

Apex court notice to Centre, States on promoting use of generic drugs

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New Delhi, August 13

The Supreme Court on Wednesday issued notice to the Centre, all States and Union Territories and Drugs Controller of India on a public interest writ petition seeking a direction for promotion of generic drugs instead of branded drugs by medical practitioners.

Flagrant violations

A Bench of Justices Dipak Misra and V Gopala Gowda issued notice returnable in six weeks on the PIL filed by Reepak Kansal seeking court intervention with respect to flagrant violations and abuse of health norms due to non-enforcement and non-implementation norms/prohibitions es-

tablished under the Drugs and Cosmetics Act, 1940 and for not implementing the recommendations mentioned in the Sixth Plan.

The petitioner said "the 2002 national Health Policy emphasises the need for basing treatment regimens, in both the public and private domain, on a limited number of essential drugs of a generic nature. This is a pre-requisite for cost-effective public health care. In the public health system, this would be enforced by prohibiting the use of proprietary drugs, except in special circumstances."

However, this policy was not being implemented, he said.

He said "generic drugs are cheaper and possess all attributes, potency and properties

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of any medicine under branded name." At present, doctors even in the rural areas prescribe medicines (mostly non-generic) to the patients, who have no choice but to buy them from the medical shops, as most of the dispensaries in Public Health Centres won't have these medicines.

Since these medicines are expensive, they are forced to spend a considerable portion of their income on medical ex-

penses, and those who cannot afford are forced to discontinue the medication.

He sought a direction to the authorities/department/concerned to promote the use and prescription of generic drugs (a drug, which is of standard quality, which violates the basic human right as well as fundamental right of the citizen to get proper and economical treatments unbranded and sold under its chemical name) as opposed to the medicines under branded names.

He also sought a direction to the authorities to prepare and implement the model of generic drugs in every civil hospital/government must have a generic drugs store for the general public specially life saving drugs.

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