

Palliative Care and NDPS Act

www.palliumindia.org

chairman@palliumindia.org

Millions in pain in India

- 2.4 million live with cancer
- 2.5 million live with HIV

Pain relief reaches less than 1% of the needy.

Barrier #1: Narcotic regulations

India grows poppy.

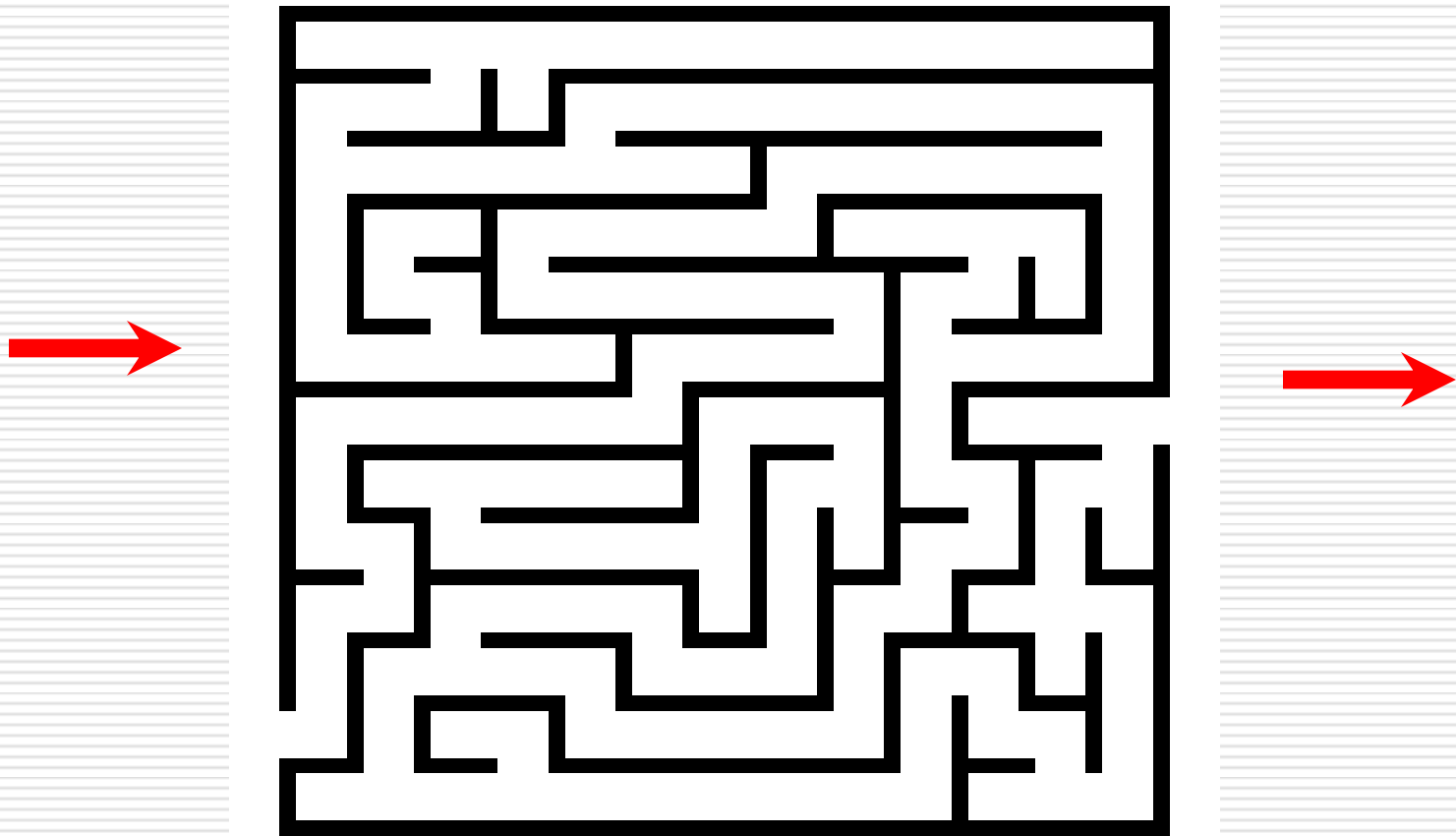
Government factory
manufactures opium.

India exports opium to
western world.

