

**LOK SABHA SECRETARIAT**

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**(COMMITTEE ON SUBORDINATE LEGISLATION)**

No. 10/1/COSL/2019

22 April, 2019

From

Jagriti Tewatia  
Additional Director

To

Shri Shubhkant  
Managing Trustee,  
Socio Economic Research Institute,  
542, Atulya Apartments, Sector 18-B,  
Dwarka, New Delhi

**Subject: Representation dated 21.12.2018 received from Socio Economic Research Institute on the violation of the Drugs and Cosmetics Act, 1940 and Rules made thereunder.**

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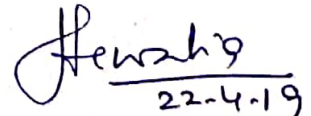
Sir,

With reference to your representation dated 21.12.2018 on the above subject, a copy of the reply as received from the Ministry of Health and Family Welfare, Government of India vide their OM No. X.11035/160/2018-DR dated 25.2.2019 is forwarded herewith for your information.

2. The receipt of this communication may please be acknowledged.

Encls: As above

Yours faithfully

  
22-4-19

(JAGRITI TEWATIA)  
ADDITIONAL DIRECTOR  
PH: 23035747, 23035002

F.No.X.11035/160/2018-DR  
Government of India  
Ministry of Health and Family Welfare  
(Department of Health & Family Welfare)  
(Drugs Regulation Section)  
\*\*\*\*\*

Nirman Bhawan, New Delhi  
Dated 25<sup>th</sup> February, 2019

OFFICE MEMORANDUM

**Subject:** Representation dated 21.12.2018 received from Socio Economic Institute on Drugs and Cosmetics Act - regarding.

The undersigned is directed to refer to Committee on Subordinate Legislation of Lok Sabha Secretariat's OM No. 11/21(1)/COSL/2019 dated 08.01.2019 on the subject cited above wherein a copy of said representation was forwarded with the request to furnish point-wise comments on the issues raised in the said representation to the Secretariat.

2. CDSCO has been consulted in the matter and point-wise comments in the matter are annexed herewith.
3. It is further informed that specific instances of violation of the Drugs and Cosmetics Act and Rules are taken action against. if the representationist has such information the same may be provided to CDSCO.

Signature valid

Digitally signed by RAM  
GOPAL SINGH  
Date: 2019.02.26 12:14:49 IST  
Reason: Approved

(R. G. Singh)

Under Secretary to the Govt. of India  
Tele: 2306 3019

Additional Director,  
[Kind Atten: Shri Nabin Kumar Jha, Director]  
Committee on Subordinate Legislation,  
Lok Sabha, Parliament House,  
New Delhi - 110001.

Aha  
26.2.19,  
E.O.L (ud)  
my hb  
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**Annexure:**

**Point 1. Bad storage practices are adopted by pharmaceutical companies, distributors across India and specifically in National Capital Region, Delhi**

- i. Under Drugs and Cosmetics Act, 1940 and Rules made thereunder, the regulatory control over the drugs imported into the country is exercised by the Central Government through the Central Drugs Standard Control Organization (CDSCO), while the manufacture, sale and distribution of drugs is regulated by the State Drugs Control Authorities appointed by the State Governments.
- ii. The regulatory control over the manufacture and sale of the drugs is exercised through a system of licensing and inspection by the State Licensing Authorities appointed by the State Governments.
- iii. The inspectors appointed under the Act have powers to inspect any premises wherein any drug or cosmetic is being manufactured and the means employed for standardizing and testing the drug or cosmetic, and any premises wherein any drug or cosmetic is being sold, or stocked or exhibited or offered for sale, or distributed.
- iv. The inspector is authorized to take samples of any drug which is being manufactured or being sold or is stocked or exhibited or offered for sale, or is being distributed and from any person.
- v. The inspector is authorized to institute prosecution in respect of breaches of the Act and Rules thereunder.
- vi. Schedule M specifies in detail the requirements of premises, surroundings, personnel, sanitation, storage of raw materials, documentation and records, self-inspections and quality control systems and site master files etc.
- vii. The manufacturer is required to comply with the requirements of Schedule M under the conditions of the licence so as to ensure that the drugs manufacturers in the country conform to the standards prescribed for them.
- viii. Section 18(c) of the said Act provides that no person shall himself or by any other person on his behalf manufacture for sale or for distribution, or sale or stock or exhibit or offer for sale or distribute any drug except under, and in accordance with the conditions of a License issued for such purpose.
- ix. Rule 64 of the said Rules prescribes conditions to be satisfied before grant of License for sale of drugs. These include adequacy of the premises, proper storage facilities for preserving the properties of drug, requirement of competent person to supervise and control the sale of drugs, etc.
- x. Storage of any drug under the recommended condition is important to ensure that the drug remains stable throughout its shelf life. If not stored properly, the drug may lose its efficacy and may cause toxicity due to degradation of the drug.
- xi. Rule 65 prescribes various general conditions required to be followed by the Licensee. These include requirements of Registered Pharmacists for retail sale, prescription of Registered Medical Practitioner for sale of prescription drugs by retail, maintaining records of sale, etc.
- xii. These conditions have been specified so that the drugs are sold in the prescribed manner ensuring its proper use and detailed records of sale are maintained which may be required to be inspected/investigated, in case of complaint regarding quality etc.

