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Govt steps in to control cancer drug prices

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As per IMS Health data available with National Pharmaceutical Pricing Authority (NPPA), the details of Nexavar which is an anti-cancer drug are not reported. In respect of drugs not covered under the Drugs (Prices Control) Order, 1995 (DPCO, 1995) i.e. non-scheduled drugs, manufacturers fix the launch prices by themselves without seeking the approval of Government/NPPA. Anti-cancer medicines are non-scheduled drugs. Under the present framework of price fixation, there are no controls on the launch prices of non-scheduled medicines.

Speaking in the parliament on March 7, 2013, Mr Srikant Kumar Jena, Minister of State for Chemicals and Fertilizers mentioned, "It has been informed by the Department of Industrial policy and Promotion that Natco Pharma had applied to the Controller General of Patents Design and Trade Marks (CGPDTM) in July, 2011 for grant of compulsory license for the drug "Sorafenibtosylate" patented by Bayer under Section 84 of the Patents Act, 1970. The Controller General Patents Design and Trade Marks, after examining the application, granted the compulsory license to Natco Pharma in March, 2012. However, Bayer filed an appeal before IPAB (Intellectual Property Appellate Board) against the said orders of the CGPDTM."

There is no classification of life saving drugs in DPCO, 1995. Recently, the Government has notified the New Pharmaceutical Pricing Policy, 2012 (NPPP-2012) on December 7, 2012. NPPP-2012 provides for price fixation of cancer drugs specified in the National List of Essential Medicines-2011 (NLEM-2011) of the prescribed strengths and dosage forms. As envisaged in the NPPP-2012, prices of these specified anti-cancer drugs would be fixed after promulgation of the new DPCO by the government.

Further, to bring down the prices, Ministry of Health and Family Welfare has recommended three cancer drugs, namely, Trastuzumab, Ixabepilone and Dasatinib to the Department of Industrial Policy and Promotion to put them under compulsory licensing under the provisions of the Indian Patents Act, 1970.