Mr. Deputy Chairman: That is enough. We shall now go to the next item.

**Clarifications in Relation to Statement re Prices of Drugs Laid on the Table of the Rajya Sabha on August II, 1970**

Mr. Subedar Singh (Rajya Sabha): This statement has been laid on the table of the Rajya Sabha on August II, 1970.

The statement relates to the prices of drugs. It states that the government has the power under the Control Order to take corrective action.
THE MINISTER OF PETROLEUM AND CHEMICALS AND MINES AND METALS (DR. TRIGUNA SEN): Mr. Bhandari has asked certain questions, mainly how long it will take the Government to scrutinise the price lists of the drugs which has shown a rise in prices. He also doubts that when the small-scale sector submits its price lists on the 31st August, the Government may also take some time for scrutiny and that in the meantime drug prices will go up further high. Am I correct?

SHRI SUNAR SINGH BHANDARI: Yes.

DR. TRIGUNA SEN: Your main question is: How long will it take to scrutinise the price lists that have been submitted by the manufacturers? You have also asked whether—You said sagish—we are in league with the manufacturers to allow them to make more profits.

My friend will agree that so far as the objective of the Drug Price Control Order is concerned, there are no two opinions in the minds of; ny one in this House that we all want to give relief to the suffering humanity. Yo i will appreciate that there are about 2,400 units which are manufacturing drugs in big scale, medium scale and small scale sectors. And there are 5,000 to 6,000 different formulations in the country.

SHRI SUNDAR SINGH BHANDARI: You have aired, dy explained the rationalisation.

DR. TRIGUNA SEN: I understand it. If the prices of drugs that will be calculated according to the formula by a particular manufacturer are handed over to us and if we scrutinise the price lists of these 5,000 to 6,000 or more of the formulations of the drugs, then it will take a year or so. So, we told all the manufacturers: "Well, this is the formula. According to this we allow you to calculate the prices, announce them and send them to all the thousands of dealers in the whole country." We have not approved of any of the prices so far at least. You must have seen it. We will scrutinise the price of each and every drug and then we will approve of it. Otherwise they should take it that we have not approved of any price that has been declared by any of the manufacturers.

SHRI SUNDAR SINGH BHANDARI: Till then, is the increase justified?

DR. TRIGUNA SEN: Not necessarily. If the price is fixed as on 31st July, it is not possible for any machinery to scrutinise it within a day or two. It takes time.

SHRI SUNDAR SINGH BHANDARI: How much time?

DR. TRIGUNA SEN: One minute. So we told them: "You better do it. But we are not approving the prices as indicated by you. They will be subject to scrutiny by the Government". During this period, we have identified the drugs and I have mentioned them in my statement.

Prices of some drugs—the prices of anti-tubular or day-to-day use medicines— have gone up.

We have identified them. Within a very short time, we will be able to tell the manufacturers that they should agree to reduce the prices. One feature in this is that all the manufacturers are so cooperative…….

SHRI A. P. CHATTERJEE (West Bengal): Please do not say that these capitalists have cooperated with you. That is too much.

DR. TRIGUNA SEN: I do not like to cry down all the manufacturers like this. Excuse me. I do not agree with that.

SHRI SUNDAR SINGH BHANDARI: Will your decision be retrospective?
DR. TRIG UNA SEN: One minute...

SHRI A. P. CHATTERJEE: So, you depend more on the cooperation of the capitalists.

SHRI KRISHAN KANT (Haryana): You are depending upon Birla's cooperation.

(Interruptions)

SHRI A. P. CHATTERJEE: You have given Birla's cement factory licence and you have taken tonnes of rupees from them ...... (Interruptions). Who gave them the fertiliser licence and who gave them the cement factory licence?

SHRI KRISHAN KANT: In Kerala what has happened. . .

(Interruptions)

SHRI A. P. CHATTERJEE: You are the slaves of Birlas. You wanted an inquiry into their affairs and immediately you gave them the licence for a fertiliser plant. Are you not ashamed of it? ............ (Interruptions). Do not try to be socialists. You are the boot-lickers of capitalists...

(Interruptions)

MR. DEPUTY CHAIRMAN: Please sit down.

SHRI A. P. CHATTERJEE: Your Government does not carry on for a day without their help. . .

