

Central Drugs Investigation Unit (CDIU)

1. Preamble

The mandate of the Drugs and Cosmetics Act, 1940 is to ensure safety, efficacy and quality of the drugs, cosmetics and medical devices in the country. The powers under the Act have been shared between the State and the Central Governments. Investigation of inter-state offences have been a big challenge as the jurisdiction of the State officials is limited to their respective State boundaries.

Due to the advent of latest information technologies, e-commerce is pervading across all sections of the society and the world. Neither, the drug control mechanism of the State nor the Centre is equipped to deal with the offences relating to drugs traded through e-commerce. There is also a need to track and analyse the complex financial transactions that are made as a part of the illegal trade in drugs. Further, the international agencies like UNODC, INCB, etc have been time and again referring the illegal transactions of the trade of drugs over internet and have been requesting to take stringent action on the offenders.

The Drugs and Cosmetics (Amendment) Act, 2008 was brought in to further amend the Drugs and Cosmetics Act, 1940 is posing a real challenge in terms of its implementation both in letter and spirit. The spirit of the amendment is to see that those who are involved in the manufacture and sale of Spurious and Adulterated drug/cosmetics be punished with imprisonment for not less than 10 years and with a fine of 10 lakh rupees so as to send a strong message to those involved in clandestine manufacture and distribution of these essential commodities.

To sustain any case which involves more than 10 years imprisonment, a thorough investigation needs to be conducted. Enough evidence needs to be culled, sifted and presented in a way that no loose ends are left. It is not enough that we merely produce a letter or an odd receipt before the Hon'ble court and pray for justice. We will have to conduct end to end investigation covering all aspects of procurement, storage, manufacture, distribution and sale of the drugs as well as the financial aspects of the transactions so as to enable the Courts award appropriate punishment to those found guilty. With e-crimes/use of internet for sale and distribution of drugs on the on the anvil and an emerging requirement of the day is our ability to collect and present electronic and digital evidence in a legally admissible way.

Habitual offenders need to be effectively checked and brought before the court of law. There are existing laws in this country like National Security Act, COFEPOSA Act, PITNDPS Act, etc. to deal with habitual smugglers, foreign exchange manipulators, and those involved in anti social activities such as drug trafficking. It is high time that we create a Central unit to deal with those engaged in the trade of spurious drugs who undoubtedly are antisocial elements of the worst order and their operations are pan India. Lack of deterrent enforcement of the drug laws especially in the inter-state commerce has made such offences highly reward able with low risk.

In order to conduct complete investigations, including financial investigation the present infrastructure within the state and centre needs to be further strengthened by having a Central Drugs Investigation Unit (CDIU) which will oversee the intelligence gathering, investigation, Drug/data analysis and prosecution. Further, those who are going to face the iron hand of the act would try to do all that is possible to avoid the clutches of the law.

In view of the above, there is an immediate and urgent need for creating a central unit which can gather intelligence, collate information, investigate and launch prosecution of the offences under the Drugs and Cosmetics Act, 1940.

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2. Background Information

Recent statistics of Pharmexcil show that Indian Pharmaceutical exports are about **1.3 lakh crores worth and the domestic market amounts to an equal extent**. With the ever increasing global demand coupled with the domestic push and capacity building under the aegis of 'Make in India' the Pharmaceutical Market is only bound to grow further in the years to come.

a. Mashelkar Committee Report

The **Mashelkar Committee Report** in the year 2003 noted the need to *set up efficient communication networking for sharing and exchanging information in cases involving inter-state movement of spurious drugs. The Committee noted that majority of the States are not either adequately staffed or technically equipped to monitor the quality of drugs manufactured and sold in their State. There is a strong need to strengthen the organizations with competent and trained manpower and with adequate budgets. This will enable them to detect, investigate and take quick action in spurious/counterfeit drug cases. States should establish a proper surveillance system for keeping a watch over suspected individuals. Watchers should be employed to purchase samples from suspected persons without disclosing their identity. Secret funds should be made available for intelligence activities*'. Fifteen years later the situation still remains grim with little improvement in the states as well as the centre.

In the ever changing digital age which we are witnessing today traditional style of marketing continues to take a backseat and so the traditional style of drug regulatory environment. ***Stringent laws or law making process is only one dimension of the regulatory system and effective enforcement at the ground level needs a strong deterrence which only comes with quality at all levels of the system be it the intelligence, investigation, analysis or the legal aspects. Technically and technologically sound teams with adequate resources and operational freehand are the need of the hour.***

b. D&C Act - Spurious

The fake medicine issue that surfaced in Odisha lead to the revelation of an inter-state racket connecting to **Avya Healthcare**, a manufacturer which had mentioned its address as Rudrapur in Mandi district of Himachal Pradesh that never existed. The recent spurious drug racket unearthed by the Andhra Pradesh Drugs Control Administration and the subsequent investigation lead to identifying at least 15?? spurious drugs and several kingpins and their team based at several cities all over India and a manufacturer based at **Uttarakhand**. Similarly, the spurious **Oxytocin** racket gave leads that even crossed the country borders. These all could very well be just the tip of the iceberg and there could be more hidden underneath. The large gap in between the required and the existing capacity and skill set of the drug regulatory system in India coupled with weak enforcement has inadvertently allowed the growing menace of spurious and counterfeit drug rackets to thrive even today. The legal measures mostly relied on the evidence that was visible and that was confessed and not on what was unearthed as a part of investigation which ultimately lead to symptomatic deterrence in geographical pockets and the real culprits are either at large or changed their location. Ever increasing repeat offenders are the live examples for this. ***Systematic investigation involving all sorts of digital, electronic and physical evidence helps recreate the crime more effectively and leaves no chance for the culprit to escape***

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the clutches of law and this needs a trained and equipped team with all necessary resources.

c. D&C Act – Clandestine dealing

Habit forming drug preparations including codeine based syrups are smuggled across borders to various countries including Kuwait, Bangladesh and Nepal etc. This is an organised racket which lures innocent and gullible youth travelling abroad to work in mostly unskilled or low-skilled jobs to just pass the consignment through the check posts and the sad part is the smugglers actually do not know what is inside the packet as it is camouflaged along with eatables or other food items and they also do not know who they are working for. According to some intelligence, a codeine syrup that costs around 100 Rs/- in India is worth about 4000 Rs/- in Kuwait which is used in local alcoholic preparations so as to make the consumers addicted and visit again. Poor enforcement and the gigantic scale of drug trade which has blown out of proportion makes it only next to impossible in keeping a tab on what is happening on real time basis.

