

RAJYA SABHA

Thursday, the 30th November, 2012/9th Aগ্রহায়ণ, 1931 (Saka)

The House met at eleven of the clock,

MR. CHAIRMAN in the Chair.

ANNOUNCEMENT BY THE CHAIR

MR. CHAIRMAN: Hon. Members, I have received eight notices of motion from different Members under Rule 168 of the Rules of Procedure and Conduct of Business in the Rajya Sabha on foreign direct investment in multi brand retail sector. I have to inform the House that I have admitted the motion and will allow discussion on the subject. The date and time of the discussion will be decided.

SHRI RAVI SHANKAR PRASAD (Bihar): We wish to convey our gratefulness to hon. Chairman for accepting our request. We are extremely grateful and we wish to assure that we shall be fully cooperating in the running of the House.

ORAL ANSWERS TO QUESTIONS

निर्धारित मूल्य से अधिक मूल्य पर दवाओं की बिक्री

*101. श्री राम जेठमलानी: क्या रसायन और उर्वरक मंत्री यह बताने की कृपा करेंगे कि:

(क) क्या यह सच है कि अनेक दवा निर्माता कंपनियों ने उपभोक्ताओं को निर्धारित मूल्यों से अधिक मूल्य पर दवाओं की बिक्री की है;

(ख) यदि हां, तो उन कंपनियों के नाम क्या-क्या हैं और प्रत्येक कंपनी कितने समय से अधिक मूल्य वसूल रही है;

(ग) क्या यह सच है कि सरकार इन कंपनियों द्वारा ली गई उक्त अतिरिक्त राशि जुर्माने के साथ वसूल करेगी;

(घ) यदि हां, तो सरकार ने इस संबंध में क्या कार्रवाई की है; और

(ङ) उपभोक्ताओं को हुए नुकसान की क्षतिपूर्ति किस प्रकार की जाएगी?

रसायन और उर्वरक मंत्रालय में राज्य मंत्री (श्री श्रीकांत जेना): (क) से (ङ) एक विवरण सदन के पटल पर रख दिया गया है।

विवरण

(क) और (ख) जी, हां। अगस्त, 1997 में राष्ट्रीय औषध मूल्य निर्धारण प्राधिकरण (एनपीपीए) की स्थापना से दिनांक 31 अक्टूबर, 2012 की स्थिति के अनुसार ऐसे 885 मामले हैं जिनमें एनपीपी द्वारा निर्धारित मूल्यों से अधिक मूल्यों पर दवाइयां बेचने के लिए एनपीपीए द्वारा औषधि कंपनियों को 2577.28 करोड़ रुपए की राशि के मांग नोटिस जारी किए गए हैं। अधिक मूल्य वसूल करने के 885 मामलों की कई पृष्ठों वाली भारी-भरकम सूची है। अतः यह सूची (31-10-2012 तक अद्यतन) एनपीपीए की वेबसाइट अर्थात् www.nppaindia.nic.in पर उपलब्ध कराई गई है।

(ग) और (घ) अधिक मूल्य वसूल करने के पुष्ट मामलों में एनपीपीए द्वारा निर्धारित मूल्य से अधिक मूल्य पर दवाइयां बेचकर ली गई अतिरिक्त रकम की वसूली कंपनियों से औषधि (कीमत नियंत्रण) आदेश, 1995 (डीपीसीओ, 1995) के पैरा 13 के अधीन की जाती है। अधिक वसूल की गई रकम पर आवश्यक वस्तु अधिनियम के पैरा 7क के प्रावधानों के अनुसार ब्याज भी वसूली योग्य है। दिनांक 31-10-2012 तक 2577.28 करोड़ रुपए (ब्याज सहित अधिक वसूल की गई रकम) की वसूली के लिए मांग नोटिस जारी किए गए हैं जिसमें से 232.52 करोड़ रुपए की रकम वसूल हो चुकी है और 2260.80 करोड़ रुपए की रकम अभियोजन के अधीन है तथा ये अभियोजन विभिन्न न्यायालयों में विचाराधीन हैं, 16.26 करोड़ रुपए की रकम विभिन्न राज्यों के कलेक्टरों के पास वसूली हेतु लंबित है तथा 67.70 करोड़ रुपए की शेष रकम प्रक्रिया के अधीन है।