(Interruptions)

SHRI KRISHAN KANT: In Bengal...

(Interruptions)

SHRI A. P. CHATTERJEE: We shall see that you do not get a single seat in West Bengal.....

(Interruptions)

SHRI NIREN GHOSH (West Bengal): It is the Birlas who have told us that they are paying you. . .

(Interruptions)

SHRI RAJNARAIN (Uttar Pradesh): Capitalism and communism can go together.

SHRI RAJNARAIN: Capitalism and communism can go together.
said, in total they have reduced the prices of 1,100 drugs, that is, about 44% of the lists received so far.

SHRI SUNI AR SINGH BHANDARI: You go by the lumbers or by the amount?

DR. TRIGUNA SEN: I am telling the numbers of the medicines. Now, I am coming to that question. I say also that there is scope—we have got the power to enforce it—i ut, at the same time, there is scope for legislation. That is what I was wanting I 3 explain, and in that regard I said that we had been getting the cooperation from the manufacturers also. I want to say, as I said before, that there are about 2,000 small-scale industries and by no stretch of imagination they are capitalists. There capital is very small. As I said in reply to Shri Bhandari, you realise that it is so difficult to scrutinise the prices of all these 5,000 to 6,000 medicines. But, w ; have now identified, as I stated yesterd, y, the prices of the drugs that have gone up and are being used by everybody every day, and of some medicines like the anti- tubercular drugs, etc. We have identified and we think we will be able to do it within a very short time, to ask them to reduce the prices. If they do not, I hav i got the power to do so. We will ask them to reduce it. I am extremely sorry, that for a few days in the interim period there is inconvenience for the consumers of those drugs. But, if we are working in a democratic way, can Mr. Bhandari suggest how else I can do it? We have said, we are sorry for it.

SHRI SUNI AR SINGH BHANDARI: Could you no set up the machinery earlier?

DR. TRIGUNA SEN: But, as we have said, unless we get their cost of production as they have notified, unless we get their data, how can we scrutinise? They have notified only ci the 30th and 31st of July. They did not do it earlier. That is why some time is needed. If you say that I coul i do it, I agree, I have the right to ask them to reduce the prices. But I have to study at last the names of the drugs where prices have gone up. As I said yesterday—we have already stated—we can immediately reduce it and I hope, Sir, it will not tak! more than a few days........ as soon as pos sible.

SHRI SUNI AR SINGH BHANDARI: Come down.

DR. TRIGUNA SEN: We are working day and nigh, I can assure you.
in the world. I have also seen some reports that it is the costliest. About the concept of 'reasonableness' we have assumed that the manufacturer should not make any undue profit. Then the cost of production plus that reasonable profit for the main tenance and growth of the industry .............

SHRI S. N. MISHRA: What is that?

DR. TRIGUNA SEN: We suggested to them that the maximum they can go is only up to 15 per cent, before taxation. But if that raises the cost of any drug, we have got the right to ask them to reduce it; they will have to prove that they cannot make more than 15 per cent, before taxation as profit. If they make any profit more than 15 per cent., they are not allowed to spend that money by way of dividends, bonus, etc. The Government has the right—if you read the order—to say how that amount should be spent, either on research or in further reduction of the prices. That is what is reasonable.

SHRI S. N. MISHRA: Cost of manufacture can be anything?

DR. TRIGUNA SEN: No. they will have to produce to us the cost, according to the Cost Accountants, and we have made a formula. We are going into the question of production of each and every formulation.

SHRI S. N. MISHRA: You must have some criterion.

DR. TRIGUNA SEN: We have made a norm so far as the boxes, tubes, etc. We have taken all this into consideration. The second question was, what is the obligation? Naturally the obligation is the social objective—to serve the suffering humanity without making much of profit and as we said, by limitation of that.

SHRI S. N. MISHRA: My point was that before raising the prices, is there no obligation, cast on them to seek the approval of the Government? Because certain prices have been in vogue and now the consumer has to pay more. Why should I be made to pay A plus? Why should I be made to pay more before the Government approved it? Should not any obligation be cast on them before raising the prices which were, supposed to be reasonable earlier?