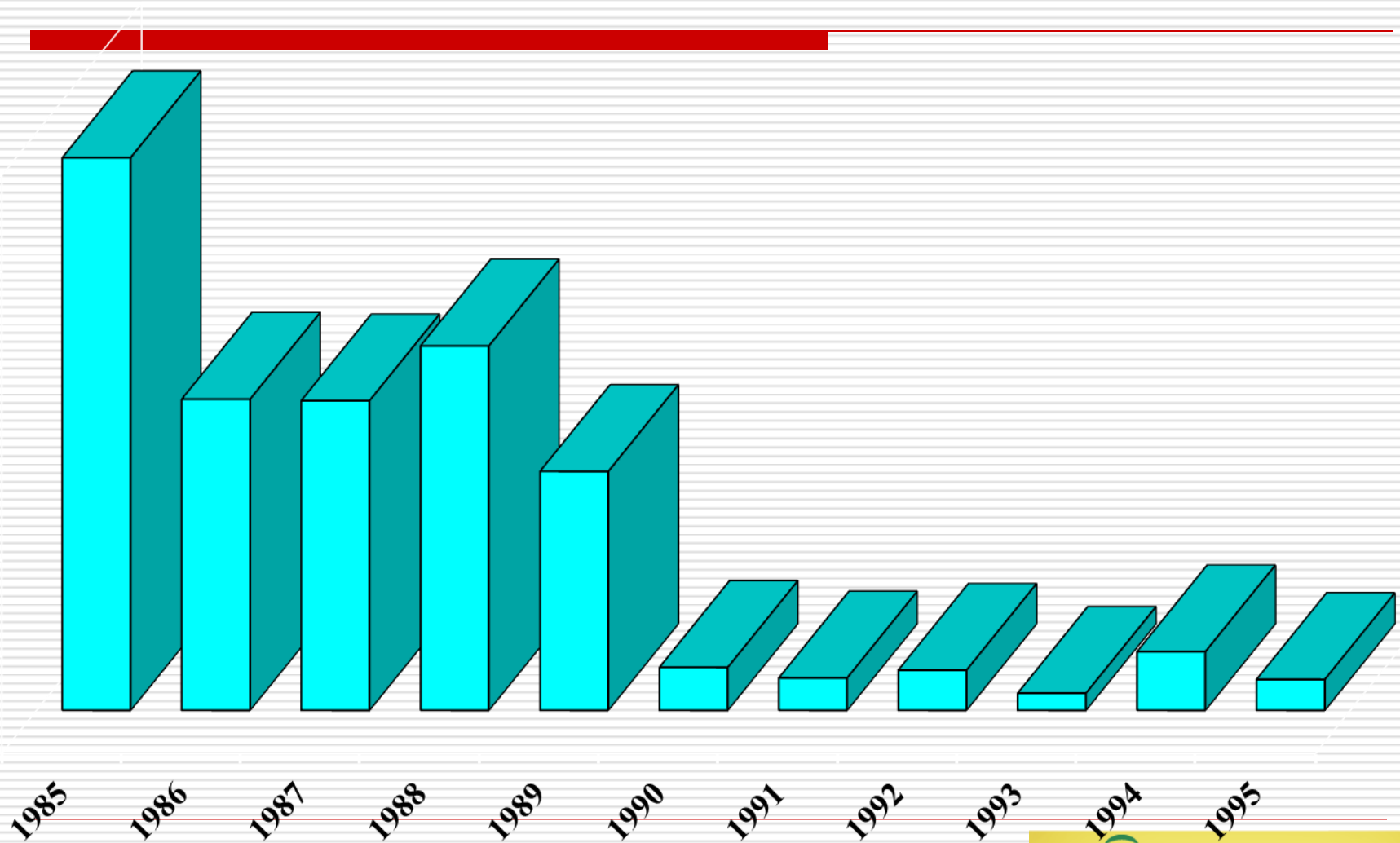
It reaches less than 1%
of the needy in India



The licensing system by NDPS Act 1985



Consumption of Morphine in India since NDPS act, 1985



Effort at reform: Collaborators

- ❑ Pain and Policy Studies Group, WHO Collaborating Center, Wisconsin.
- ❑ Indian Palliative Care Activists.
- ❑ More recently, Human Rights Watch.
- ❑ Lawyers from “Lawyers’ Collective”, a Non-Profit Organization.

Government action

1997: Proposal for modification of narcotic rules to Government of India (GOI).

