Current Regulatory Requirements for Conducting Clinical Trials in India for IND/New Drug Version 2.0

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Lecture - 13
Important Issues

Hello friends, welcome back to the course Current Regulatory Requirement for Conducting Clinical Trial in India for New Drug and the Investigational New Drug. Up till now we have seen around 12 lectures; this is a thirteen lecture, and it is very, very important lecture as the name also of this lecture indicates - the Important Issues.

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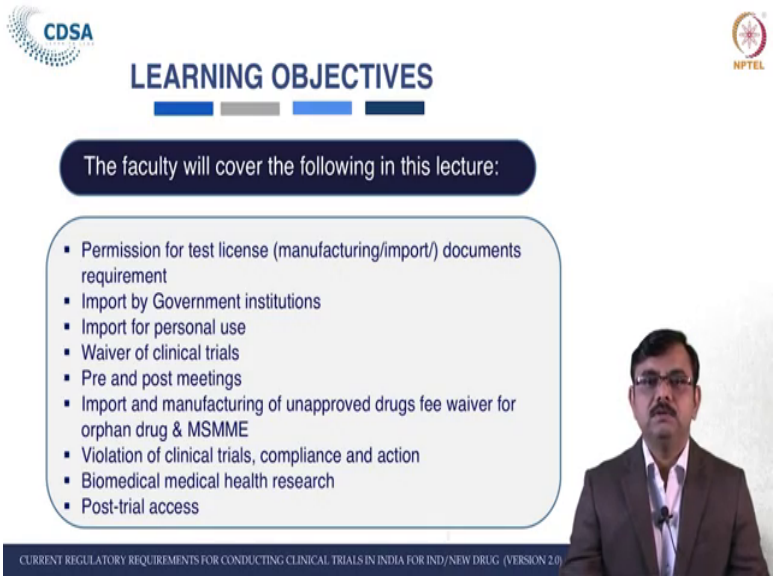

So, those things which are not been covered in the previous lectures, so they should not be skipped that is why this lecture has been kept which deals with the important issues. The

learning objective from this lecture, that the learners will come to know what is the procedure to import a small quantities of drug into the India.

If the government institution or the medical practitioners, if they would like to import some small quantities of the drug for their patients, then what is the procedure, whether they can import it or not. If patient himself or herself, would like to bring some medicines from the other countries, whether that can be allowed or not. Then what are the pre meeting and post meetings, then whether the import and manufacture of unapproved drugs can be imported or not, what are the fee waivers, and what are the exemptions of the fees bar MSME that we will going to see it.

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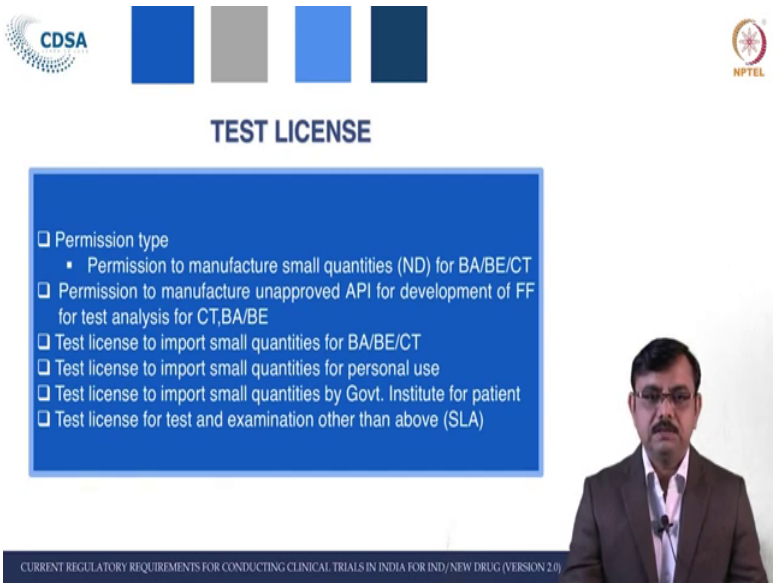

So, the permissions and test license, this can be categorized in these classes the permission or we can say the test license type. Permission to manufacture small quantities of new drug for

BA, BE study or the clinical trial then permission to manufacture unapproved API for development of finished formulation or test analysis, or for clinical trial, or BA, BE study. Then test license to import small quantities for BA, BE study and further clinical trials.

So, above two, these are the permission to manufacture, and this is a permission to import small quantities. The test license to import small quantities for personal use. Then the test license to import small quantities by government, hospital, or the government institution for their patient. Then test license for test and examination of other than the above; above means for the clinical trial, and BA, BE studies. So, these all these test license and the procedure to follow that we will see in the subsequent slide.

