

**GOVERNMENT OF INDIA  
CHEMICALS AND FERTILIZERS  
LOK SABHA**

UNSTARRED QUESTION NO:3742

ANSWERED ON:18.12.2006

OXFAM REPORT

Kumar Shri Shailendra;Prabhu Shri Suresh Prabhakar

**Will the Minister of CHEMICALS AND FERTILIZERS be pleased to state:**

(a) whether the poor people are needlessly dying because drug companies and the Government of rich countries are blocking the developing World from obtaining the affordable medicines as per Oxfam report as reported in The Hindustan Times dated November 15, 2006;

(b) if so, whether the Government has examined the report of Oxfam;

(c) if so, the details thereof; and

(d) the reaction of the Government thereto?

**Answer**

MINISTER OF THE STATE IN THE MINISTRY OF CHEMICALS AND FERTILIZERS AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI B.K. HANDIQUE)

(a) to (d): The Oxfam report as quoted under the title `Rich nations blocking cheap drugs in The Hindustan Times dated 15.11 2006 alleges that Doha Declaration on the TRIPS Agreement and Public Health is not being given effect to. The Doha Declaration was adopted by the 4th Ministerial Conference of the WTO in Doha in 2001. This declaration reaffirmed flexibility of the WTO member countries in circumventing patent rights for better access to essential medicines. The Doha Declaration also set a task before the TRIPS Council to find a solution to the problems that countries may face in making use of compulsory licensing if they have too little or no pharmaceutical manufacturing capacity. As per the decision in the TRIPS Council, as adopted by the General Council of the WTO in its meeting held in August,2003 waivers from the obligations of the TRIPS Agreement have been provided. Accordingly, a compulsory license can not only be issued for domestic use, but also for the purpose of production of a pharmaceutical product and its export to such countries that have insufficient manufacturing capacity, subject to certain conditions

The Patent (Amendment) Act, 2005 has already incorporated the elements of the Doha Declaration on the TRIPS Agreement and Public Health This amendment allows manufacturing and export of patented pharmaceutical products to any country having insufficient or no manufacturing capacity in the pharmaceutical sector for the concerned product to address public health problems.