- xiii. The State Licensing Authorities are empowered to take appropriate action in case of any non-compliance with the requirements prescribed under the said Act and Rules.
- xiv. Concerns have however been raised from time to time regarding bad storage conditions followed by the manufacturers/ wholesalers/ retailers. The level of enforcement in many States has been found to be far from satisfactory due to non-uniformity in the interpretation of the provisions of the law and their implementation, lack of adequate infrastructure, etc.
- xv. The Mashelkar Committee recommended one inspector for 200 sales outlets and one inspector for 50 manufacturing units. There are more than 8 lakhs sales outlets in the country and more than 10000 manufacturing units. Accordingly, 4200 Drug Inspectors are needed in the country. However, as on April, 2018 sanctioned total strength of Drugs Inspectors in the States/UTs is about 1600, out of which about 1200 Drugs Inspectors are in position. In CDSCO, as on January, 2019, 224 Drugs Inspectors are in position.
- xvi. The issue has been deliberated time and again in the meetings of Drugs Consultative Committee (DCC) which is a statutory body under the Drugs and Cosmetics Act, 1940 and all State/UT Drugs Controllers are the members. The DCC after detailed deliberation has finalized Good Distribution Practices guidelines to be followed by the manufacturers/ wholesalers/ retailers to ensure that the drugs are stored under proper storage conditions throughout the supply chain.
- xvii. The Good Distribution Practices guidelines contains details about Premises Warehousing and Storage, Temperature, Environment and Storage Control Transportation, Shipment Containers and Labeling, Dispatch and Receipt, Documentation, Complaints, Recalls and Returns, Spurious Pharmaceutical Products, Importation, Contract Activities and Self-inspection.
- xviii. These guidelines are intended to be applicable to all persons and outlets involved in any aspect of the storage and distribution of pharmaceutical products from the premises of the manufacturer of the product to the person dispensing or providing pharmaceutical products directly to a patient or his or her agent. This includes all parties involved in trade and distribution of pharmaceutical, including the manufacturers of bulk, finished products, wholesalers, as well as others such as suppliers, distributors, Government institutions, international procurement organization, donor agencies and certifying bodies, logistics providers, traders, transport companies and forwarding agents and their employees as well as health workers.
- xix. Copy of the guidelines are enclosed as **Annexure A**.
- xx. The DCC in its meeting 54<sup>th</sup> Meeting held on 30.07.2018, after detailed deliberation recommended to incorporate the guidelines in the Drugs & Cosmetics Rules, 1945 as a separate Schedule.
- xxi. Subsequently, the Drugs Technical Advisory Board (DTAB) which is also a statutory body under the Drugs and Cosmetics Act, 1940, in its 81<sup>st</sup> meeting held on 29.11.2018 has agreed to the proposal for inclusion of the Good Distribution Practices (GDP) guidelines of pharmaceutical products as a separate Schedule to the Drugs & Cosmetics Rules, 1945. Accordingly, the matter is under consideration for notification of draft Rule in this regard.
- xxii. Further, Ministry of Health and Family Welfare have taken various measures to strengthen the regulatory system both at the Central and the State levels. Details of the measures taken are enclosed as **Annexure B**.

**Point 2. Distributors and retailers are selling medicines from unlicensed premises**

As already mentioned under para viii. of Point 1, Section 18(c) of the said Act provides that no person shall himself or by any other person on his behalf manufacture for sale or for distribution, or sale or stock or exhibit or offer for sale or distribute any drug except under, and in accordance with the conditions of a License issued for such purpose.

Section 27 of the said Act provides for penalty for manufacture, sale etc. in contravention of provisions of regulation of manufacture, sale and distribution of drugs.

As per Section 27(b), manufacture, sale or distribution of any drug without a valid licence is punishable with imprisonment for a term which shall not be less than three year but which may extend to five years and with fine which shall not be less than one lakh rupees or three times of value of drug confiscated, whichever is more.

**Point. 3 the norms prescribed for storage of medicines are not observed and the same lead to loss of efficacy of drugs.**

As already mentioned under para x to xiii. of Point 1, storage of any drug under the recommended condition is important to ensure the stability of the drug throughout its shelf life. If not stored properly, the drug may lose its efficacy and may also cause toxicity. These conditions have been specified in the said Act and Rules so that the drugs are sold in the prescribed manner ensuring its proper use and detailed records of sale are maintained. The State Licensing Authorities are empowered to take appropriate action in case of any non-compliance with the requirements prescribed under the said Act and Rules.



**GUIDELINES  
ON  
GOOD DISTRIBUTION PRACTICES  
FOR  
PHARMACEUTICAL PRODUCTS**

**Document No : CDSCO/GDP.PP Ver. : 00  
Effective Date :**

**Central Drugs Standard Control Organization**  
Directorate General of Health Services, Ministry of Health and Family Welfare,  
Government of India, FDA Bhawan, ITO, Kotla Road, New Delhi - 110002.

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## **1.0 PREAMBLE**

Distribution is an essential activity in the integrated supply-chain management of pharmaceutical products. Various individuals and entities are generally responsible for the handling, storage and distribution of such products. So it's very important to have adequate controls over the entire chain of distribution. To maintain the original quality of pharmaceutical products, every party involved in the distribution chain has to comply with the applicable requirement. Each activity in the distribution of pharmaceutical products shall be carried out according to the principles of Good Distribution Practices (GDP) as applicable. The nature of the risks involved is likely to be similar to that for risks encountered in the manufacturing environment, *e.g.* mix-ups, adulteration, contamination, cross-contamination, spurious. Further, the involvement of unauthorized entities in the distribution and sale of pharmaceutical products is a particular concern. Only a joint approach of all parties involved in the supply chain can be successful in the fight against spurious/sub-standard pharmaceutical products. Therefore, all parties in supply chain shall take an active part in collaborative activities to protect the pharmaceutical supply chain against the penetration of spurious/substandard pharmaceutical products.

## **2.0 OBJECTIVE**

The objective of these guidelines is to ensure the quality and identity of pharmaceutical products during all aspects of the distribution process. These aspects include, but are not limited to procurement, purchasing, storage, distribution, transportation, documentation and record-keeping practices.