1998: GOI requests states to amend rules;
but ...

no response
from states.



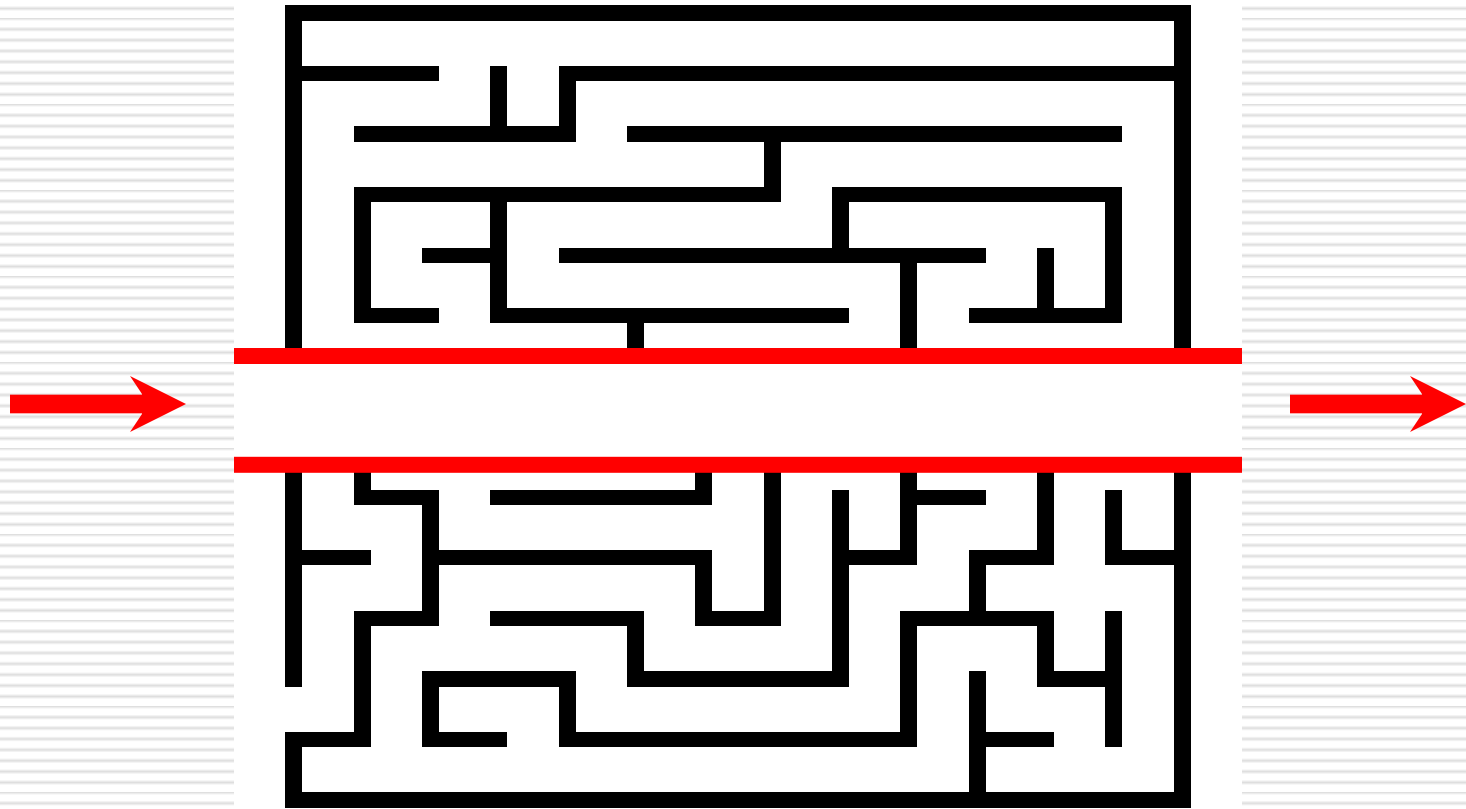
Action by palliative care activists

State workshops in 18 states.

- ❑ Organized by local champions who could persuade the officials to attend.
- ❑ Various agencies – Health, Drug control, Excise, Law – sat together with palliative care experts and discussed solutions.

RESULT: In 18 years, 16/28 states simplified their regulations

NDPS amendment



The amendment

Old rule

- Possession license
- Import Permit
- Export permit
- Transport permit

Multiple agencies involved.

