



General Studies-2; Topic: Issues relating to development and management of Social Sector/Services relating to Health, Education, Human Resources.

Making Cancer Drugs Affordable

Introduction

- The subject of the spiralling costs of cancer medicines and their implications were highlighted in a recent report (“Cancer Care Plan and Management”) by the Rajya Sabha’s Standing Committee on Health.
- According to the WHO Constitution, “enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being”.

Rising costs of Cancer care

- The Committee noted that “about 40% of cancer hospitalization cases are financed mainly through borrowings, sale of assets and contributions from friends and relatives”.
- Even average out-of-pocket spending on cancer care is too high.
- Spending for cancer care in private facilities is about three times that of public facilities.
- WHO report highlighted that the cost of a course of standard treatment for early-stage positive breast cancer would be equivalent to about 10 years of average annual wages in India.
- The costs associated with other medical care and supportive care would make overall care even more unaffordable.

Impact on survival rates

- The catastrophic treatment cost has seriously impacted survival rates in developing countries.
- In breast cancer, the five-year survival rates in India and South Africa are estimated to be 65% and 45%, respectively.
- In contrast, in high-income countries, it is nearly 90%.

The justifications by pharma companies

- Large pharmaceutical companies cite that they spend over \$3 billion in bringing a new molecule to the market, which they must recoup in order to remain in the market for innovation.
- WHO report mentioned above observed that spending on research and development may bear little or no relationship to how pharmaceutical companies set cancer medicine prices.
- Another factor that allows the companies to sustain their high profit margins is intellectual property protection.
- Through this companies can exercise monopoly control over their products.

Concerns / Challenges

- **The lack of access to these critical medicines has pushed the life of patients and their families into deep financial stress.**
- It has also jeopardised their right to live with dignity, a fundamental right guaranteed under Article 21 of the Indian Constitution.

Supreme Court's Interpretation

- The Supreme Court of India has interpreted the right to life as the most precious human right.
- The Court has, in several judgments interpreted the **right to health as an extension of the right to life under Article 21.**

Way Forward

- **Authorising Indian companies to domestically produce high-priced cancer medicines.**
- Granting compulsory licences (CLs) in keeping with Sections 84 and 92 of the Patents Act.
- The Government can invoke provisions of Section 100 of the Patents Act, which empowers it to authorise any entity to use a patented invention without the authorisation of the patent holder.