## **3.0 SCOPE**

These guidelines are intended to be applicable to all persons and outlets involved in any aspect of the storage and distribution of pharmaceutical products from the premises of the manufacturer of the product to the person dispensing or providing pharmaceutical products directly to a patient or his or her agent. This includes all parties involved in trade and distribution of pharmaceutical, including the manufacturers of bulk, finished products, wholesalers, as well as others such as suppliers, distributors, Government institutions, international procurement organization, donor agencies and certifying bodies, logistics providers, traders, transport companies and forwarding agents and their employees as well as health workers.

It also covers biological products in general. However, for specific purpose, guidelines on Good Distribution Practices for Biological Products as published in CDSCO website shall be referred.

#### **4.0 GENERAL PRINCIPLES**

- 4.1. According to Drugs & Cosmetics Act 1940 and Drugs & Cosmetic Rules 1945, Rules 64 and 65 specify the conditions to be fulfilled to sell, stock, exhibit or offer for sale or distribute the drugs.
- 4.2. It shall be the responsibility of all parties involved in the distribution of pharmaceutical products to ensure that the quality of pharmaceutical products and the integrity of the distribution chain are maintained throughout the distribution process from the site of the manufacturer to the entity responsible for dispensing or providing the product to the patient or his or her agent.
- 4.3. The principles of GDP shall be applicable both to pharmaceutical products moving forward in the distribution chain from the manufacturer to the entity responsible for dispensing or providing pharmaceutical products to the patient and to products which are moving backwards in the chain, for , as a result of the return or recall thereof and shall be applicable for donated pharmaceutical products.
- 4.4. There shall be collaboration between all parties including government, custom agencies, law enforcement agencies, regulatory authorities, manufacturers, distributors and entities responsible for the supply of pharmaceutical products to patients to ensure the quality and safety of pharmaceutical products and prevent the exposure of patients to spurious pharmaceutical products.
- 4.5. An agreement shall be in place with all the individual agencies involved in the storage, transportation and distribution.

#### **5.0 REGULATION OF THE DISTRIBUTION OF PHARMACEUTICAL PRODUCTS**

- 5.1. The activities of persons or entities involved in the distribution of products shall be regulated by applicable National legislation.
- 5.2. The distributor or the organization to which the distributor belongs shall be an entity that is appropriately authorized by applicable legislation to perform the function(s) that it intends to perform and the distributor or the organization to which it belongs shall be held accountable for the activities that it performs related to the distribution of products.
- 5.3. Only authorized persons or entities who hold the appropriate license shall be entitled to import or export pharmaceutical products.
- 5.4. Distributors or their agents shall obtain their supplies of pharmaceutical products from persons or entities authorized to sell or supply such

products to a distributor and shall supply pharmaceutical products only to persons or entities which are themselves authorized to acquire such products either in terms of an authorization to act as a distributor or to sell or supply products directly to a patient or to his or her agent.

- 5.5. If the activity of a distributor or his or her agent is subcontracted to another entity, the person or entity to which the activity is subcontracted shall be appropriately authorized to perform the subcontracted activity and shall uphold the same standards as the distributor.

## 6.0 ORGANIZATION AND MANAGEMENT

- 6.1. An adequate organizational structure for each entity in the chain of distribution shall be defined with the aid of an organizational chart. The responsibility, authority and interrelationships of all personnel shall be clearly indicated. An organogram/ organizational chart shall be in place.
- 6.2. There shall be clearly defined duties and responsibilities for individuals and shall be recorded as written job descriptions. At every level of the supply chain, employees shall be fully informed and trained in their duties and responsibilities.
- 6.3. There shall be designated person appointed within the organization, who has defined authority and responsibility for ensuring that a quality system is implemented and maintained.
- 6.4. Managerial and technical personnel shall have the authority and resources needed to carry out their duties and to set up and maintain a quality system, as well as to identify and correct deviations from the established quality system.
- 6.5. It shall be ensured that the responsibilities placed on any one individual shall not be so extensive as to present any risk to product quality.
- 6.6. There shall be arrangements in place to ensure that management and personnel are not subject to commercial, political, financial and other pressures or conflict of interest that may have an adverse effect on the quality of service provided or on the integrity of pharmaceutical products.
- 6.7. Safety procedures relating to all relevant aspects including the safety of personnel and property, environmental protection and product integrity, shall be in place.

## 7.0 PERSONNEL

- 7.1. All personnel involved in distribution activities shall be trained and qualified in the requirements of GDP, as applicable. Training shall be based on written standard operating procedures (SOPs). Personnel shall receive initial and continuing training relevant to their tasks, and be assessed as applicable, in accordance with a written training programme. In addition, training of the personnel shall include the topic of product handling, safety and security, as well as aspects of product identification, the detection of spurious pharmaceutical product and the avoidance of spurious pharmaceutical product entering the supply chain. A record of all training, which includes details of subjects covered and participants trained, shall be kept.
- 7.2. Key personnel involved in the distribution of pharmaceutical products shall have the ability and experience for ensuring that the pharmaceutical products are properly stored and distributed as per the requirement of the product.
- 7.3. There shall be an adequate number of competent personnel involved in all stages of the distribution of pharmaceutical products in order to ensure that the quality of the product is maintained.
- 7.4. Personnel involved in the distribution of pharmaceutical products shall wear garments and adopt other personnel protection measures suitable for the activities that they perform. Protective garments as necessary shall be provided to the personnel dealing with hazardous pharmaceutical products, including products containing materials that are highly active, toxic, infectious or sensitizing materials.
- 7.5. Procedures for personnel hygiene relevant to the activities to be carried out shall be laid down and observed. Such procedures shall cover health, hygiene and clothing of personnel.
- 7.6. Procedures and conditions of employment for employees, including contract and temporary staff and other personnel having access to pharmaceutical products shall be designed and administered to assist in minimizing the possibility of such products coming into the possession of unauthorized persons or entities.

