

**GOVERNMENT OF INDIA
MINISTRY OF CHEMICALS AND FERTILIZERS
DEPARTMENT OF PHARMACEUTICALS**

LOK SABHA
UNSTARRED QUESTION No. 3449
TO BE ANSWERED ON THE 5th AUGUST, 2022

Uniform Code of Pharmaceutical Marketing Practices

**3449. SHRI NALIN KUMAR KATEEL:
SHRI D.K. SURESH:
SHRI PATEL HASMUKHBHAI SOMABHAI:**

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

- (a) whether it is a fact that the Government has proposed a voluntary Uniform Code of Pharmaceutical Marketing Practices (UCPMP) for marketing of drugs, if so, the details thereof;
- (b) whether it is a fact that there are several instances of violation of the voluntary UCPMP by pharma companies in the country;
- (c) if so the details thereof;
- (d) whether the pharmaceutical companies are indulging in unfair and unethical practices to promote their medicines by sponsoring trips and offering gifts to doctors;
- (e) if so, the details thereof and the steps taken by the Government to check such unfair and unethical practices;
- (f) whether the Government has received representations from civil societies and patients group to make the UCPMP mandatory; and
- (g) if so, the details thereof and the action taken by the Government in this regard?

ANSWER

**MINISTER OF STATE IN THE MINISTRY OF CHEMICALS & FERTILIZERS
(SHRI BHAGWANTH KHUBA)**

(a) to (c): The Government has put in place a Uniform Code for Pharmaceutical Marketing Practices (UCPMP) for Pharmaceutical companies, which is in operation since 01.01.2015, to prevent unethical practices by the pharmaceutical companies. This code governs the conduct of pharmaceutical companies in their marketing practices, duly covering the various aspects such as medical representatives, textual and audio-visual promotional materials, samples, gifts, etc. Further, the code establishes relationship with healthcare professionals, wherein the provisions related to travel facilities, hospitality and cash or monetary grants to physicians or their families have been elaborated.

The code also details the mode of operation of the code, responsibilities of the Pharmaceutical Associations in constituting the Ethics Committee for Pharmaceutical Marketing Practices (ECPMP) for handling the complaints and Apex Ethics Committee for Pharmaceutical Marketing Practices (AECMP) for review, procedure of lodging a complaint, procedure of handling of complaints by the Pharmaceutical Associations and various penalty provisions.

The code has been adopted by the all the major associations of pharmaceutical companies and the Department on various instances has reviewed implementation of the code by the Pharmaceuticals associations.

The complaints of violation of the voluntary UCPMP by pharma companies which are perceived by the Department are forwarded to the concerned associations for taking necessary action.

(d) and (e): The Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002 formed under Indian Medical Council Act, 1956 (102 of 1956), provides for conduct for doctors and professional association of doctors in their relationship with pharmaceutical and allied health sector industry. Under this, any complaint of professional misconduct of a medical practitioner or professional is to be addressed by the respective State Medical Councils.

Besides UCPMP, there exists sufficient and enforceable legal regime to counter, control and dis-incentivize the unethical marketing practices such as “Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002” under the Indian Medical Council Act, 1956, provisions available under the Income Tax Act, Drugs and Cosmetics Act, Prevention of Corruption Act, etc.

(f) & (g): The Department has not received any representations in the recent past from civil societies and patents group to make the UCPMP code mandatory. Further, in the writ petition (Civil) No. (s).323/2021 filed by federation of the Medical and Sales Representatives Associations of India & others against Union of India and others, the matter is under consideration of Hon’ble Supreme Court of India.

XXXXX