate CSR/Charitable entity/Account wherein donations can be received by the government hospitals.

However, following hospitals have replied that they have other provisions for obtaining donations:

Sr. No.	Name of the Hospital	Reply
1.	Deep Chand Bandhu Hospital	Any such requirement for the proper patient care is dealt through the hospital budget.
2.	Lal Bahadur Shastri Hospital	Fully funded by Government of NCT of Delhi and they do not have any provision to accept the donations.
3.	Institute of Liver and Biliary Sciences	Registered under Section 80G of the Income Tax Act for getting charitable donations.
4.	Guru Gobind Singh Government Hospital	As per Article 5.5.2(c) of Article of Association of Rogi Kalyan Samiti of Guru Gobind Singh Government Hospital the Rule and Bye Laws, donations/gifts as money/kind/land worth up to Rs. 25,000/- may be accepted on behalf of hospital RKS by the Member Secretary, and up to Rs. 50,000/- by the executive Committee on behalf of the hospital RKS. Donations/gifts as money/kind/land worth more than Rs. 50,000/- shall be accepted only after approval of the Governing Body of the Hospital RKS.
5.	Institute of Human Behaviour and Allied Sciences (IHBAS)	IHBAS does not have a separate bank account for receiving donations from domestic donors. It receives donations from domestic donors by way of cheque or draft. However, IHBAS has an FCRA account for receiving donations from foreign donors. The donors are invited to transfer the donations through electronic mode to the above account. Also, this institute has created "Poor Patient Fund" with an initial amount of Rs. 10.00 Lakh from its own resources to meet the urgent medical expenses of poor patients being treated in this hospital/institute.

Query No. 2

Who is the designated officer in each hospital to whom applications for assistance can be made by patients in need?

Reply

Out of 29 hospitals, only in 10 hospitals a designated officer has been appointed to whom applications for assistance can be made by patients. The list of 10 hospitals in which designated officer has been appointed along with the name of the designated officer is as follows:

Sr. No.	Name of the Hospital	Designated Officer
1.	Aruna Asaf Ali Government Hospital	Medical Superintendent
2.	Ch. Brahm Prakash Ayurved Charak Sansthan	Nursing Superintendent, Deputy Medical Superintendent
3.	Dr. Hedgewar Arogya Sansthan	Dr. Reetesh Ranjan, Sr. Medical Officer/Nodal Officer (EWS/DAK) Dr. Hedgewar Arogya Sansthan, Karkardooma, Delhi – 110032
4.	Guru Gobind Singh Government Hospital, Raghubir Nagar	Nodal Officer DAK/EWS
5.	Acharya Shree Bhikshu Government Hospital	All the services in this hospital are free. Different Nodal Officers are there for different causes. For any grievances, Dr. Rashmi Gandhi (Room No. 111) can be contacted.
6.	Rao Tula Ram Memorial Hospital	Medical Superintendent, RTRMH
7.	A & U Tibbia College and Hospital	PMS/HOD
8.	Institute of Human Behaviour and Allied Sciences	Director and MS/DMS
9.	Lok Nayak Hospital	Social Worker
10.	Safdarjung Hospital & VMMC	There are doctors and specialists who can be approached for immediate medical help. If any other allied help relating to healthcare/patient care is required, Medical Superintendent/Additional Medical Superintendent can be approached.

Query No. 3

What steps/measures the Government has adopted to facilitate donations, so that the tax regime supports the said efforts?

Reply

No reply has been received by Heart Care Foundation of India, neither from the Central Government nor from the State Government, on this query till date 16.06.2018.

Only 2 hospitals out of 29 hospitals have given reply to this query. The rest of the hospitals have simply stated that the said information does not pertain to them or information not available. The 2 hospitals which have given information are:

Sr. No.	Name of the Hospital	Reply
1.	Ch Brahm Prakash Ayurved Charak Sansthan	Extension under Section 12A & 80G is available for donations.
2.	Institute of Human Behaviour and Allied Sciences	Donations to IHBAS are exempted from income tax under Section 80G of Income Tax Act.

Query No. 4

Do Government hospitals put up list on the State Department of Health website of the drugs, implants and devices they require for EWS/BPL patients? If yes, please provide the list of all such hospitals.

Reply

No reply has been received by Heart Care Foundation of India, neither from the Central Government nor from the State Government, on this query till date 16.06.2018.

Only 9 hospitals out of 29 hospitals have given reply to this query. The rest of the hospitals have simply stated that the said information does not pertain to them or information not available. The 9 hospitals which have given information are:

Sr. No.	Name of the Hospital	Reply
1.	Institute of Liver and Biliary Sciences	No such list is put on website of ILBS for the drugs, implants and devices. However, facility for free treatment to poor patients is there who are identified on the basis of income certificate issued by Revenue Department GNCTD or National Food Security Card and Resident criteria i.e., bonafide resident of Delhi for more than 3 years, identified on the basis

of Ration Card, Driving License, Aadhar Card, Voter ID, Domicile certificate issued from the area SDM, Passport and Extract from the Electoral Roll. All such patients are provided completely free treatment at ILBS based on above criteria.

