

GOVERNMENT TO TELL SUPREME COURT HOW ESSENTIAL DRUGS PRICES ARE DECIDED

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The Centre has agreed to place on record in the Supreme Court its mechanism for controlling the price of life-saving and essential drugs.

Appearing before a Bench headed by Chief Justice of India D.Y. Chandrachud, Additional Solicitor General Aishwarya Bhati said on September 13 that the government would file an updated affidavit.

The court listed the petition filed by All India Drug Action Network, represented by senior advocate Colin Gonsalves, on October 4.

In November 2022, the government had revised the list and prices of essential medicines.

Under the Drugs (Prices Control) Order of 2013, the work of revising the applicable ceiling price of notified drugs was initiated by the National Pharmaceutical Pricing Authority, the government regulatory agency that controls the prices of pharmaceutical drugs in India.

The Health Ministry, in April, had said that it has been able to cap the ceiling prices of 651 out of 870 essential medicines listed under the National List of Essential Medicines, due to which the approved ceiling price of medicines had decreased by an average of 16.62%.

The court has been hearing the case for years. The petition had raised objections on the formula for drug pricing.

It had said the formula institutionalised “super-profits in the guise of price control, excluded from price control life-saving medicines for diseases such as malaria and TB, excluded all fixed dose combinations which amount to 50% of the market.”

The NGO had said the government’s pricing policy further excluded essential medicines belonging to the same chemical class, besides drugs provided in the national health programmes such as for HIV, diabetes, hypertension and anaemia, medicines with appropriate dosages for children and patented medicines.

The government had at the time countered that the pricing policy was formulated after due and deliberate consultations with the objective to make essential drugs affordable for the common man.

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