

**BEFORE THE KERALA STATE HUMAN RIGHTS COMMISSION,
THIRUVANANTHAPURAM**

**Present: Mr.Justice N.Dhinakar,
Hon'ble Chairperson**

Dated this the 11th March, 2009.

H.R.M.P.No.228/2009

Petitioner : M.L.George,
Director, FIAT JUSTICIA,
Samatha Building,
Power House Extn Road,
Kochi -18.

Respondent :

ORDER

The above complaint was registered on the petition alleging that the manufacturers of drugs, with unholy alliances with hospital authorities and drug whole sale dealers, are showing the price three times of the cost of production and that the drugs are made available only through their own network and not sold in open market. According to the petitioner, extracting unreasonable amounts from the poor patients is bad and that this Commission should order for an enquiry.

In the report submitted by the Secretary to Govt., Health and family Welfare (F) Department, Thiruvananthapuram, it is stated that the Drugs Controller, the Regional Drugs Inspector and Drug Inspector of the office of the Assistant Drugs Controller, Ernakulam, inspected several wholesale/C&F Agencies and major hospitals with oncology specialty based and that during the inspection it is found that no excess price has been charged. The report admits that there is huge margin between the leading cost and the maximum retail price (M R P) for sale of the drugs and hence it is obvious that different hospitals may charge different price for the same drug. It is further stated in the report that one Benny Jacob, General Convener, Janapaksham, has filed a petition before the Consumer Dispute Redressal Forum, Ernakulam, in C C No.24/09 against some

Pharmaceutical companies and hospitals and the Assistant Drugs Controller, Ernakulam, the 15th respondent in this case, has filed a statement of facts on 22-1-2009. According to the report, as per paragraph 16 of the Drug Prices Control Order, the Drugs Control Department is empowered to interfere in an instance of excess price of drugs during the sale of drugs and in this case there is no mention at all about drug being sold in excess of the printed M.R.P. and hence the Drug Prices Control Order 1995 is not seen violated. According to the report, the State Government has no role in fixing the M.R.P. of the drugs, which is entrusted to Central Government authority like National Pharmaceutical Pricing Authority. The report concludes by stating that the Department had instructed to the subordinate officers to take all necessary steps by conducting inspection at Wholesale and C & F Agencies and major hospitals.

In view of the above report no further orders are required but the Commission wish to impress upon the State Government to see that any drug is not sold at an exorbitant rate and the Government in the interest of suffering humanity can take up the matter with any authority of the Central Government like National Pharmaceutical Pricing Authority to reign in the manufacturers of drugs from fixing exorbitant prices for their products manufactured by them and that the drugs are available at reasonable prices even to the poor.

With the above observation the petition is closed.

**Justice N.Dhinakar,
Chairperson**