2.	Guru Gobind Singh Government Hospital, Raghbir Nagar	It does not display any list on website
3.	Acharya Shree Bhikshu Government Hospital	All the patients are provided free medicines and basic implants.
4.	Rao Tula Ram Memorial Hospital (RTRM)	RTRM Hospital put up on its website a list of all drugs and surgical consumables available in the hospital. These drugs and surgical consumables are provided free of cost to all patients, including EWS and BPL patients.
5.	Satyawadi Raja Harish Chandra Hospital	As per government policy free consultation, investigation and treatment is provided to all patients. This includes supply of essential drug provided by the government. In emergency cases, investigations and treatment including operating procedures are done free of cost. The facility of free treatment to the poor patients is also available at 37 private hospitals where the patients can go directly or through the referral from the Government hospital. The list of private hospitals is also available at the website of the health department.
6.	Sanjay Gandhi Memorial Hospital	There is no separate list for EWS/BPL patients in this hospital.
7.	Institute of Human Behaviour and Allied Sciences	It has not uploaded any such information in the website.
8.	Lok Nayak Hospital	No list of drugs, implant and device required for EWS/BPL patients are available.
9.	Safdarjung Hospital & VMMC	No

Query No. 5

Does the State Government put up a list of drugs, implants and devices which are excluded from its budget for which donations would be welcome? If yes, please provide the list of drugs, implants and devices which are excluded from the budget for which donations are welcome.

Reply

No reply has been received by Heart Care Foundation of India, neither from the Central Government nor from the State Government, on this query till date 16.06.2018.

Only 1 hospital out of 29 hospitals have given reply to this query. The rest of the hospitals have simply stated that the said information does not pertain to them or information not available. The 1 hospital which has given information is:

Sr. No.	Name of the Hospital	Reply
1.	Acharya Shree Bhikshu Government Hospital	There is no such provision in this hospital.

Query No. 6

Have the Central and State Governments created a revolving fund to take care of recurring expenditure of patients suffering from chronic and rare diseases? If yes, please provide the details of such revolving fund.'

Reply

Vide reply dated 02.05.2018, the Ministry of Health & Family Welfare, Government of India (PH Division) has stated that as per the National Policy for Treatment of Rare Diseases, a corpus has to be created under National Health Mission as Central assistance to the States with an initial amount of Rs. 100 crore for funding treatment of rare and genetic diseases. The States also have to create a similar corpus at State level for part funding for treatment of rare diseases.

Vide reply dated 18.05.2018 the Directorate General of Health Services, Government of NCT of Delhi has stated that a cabinet note is being prepared with respect to the creation of revolving fund to take care of recurring expenditure of patients suffering from chronic and rare diseases.

Only 6 hospitals out of 29 hospitals have given reply to this query. The rest of the hospitals have simply stated that the said information does not pertain to them or information not available. The 6 hospitals which has given information are:

Sr. No.	Name of the Hospital	Reply
1.	Deep Chand Bandhu Hospital	Any such requirement for the proper patient care is dealt through the hospital budget.

2.	Ch. Brahm Prakash Ayurved Charak Sansthan	No such fund created by State/Central Government in our institution.
3.	Satyawadi Raja Harish Chandra Hospital	No.
4.	A & U Tibbia College and Hospital	There is no specific head of A/C.
5.	Dr. Baba Saheb Ambedkar Hospital	There is no such type of fund till date 08.05.2018.
6.	Safdarjung Hospital & VMMC	Has provided the list of patients suffering from chronic and rare diseases.

Query No. 7

Has the Government constituted a High Powered Inter-disciplinary Committee to:

- Develop and update a list of guiding principles/ best practices in the area of donations in healthcare.
- Develop a policy for tackling rare diseases and promoting the development of orphan drugs.
- Evolve new and innovative methods for attracting spending in the area of healthcare.
- This Committee could have representatives from various State and Central Government departments, private and Government hospitals, non-Governmental organizations working in the area of healthcare, representatives of patients rights groups, representatives of pharmaceutical and other companies in the healthcare sector.

Reply

Vide reply dated 02.05.2018 the Ministry of Health and Family Welfare, Government of India (PH Division) has stated that Government of India has formulated a National Policy for treatment of rare diseases in 2017. The Department of Industrial Policy and Promotion and the Department of Pharmaceuticals have been requested to take up with the manufactures of orphan drugs to explore possibilities for manufacturing these drugs domestically.

Vide reply dated 18.05.2018 the Directorate General of Health Services, Government of NCT of Delhi has stated 'yes' - that means the Government has constituted a High Powered Interdisciplinary Committee.





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