DR. TRIGUNA SEN: I mentioned in answer to Mr. Bhandari's question that the manufacturers are to have the price of each and every drug approved by the Government but as there are thousands of drugs, we said that it was not possible to do it within the time-limit. We allowed them to declare it and we took time to scrutinise and send our approval. I do understand it.

SHRI S. N. MISHRA: Would you agree to a legal obligation being cast on them to raise the prices only after they had secured your approval. That is precisely the question.

DR. TRIGUNA SEN: Legal obligation?

SHRI S. N. MISHRA: Yes, to seek your approval before raising the prices.

DR. TRIGUNA SEN: I think they have a legal obligation to have the cost or the price approved by the Government, according to the order.

SHRI A. P. CHATTERJEE: That is not your statement.

SHRI S. N. MISHRA: That is not your statement.

SHRI N. G. GORAY (Maharashtra): I will try to help in this by pointing out something. I am quoting from 'The Times of India'. Codopyrin, per tablet, costs instead of seven paise, now thirteen paise. If I have understood him correctly, Shri Mishra was asking whether there was any legal obligation on this particular manufacturer to take your consent before he could raise this price from seven paise to thirteen paise.

SHRI A. P. CHATTERJEE: As far as your statement is concerned, you have said that if the revised prices, as fixed by the industry, show some anomalies, then only you can take corrective action but as far as the other things are concerned, you have said that the Government are taking further powers, to fix the prices at reasonable levels of any formulation. That is an admission that at present under the Drug Control Order, you have not those further powers. You kindly admit that.
The order does not give you any power to take corrective action now. You may take further powers. That is a different issue. As far as Mr. Mishra’s question is concerned the position is that they can now raise the price without your being empowered to anything to stop. That is your stale lent.

DR. TRIGUNA SEN: I think it is correct. This statement says: “They are also taking further powers to fix the prices at a reasonable level of any fluctuations.”

You are correct. It is correct, Sir.

SHRI A. I CHATTERJEE: There was no legal bad mg.

SHRI S. N. MISHRA: Would you think on that line?

DR. TRIGUNA SEN: We have already asked the L & M Ministry to draft it.

Then, Sir, he has asked about the prices of the IDPL, canalisation through the State Trading Corporation, inadequate imports and the reasons for the rise in prices. Am I correct?

SHRI S. N. MISHRA: And to what extent the rise in prices has been?

DR. TRIGUNA SEN: I have made it clear in my Statement also, Sir, that, if we want to produce the medicines indigenously, naturally we will have to pay for it, not of course—I agree fully with you—at the just of inefficiency, or at the cost of disproportionate profits in manufacturing the basic drugs.

Now coming to the IDPL, I shall read this out to you. Let me take Streptomycin. The cost of production of the IDPL is Rs. 46; we have fixed the pool price at Rs. 95; knowing fully well that the IDPL will still run at a loss. Then I come to Tetracycline. The cost of production of th; IDPL is Rs. 820, but we have fixed Rs 650 knowing fully well that there will be further loss to the IDPL. Similar is the case, Sir, with Phenobarbitone. The cost of production at Rs. 186.57 and we have fixed the price of Rs. 170. Let me take one more case, Vitamin B1. The cost of the IDPL is Rs. 442.71 whereas we have fixed the pool price at Rs. 382. So I have said; led down even the prices of the IDPL knowing fully well that it has been incurred losses and it may incur further losses. But we cannot raise the prices lest the prices of the drugs also should go up. After all, these are basic drugs...

SHRI S. N. MISHRA: But how do you make it economic?

DR. TRIGUNA SEN: We are trying to streamline the operations...

SHRI S. N. MISHRA: Unless there is economy of scale how can you make it economic?

DR. TRIGUNA SEN: We are trying to do it. We are trying to rationalise and streamline the operations, and in many ways we are working on it. There is a research group also working on it to find out how to improve upon its production.

SHRI SUNDAR SINGH BHANDARI: May I know whether the cost of inefficiency had also been included in the price and whether that is the amount which has been reduced now?

DR. TRIGUNA SEN: I have not calculated that cost, and it is not possible. I have done it, to be frank, arbitrarily only to reduce the prices.