## 8.0 QUALITY SYSTEM

- 8.1. All pharmaceutical product distributors shall establish and maintain Quality System. There shall be documented quality policy describing the overall intentions and requirements of distributors regarding quality, authorized by the management.

- 8.2. There shall be an appropriate organizational structure with defined responsibilities of the personnel recorded as job descriptions.
- 8.3. A responsible person shall be appointed by the management for each distribution site, who shall have defined authority and responsibility for ensuring that a quality system is implemented and maintained.
- 8.4. Senior management shall ensure that all parts of quality system are adequately resourced with competent personnel and suitable and sufficient premises, equipment's and facilities.
- 8.5. There shall be written and approved procedure for all the activities.
- 8.6. Deviations from established procedures shall be documented and investigated.
- 8.7. Appropriate corrective and preventive action (CAPA) shall be taken to correct deviations and prevent them.
- 8.8. Procedures for procurement and release shall be in place to ensure that appropriate pharmaceutical products are sourced only from approved suppliers and distributed by approved entities.
- 8.9. Inspection, auditing and certification of compliance with a quality system (such as the applicable International Standardization Organization (ISO) series, or national or international guidelines) by external bodies are recommended.
- 8.10. Procedures shall be in place to ensure safe, transparent and secure distribution system which includes product traceability throughout the supply chain.
- 8.11. There shall be procedures in place to ensure document traceability of products received and distributed, to facilitate product recall.
- 8.12. All parties involved in the supply chain shall be identifiable depending on type of product and in accordance with National Legislation.
- 8.13. Measures shall be in place to ensure that pharmaceutical products have documentation that can be used to permit traceability of the products throughout distribution channels from the manufacturer/imported to the entity responsible for selling or supplying the product to the patient or his or her agent. Records including expiry dates and batch numbers shall be part of a secure distribution documentation enabling traceability.

## 9.0 PREMISES, WAREHOUSING AND STORAGE

- 9.1. Storage areas shall be maintained or designed to ensure Good storage practices (GSP).
- 9.2. Storage areas shall be suitably secured, structurally sound and of sufficient capacity to allow for the safe storage and handling.
- 9.3. Storage areas shall be provided with adequate lighting to enable all operations to be carried out accurately and safely.
- 9.4. Precautions shall be taken to prevent unauthorized persons from entering storage areas.
- 9.5. Segregated areas shall be designated for storage of the pharmaceutical products in quarantine and for storage of released, rejected, returned or recalled products as well as those suspected to be spurious.
- 9.6. Storage areas shall be designed or adapted to ensure appropriate and good storage conditions and shall be clean and dry and maintained within acceptable temperature limits. Pharmaceutical products shall be stored off the floor and suitably spaced to permit cleaning and inspection. Pallets shall be kept in a good state of cleanliness and condition.
- 9.7. Premises and storage areas shall be cleaned regularly.
- 9.8. There shall also be a written programme for pest control and the pest control agents used shall be safe and there shall be no risk of contamination of pharmaceutical products. There shall be appropriate procedures for the clean-up of any spillage to ensure complete removal of any risk of contamination.
- 9.9. If sampling is performed in the storage area, it shall be conducted in such a way as to prevent contamination or cross-contamination. Adequate cleaning procedures shall be in place for the sampling areas.
- 9.10. Receiving and dispatch bays shall protect pharmaceutical products from the weather. Receiving areas shall be designed and equipped to allow incoming containers of pharmaceutical products to be cleaned, if necessary, before storage.
- 9.11. Handling and storage of pharmaceutical products shall in such a manner as to prevent contamination, mix-ups and cross-contamination.

- 9.12. There shall be a system in place to ensure that the pharmaceutical products due to expire first are sold and/or distributed first (first expiry/ first out (FEFO)). Exceptions shall be permitted as appropriate, provided that adequate controls are in place to prevent the distribution of expired products.
- 9.13. Arrangement shall be made for withdrawing broken or damaged items from unusable stock and storing separately.
- 9.14. There shall be appropriately identified areas with adequate segregation for storage of quarantined, rejected, expired, recalled or returned products to prevent unintentional or unauthorized use of such products.
- 9.15. Dedicated area(s) with appropriate additional safety and security measures shall be provided for storage of radioactive materials, narcotics and other hazardous, sensitive and/or dangerous pharmaceutical products, as well as products presenting special risks of abuse, fire or explosion (e.g combustible or flammable liquids and solids and pressurized gases).

#### **10.0 TEMPERATURE, ENVIRONMENT AND STOCK CONTROL**

- 10.1. Storage and handling conditions shall comply with applicable National I regulations.
- 10.2. Storage conditions for pharmaceutical products shall be in compliance with the recommendations of the manufacturer. This is key to ensure quality of all pharmaceutical products.
- 10.3. Facilities shall be available for the storage of all pharmaceutical products under appropriate conditions (e.g environmentally controlled when necessary).
- 10.4. Records shall be maintained of storage conditions if they are critical for the maintenance of the characteristics of the pharmaceutical products. Records of temperature monitoring data shall be available for review. There shall be defined intervals for checking temperature. The equipment used for monitoring shall be checked at suitable predetermined intervals and the results of such checks shall be recorded and retained. All monitoring records shall be kept for at least the shelf-life of the stored product plus one year.
- 10.5. Storage areas shall be temperature mapped under representative conditions. Temperature mapping shall show uniformity of the temperature across the storage facility. It is recommended that

temperature monitors be located in areas that are most likely to show fluctuations.