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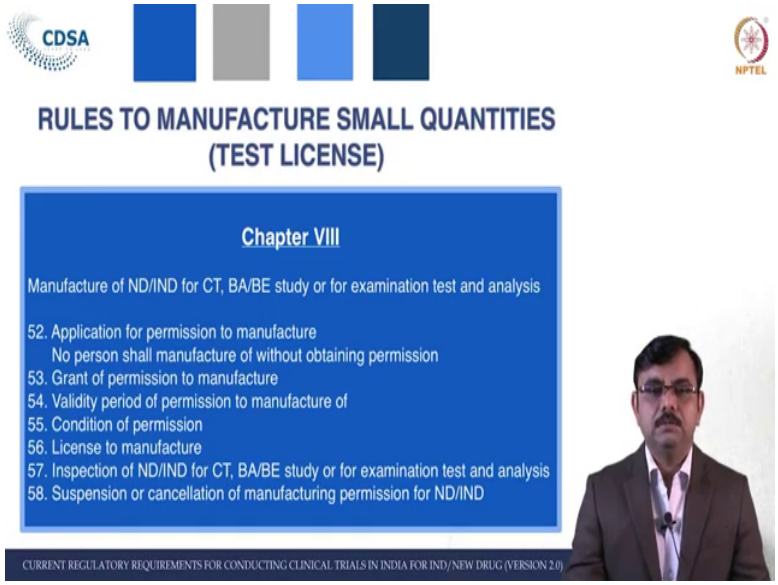

So, let us start from the rules to manufacture, small quantities of the drug for the test and analysis. So, it is given in the New Drug and Clinical Trial, 2019 Rules under Chapter 8. The

manufacture of new drug investigational new drug for clinical trial BA, BE that is bioavailability, bioequivalence study, or for examination test and analysis. So, these are the rules related with this chapter and with this provision. Rule 52, it is the application for permission to manufacture of new drug or investigational new drug for clinical trial BA, BE study, or for examination, and test and analysis.

So, in this rule, it has been mention that the no person or any organization shall manufacture of new drug or investigational new drug for the clinical trial or for the BA, BE study, for the purpose of examination, and test and analysis without obtaining the permission. Means by this rule it has been made mandatory to take the permission to manufacture small quantities of the new drug.

Rule 53, it is related to the grant of permission to manufacture of manufacture of small quantities of the new drug or the ND for CT and BE. So, according to this rule, the permission can be granted. Rule 54 is related to the validity period of the permission granted. 55 is the condition of permission, then 56 – the license to manufacture; 57 is the inspection of new drug IND manufacturing site; and 58 – under this in the suspension or cancellation of manufacturing permission can be done.

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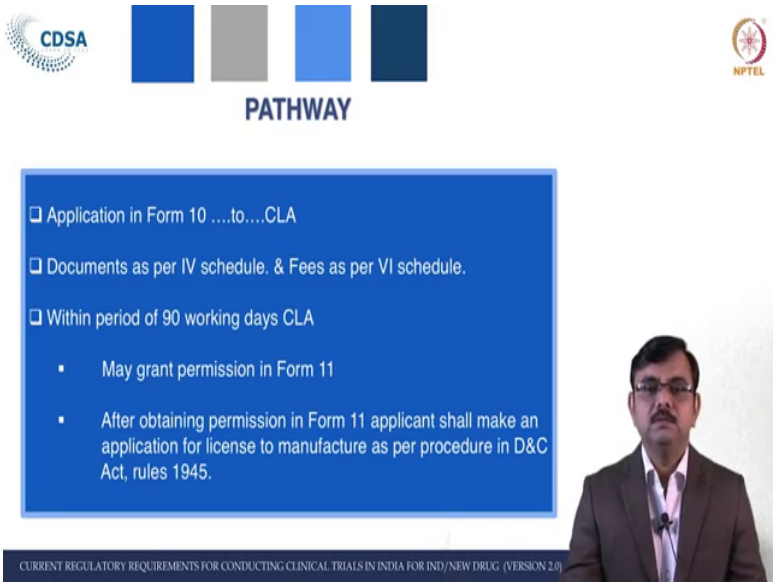

So, let us see what is the regulatory pathway for manufacture of new drug or investigational new drug for clinical trial BA, BE study, for examination, and test and analysis. So, the applicant has to apply in Form 10 to the Central Licensing Authority, and the document to be submitted with the Form 10 application are as per Schedule IV, and fees as per we have seen the Schedule VI which is related to the fees. So, in this Schedule, it has been given for the manufacture of small quantities of the drug. The fees is a 5000 rupees per product.

Then after submission and completion satisfactory completion of the documentary procedure, and if the licensing authority satisfy that the documents submitted by the applicant are satisfactory, then within period of 90 working day the Center Licensing Authority may grant permission in Form 11. And if it is not satisfactory, then they can raise the query; and after having the satisfactory action and submission, then that will Form 11 can be granted.

After obtaining permission in Form 11, applicant shall make an application for license to manufacture as per procedure in D and C Act, rule 1945. So, here it has to take a permission. This is a permission in the Form 11. And after that the concern applicant he has to approach to the concern State Licensing Authority, we know that to get a Form 29, and has to apply in the Form 28 to get the manufacturing license.

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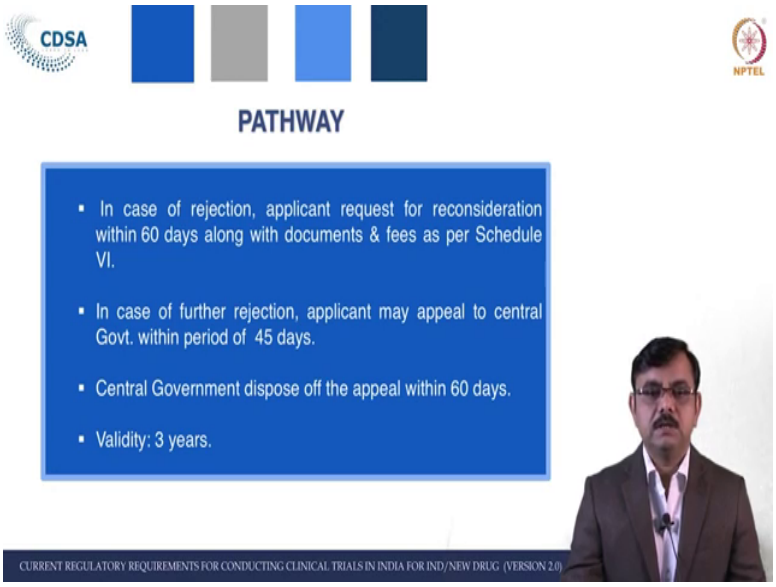