(ङ) अधिक मूल्य वसूल करने के परिणामस्वरूप औषधि कंपनियों से वसूल हुई राशि को भारत की समेकित निधि में जमा किया जाता है। अधिक मूल्य वसूल करने के मामलों का पता लगाने की कार्यवाही औषधि कंपनियों को उपभोक्ता से अधिक मूल्य वसूल करने से रोकती है और उपभोक्ताओं के लिए उचित मूल्यों पर दवाइयों की उपलब्धता को सुनिश्चित करती है।

Sale of medicines at prices higher than the fixed price

*101. SHRI RAM JETHMALANI: Wili the Minister of CHEMICALS AND FERTILIZERS be pleased to state:

(a) whether it is a fact that many pharmaceutical companies have sold medicines to consumers on much higher prices than their fixed prices;

(b) if so, the names of those companies and the time since when each of them is overcharging;

(c) whether it is a fact that Government would recover excess money charged by these companies along with penalty;

(d) if so, the action taken by Government in this regard; and

†Original notice of the question was received in Hindi.

(e) the manner in which consumers would be compensated for the loss they have suffered?

THE MINISTER OF STATE IN THE MINISTRY OF CHEMICALS AND FERTILIZERS (SHRI SRIKANT JENA): (a) to (e) A Statement is laid on the Table of the House.

Statement

(a) and (b) Yes, Sir. Since inception of the National Pharmaceutical Pricing Authority (NPPA) in August, 1997, there are 885 cases as on 31.10.2012 where demand notices have been issued by NPPA to the pharmaceutical companies amounting to Rs. 2577.28 Crore for selling the medicines at a price higher than the price fixed by NPPA. The hard copy of the list of 885 overcharging cases will be very voluminous running into several pages and hence the same (updated upto 31.10.2012) has been made available on the website of NPPA i.e. www.nppaindia.nic.in.

(c) and (d) In confirmed cases of overcharging, the excess amount charged by selling medicines at higher price than the price fixed by NPPA is recovered from the pharmaceutical companies under paragraph 13 of the Drugs (Prices Control) Order, 1995 (DPCO, 1995). Interest on the overcharged amount is also recoverable as per the provisions of para 7 A of Essential Commodities Act. Till 31.10.2012, demand notice has been issued for Rs. 2577.28 Crore (overcharging along with interest), out of which, Rs. 232.52 Crore has been realized, Rs. 2260.80 Crore is under litigation and pending in various courts, Rs. 16.26 Crore is pending for recovery with Collectors of various States and the balance amount of Rs. 67.70 Crore is under process.

(e) The amount recovered from the pharmaceuticals companies for overcharging is deposited to the consolidated fund of India. The detection of overcharging cases acts as a deterrent to the pharmaceutical companies to charge higher prices from the consumer and it ensures availability of medicines to the consumers at reasonable price.

SHRI RAM JETHMALANI: Sir, will the hon. Minister tell us whether the Department has set up any mechanism for detection of these cases or does it depend upon rare complaints either from customers or some social activists? And if there is a mechanism, kindly describe it to us briefly. Let us see how efficacious it is.

SHRI SRIKANT JENA: Sir, normally, the NPPA used to get the information from different State Drug Controllers. The NPPA also often goes to the market to purchase the sample copy and the MRP and apart from that, the NPPA also used to get information from any citizen at any time and on the basis of that information, the NPPA acts.

SHRI RAM JETHMALANI: I believe that overcharging is also a criminal offence. Have you prosecuted any one so far?

SHRI SRIKANT JENA: Sir, I have said in the statement itself that we have charged nearly Rs. 2,577 crore and realisation is up to Rs. 232 crore.

SHRI RAM JETHMALANI: That is your recovery by settlement, I also want to know that. Did you prosecute anybody and then settled the matter or did you just settle them?