Diversion and illicit use of injections containing **Pentazocine, Ketamine or Buprenorphine, misuse of Alprazolam formulations**, and **Abortion Kits** are becoming common and *a strict and organised vigil spanning the whole country and even sensitive international borders only can strike the balance to contain misuse while making the drug available for intended and just use. Drugs have no borders and so the drug regulatory system shouldn't have too since health security of a nation is second to none.*

d. D&C Act – Adulteration

Adulteration has become the norm of the day in all commodities of daily use with its ill effects more deleterious and harmful in case of drugs. Several instances of drug adulteration were identified where formulations purported to be **Ayurvedic had admixed Allopathic drugs**. These drugs range from those that were available easily over the counter to steroids and even high end antibiotics. These preparations have huge demand partly because of the perception of psychological acceptance of ayurvedic preparations as safe and mainly due to the instant symptomatic relief of pain or congestion due to the allopathic drugs mixed inside. These kind of unscrupulous activities are caught free because of the fact that most of the raids and regular checks are limited only to the licensed firms and sales outlets. *Intelligence gathering with strong and reliable sources of information in tune with the changing market dynamics is the bare minimum requisite to prima facie identify such activities and cracking the network needs much more.*

e. DPCO

DPCO which intends to make essential drugs affordable is weakly implemented mainly due to weak enforcement. Though the violation is all about the price hike than the permitted level till date there is no single tool that can detect the brands charging surplus and raise a red flag. The huge number of brands and manufacturing companies and lack of a centralised database in addition to the complex tax structure has lead to more confusion than ever regarding the ceiling price and the actual price of a brand. Many companies either try to push the overpriced stock or 'manufacture' batches on old dates as they are very well aware that they might escape the weak and small clutches of the drug regulators in the country that are naturally overburdened and under resourced. It is high time that this country needs a **software/app that tells the ceiling price of any brand at the touch of a button**

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considering the fact that there is no complex mechanism required to decode the surplus pricing barring the only obstacle of mapping brands to molecules which is a herculean task for sure. *The technological up gradation of the operational capacity and building realtime, dynamic and reliable data sets is definitely on the top of the list and this needs a total revamp of the existing drug regulatory system in the country.*

f. DMROA

Gone are the days when individual and personal promotion played a major role in marketing of goods and services. The **DMROA** intends to regulate advertisements that mislead public on name of remedies that claim to have magical properties. Increased technology and access to internet and television has increased the reach for companies and also provided an opportunity to interact directly with prospective customers through **telemarketing, SMS, Scrolling ads during TV programmes, sponsored and paid promotion, TV/Radio programmes etc.** **Health and wellness advertisements** today occupy a dedicated time slot and irrespective of channels we surf the content remains the same. *Since they operate through a remote server or remote station it is beyond the jurisdiction of any single officer though it targets population all across the country. This underscores the need for a central agency with powers beyond limited jurisdiction.*

g. NDPS

The drugs of abuse used for recreation mostly end up people in getting addicted and in turn becoming a menace to the entire society. The recent decisions of Sri Lankan Cabinet to restore capital punishment for drug offences and that of Punjab government to amend the legislation so as to include death penalty for all drug smugglers and peddlers shows the seriousness of the issue. Drug addicts can do a lot more damage to a country's integrity and security than a trained anti-national since the effect of their drug dependence is difficult to comprehend and they have wide spread ramifications. Misuse of narcotic, psychotropic and controlled substances needs strong vigilance measures ranging from supply chain integrity, checking misuse at licensed premises, unlicensed manufacture etc. The local drug peddlers and smugglers are actually under the guidance of established global drug cartels and *teams working at national level with unlimited resources, skill set, intelligence and technology second to none are needed to contain the drug menace.*

h. Types of Crimes

Drug law violations range from Spurious or Adulterated drugs that are capable of causing Grievous Injury or death to misbranding and trademark issues, Pilferage or Supply chain Integrity issues, Cyber supported crimes, crimes involving manipulation of High end Medical Equipment to perform as per prior designated instructions, Drug Abuse and Trafficking, Smuggling or passive involvement in the network.

Providing technical assistance to crime like importing or exporting 'n-1' product to convert to 'n', manufacturing foils or cartons or dyes imprints and transferring technical know-how to aid spurious drug makers are some of the high-tech drug law violations that need *competent team work to nab the culprits and also to be gathered is a complex and concrete gamut of evidence in all forms ranging from electronic to frozen data to financial transactions to tool marks etc. which are geographically diverse and technically sound.*

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i. Current challenges/impediments

Several challenges plague drug regulation in this country and with the increasing role of *e-commerce and e pharmacy* without a proper law guiding the process the issue is set to become only more complex than ever. Today the world has become a global village and *drugs are crossing borders* with import/export becoming more common and quick. The major impediment remains the *jurisdictional issue* especially in case of *inter-state and trans-national offences* in addition to the *personnel, resource and skill set constraints*. The *complex financial transactions* intertwined in the entire supply chain and operations are difficult to decode and a lot of intelligent data analysis with proper checks and balances is required to identify the culprits. The *accessibility issues of call data records or email data* are related to the shortfalls in the powers conferred upon the officers and *enabling legal provisions* are needed. Illicit use of antibiotics and other drugs in poultry feeds and aqua/fisheries is actually the result of poor supply chain integrity and weak enforcement. *Pending NBWs/Summons* are the norm of the day in most of the drug cases involving fugitive offenders and inter-state offences.

Apart from this, drug track and trace is far-fetched reality as on today and *comprehensive software* for drug tracing right from the manufacturer to end user is the need of the hour to curb cross entry of spurious drugs into the supply chain and also to effectively recall failed products at a quick pace and with high precision. It could also provide real time data of the quantity and type of drugs utilised in a particular geography that could aid in disease mapping and drug utilisation studies. All this can be overcome *with a new age digitally sound and technologically competent and well trained national drug investigation team with police and legal team support*.

Way Forward- CDIU (CENTRAL DRUGS INVESTIGATION UNIT)

3. CDIU

a. Objective

The objective of this Central Drug Investigation Unit (CDIU) is to ensure that actionable intelligence is collected, collated, analysed, investigated and prosecuted for all the offences under the Drugs and Cosmetics Act, 1940, which have inter-state or International ramifications.