In case of rejection of application, the applicant can request for the reconsideration within a 60 working days along with the document and fees as mentioned in the Schedule IV and Schedule VI. In case of still further rejection, applicant can appeal to the Central Government within a 45 days; and the Central Government require to dispose of the application within a 60 days if it is found that the rejection is inappropriate, then that can be revoked; and if it is found that is inconsistent with the rules and regulation that can be continuum. Once this permission has

been issued, it is a valid up to 3 years, unless and sooner canceled or suspended by the Center Licensing Authority.

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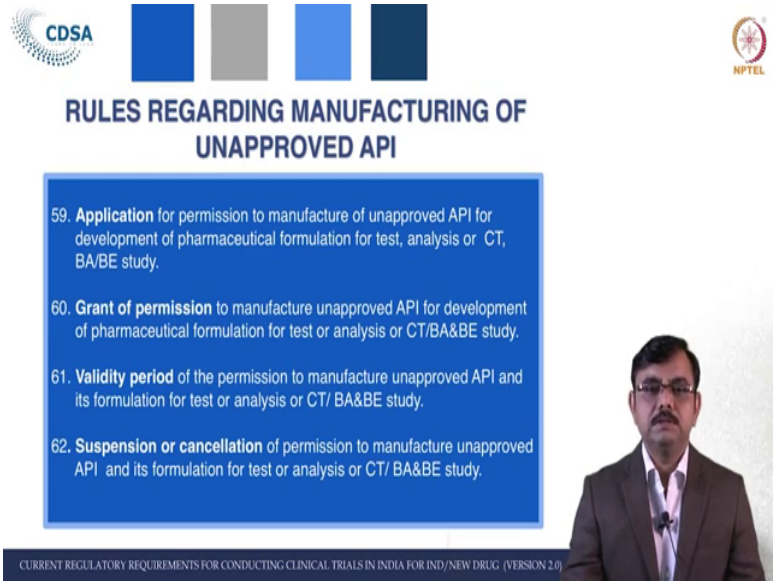

We have seen there is there are rules regarding manufacturer of unapproved API. The active pharmaceutical ingredient which is not approved in the country; so the rules related to the unapproved API manufacturing are these. Rule 59 is related to the application for permission to manufacture of unapproved API for development of pharmaceutical formulation for test, analysis or the clinical studies. Rule 60 is grant of permission. 61, here the validity period has been given, and 62 – the procedure for suspension or cancellation.

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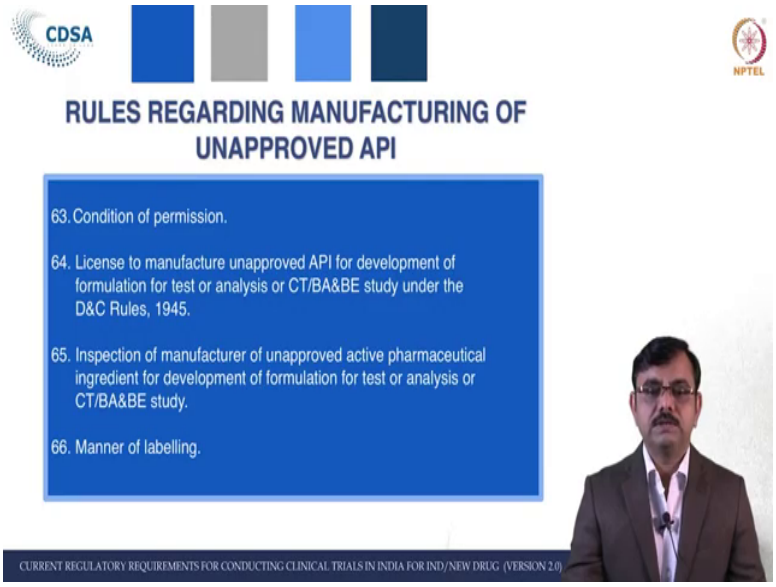

The permission given is with a stipulated condition, and the conditions to be followed are given in Rule 63. 64 is a license to manufacture unapproved API for development of formulation for test and analysis. Then Rule 65 is related to the inspection of the manufacturer. And in the Rule 66, the manner of labeling has been given.

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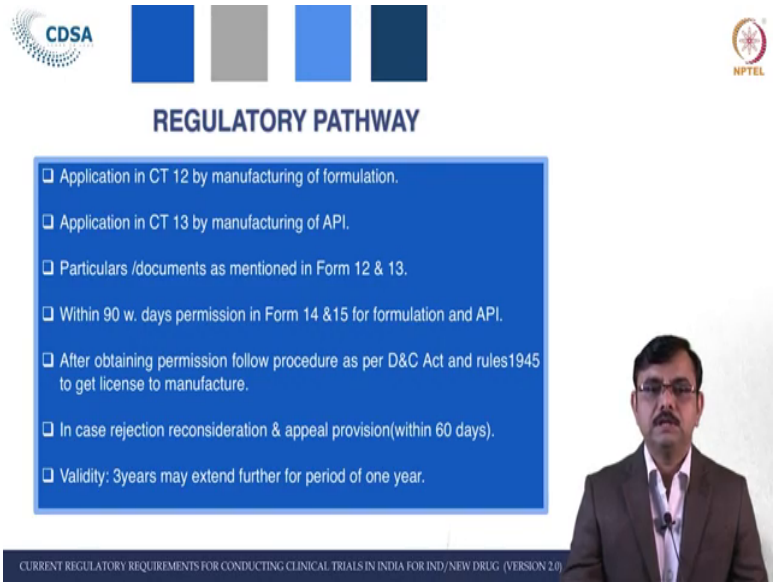