Now about this canalisation through the STC, we had one discussion and we are having another discussion day after tomorrow. I do not believe that there is inefficiency in the STC although you said that there is but complaints have been received by me that there is sometimes delay in the supply of raw materials by the STC. So I am meeting them next week and I shall see that it is minimised.

Then the third point he raised was about the inadequacy of import of raw materials. It is not correct.

SHRI N. G. GORAY: Sir, I am constrained to say that the industrialists have proved cleverer than the Government this time also. Sir, we have been experimenting with these controlled prices for a long time, and we know that every time we try to control the price, either the thing disappear, goes underground, or the Government has to adjust itself to the demands of the industrialists. Sir, did not the Government understand this simple strategy? Here, Sir, what has been happening is that, while they have reduced the prices of certain drugs, they have increased the prices of those drugs which are in common use. Sir, here is a list from which I have read about the Codopyrine. The price of a Saridon tablet has been raised from 13 Paise to 20 Paise.
DR. TRIGUNA SEN: I have admitted it.

SHRI N. G. GORAY: In some cases the prices have gone up by 100%. Now could you not imagine that this is exactly what these people will do? They would raise the prices of drugs that are in common use while for certain drugs they would bring down the prices. Now, if you had understood this simple strategy, you would have armed yourself with some legal authority, and exactly there what Mr. Mishra asked becomes very pertinent. Now you are left high and dry and you are running after them to catch them. So we want to know how long this will continue because, by that time, they would have made lakhs of rupees of profit.

SHRI S. N. MISHRA: Crores of rupees.

SHRI N. G. GORAY: I just came from Bombay, and in Bombay the rumour is that particularly the CIBA Company made exorbitant profits on these simple drugs I mentioned earlier. Therefore I would like to ask you why you could not anticipate this strategy of the industrialists before.

SHRI SUNDAR SINGH BHANDARI: They did not refer to the Prime Minister who is the sole custodian of intelligence; that is the whole thing.

DR. TRIGUNA SEN: It is not a question of anticipation because.......

SHRI N. G. GORAY: That is what they have been doing all these 20 years.

DR. TRIGUNA SEN: Did we try to reduce the price before?

SHRI N. G. GORAY: Control the price.

DR. TRIGUNA SEN: We have not controlled; we have just frozen the prices.

SHRI BANKA BEHARY DAS (Orissa): You were so much involved in the complicated affairs that you forgot the simple strategy.

DR. TRIGUNA SEN: When we referred the whole matter to the Tariff Commission, the Tariff Commission recommended a reduction of prices of only 18 basic drugs. We thought taking this opportunity we must control all the drugs, 5,000 or 6,000 formulations, in the country and so we framed certain regulations and we expected that according to this formula the prices will not show any rise. Now we have found out that the prices of some of the day-to-day drugs have gone up.

I have said in my statement that we have seen that it has gone up. I have admitted it and I have also mentioned the names of the drugs. I have also said that I am taking the necessary powers to correct it. It is correct that we did not anticipate this.

SHRIN. G. GORAY: When will you arm yourself with powers?

DR. TRIGUNA SEN: Very soon; within a few days.

SHRI KRISHAN KANT: This statement of the Minister is not correct in the sense that it is written here that prices of anti-diabetic drugs and drugs used for heart ailments have also registered a fall. Probably he has put in the statement everything which the manufacturers have given them. The anti-diabetic drug has gone up. I have got a price list here which shows that the price of insulin has increased from Rs. 469 to Rs. 510. This means that the statement which the hon. Minister has made is not correct. So also the prices of many more drugs must have risen than what has been given in the statement. May I know whether he will check it up?

Secondly, the hon. Minister has told us that they are going in for a new law. Because Parliament is in session they cannot have an Ordinance. Is it not possible...


SHRI KRISHAN KANT: Can't you issue an order that only the prices that were there before 31st July should be charged, freezing the prices at that level and that the extra amounts charged by these manufacturers during the few days when they have been increased shall have to be refunded either to the Government or the people or others? Further the second instalment by the small manufacturers is coming up on 31st August, 1970 and what steps is the Government taking to see that they do not come forward with another dose of increase higher than what is being charged now? They have said that they have still faith, they will talk to them and rely on the good sense of the drug manufacturers, talk to them and then come to certain conclusions. As Mr. Bhandari has said, may I know through...
you, Mr. Deputy Chairman, whether they have still any faith in these people? They are hoodwinking the people and making a lot of profit! and still you are thinking of talking to them, come to certain conclusions and then issue orders. May I know instead of relying on them whether the Government will take immediate action to see that all prices are freeze and the profits made by them taken back and also that the price are not allowed to increase through the second instalment which is coming up on the 31st August, 1970?