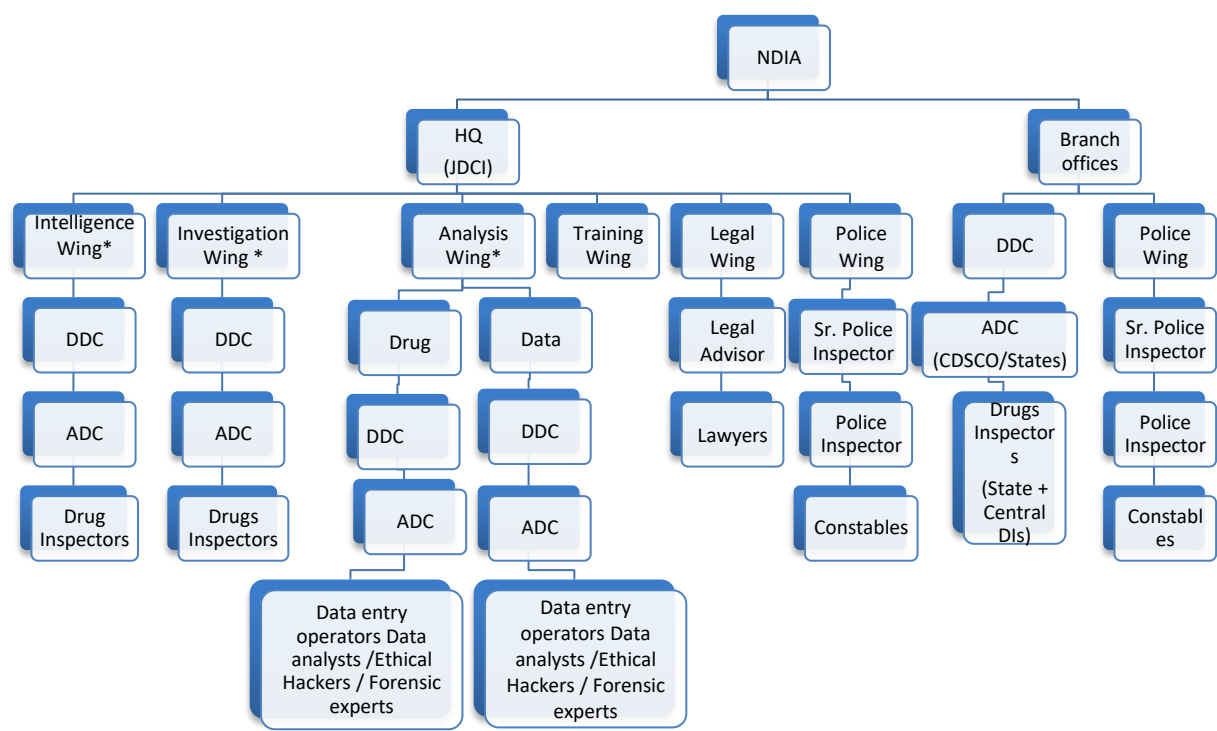
4. Scope

The Central Drug Investigation Unit (CDIU) is intended to be applicable to all the offences under the Drugs and Cosmetics Act, 1940 and Rules, 1945

- a. Inter-state commerce
- b. International commerce
- c. Cases referred by the State
- d. Cases taken on Suo moto by Centre
- e. Cases referred by other investigating agencies

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b. Organisation and Management



c. Requirements

i. Personnel

All personnel in CDIU shall be trained and qualified in the requirements 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. A record of all training, which includes details of subjects covered and participants trained, shall be kept.

1. DI/ADC/DDC
2. Legal Advisors/Lawyers
3. Police Inspectors/Constables
4. Data Analysts
5. Forensic Experts
6. Ethical Hackers

ii. Infrastructure/resources

1. Cloning & Analysis

- a. Data Extraction Tools
- b. Web Analysis
- c. CDR analysis
- d. IP/e-mail analysis

iii. Forensic Labs/Examination

1. New labs

2. Strengthening existing FSLs

- a. New Vertical
- b. Training existing analysts to pharma requirements
- c. Spot Examination/Investigation Kits

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iv. Data access

1. Telecom data
2. Banking/Financial Transactions (FIU)

v. Legal enabling Provisions

Power to investigate offences

Notwithstanding anything contained in the Code of Criminal Procedure, 1973, a police officer not below the rank of Inspector Shall investigate any offence under this Act.

(Section 78 of CrPC)

Power of Police Officer and Other officers to Enter, Search, etc.

Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any police officer, not below the rank of a Inspector or any other officer of the Central Government or a State Government authorized by the Central Government in this behalf may enter any public place and search and arrest without warrant any person found therein who is reasonably suspected of having committed or of committing or of being about to commit any offence under this Act.

(Section 80 of CrPC)

Burden of proof:

When any drug or cosmetic is seized from any person under Sub clause (1) (c) of Section 22 by an Inspector in the reasonable belief that such drug or cosmetic is mis-branded or adulterated or spurious, the burden of proving that such drug or cosmetic is not misbranded or adulterated or spurious shall be on the person from whose possession such drug or cosmetic was seized.

(U.P.Act 47 of 1975, Section 5 and W.B.Act of 1973, Section 5)

Power to summon persons to give evidence and produce documents. –

(1) Any officer appointed under Section 21 of the Act shall have power to summon any person whose attendance he considers necessary either to give evidence or to produce a document or any other thing in any inquiry which such officer is making under this Act.

(2) A summons to produce documents or other things may be for the production of certain specified documents or things or for the production of all documents or things of a certain description in the possession or under the control of the person summoned.

(3) All persons so summoned shall be bound to attend either in person or by an authorized agent, as such officer may direct; and all persons so summoned shall be bound to state the truth upon any subject respecting which they are examined or make statements and produce such documents and other things as may be required :

Provided that the exemption under Section 132 of the Code of Civil Procedure, 1908 (5 of 1908), shall be applicable to any requisition for attendance under this section.

(4) Every such inquiry as aforesaid shall be deemed to be a judicial proceeding within the meaning of Section 193 and Section 228 of the Indian Penal Code, 1860 (45 of 1860).

(Section 108 of the Customs Act, 1962)

Power to invest officers of Drugs Control Administration with powers of an officer-in-charge of a police station.

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The State Government may, by notification published in the Official Gazette, invest any officer of the department of drugs control appointed under Section 21 of the Act with the powers of an officer-in-charge of a police station for the investigation of offences under this Act.

(Section 53 of the NDPS ACT, 1985)

Power of arrest without warrant or authorisation.