Let us see what is the regulatory pathway. So, for the manufacturer of such unapproved API, the applicant has to apply in the application CT 12, and this application should be from the manufacturer of formulation and application in CT 13 Form by the manufacturer of API. So, in these case, if it is not approved the API, then both has to be apply; the application in CT 12 by formulation manufacturer, and CT 13 by the API manufacturer. Both they required to give the particulars document as mentioned in Form 12 and Form 13.

So, here there is no Schedule; in the in the Form itself the documents requirement has been given. So, you can refer the Form 12 and Form 13, wherein you have to click, whether the document you have submitted or not. So, the requirement itself it is given in the Form. Once it has the application has been submitted, then within 90 working days the permission in Form 14

and Form 15 for formulation and API, the Licensing Authority if found satisfactory, it can issue the permission.

After obtaining permission, then again has to follow procedure as per the Drug and Cosmetic Act and Rule 1945 to get the license from license to manufacture from concern State Licensing Authority. In case of rejection, reconsideration and appeal provision is also there. So, within 60 days they have to apply for the reconsideration. And if found satisfactory, it can be reconsider. The once the permission is issued, it is valid up to 3 years, and it may extend further for a period of 1 year in special circumstances.

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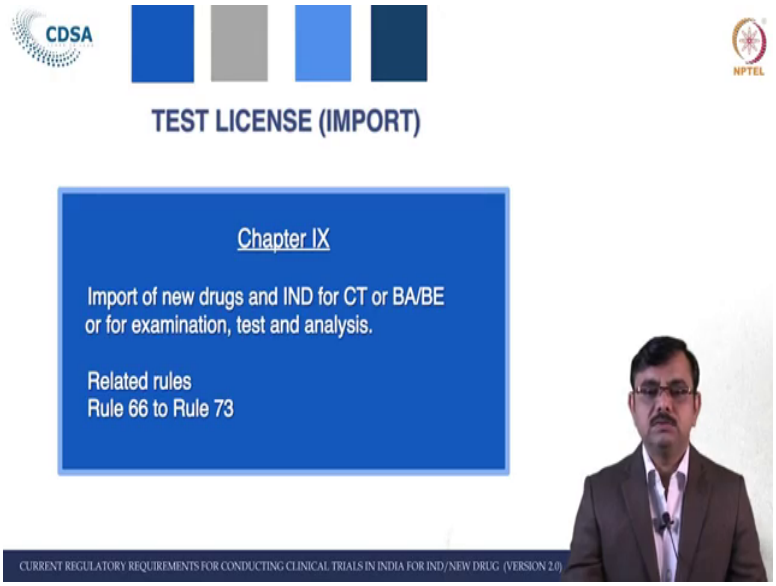

So, these were the rules and procedure for the manufacture of small quantities of new drug and unapproved API. Now, we will see the procedure and rules related to the import of small quantity. So, the import of small quantities, it has been given in Chapter 9 of New Drug and

Clinical Trial Rule. Import of new drug and IND for clinical trial or BA, BE, or for examination, test or analysis, the related rules are Rules 62 to Rule 73.

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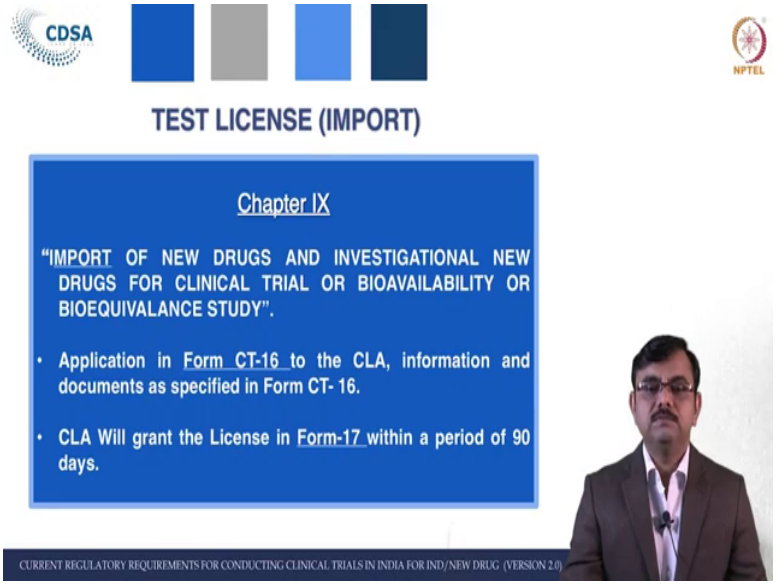

As per this Chapter and Rules, import of new drug and investigational new drug for clinical trial, or bioavailability, bioequivalence study, any person or institution intends to import a new drug or any substance relating thereto for conducting clinical trial or BA, BE study shall make an application under Rule 67, and in Form CT 16 to the Center Licensing Authority. The applicant for the BA, BE study and clinical trial shall require to make application in Form 16 to the Center Licensing Authority; it has been mentioned under sub Rule 2. And it should be accompanied with the fees and the require document as mentioned in the Sixth Schedule and the Fourth Schedule.