- 10.6. Equipment used for monitoring of storage conditions shall also be calibrated at defined intervals.
- 10.7. Stock discrepancies shall be investigated in accordance with a specified procedure to check that there have been no inadvertent mix ups, incorrect issues and receipts, thefts and/or misappropriations of pharmaceutical products. Documentation relating to the investigation shall be kept for a predetermined period.

## 11.0 TRANSPORTATION

- 11.1. Pharmaceutical products shall be transported in accordance with the storage conditions indicated on the packaging information and on the label.
- 11.2. The individuals responsible for the transportation of pharmaceutical products shall be informed about all relevant conditions for storage and transportation. These requirements shall be adhered throughout transportation and at any intermediate storage stages.
- 11.3. Pharmaceutical products shall be stored and transported in accordance with procedures such that:
  - 11.3.1. The identity of the product is not lost.
  - 11.3.2. The product does not contaminate and is not contaminated by other products.
  - 11.3.3. Adequate precautions are taken against spillage, breakage, misappropriation and theft. Spillage during transport shall be handled as per type of vaccine (eg. live, killed, etc.) according to the standard operating procedures of the manufacturer.
  - 11.3.4. Appropriate environmental conditions are maintained, e.g. using cold chain for thermo labile products.
- 11.4. A written agreement between the manufacturer, Government Institution, agent and Transport Company shall be in place.
- 11.5. Appropriate transport methods shall be employed which may include transport by air, road, sea, rail or a combination of the above. Regardless

of the chosen mode, it shall be demonstrated that the products have not been subjected to conditions during transportation that may compromise their quality. A risk based approach be utilized when planning transportation routes.

- 11.6. The required storage conditions for pharmaceutical products shall be maintained during transportation within the defined limits as described on the packaging information.
- 11.7. Where special conditions are required during transportation that are different from or limit the given environmental conditions (e.g temperature and humidity), these shall be provided by the manufacturer on the labels, shall be monitored and recorded.
- 11.8. If a deviation has occurred during transportation, this shall be reported to the distributor and recipient of the affected pharmaceutical products. Written procedures shall be in place to investigate and deal with any failure to comply with storage requirements, e. g temperature deviations.
- 11.9. In cases where the recipient notices the deviation, it shall be reported to the distributor. Where necessary, the manufacturer of the pharmaceutical product shall be contacted for information about appropriate steps to be taken.
- 11.10. Pharmaceutical products containing hazardous substances, such as toxic, radioactive material and other dangerous pharmaceutical products presenting special risks of abuse, fire or explosion ( e. g combustible or flammable liquids, solids and pressurized gases), shall be stored in safe, dedicated and secure areas and transported in safe, suitably designed, secured containers and vehicles and the requirements of applicable National legislation shall be met.
- 11.11. Products containing narcotics and other dependence- producing substances shall be transported in safe and secure containers and vehicles and be stored in safe and secure areas and applicable international agreements and National legislation shall be complied with. Spillage shall be cleaned up as soon as possible to prevent possible contamination, cross-contamination and hazards and written procedures shall be in place for handling of such situation.
- 11.12. Adequate segregation shall be provided for the storage and distribution during transit of rejected, expired, recalled or returned pharmaceutical products. The products shall be appropriately identified, securely packaged, clearly labelled and be accompanied by appropriate supporting documentation.

- 11.13. The interiors of vehicles and containers shall remain clean and dry while pharmaceutical products are in transit.
- 11.14. Properly designed packaging materials and shipment containers shall be provided to prevent damage of pharmaceutical products during transport.
- 11.15. Drivers of vehicles shall identify themselves and present appropriate documentation to demonstrate that they are authorized to transport the load.
- 11.16. Damage to containers and any other event or problem that occurs during transit shall be recorded and reported to the relevant department, entity or authority, and investigated.
- 11.17. Pharmaceutical products in transit shall be accompanied by the appropriate documentation.
- 11.18. It is the responsibility of the distributor to ensure that vehicles and equipment used to distribute, store or handle pharmaceutical products are suitable for their use and appropriately equipped to prevent exposure of the products to conditions that shall affect their quality and packaging integrity, and to prevent contamination of any kind.
- 11.19. There shall be procedures in place for the operation and maintenance of all vehicles and equipment involved in the distribution process, including cleaning and safety precautions.
- 11.20. Vehicles, containers and equipment shall be kept clean and dry and free from accumulated waste. Organizations in charge of distribution shall ensure that vehicles used are cleaned regularly.
- 11.21. Particular attention shall be paid to the fact that cleaning agents shall not adversely affect the product quality.
- 11.22. Vehicles, containers and equipment shall be kept free from rodents, vermin, birds and other pests. There shall be written programs and records for such pest control.
- 11.23. Equipment used for temperature and humidity monitoring (Data Logger) during transport within vehicles and/or containers, shall be maintained and calibrated at regular intervals at least once a year or earlier depending upon the criticality of the product.

- 11.24. All monitoring records shall be kept for a minimum of the shelf- life of the product distributed plus one year or as required by National legislation.
- 11.25. Records of monitoring data shall be made available for inspection by the Regulatory Authority.
- 11.26. Equipment chosen and used for the cleaning of vehicles shall not constitute a source of contamination and cleaning agents shall be approved by management. It is essential to pay special attention to the design, use, cleaning and maintenance of all equipment used for the handling of pharmaceutical products which are not in a protective shipping carton or case.
- 11.27. Dedicated vehicles and equipment shall be used, where possible, when handling pharmaceutical products. Procedures shall be in place to ensure that the quality of the pharmaceutical product shall not be compromised where non-dedicated vehicles and equipment shall be used.
- 11.28. Appropriate documents shall accompany pharmaceutical products in transit.
- 11.29. Vehicles and containers selected shall be of sufficient capacity to allow orderly storage of the various categories of pharmaceutical products during transportation.
- 11.30. Where possible, mechanisms shall be available to allow for the segregation during transit of rejected, recalled and returned pharmaceutical products, as well as those suspected of being spurious. Such products shall be securely packaged, clearly labeled and be accompanied by appropriate supporting documentation.
- 11.31. Adequate measures shall be taken to ensure that no unauthorized persons enter and tamper the vehicles and/or equipment, so as to prevent the theft or misappropriation thereof.