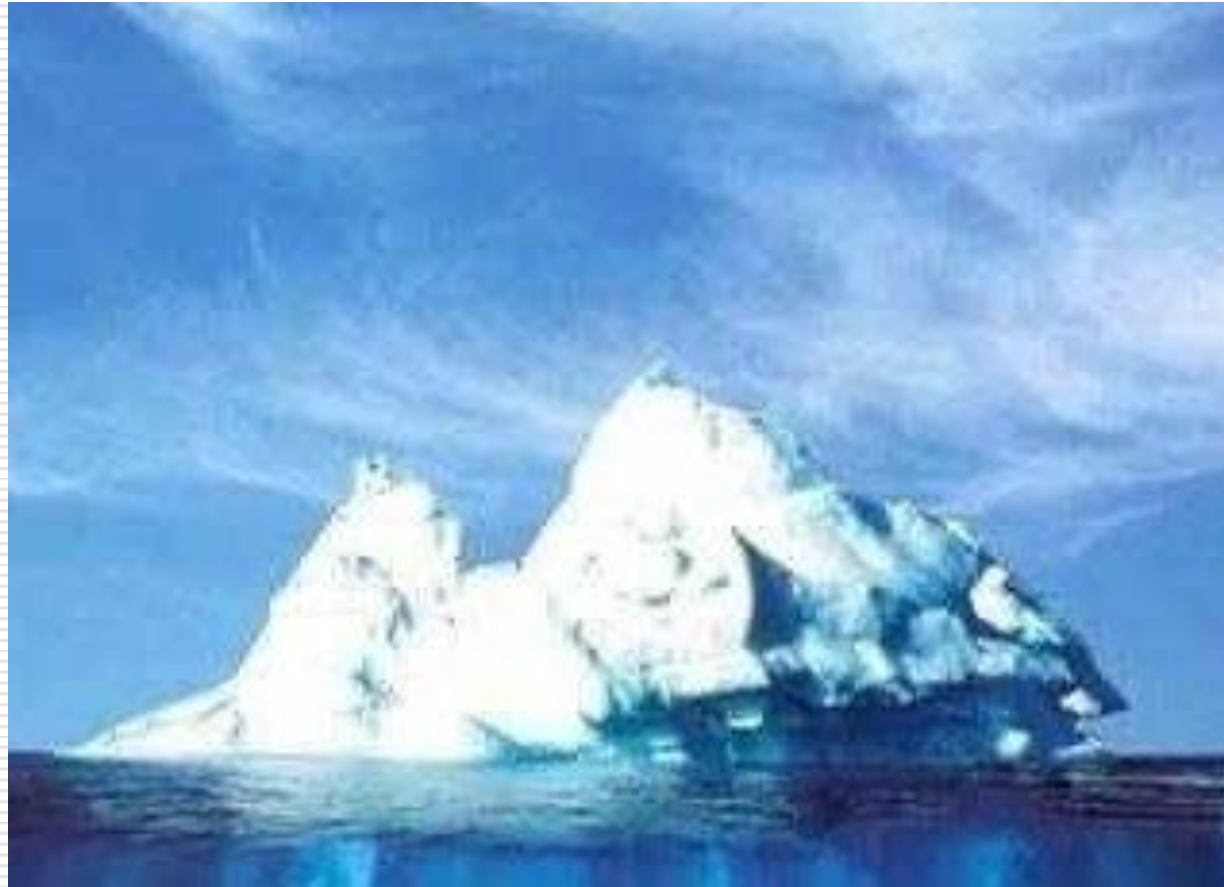
Validity of one expires when the other has been obtained.

Amendment 2014

Recognised Medical Institutions (RMIs) approved by State drugs controller do not need these licenses!