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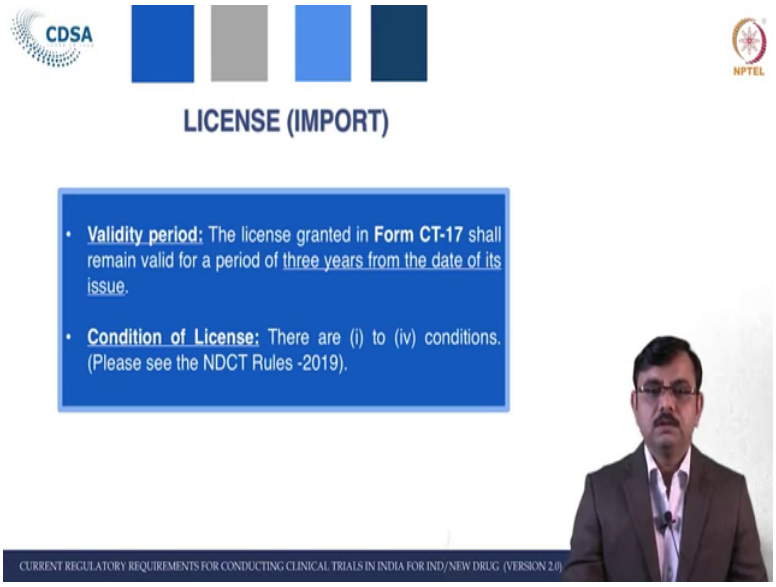

If satisfied, the Center Licensing Authority will grant the license in Form 17 within a period of 90 days. Once the permission has been granted, this permission will be valid for three years from the date of its issue, unless it is suspended canceled by the Center Licensing Authority. In exceptional cases, it may be extended to further 1 year if the applicant request to the Central Licensing Authority.

Then the conditions of license are stipulated, and there are the conditions given in the condition it has been mentioned that the premises should be open for the inspection and in case of the violation, the permission can be suspended at any time, the data has to be maintained. And if found in violation the condition, violation of the condition, the permission can be canceled or suspended.

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Import of unapproved drug by Government Institution. So, as I have mentioned if the institution would like to import some drug for their patients, so there is a provision in the Chapter 11 of New Drug and Clinical Trial, which is related to the import or manufacture of unapproved new drug for the treatment of patient in government hospital and government medical institution. So, this is not applicable in case of the private hospitals to avoid the misuse. And the rule related with this are Rule 86 to Rule 96.

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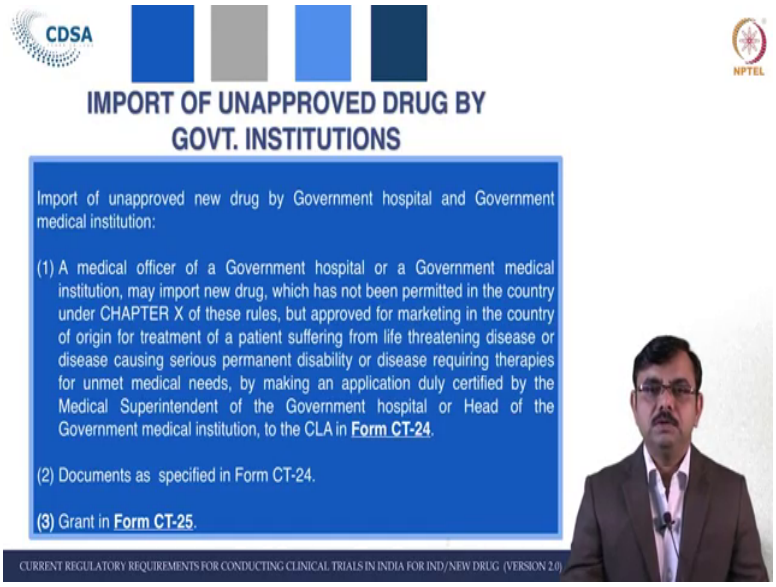

So, according to these rules and regulation, import of unapproved new drug by government hospital and government institution, in this case a medical officer of a government hospital or medical institution may import new drug which has not been new drug means which has not been permitted in the country under Chapter 10 of this rule, but approved for marketing in the country of origin or any other country for the treatment of patients suffering from life threatening diseases, or the disease causing serious permanent disability or disease requiring therapies for the unmedical needs and if that drug is not available in the country and require by the patient.

And then such institution hospital, by making an application duly certified by Medical Superintendent of the Government hospital or Head of the Government medical institution, they have to apply into the Form CT 24 to the Central Licensing Authority that is a CDSCO.

The application under a Sub Rule 1 shall be accompanied by such other particulars and document as per specified in Form CT 24 along with fees specified in the 6 Schedule. So, the requirement of document itself given in the Form, and the fees as I have mentioned from time to time that it is in the 6th Schedule. Then once the application has been submitted, if satisfied the Central Licensing Authority may grant license for import of unapproved new drug by government hospital and government institution in Form CT 25. So, this is about the import or manufacture of the drug by the government hospital or the government institution for the patient.