(1) An officer appointed under Section 21 of the Act, empowered in this behalf by general or special order of the State Government, if he has reason to believe from persons knowledge or information given by any person and taken down in writing that any drug, or cosmetic in respect of which an offence punishable under this Act has been committed if he thinks proper, arrest any person whom he has reason to believe to have committed any offence punishable under this Act and as soon as may be inform him of the grounds of such arrest.

(2) Where an officer takes down any information in writing under sub-section (1) or records grounds for his belief under the proviso thereto, he shall within seventy-two hours send a copy thereof to his immediate official superior.]

(3) Every person arrested under Sub-section (1) shall, without unnecessary delay, be taken to a Magistrate.

(4) where an officer has arrested any person under Sub-section (1), shall, for the purpose of releasing such persons on bail or otherwise, have the same powers and be subject to the same provisions as the Officer-in-charge of a police station has and is subject to under Code of Criminal Procedure, 1898(5 of 1898).

(5) Whenever any officer makes any arrest under this Act, he shall, within forty-eight hours next after such arrest, make a full report of all the particulars of such arrest to his immediate official superior.

(Section 42, 57 of NDPS Act,1985 & Section 104 of Customs Act, 1962)

Provisional release/dispose of seized articles

(1) The State Government may, having regard to the hazardous nature of any drugs, cosmetics, substances goods , articles ,equipments ,machinery etc, their vulnerability to theft substitution, constraints of proper storage space or any other relevant considerations, by notification published in the Official Gazette, specify such drugs, cosmetics, substances, equipments ,machinery etc ,which shall, as soon as may be after their seizure, be disposed of by such officer and in such manner as that Government may, from time to time, determine after following the procedure hereinafter specified.

(2) Where any drugs, cosmetics, substances goods , articles ,equipments ,machinery has been seized by Inspector under Sub-section(1) (c), he shall prepare an inventory of such drugs, cosmetics, substances ,goods , articles ,equipments ,machinery etc, containing such details relating to their description, quality, quantity, mode of packing, marks, numbers or such other identifying particulars of the same or the packing in which they are packed, origin and other

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particulars as the officer referred to in sub-section (1) may consider relevant to the identity of the same in any proceedings under this Act and make an application, to a Magistrate for the purpose of,-

(a) Certifying correctness of the inventory so prepared; or

(b) Taking, in the presence of such Magistrate, photographs of such items and certifying such photographs as true; or

(c) Allowing to draw representative samples of such drugs or substances, in the presence of such Magistrate and certifying the correctness of any list of samples so drawn.

(3) Where an application is made under sub-section (2), the Magistrate shall, as soon as may be, allow the application

(4) Notwithstanding anything contained in the Indian Evidence Act, 1872 (1 of 1972) or the Code of Criminal Procedure, 1973 (2 of 1974), every Court trying an offence under this Act, shall treat the inventory, the photographs of drugs , cosmetics, substances ,goods , articles ,equipments ,machinery etc, and any list of samples drawn under sub-section (2) and certified by the Magistrate, as primary evidence in request of such offence.

(Section 52 A of NDPS Act 1985 and Section 110 of Customs Act, 1962)

Provisional release of goods, documents and things seized pending adjudication. –

Any drugs, cosmetics, documents or items seized under Section 22 (1) (c) or (cc) may, pending the order of the adjudicating officer, be released to the owner on taking a bond from him in the proper form with such security and conditions as the Controlling Authority may require. (only applicable in case of those offences which are not affecting the quality of drugs)

(Section 110 A of Customs Act, 1962)

Amendment to Section 22 (1) (c) (iii) to read as

“After the end of the paragraph in 22(1)(c)(iii) and before 22(1)(cc)”

Provided that wherever it is not practicable to seize any such drugs, cosmetics, goods, equipment, machinery, substances or articles the Inspector may serve on the owner, custodian, possessor of such items an order that he shall not remove, part with, or otherwise deal with the items mentioned except with the prior permission of such officer

(Section 110 of Customs Act,1962)

Amendment to Section 31: CONFISCATION:

“After Sub-clause (2) of Section 31”

Confiscation of sale-proceeds of misbranded, Adulterated, Spurious or Not of Standard Quality. Drugs or Cosmetics – Where any misbranded, adulterated, spurious or not of standard quality drugs or cosmetics are sold by a person having knowledge or reason to believe that the, drugs or cosmetics are of such nature the sale-proceeds thereof shall be liable to confiscation.

Amendment to Section 34AA: Penalty for vexatious search, seizure or arrest:

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(e): Vexatious and unnecessarily detains, searches or arrests any person, shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees, or with both.

(f): Any person willfully and maliciously giving false information and so causing an arrest or a search being made under this Act shall be punishable with imprisonment for a term which may extend to two years or with fine or with both

(Section 53 of the NDPS ACT, 1985)

Presumption of culpable mental state. –

(1) In any prosecution under Section 32 for the offences under this Act which requires a culpable mental state on the part of the accused, the court shall presume the existence of such mental state but it shall be a defence for the accused to prove the fact that he had no such mental state with respect to the act charged as an offence in that prosecution.

Explanation - In this section, “culpable mental state” includes intention, motive, knowledge of a fact and belief in, or reason to believe, a fact.

(2) For the purposes of this section, a fact is said to be proved only when the court believes it to exist beyond reasonable doubt and not merely when its existence is established by a preponderance of probability.

(Section 138 of Customs Act, 1962)

Presumption from possession of illicit articles

In trials under this Act, it may be presumed, unless and until the contrary is proved, that the accused has committed an offence under this Act in respect of-

- (a) Any Spurious, Adulterated, Misbranded or Not of standard Quality drug or cosmetic was manufactured for sale, stocked, and sold.
- (b) Any equipments, machinery, apparatus, etc specially designed and adopted for the manufacture of such drugs or cosmetics mentioned in Sub-clause (a).
- (c) Any materials which have undergone any process towards the manufacture of drug or cosmetic of the nature mentioned in sub-clause (a) & (b) or any residue left of the materials from which any drug or cosmetic has been manufactured, for the possession of which he fails to account satisfactorily.]