## **12.0 SHIPMENT CONTAINERS AND LABELING**

- 12.1. Pharmaceutical products shall be transported in shipment containers that have no adverse effect on the quality of the products, and that offer adequate protection from external influences, including contamination.
- 12.2. Selection of a container and packaging shall be based on the storage and transportation requirements of the pharmaceutical products; namely the

space required for the amount of products; the anticipated external temperature extreme; the estimated maximum time for transportation including transit storage at customs and the validation status of the packaging and shipment containers.

- 12.3. Labels on the containers shall bear sufficient information on handling and storage requirements and precautions to ensure that the products are properly handled and secured at all times. The containers shall enable identification of the contents of the containers and the source.
- 12.4. Special care shall be taken when using dry ice in shipment containers. It shall be ensured in addition to safety issues, that Pharmaceutical products do not come in direct contact with dry ice which may have an adverse effect on the quality of the product.
- 12.5. Written procedures shall be available for the handling of damaged and/or broken shipment containers. Particular attention shall be paid to those containing potentially toxic and hazardous products.
- 12.6. The need for any special transport and/or storage conditions shall be stated on the shipment container label. If a pharmaceutical product is intended for transfer to areas outside the control of the manufacturer's products management system, the name and address of the manufacturer, special transport conditions and any special legal requirements including safety symbols shall also be included on the container label.

### **13.0 DISPATCH AND RECEIPT**

- 13.1. Selling or distribution of pharmaceutical products shall be done to persons or entities that are authorized to acquire such products in accordance with the applicable national, state and international legislation. It is required to obtain written proof of such authority prior to the distribution of products to such persons or entities.
- 13.2. The supplier shall ensure that the person or entity, e.g. the contract acceptor for transportation of the pharmaceutical products, is aware of the pharmaceutical products to be distributed and complies with the appropriate storage and transport conditions prior to the dispatch of pharmaceutical products.
- 13.3. Only after the receipt of a valid delivery order or material replenishment plan, the dispatch and transportation of pharmaceutical products shall be undertaken, which shall be documented.

- 13.4. Written procedures for the dispatch of pharmaceutical products shall be established. Such procedures shall take into account the nature of the product as well as any special precautions to be observed. Pharmaceutical products under quarantine shall require release for dispatch by the person responsible for quality.
- 13.5. Records for the dispatch of pharmaceutical products shall include at least the following information:
- Date of dispatch;
  - Complete business name and address (no acronyms), type of entity responsible for the transportation, telephone number and names of contact persons;
  - Complete business name, address (no acronyms), and status of the addressee (e.g. retail pharmacy, hospital or community clinic);
  - A description of the products including, e.g. name, dosage form and strength (if applicable);
  - Quantity of the products, i.e. number of containers and quantity per container (if applicable);
  - Applicable transport and storage conditions;
  - A unique number to allow identification of the delivery order; and Assigned batch number and expiry date (where not possible at dispatch, this information shall at least be kept at receipt to facilitate traceability).
- 13.6. It shall be ensured that records of dispatch contain enough information to enable traceability of the pharmaceutical product. Such records shall facilitate the recall of a batch of a product, if necessary, as well as the investigation of spurious or potentially spurious pharmaceutical products; the assigned batch number and expiry date of pharmaceutical products shall be recorded at the point of receipt to facilitate traceability.
- 13.7. It shall be ensured that the volume of pharmaceutical products ordered does not exceed the capacity of storage facilities at the destination.
- 13.8. There shall be no supply or receipt of pharmaceutical products after their expiry date, or so close to the expiry date that this date is likely to be reached before the products are used by the consumer.
- 13.9. Incoming shipments shall be examined to verify the integrity of the container/closure system, to ensure that tamper-evident packaging features are intact, and that labeling appears intact.

13.10. Batch number and expiry date of pharmaceutical products shall be recorded at the point of receipt to facilitate traceability.

13.11. Methods of transportation, including vehicles to be used, shall be selected with care, and local conditions shall be considered, including the climate and any seasonal variations experienced. Delivery of products requiring controlled temperatures shall be in accordance with the applicable storage and transport conditions.

13.12. Delivery schedules shall be established and routes planned considering the local needs and condition and shall be realistic and systematic. When planning the schedules and routes of delivery, security risks shall also be taken into account.

13.13. To save time when unloading, to prevent physical damage and reduce security risks, vehicles and containers shall be loaded carefully and systematically, where applicable on a first-out/last-in basis. Extra care shall be taken during loading and unloading of cartons to avoid damage.

#### 14.0 DOCUMENTATION

14.1. Documentation comprises all written procedures, instructions, contracts, records and data, in paper or in electronic form.

14.2. Written instructions and records which document all activities relating to the distribution of pharmaceutical products, including all applicable receipts and issues (invoices) shall be available.

14.3. Distributors shall keep records of all pharmaceutical products received. Records shall contain at least the following information:

- Date;
- Name of the pharmaceutical product, batch no, manufacturer's name.
- Quantity received, or supplied; and
- Name and address of the supplier.

14.4. Procedures shall be established and maintained for the preparation, review, approval, use of and control of changes to all documents relating to the distribution process.

14.5. The contents of documents shall be clear and unambiguous. In particular, instructions and procedures relating to activity that may have an impact on quality of pharmaceutical products shall be designed, completed, reviewed and distributed with care.