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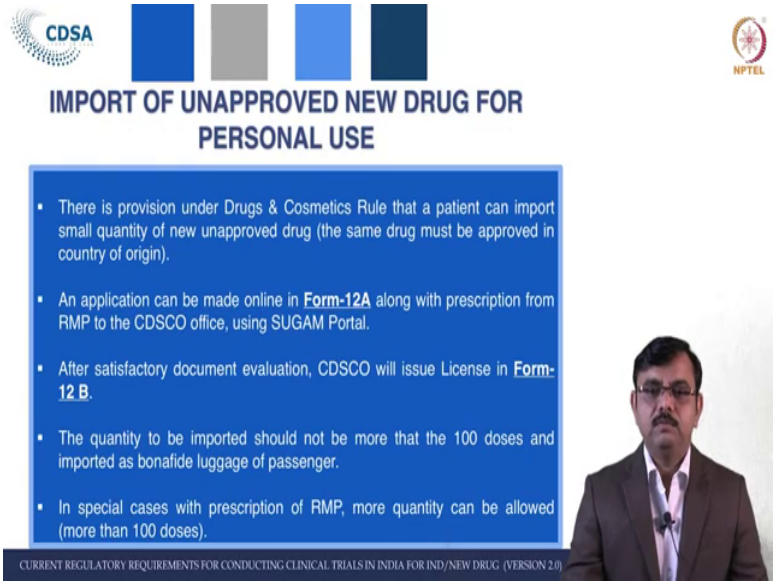

Now, next is whether the patient can import a drug for the personal use. So, there is a provision of import of unapproved new drug for the personal use. This provision has been given under the drug and cosmetic rule that the patient can import small quantity of new unapproved drug. The same drug should be approved in the country of the origin. So, for this,

an applicant has to made an application online in Form 12A. So, there is a provision to make the application online; along with the prescription of registered medical practitioner to the CDSCO office.

And we have the SUGAM Portal for the online system. The applicant has to apply through the SUGAM Portal in online in Form 12 A with the prescription of registered medical practitioner and the other documents. After scrutinizing the application and if the licensing authority after satisfactory document evaluation will issue license or we can call it as a permit in Form 12 B. Once the permit is with the patient, then they can import the small quantity of unapproved drug for personal use.

The quantity imported to be should not be more than the 100 doses or for the treatment of the 6 months. And it should be as a bonafide luggage of the passenger. Further, if require if the quantity require is more than in certain special cases that quantity can be increased.

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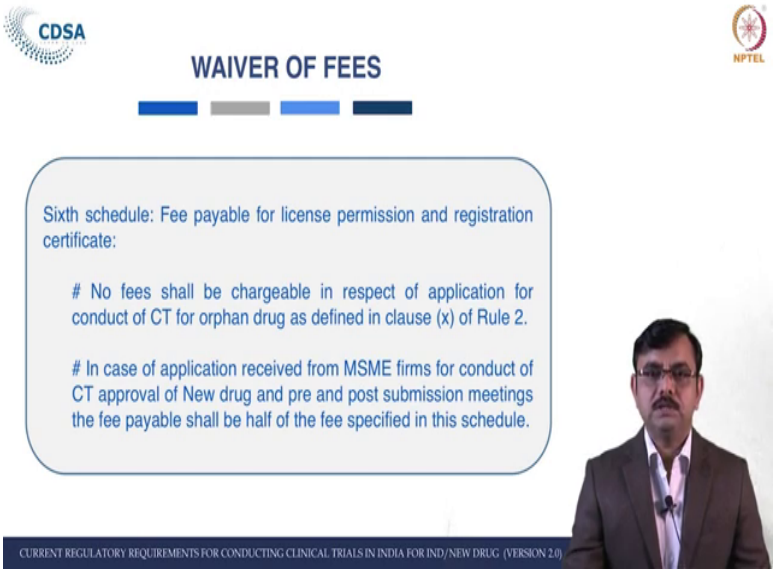

Let us see next the waiver of the fees. So, we have seen in the 6th Schedule, the fees have been given. The 6th Schedule, fee payable for license permission and registration certificate. So, no fee shall be chargeable in respect of application for conduct of clinical trial for orphan drug as defined in clause 10 of Rule 2. So, we know that orphan drug which treat the patients of not having the population not more than 5 lakh. So, we call this disease as orphan disease, and the drug to treat it as a orphan drug, so in case of the conduct of clinical trial, there would be no fees.

In case of application received from the MSME that is micro small and medium entrepreneurs firms for conduct of clinical trial approval of new drug and pre and post-submission meeting the fee payable shall be half of the fees specified in the Schedule. So, whatever the fees given

in the for the pre-meeting and the post-meeting, so that fees would be the half fees for the MSME.

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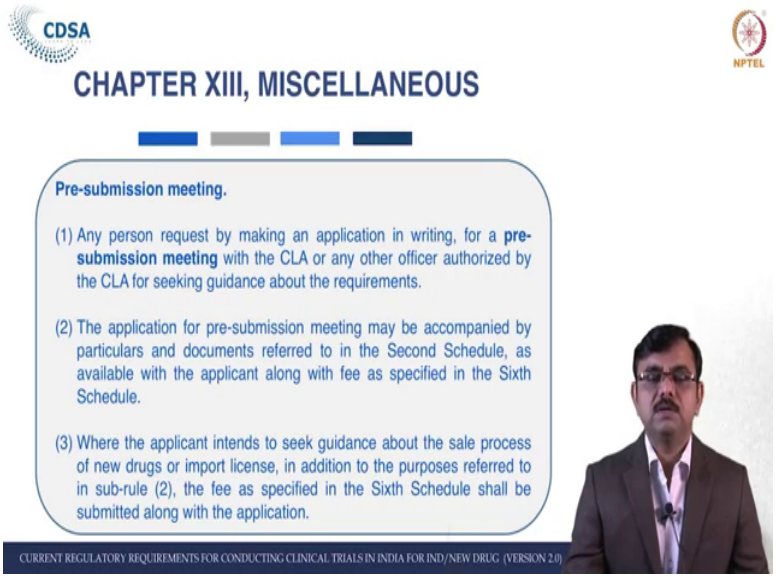

Let us see what is this pre-submission meeting and the post-submission meeting. So, the provision of pre-submission meeting and the post-submission meeting has been given in Chapter 13, which is a miscellaneous Chapter, but it is very important Chapter. The pre-submission meeting is any person who intends to make an application for grant of license or permission for import or manufacture of new drug or to conduct a clinical trial.