SHRI SRIKANT JENA: No prosecution; it is recovery. That is available in the DPCO. On the basis of the Essential Commodities Act, we charge them and ultimately the recovery takes place. And if recovery is late, then 15 per cent interest is also charged and on the basis of that, we recover the amount that is overdue on them.

SHRI RAVI SHANKAR PRASAD: Hon. Minister, I would really appreciate if you appreciate the spirit of this question. It is not a question of overcharging simpliciter. The larger issue is availability of cheap drugs to poor people who keep on suffering. In view of the opening up of the economy, what is very important is the insistence upon patenting. It will have a cascading effect as far as availability of drugs is concerned. What steps is the Government taking to ensure that cheap life-saving drugs are indeed available to patients in the country?

SHRI SRIKANT JENA: Sir, there are two things. One issue is, the drugs which are under price control are available to the patients at the price that is determined and fixed by NPPA. Sometimes, the companies do charge more than the prescribed MRP. There comes the NPPA. It prosecutes and charges them. The second aspect is availability of drugs. Availability is more important.

SHRI RAVI SHANKAR PRASAD: I asked about patent and consequences thereof. Please respond to that.

SHRI SRIKANT JENA: The patent law is totally different because there are certain norms on which the patented drugs are sold in the market. Any patented drugs being imported to India, the landing cost and the MRP are determined by the companies. There, the landing cost price is determined by the companies which are bringing in the patented drugs. Therefore, we have very little role in the price of patented drugs. The policy is, landed cost will be calculated on the price they fix themselves. They don't disclose it to us, what exactly the price is. Now, under the new policy we are hoping that 33 life saving cancer drugs will be brought under this policy which is not under the patented drugs, but those drugs are half patented; and those could be brought under the price control. We have taken that action.

DR K.P. RAMALINGAM: Sir, most of the life-saving medicines pertaining to heart diseases and renal failure are highly priced which are beyond the reach of the poor and middle class people. I would like to know from the Minister whether the Government has any plan to reduce the price of life saving drugs; if so, which are the medicines going to be subsidised.

SHRI SRIKANT JENA: in fact, the Ministry of Health and Family Welfare has given a list of 348 bulk drugs. They have notified that these are NLEM drugs which need to be brought under price control. There, these kinds of essential drugs are also included. On the basis of that, 614 formulations are brought under the price control. Recently, the Cabinet has taken a decision approving the New Pricing Policy which I hope will be placed before the House once it comes to the Department. Most probably, we will be laying it in the House next week. There we have taken care of drugs which are essential and notified by the Health Ministry. Those drugs will come under the price control.

श्रीमती जया बच्चन: सर, अभी मंत्री जी ने यह कहा कि फार्मस्यूटिकल कंपनियां जो ड्रग्स इम्पोर्ट करती हैं, वे उनकी price declare नहीं करती हैं। How is that possible? What is the Government doing? How could you say that they don't disclose the cost price? What is the problem? How could you give an answer like that?

SHRI SRIKANT JENA: In fact, that is the problem we are facing because they are protected under the patented law. When we posed this question, "Why don't you tell us your cost price?"

MR. CHAIRMAN: It can't be a discussion.

SHRIMATI JAYA BACHCHAN: How are you allowing a drug company to come into the country, which is patented? If the Government asks for the cost price, you come and say that they are not disclosing it.

MR. CHAIRMAN: That is a wider discussion.

SHRI SRIKANT JENA: As the House knows, the patented drugs are mostly imported. Under the Patents Act, they are protected. The NPPA is regularly in touch with them and are negotiating with them that they should bring down the price. Some times they have brought down the price.

प्रो. एस.पी. सिंह बघेल: सर, दवा की फॉर्मूला के बारे में प्रश्न नहीं पूछा जा रहा है, बल्कि लागत के बारे में पूछा जा रहा है।

श्री श्रीकांत जेना: लागत के बारे में भी पेटेंटेड ड्रग्स का दाम protected है।

श्री सभापति: कृपया बैठ जाइए।

*102. [प्रश्नकर्ता (श्री रशीद मसूद) अनुपस्थित थे।]