- 14.6. Documentation shall be approved, signed and dated by appropriate authorized persons, as required. It shall not be hand-written; although, where documents require the entry of data, sufficient space shall be provided for such entries.
- 14.7. Any alteration made in the documentation shall be signed and dated; the alteration shall permit the reading of the original information. Where appropriate, the reason for the alteration shall be recorded.
- 14.8. Documents shall be retained for a period of 1 year after expiry of the product.
- 14.9. The distributor shall establish and maintain procedures for the identification, collection, indexing, retrieval, storage, maintenance, disposal of and access to all applicable documentation.
- 14.10. Documents shall be reviewed regularly and kept up to date.
- 14.11. Records shall be kept either in the form of purchase/sales invoices, delivery slips, or on computer or in any other form, for any transaction in pharmaceutical products received or supplied.
- 14.12. Records shall be made at the time each operation is taken and in such a way that all significant activities or events are traceable.
- 14.13. If electronic copies/data are stored then validation of computers and database management system shall be in place.
- 14.14. Mechanisms shall exist to allow for transfer of information, including quality or regulatory information, between a manufacturer and a customer, as well as the transfer of information to the relevant regulatory authority as required.
- 14.15. Records relating to storage of pharmaceutical products shall be kept and be readily available. Pharmacopoeial requirements and current National regulations concerning labels and containers shall be respected at all times.
- 14.16. Procedures shall be in place for temperature mapping, security services to prevent theft or tampering with goods at the storage facilities, destruction of unsaleable or unusable stocks and on retention of the records.
- 14.17. All records shall be readily retrievable, and be stored and retained using facilities that are safeguarded against unauthorized modification, damage, deterioration and/or loss of documentation.

14.18. Backup shall be maintained to prevent any accidental data loss where the records are generated and kept in electronic form.

## 15.0 COMPLAINTS

- 15.1. Written procedure shall be in place for the handling of complaints. A distinction shall be made between complaints about a pharmaceutical product or its packaging and those relating to distribution. In the case of a complaint about the quality of a product or its packaging, the original manufacturer and/ or marketing authorization holder shall be informed as soon as possible.
- 15.2. There shall be written procedure for reviewing carefully all complaints and other information concerning potentially defective and potentially spurious pharmaceutical products describing the action to be taken, including the need to consider a recall where appropriate.
- 15.3. Any complaint concerning a material defect shall be recorded and thoroughly investigated to identify the origin or reason for the complaint.
- 15.4. A risk based consideration shall be given to whether other batches of the pharmaceutical product shall also be checked if a defect relating to a pharmaceutical product is discovered or suspected.
- 15.5. Appropriate follow-up action shall be taken after investigation and evaluation of the complaint where necessary. A system shall be in place to ensure that the complaint, the response received from the original product manufacturer, or the results of the investigation of the complaint, are shared with all the relevant parties.
- 15.6. There shall be documentation of product quality problems or suspected cases of spurious products and sharing of the information with the appropriate national and/or state regulatory authorities.

## 16.0 RECALLS AND RETURNS

- 16.1. There shall be a written procedure for the management of recalls of defective pharmaceutical products with a designated person responsible for recalls.
- 16.2. The system of recall shall comply with Drugs & Cosmetics Act and Rules thereunder.

- 16.3. In the event of recall the original manufacturer and/or marketing authorization holder shall be informed. Consultation with the original manufacturer and /or marketing authorization holder shall take place, where possible, before the recall is instituted in case recall is instituted by an entity other than the original manufacturer.
- 16.4. National or State Regulatory Authority shall be shared with information on recall.
- 16.5. Recall operations shall be capable of being initiated promptly and at any time.
- 16.6. The distributor shall follow the instructions of a recall message, which shall be approved, if required, by the competent authorities.
- 16.7. Any recall operation shall be recorded at the time it is carried out and records shall be made available to the competent authorities.
- 16.8. The distribution records shall be readily available to the person(s) responsible for the recall, and shall contain sufficient information on distributors and directly supplied customers (with addresses, phone and/or fax numbers inside and outside working hours, batches and quantities delivered).
- 16.9. Recalled pharmaceutical products shall be identified and stored separately in a secure area while awaiting a decision on their disposition.
- 16.10. Recalled pharmaceutical products shall be segregated during transit and clearly labeled as recalled products. Where segregation in transit is not possible, such goods shall be securely packaged, clearly labeled and be accompanied by appropriate documentation.
- 16.11. The particular storage conditions applicable to a pharmaceutical product which is subject to recall shall be maintained during storage and transit until such time as a decision has been made regarding the fate of the product in question.
- 16.12. All customers and competent authorities of all countries to which a given pharmaceutical product may have been distributed shall be informed promptly of any intention to recall the product because it is, suspected to be defective.
- 16.13. All records shall be readily available to the designated person(s) responsible for recalls containing sufficient information on pharmaceutical products supplied to customers (including exported products).

- 16.14. The progress of the recall process shall be recorded and a final report shall be issued, including reconciliation between the delivered and recovered quantities of the pharmaceutical products.
- 16.15. When necessary emergency recall procedures shall be implemented as per guideline on Recall and Rapid Alert System for Drugs ( Including Biological and Vaccines) as given on CDSCO website( [www.cdsco.nic.in](http://www.cdsco.nic.in)).
- 16.16. Rejected pharmaceutical products and those returned to a distributor shall be appropriately identified and handled in accordance with a procedure which involves at least:- the physical segregation of such pharmaceutical products in quarantine in a dedicated area; or other equivalent (e. g electronic) segregation.
- 16.17. Destruction of pharmaceutical products shall be done in accordance with international, national and local requirements regarding disposal of such products, and with due consideration to protection of the environment.
- 16.18. Records of all returned, rejected and/or destroyed pharmaceutical products shall be kept for a predetermined period.