DR. TRIGUNA SEN: My hon. friend has said that there are some more drugs which I did not mention and they have also registered an increase. We have collected a list of all the drugs, the prices of which have gone up.

SHRI N. C. GORAY: How many of them are there?

DR. TRIGUNA SEN: We have made a complete list of it. It comes to 114 or something like that.

SHRI N. G. GORAY: That covers the entire list of drugs.

DR. BHAI MAHAVIR (Delhi): He mentioned some specific drugs. What happened to them?

DR. TRIGUNA SEN: Yes, it is there. Insulin is there. The next question is about the issue of an order, and my faith in the industry. I did not say that I will only negotiate with the industry. I said, I would talk to the industry also and ask them to reduce the price. At the same time, as I have said in reply to the question of my esteemed friend, Mr. Bhandari, we are armed with the authority to issue an order to see that the prices of the day-to-day medicines are not raised.

SHRI SUNAR SINGH BHANDARI: You take advantage of Ordinances for so many things.

DR. TRIGUNA SEN: It is not necessary to issue an Ordinance. Just an order, a legal order'll do.

SHRI SUNAR SINGH BHANDARI: Why do you not do it?

DR. TRIGUNA SEN: It has legal implications. I am ignorant of the legality of it, but we are having this legal order drafted.
DR. TRIGUNA SEN: i am not a lawyer like you. That is my difficulty. We are issuing an order as soon as possible. We have contacted the Ministry of Law to draft that. He has asked about the landed cost and the pool price. Firstly, I think you will agree that we should not depend on the importation of drugs for all times to come. We must produce the drugs in our country.

SHRI NIREN GHOSH: You are not producing.

DR. TRIGUNA SEN: We are also producing. Now the imported price does not show the price at which this particular drug is sold in their own country. You know the imported prices are always less than the prices prevalent in the country itself.

SHRI NIREN GHOSH: Give us the figures.

DR. TRIGUNA SEN: I have got the figures. As I said, Streptomycin's landed cost is Rs. 365.16; indigenous price, as I said, by the IDPL is Rs. 446; we have fixed it at Rs. 295.

MR. DEPUTY CHAIRMAN: You have already quoted those figures.

SHRI NIREN GHOSH: I can give you a list of landed costs and pool prices showing 200 per cent difference.

DR. TRIGUNA SEN: I have got the whole list. It is but natural that the pool price will be more than the imported price. As I explained to you, the imported price is not the same as the price at which it is being sold in their own country. Whenever you manufacture in your own country, you will have to pay for it. That is why I said for the pool price we have taken a mean of the manufactured price in the country and the imported price. We have asked the manufacturers that they will have to see that they run it efficiently. We will not allow them to make a profit in the basic drugs manufacture.

SHRI NIREN GHOSH: Are you sure that the manufacturers have not given you false figures as regards the cost?

DR. TRIGUNA SEN: We have now got a Bureau of Costing and they are calculating each and every item. We have referred to them to find out what is the actual cost of manufacture. These are the two things. As I said, we will be issuing an order.
DR. TRIGUNA SEN: Firstly, I want to assure my tender that it is not bungling and secondly, I do not agree that we are encouraging looting of the drugs. You will find that we have never said that any drug manufacturer can have the 150 per cent mark-up without the consent of the Government, without our approval.

SHRI SUNDAR SINGH BHANDARI: But the consent is not coming.

DR. TRIGUNA SEN: That is my point. The question is, we find now that they have put it up by 150 per cent, and even more than that, without our approval.

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SHRI SUNDAR SINGH BHANDARI: But the consent is not coming.
DR. TRIGUNA SEN : No, Sir. I have explained that.

MR. DEPUTY CHAIRMAN : The House stands adjourned till 11 A.M. tomorrow.

The House then adjourned at two minutes past seven of the clock till eleven of the clock on Thursday, the 13th August, 1970.