(Section 54 of the NDPS ACT, 1985)

Relevancy of statements under certain circumstances

(1) A statement made and signed by a person before any Gazetted officer of Drugs Control appointed under Section 21 of the Act during the course of any inquiry or proceeding under this Act shall be relevant, for the purpose of proving, in any prosecution for an offence under this Act, the truth of the facts which it contains, -

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(a) when the person who made the statement is dead or cannot be found, or is incapable of giving evidence, or is kept out of the way by the adverse party, or whose presence cannot be obtained without an amount of delay or expense which, under the circumstances of the case, the court considers unreasonable; or

(b) When the person who made the statement is examined as a witness in the case before the court and the court is of opinion that, having regard to the circumstances of the case, the statement should be admitted in evidence in the interests of justice.

(2) The provisions of sub-section (1) shall, so far as may be, apply in relation to any proceeding under this Act, or the rules or orders made there under other than a proceeding before a court, as they apply in relation to a proceeding before a court.

(Section 53 A of NDPS Act 1985 and Section 138B of Customs Act, 1962)

Admissibility of Micro films, facsimile copies of documents and computer print outs as documents and as evidence

(1) Notwithstanding anything contained in any other law for the time being in force, -

(a) a micro film of a document or the reproduction of the image or images embodied in such micro film (whether enlarged or not); or

(b) a facsimile copy of a document; or

(c) a statement contained in a document and included in a printed material produced by a computer (hereinafter referred to as a “computer print out”), if the conditions mentioned in sub-section (2) and the other provisions contained in this section are satisfied in relation to the statement and the computer in question, shall be deemed to be also a document for the purposes of this Act and the rules made there under and shall be admissible in any proceedings there under, without further proof or production of the original, as evidence of any contents of the original or of any fact stated therein of which direct evidence would be admissible.

(2) The conditions referred to in sub-section (1) in respect of a computer print out shall be the following, namely :-

(a) the computer print out containing the statement was produced by the computer during the period over which the computer was used regularly to store or process information for the purposes of any activities regularly carried on over that period by the person having lawful control over the use of the computer;

(b) during the said period, there was regularly supplied to the computer in the ordinary course of the said activities, information of the kind contained in the statement or of the kind from which the information so contained is derived;

(c) throughout the material part of the said period, the computer was operating properly or, if not, then any respect in which it was not operating properly or was out of operation during that part of that period was not such as to affect the production of the document or the accuracy of the contents; and

(d) the information contained in the statement reproduces or is derived from information supplied to the computer in the ordinary course of the said activities.

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(3) Where over any period, the function of storing or processing information for the purposes of any activities regularly carried on over that period as mentioned in clause (a) of sub-section (2) was regularly performed by computers, whether -

- (a) by a combination of computers operating over that period; or
- (b) by different computers operating in succession over that period; or
- (c) by different combinations of computers operating in succession over that period; or
- (d) in any other manner involving the successive operation over that period, in whatever order, of one or more computers and one or more combinations of computers, all the computers used for that purpose during that period shall be treated for the purposes of this section as constituting a single computer; and references in this section to a computer shall be construed accordingly.

(4) In any proceedings under this Act and the rules made there under where it is desired to give a statement in evidence by virtue of this section, a certificate doing any of the following things, that is to say, -

- (a) identifying the document containing the statement and describing the manner in which it was produced;
- (b) giving such particulars of any device involved in the production of that document as may be appropriate for the purpose of showing that the document was produced by a computer;
- (c) dealing with any of the matters to which the conditions mentioned in sub-section (2) relate, and purported to be signed by a person occupying a responsible official position in relation to the operation of the relevant device or the management of the relevant activities (whichever is appropriate) shall be evidence of any matter stated in the certificate; and for the purposes of this sub-section it shall be sufficient for a matter to be stated to the best of the knowledge and belief of the person stating it.

(5) For the purposes of this section, -

- (a) information shall be taken to be supplied to a computer if it is supplied thereto in any appropriate form and whether it is so supplied directly or (with or without human intervention) by means of any appropriate equipment;
- (b) whether in the course of activities carried on by any official, information is supplied with a view to its being stored or processed for the purposes of those activities by a computer operated otherwise than in the course of those activities, that information, if duly supplied to that computer, shall be taken to be supplied to it in the course of those activities;
- (c) a document shall be taken to have been produced by a computer whether it was produced by it directly or (with or without human intervention) by means of any appropriate equipment.

Explanation - For the purposes of this section, -

- (a) “computer” means any device that receives, stores and processes data, applying stipulated processes to the information and supplying results of these processes; and
- (b) any reference to information being derived from other information shall be a reference to its being derived there from by calculation, comparison or any other process.

(Section 138C of Customs Act,1962)

Presumption as to documents in certain cases. –

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Where any document –

- (i) is produced by any person or has been seized from the custody or control of any person, in either case, under this Act or under any other law, or
- (ii) has been received from any place outside India in the course of investigation of any offence alleged to have been committed by any person under this Act, and such document is tendered by the prosecution in evidence against him or against him and any other person who is tried jointly with him, the court shall -
 - (a) presume, unless the contrary is proved, that the signature and every other part of such document which purports to be in the handwriting of any particular person or which the court may reasonably assume to have been signed by, or to be in the handwriting of, any particular person, is in that person's handwriting, and in the case of a document executed or attested, that it was executed or attested by the person by whom it purports to have been so executed or attested;
 - (b) admit the document in evidence, notwithstanding that it is not duly stamped, if such document is otherwise admissible in evidence;
 - (c) in a case falling under clause (i) also presume, unless the contrary is proved, the truth of the contents of such document.]

[Explanation. - For the purposes of this section, “document” includes inventories, photographs and lists certified by a Magistrate under Sub-section (1)(c)(iv)(3) of Section 22.]

(Section 66 of NDPS Act 1985 and Section 139 of Customs Act, 1962)

Information as to commission of offences.

No officer acting in exercise of powers vested in him under any provision of this Act or any rule or order made there under shall be compelled to say whence he got any information as to the commission of any offence.

(Section 68 of the NDPS ACT, 1985)

Power to tender immunity from prosecution.

(1) The State Government may, if it is of opinion (the reasons for such opinion being recorded in writing) that with a view to obtaining the evidence of any person appearing to have been directly or indirectly concerned in or privy to the contravention of any of the provisions of this Act or of any rule or order made there under it is necessary or expedient so to do, tender, to such person immunity from prosecution for any offence under this Act or under the Indian Penal Code or under any other Central Act, State Act, as the case may be for the time being in force, on condition of his making a full and true disclosure of the whole circumstances relating to such contravention.

(2) A tender of immunity made to, and accepted by, the person concerned, shall, to the extent to which the immunity extends, render him immune from prosecution for any offence in respect of which the tender was made.