He may request by making an application in writing for a pre-submission meeting, if he is not aware about the procedure and the regulatory requirement, the applicant can make application to the Center Licensing Authority or any other officer authorized by the Central Licensing Authority for seeking guidance about the requirement.

The application for pre-submission meeting maybe accompanied by a particulars and documents refer to in the Second Schedule. So, he has to come with the documents as mentioned in the Second Schedule. And where the applicant intend to seek guidance about the sale process of new drug or import license in addition to the purpose referred here in the fee as specified in the Sixth Schedule shall be submitted along with the application. So, the applicant required to submit the fees also.

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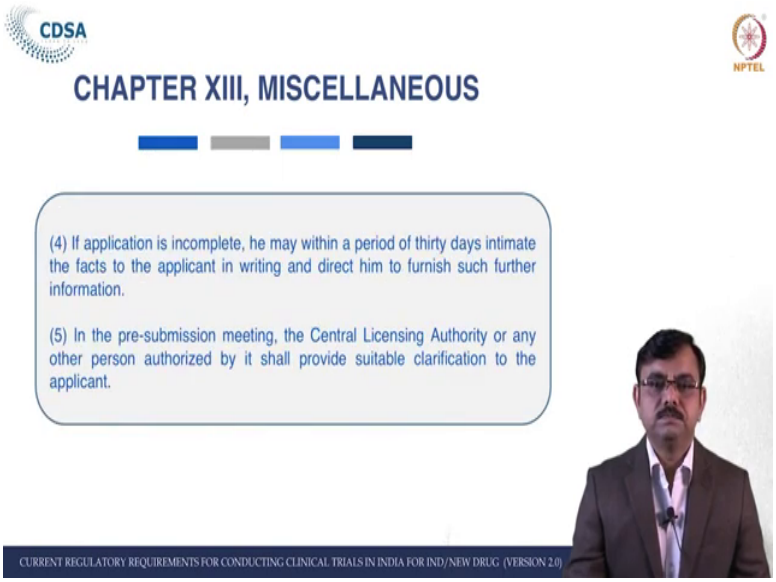

Where the CLA is satisfied that the application is incomplete or the information or document submitted along with the same are inadequate, he may within a period of 30 days from the receipt of the same intimate the fact to the applicant in writing and direct him to furnish such further information or document as wherever it is necessary. In the pre-submission meeting,

the Central Licensing Authority or any other designated person shall provide suitable clarification to the application, application and applicant.

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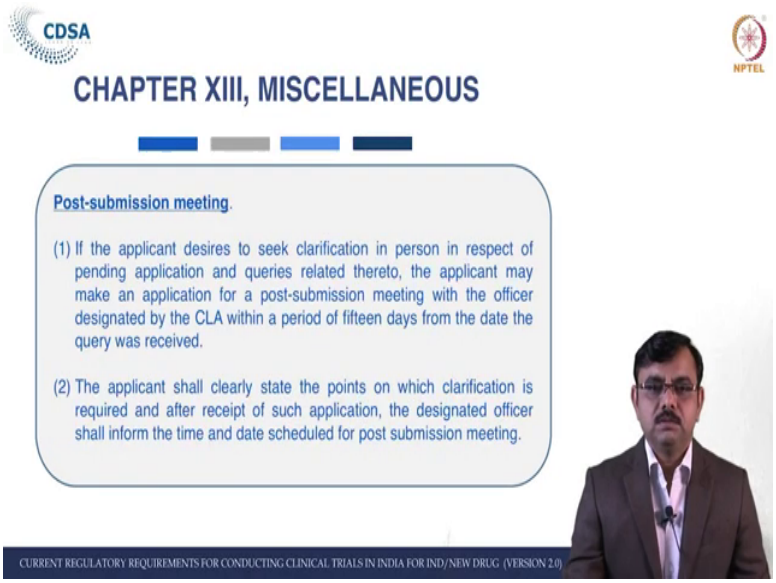

Also there is a provision for the post-submission meeting. If the applicant desire to seek clarification in person in respect of the pending application, once he has submitted the application. And if it had been raised the queries related to that, then the applicant may make an application for a post-submission meeting with the officer designated by the Center Licensing Authority within a period of 15 days from the date the query was received. The applicant shall clearly state the point on which clarification is required. And after receipt of such application, the designated officer shall inform the time and date scheduled for the post-submission meeting.