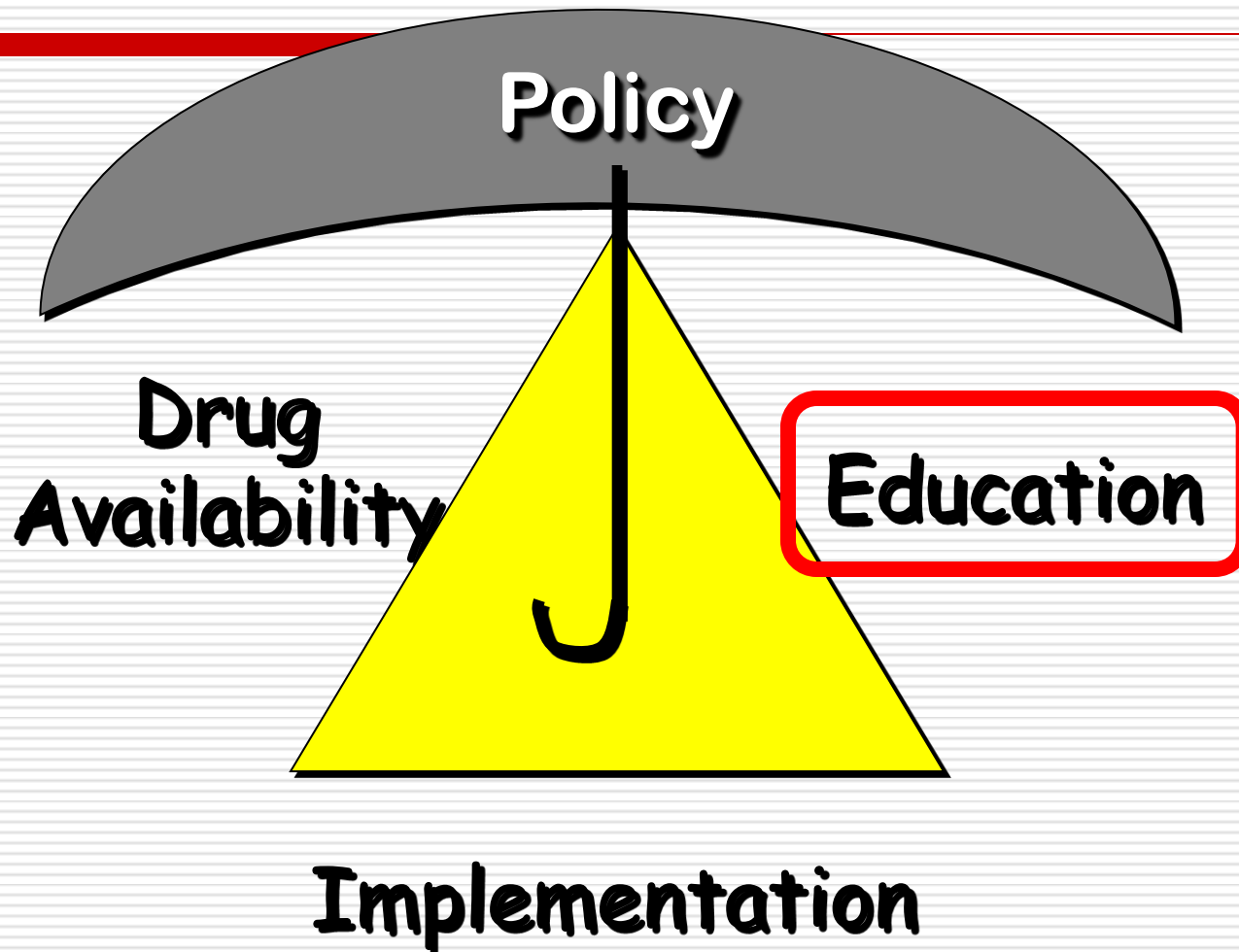
State Drug controller approves RMIs & allots an annual quota of morphine..

Access to opioids is only the tip of the iceberg



WHO Public Health Model

**C
o
n
t
e
x
t**



**O
u
t
c
o
m
e
s**

2007: Public Interest Litigation in Supreme Court of India

Basic argument:

- ❑ Constitution of India recognizes “Life with dignity” as a fundamental right.
- ❑ Lack of access to palliative care violates that fundamental right when simple affordable solutions are ignored.



2007: Public Interest Litigation in Supreme Court of India

Prayers to the court include:

- Central & State Health Departments should have a palliative care policy
- Narcotic regulations should be simplified country-wide
- Palliative care should be included in medical & nursing curricula

We hope for the final verdict this year.

What are the next steps for Government?

- ❑ The amendment will come into force when the President has signed it.
- ❑ The Department of Revenue will send it to states with “Standard Operating Procedures” which have already been drawn up.

What are the next steps for the Indian Palliative Care Community?

- ❑ Work with state Governments to ensure implementation of the SOPs without introduction of any new procedures.
- ❑ Work with Medical and Nursing Colleges to improve palliative care education.
- ❑ Work with state Governments to put into practice the National Program for Palliative Care.