(3) If appears to the State Government, that any person to whom immunity has been tendered under this section has not complied with the conditions on which the tender was made or is willfully concealing anything or is giving false evidence, the State Government, may record a finding to that effect and thereupon the immunity shall be deemed to have been withdrawn and

Central Drugs Investigation Unit (CDIU)

such person may be tried for the offence in respect of which the tender of immunity was made or for any other offence of which he appears to have been guilty in connection with the same matter.

(Section 54 of the NDPS ACT, 1985)

INTRODUCTION

The Drugs Consultative Committee (DCC), a statutory body under Section 7 of the **Drugs and Cosmetics Act**, in its 52nd meeting held on 18th September 2017 deliberated the matter on issues

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related to Adulterated and Spurious Drugs and Cosmetics. The committee expressed concerns on the extent and activities of import, manufacture, distribution, sale etc. of adulterated and spurious drugs and cosmetics in India and those exported to foreign countries.

In the current scenario, all State/UT drugs control organizations have a regulatory system to vigil on the manufacture, distribution and sale of safe, quality and efficacious medicines in their individual jurisdiction. The nature of adulterated and spurious drugs in India is such that, it's been manufactured in one state and dumped illegally across all over the country and even exported. The means of demand/supply includes various channels including sea/road/air/internet/govt. posts-parcels/couriers or personnel deliveries. The nexus of such illicit activities is so wide and organized that individual States/UTs find difficulty in curbing its menace. The State Drugs Controlling organizations from States/UTs could not bring the culprit to the conviction because of fractured nature of their jurisdiction and complexities involved during inter-state investigations. India is the largest manufacturer and exporter of generic drugs and is said to be the 'Pharmacy of the World'; such illicit practices are not only posing threat to the health of the Indian citizens but also damaging the trust and image of the country in the international market. The Committee felt a strong and urgent necessity of having a central agency to gather the intelligence, investigate and prosecute the involved culprits in coordination of States.

Hence, DCC recommended constituting a sub-committee for creation of National Intelligence Agency on similar grounds of various other agencies like NIA, CBI, etc.

CONSTITUTION OF THE SUB-COMMITTEE

Sr. No.	Name of Member of Sub-committee	Designation and Serving Organization
1.	Dr. Ravi Shankar IPS (Chairman)	Drugs Controller, Andhra Pradesh
2.	Dr. K. Bangarurajan (Convener)	Joint Drugs Controller India, CDSCO, HQ
3.	Mr. O.S. Sadhwani	Joint Commissioner, FDA, Maharashtra
4.	Mrs. Jyoti Sardesai	Director, Drugs Control Administration, Goa

The sub-committee is entrusted with the following functions:

- a) Nomenclature of the proposed Central Drugs Intelligence Agency
- b) Constitution and organogram of the agency for effective enforcement in coordination with State Nodal Officers
- c) Working manual for the agency for uniform implementation
- d) Recommendation of necessary changes in the Act and Rules for efficient working of the agency
- e) Financial and legal aspects related to agency's establishment

MEETINGS OF THE SUB-COMMITTEE:

First Meeting

Central Drugs Investigation Unit (CDIU)

The sub-committee held its first meeting on 08-Jan-2018 at FDA Bhawan, CDSCO (HQ), New Delhi. Deliberations were done on nomenclature of central intelligence agency and unanimously agreed to finalize it as “National Drugs Investigation Agency”. All the pros and cons of the proposed name were discussed by the members and found the proposed name in line with other investigational agencies like NIA, NCB etc.

Sub-committee opined that:

1. The head-office of the investigation agency shall be located at CDSCO (HQ) and its units at all Zonal/Sub-zonal offices of CDSCO and State/ UT Drugs Controller Offices.
2. The Structure of each unit of the Investigation agency could be at least of the following dedicated staff for effective and efficient functioning of the agency
 - a) A Nodal Officer, not below the rank of Drugs Inspector (Drugs Control Officer from Central Government / State Government)
 - b) A Software System Analyst / Computer Programmer
 - c) A Data Entry Operator
 - d) Team of Drugs Inspectors (2-4) from both Central Government and State Government, the selection of whom shall be made by the ‘**Central Core Committee**’.
 - e) Dedicated unit of Police officers (having sufficient number) attached to each unit of investigation agency to support while discharge of agency’s functions
 - f) Necessary HR, IT related infrastructure equipped with data handling software.
3. Officer not below the rank of Joint Drugs Controller (India), shall lead the Investigation Agency at CDSCO (HQ).
4. A working document comprising of agency’s Vision, Mission, Scope, Organogram, detailed functioning etc. shall be prepared in line with other investigation agencies such as NIA, DRI, and NCB etc.
5. A comprehensive training to all the officers (including police officers) of the Agency shall be given by the expert’s body for specifically handling the cases of Drugs and Cosmetics Act and Rules thereunder.
6. A need of conducting further such meetings to finalize the modalities of the NDIA. Experts shall be called from the offices of Ministry of Home Affairs (MHA), Ministry of External Affairs (MEA), Central Bureau of Investigation (CBI), Intelligence Bureau (IB), Directorate of Revenue Intelligence (DRI), Narcotics Control Bureau (NCB), Financial Intelligence Unit-India (FIU-IND), Enforcement Directorate (ED), National Intelligence Agency (NIA) etc. for their holistic inputs.

Second Meeting

The sub-committee held its second meeting on 05-Feb-2018 at FDA Bhawan, CDSCO (HQ), New Delhi. Expert invitees from various investigational agencies like CBI, NIA, IB, ED, DRI, FIU-IND, and NCB participated in the sub-committee meeting.