## **17.0 SPURIOUS PHARMACEUTICAL PRODUCTS**

- 17.1. Spurious pharmaceutical products if found in the distribution chain shall be completely segregated from other pharmaceutical products, clearly labeled as not for sale and national regulatory authorities and manufacturer of the original product shall be informed immediately.
- 17.2. The sale and distribution of a suspected spurious pharmaceutical product shall be suspended and the national regulatory authority shall be notified without delay.
- 17.3. A formal decision shall be taken on its disposal, ensuring that it does not re-enter the market upon confirmation of the pharmaceutical product being spurious and the decision shall be recorded.

## **18.0 IMPORTATION**

- 18.1. Consignments of pharmaceutical products shall be stored under suitable conditions for as short a time as possible, at the port of entry.
- 18.2. Importers shall take all reasonable steps to ensure that pharmaceutical products are not mishandled or exposed to adverse storage conditions at wharves or airports.

- 18.3. Procedures shall be in place for quality assessment of imported pharmaceutical products as per applicable National legislation.
- 18.4. Customs, enforcement agencies and regulatory agencies responsible for supervision of pharmaceutical products shall establish means for cooperation and information exchange in order to prevent importation of spurious pharmaceutical products.

## 19.0 CONTRACT ACTIVITIES

- 19.1. Only parties appropriately authorized to distribute a pharmaceutical product shall be delegated to perform any activity relating to distribution of such product and in accordance with the terms of a written consent.
- 19.2. The responsibilities of each party including observance of the principles of GDP and relevant warranty clauses shall be defined in the contract. It shall also include responsibilities of the contractor for measures to avoid the entry of spurious pharmaceutical products into the distribution chain, such as by suitable training programme.
- 19.3. The requirements in these guidelines shall be complied with by all contract acceptors.
- 19.4. Under certain conditions and subject to the written approval of the contract giver, subcontracting may be permissible, provided that the subcontractors shall be authorized for the function.
- 19.5. There shall be periodic audit of contract acceptors.

## 20.0 SELF-INSPECTION

- 20.1. Self-inspections shall be included in the quality system. These shall be conducted to monitor implementation and compliance with the principles of GDP and, if necessary, to trigger corrective and preventive measures.
- 20.2. A designated, competent person shall conduct self-inspection in an independent and detailed way.
- 20.3. There shall be records of self-inspection results which shall contain all observations made during the inspection and if required proposal for corrective measures. There shall be an effective follow-up programme and evaluation of inspection report and corrective action taken by the management.

-----End of Document-----

## Annexure B

CDSCO and Ministry of Health and Family Welfare have taken various regulatory measures to ensure the quality of generic medicines in the country.

Details are as under;

1. The Drugs and Cosmetics Act, 1940 was amended under Drugs & Cosmetics (Amendment) Act 2008 to provide stringent penalties for manufacture of spurious and adulterated drugs. Certain offences have also been made cognizable and non-bailable.
2. The States / UTs were requested to set up special Courts for trial of offences under the Drugs and Cosmetics Act for speedy disposal. So far, 22 States have already set up designated special Courts.
3. Guidelines for taking action on samples of drugs declared spurious or not of standard quality in the light of enhanced penalties under the Drugs & Cosmetics (Amendment) Act, 2008 were forwarded to the State Drugs Controllers for uniform implementation.
4. The number of sanctioned posts in Central Drugs Standard Control Organization (CDSCO) has been increased from 111 in 2008 to 510 in 2018.
5. The testing capacities of Central Drugs Testing Laboratories under CDSCO are being constantly strengthened to expedite testing of drug samples in the country.
6. On 3.4.2017, in order to ensure efficacy of drugs, the Drugs and Cosmetics Rules, 1945 have been amended providing that applicant shall submit the result of bioequivalence study along with the application for grant of manufacturing licence of oral dosage form of drugs falling under the Category II and Category IV of the Biopharmaceutical Classification System.
7. On 27.10.2017, the Drugs and Cosmetics Rules, 1945 have been amended vide Gazette notification no. G.S.R. 1337 (E) making it mandatory that before the grant of manufacturing license, the manufacturing establishment is to be inspected jointly by the Drugs Inspectors of Central Government and State Government.  
The licensed manufacturing premises shall be inspected jointly by the Drugs Inspectors of Central Government and State Government to verify the compliance with the conditions of license and the provisions of the Drugs & Cosmetics Act and Rules for not less than once in three years or as needed as per risk based approach.
8. On 10.04.2018, the Drugs and Cosmetics Rules, 1945 have been amended vide Gazette notification no. G.S.R. 360 (E), making it mandatory for all drugs, that the applicants shall submit evidence of stability, safety of excipients etc. to the State Licensing Authority before grant of product manufacturing license by the Authority.
9. Draft Rules have been published vide GSR 999 (E), dated 5th 10.2018 to amend the Schedule M of the Drugs and Cosmetics Rules, 1945 to make it more comprehensive at par with the WHO-GMP guidelines
10. The Government has approved a proposal for strengthening the drug regulatory system in the country, both at the level of Central and the State Governments at a total expenditure of Rs.1750 crores. Out of this, Rs. 900 crore is for strengthening the central drug regulatory structures and Rs.850 crore is for strengthening the drug regulatory system in the States. During the years 2016-17 and 17-18, Rs. 128.39 crore has been released under the Central component whereas Rs. 87.90 crore has been allocated during 2018-19 under this component. Under the State component, Rs. 81.36 crore has been released during 2016-17 and 17-18 whereas Rs. 206 crore has been allocated during 2018-19 under this component.