PHARM.D • YEAR 3

Pharmaceutical Jurisprudence

CHAPTER 8

Essential Commodities Act Relevant to the Drug Price Control Order

PPT CHAPTER COVER



DOCTOR OF PHARMACY

Essential Commodities Act, 1955

The Act enables control of production, supply, distribution and trade in essential commodities in the public interest.

Its objectives include maintaining or increasing supplies and securing equitable distribution at fair prices.

Availability and fair price



Manufacturer → Wholesaler → Pharmacy → Patient

Drugs are included within the essential-commodity framework.

The Act provides enabling powers; detailed controls are imposed through orders made under it.

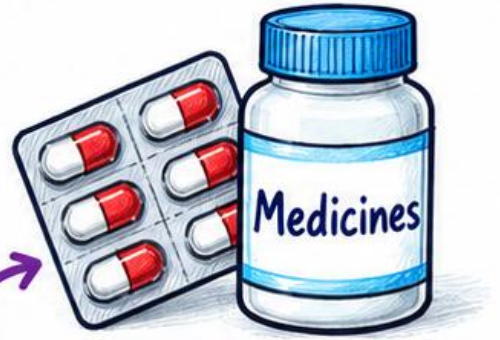
For pharmaceuticals, the Drugs (Prices Control) Order is a major example.

An enabling Act and a particular price notification operate at different legal levels.

Essential commodities: scope and definitions

SECTION 2A AND THE SCHEDULE

Identify the essential commodities covered by the Act and the mechanism for changes to the list.



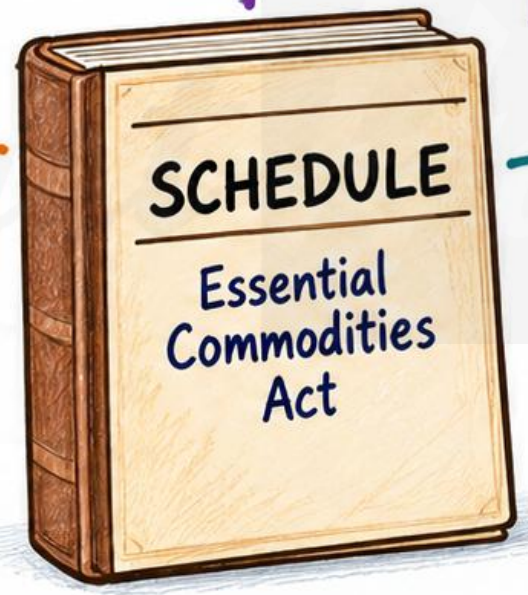
Drugs

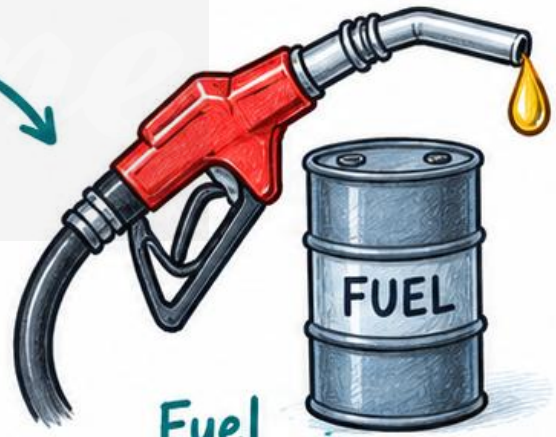
Drugs are included with reference to the drug-law definition.

Other categories include specified food, fuel and agricultural necessities.



Specified food





Fuel

Government control must relate to statutory powers and a valid order.

Calling an item important in everyday speech does not by itself create a legal control.

For medicines, check the relevant order and notification rather than assuming all prices are fixed identically.

Section 3: the power behind control orders

SECTION 3

Empowers the Central Government to regulate or prohibit specified activities when the statutory public-interest grounds are met.

PRODUCTION AND SUPPLY



Controls may support availability and orderly distribution.

PRICES



Orders may regulate the price at which covered commodities are bought or sold.

STOCK AND TRANSACTIONS



Licensing, records, information and movement controls may be required.

ENFORCEMENT SUPPORT



An order may provide for authorised inspection, search or seizure.

The exact power used must be found in the Act and applicable order.

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