Sr. No.	Name of Participant	Designation and Serving Organization
1.	Dr. Ravi Shankar IPS (Chairman)	Drugs Controller, Andhra Pradesh

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Sr. No.	Name of Participant	Designation and Serving Organization
2.	Dr. G.N. Singh	Drugs Controller General India
3.	Dr. K. Bangarurajan (Convener)	Joint Drugs Controller India, CDSCO, HQ
4.	Mr. O.S. Sadhwani	Joint Commissioner, FDA, Maharashtra
5.	Mrs. Jyoti Sardesai	Director, Drugs Control Administration, Goa
6.	Dr. V.G. Somani	Joint Drugs Controller India, CDSCO, HQ
7.	Dr. S. Eswara Reddy	Joint Drugs Controller India, CDSCO, HQ
8.	Mr. Jaspreet Singh Sukhija	Deputy Director (DRI)
9.	Mr. N.K. Singh	Assistant Director (IB)
10.	Mr. Anand Jain	Deputy Inspector General (NIA)
11.	Mr. Manoj Kaushik	Additional Director (FIU-IND)
12.	Mr. Praveen Kumar	Deputy Director (Operations), NCB
13.	Mr. R. R. Kumar	Assistant Director, ED
14.	Mr. Chandrashekar R	Deputy Drugs Controller India, CDSCO, WZ
15.	Dr. Santosh Indraksha	Assistant Drugs Controller India, CDSCO, HQ

The Chairman explained why NDIA is necessary for India. To put a more light on this, he pointed out that:

- a) Men, Material and Machines involved in crimes are spread across various States/UTs, hence Pan India nature of the investigation required.
- b) To pursue the leads w.r.t. financial transaction raised out of such illicit activities, the agency has to get the data access from Mobile Service Providers (MSP) and Internet Service Providers (ISP).
- c) In coming days internet or online pharmacy is booming where trades over internet will flourish along with other courier and transport service across states and international borders. Hence national coordinating and investigational agency will help tracking the culprits along with collating pool of criminal evidences to raise conviction in the court of law.
- d) This agency will have strong deterrence over the misuse of drugs (e.g. antibiotics etc.) in poultry, veterinary, agriculture and aqua industries.
- e) Currently the powers of drugs inspectors under Drugs and Cosmetics Act are limited to search and seizure, however no power of arrest given to them. Such situations, gives opportunity for the culprits to divert the illicit consignments, erase evidences, escape from arrest, etc. making the case weaker.

Hence to curb and crackdown these illicit and clandestine activities, a dedicated team with diversified skills like handling Intelligence and Criminal Data Base, Analysis of information with IT wares, Financial transactions to link up criminal activities, Forensic skill, Simultaneous raids/seizures/arrests at suspected places, a strong network of informers etc. is a need of time.

After detailed discussion on the existing drugs regulatory framework in the country along with opinion by experts, members proposed to have the Short term, Mid-term and Long term measures, which are elaborated below.

Long term measures:

- a) The Drugs and Cosmetics Act to be amended to incorporate power of investigation under Criminal Procedure Code (CrPC) given to the police be extended to Drugs Inspectors.

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- b) Notification of NDIA as a law enforcing agency for the purposes of lawful interceptions (ISP/MSP)
- c) To notify the serious crimes related to adulterated and spurious drugs under the Prevention of money Laundering Act and Scheduled Offences.

Mid-term steps:

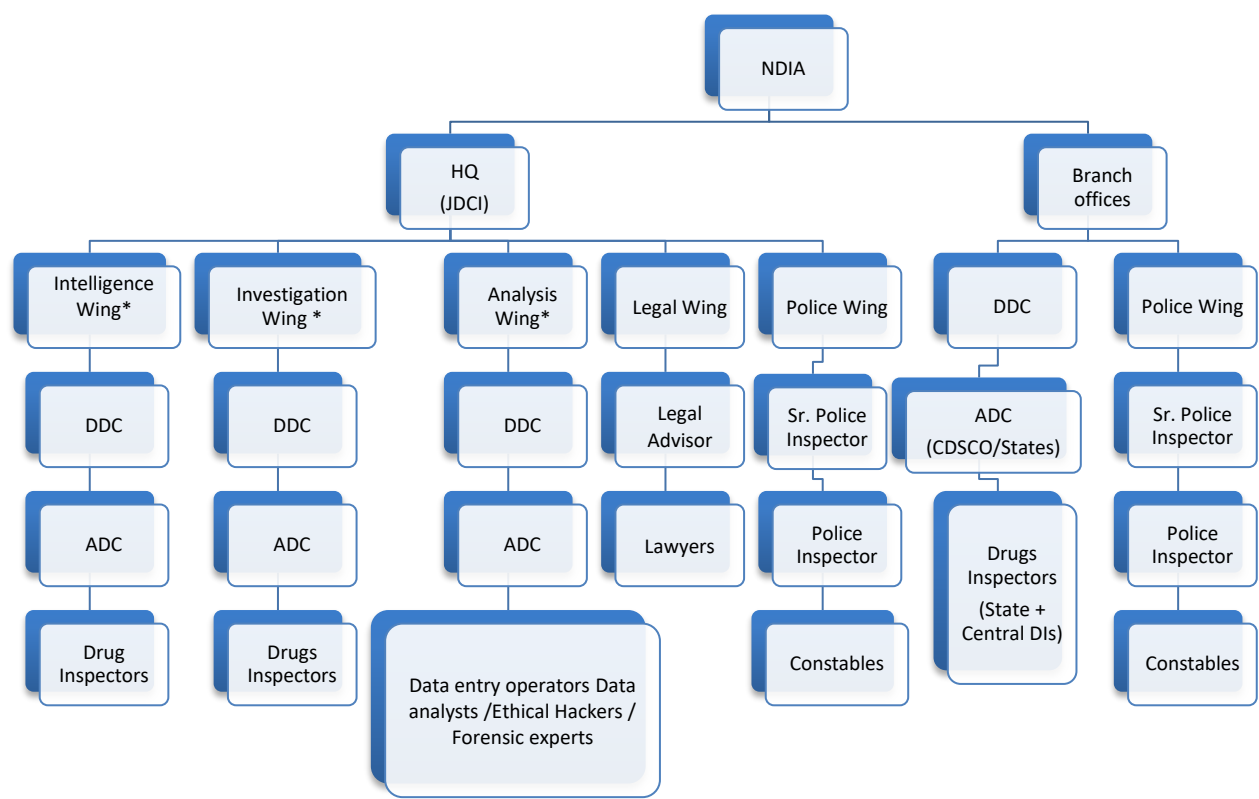
- a) Sharing of intelligence, information of Suspected Transaction Reports (STRs) every month by DRI, FIU, ED, NCB, CBI, NIA, IB etc.
- b) Cases to be handed over to above agencies for investigation and prosecution.
- c) Suo moto cognizance based on reasonable suspicion (test reports, intelligence shared by citizens etc.)
- d) Transferred or referred cases by states or other agencies which have been prima facie established
- e) Cases with international linkage

Short term steps:

- a) Deputation of officers from State and Centre
- b) Incentives and allowances to officers of NDIA
- c) Forensic tools for investigation
- d) Investigation kits
- e) Secret fund
- f) Analytical tools/internet hackers and data extractors
- g) Working manual of investigation
- h) Powers of arrest to Drugs inspector in line with NCB officers by notification.