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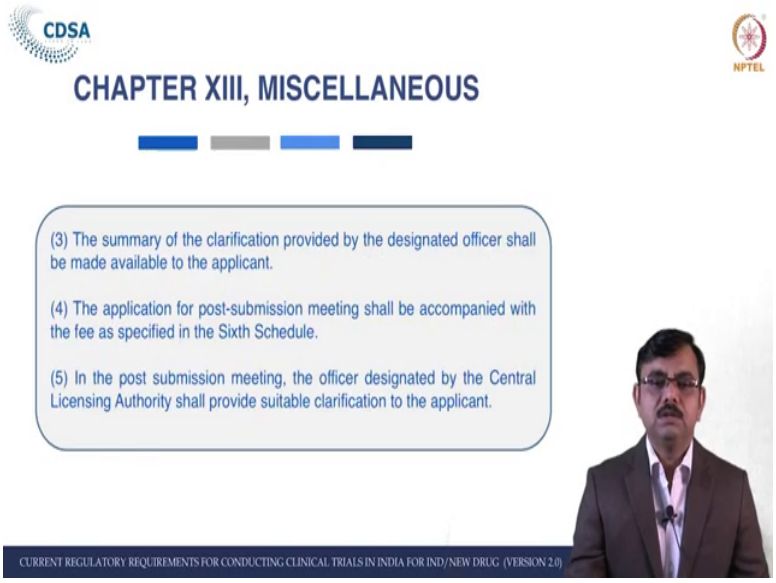

The summary of the clarification provided by the designated officer shall be made available to the applicant. And the application for post-submission meeting under Sub Rule 1 shall be accompanied with the fee as specified in the Sixth Schedule. In the post-submission meeting, the officer designated by the CLA shall provide suitable clarification to the applicant. So, these are the important issues which have not been covered in our other lecture.

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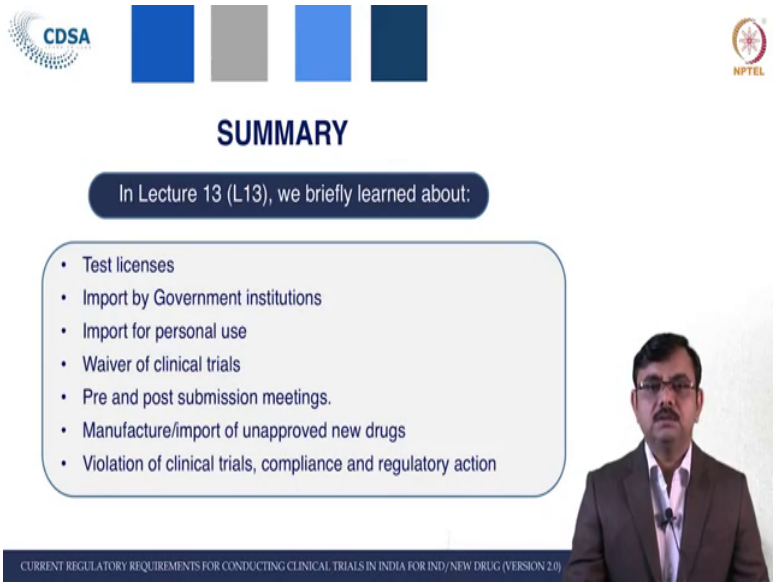

So, let us have the summary. So, in this lecture, we have seen some important issues wherein, we came to know that there is a provision to import small quantities of drug for of the personal use. There is a provision to import small quantities of drug by the government hospitals. And after obtaining and there is a provision for manufacture and import of small quantities of drug for the purpose of clinical trial, and BA, BE study, for that it require to take a permission from the Central Licensing Authority.

Also we have seen the pre-submission and post-submission meeting to give the guidance to the new comers and the applicants. So, this is about the important issues. Now, it is the time for your question answer. So, be ready for the question answer.

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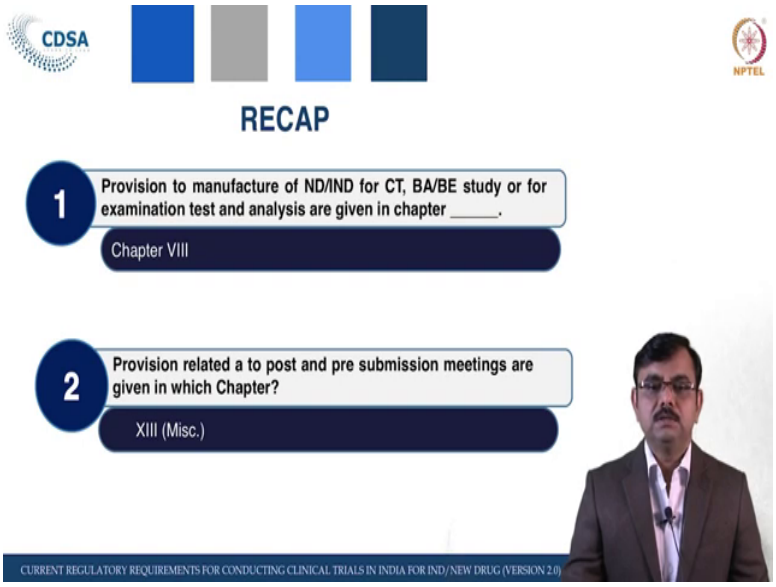

The first question for you, the provision to manufacture of new drug IND for CT, and BA, BE study for examination test and analysis purpose are given in which Chapter? You have to fill in the blanks. So, it is a Chapter 8. In the Chapter 8 such provision is given. The next question is this is also fill in the blanks. Provision related to post and pre-submission meeting are given in the Chapter? You have to fill in the blanks. So, it is given in the last Chapter that is a Chapter 12, sorry Chapter 13, which is a miscellaneous Chapter. So, this is all about the important issue.

Thank you for watching the lecture. Bye, bye and take care.