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Proposed Structure of NDIA



* These wings also constitute dedicated experts from IB, CBI, NIB, NIA, DRI, NCB, FIU-IND to support NDIA investigations.

The sub-committee opined to conduct third meeting on NDIA creation at Hyderabad on 09-March-2018 with all the sub-committee members.

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File No. X.19013/2/2017-DC (Part 2)
Directorate General of Health Services
Central Drugs Standard Control Organisation
O/o Drugs Controller General (I)

Date: 11.01.2018

To,

All members of sub-committee.

Sub: Second Meeting of Sub-committee for creation of National Drugs Investigation Agency to be held on 05.02.2018- reg

Sir/Madam,

In continuation to the first sub-committee meeting held on 08.01.2018, for creation of National Intelligence Agency as recommended in 52nd DCC held on 18th September, 2017, it is to inform that the next meeting is scheduled to be held on **05.02.2018 at 10:30 AM in 1st Floor Conference room, FDA Bhawan, New Delhi**. The Chairman, special invitees and members of the sub-committee are requested to participate in the meeting.

1. Dr. Ravi Shankar IPS, Drugs Controller, Andhra Pradesh (Chairman)
2. Shri. O.S.Sadhvani, Jt. Commissioner, FDA Maharashtra (Member)
3. Smt. Jyoti J. Sardesai, Director, Drugs Control Administration, Goa (Member)
4. Shri. Salm A. Veljee, Ex-Director, Drugs Control Administration, Goa (Special invitee)
5. Dr. K. Bangarurajan, JDC(I), CDSCO(HQ) (Convener)

It may please be noted that the TA/DA for attending the sub-committee meeting shall be paid as per Government of India norms by IPC, Ghaziabad. The air journeys should be performed by Air India Flights only and the air tickets, if purchased through agent, should be purchased through M/s. Balmaer Laune & Co. who is authorized Govt. agent for this purpose. For any logistic support you may directly contact Shri. Chandan Kumar from IPC (Ph. 9310104876 and Email Id: finance@ipcindia.net)

Please acknowledge and confirm your participation.

Yours faithfully,


(Dr. K. Bangarurajan)
Joint Drugs Controller (India)
(Convener)

Copy to

1. Dr. S. E. Reddy, JDC (I), CDSCO with a request to participate as resource person.
2. Dr. V.G. Somani, JDC (I), CDSCO with a request to participate as resource person.
3. Shri. R. Chandrashekar, DDC(I), CDSCO(WZ) with a request to participate as resource person.
4. Shri. Chandan Kumar, IPC, with a request to make logistic arrangements for the outstation participants.

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Following are the details of the second meeting of Sub-Committee for creation of National Drugs Intelligence Agency (NDIA), on recommendation of 52nd DCC.

Minutes of the second meeting of Sub-Committee for creation of National Drugs Intelligence Agency (NDIA)		
Date: 05-02-2018	Time 10.30 a.m. to 3.30 pm	FDA Bhawan, CDSCO, 1 st Floor Conference Room, Kotla Road, New Delhi
Meeting called by	Dr. K. Bangarurajan, Joint Drugs Controller (Convener of Subcommittee for Creation of National Drugs Investigation Agency)	
Type of meeting	Official Meeting of Subcommittee for creation of NDIA, constituted by Drugs Consultative Committee	
Meeting Chair	Dr. Ravi Shankar, IPS, Drugs Controller, Andhra Pradesh (Chairman).	
Note taker	Dr. Santosh Indraksha, Assistant Drugs Controller (India), CDSCO (HQ)	
Attendees	1. Dr. G.N. Singh, Drugs Controller General (India). 2. Dr. Ravi Shankar, IPS, Drugs Controller, Andhra Pradesh (Chairman). 3. Dr. V.G. Somani, JDC(I), CDSCO. 4. Dr. S. Eswara Reddy, JDC(I), CDSCO. 5. Dr. K. Bangarurajan, Joint Drugs Controller (India), CDSCO(HQ) (Convener) 6. Mr. O.S Sadhwani, Jt. Commissioner, FDA Maharashtra 7. Mrs. Jyoti J. Sardesai, Director, Drugs Control Administration, Goa 8. Mr. Chandrashekar R, Dy. Drugs Controller (India), CDSCO, WZ 9. Mr. Jaspreet Singh Sukhija, Deputy Director (DRI) 10. Mr. N.K. Singh, Assistant Director(IB) 11. Mr. Anand Jain, Deputy Inspector General (NIA) 12. Mr. Manoj Kaushik, Additional Director (FIU-IND) 13. Mr. Praveen Kumar, Deputy Director(OPS), NCB 14. Mr. R. R. Kumar, Assistant Director, ED 15. Mr. Satyavir Singh, Inspector, CBI	
Meet and Greet		
Dr. K. Bangarurajan	Welcome and Introduction by Members	
Discussion	Dr. K. Bangarurajan, Convener of the meeting, welcomed and greeted all respectable dignitaries and members of the subcommittee on behalf of Chairman. Subsequently, all members introduced themselves representing their individual agencies. Then Dr. K. Bangarurajan, requested Hon. Chair Dr. Ravi Shankar to take over the proceedings.	
Introduction and Background		
Dr. Ravi Shankar,	Introduction and background regarding the creation of National Drugs Investigation	

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Discussion	Dr. Ravi Shankar explained the members regarding the necessity of a national level drugs investigation agency similar to the other investigational agencies like NIA, IB, CBI, DRI etc. He briefed a power point presentation on ‘Emerging Trend in Drugs Related Offences-Time for NDIA-National Drugs Investigation Agency’. In his presentation, an elaborated examples of various clandestine activities related to import, manufacture, distribution, sale etc. of Drugs, Cosmetics, API, intermediates (like N-1, N-2 etc) by highly organized network involving well qualified scientist, money launders, chemists, manufacturers, and even the use of poor people. This malicious phenomenon occurs across India and across borders. The channels of trafficking are numerous but not limited to Transports via Air/Sea/Road, Couriers, Indian Posts/parcels, in person deliveries, internet or online etc. He has also explained various examples of such cases occurred in past to understand the severity and nature of crime. He also highlighted the following key trends ➤ Men, Material and Machinery of pharmaceutical Sector are indulged in various criminal and financial offences ➤ Serious consequences to public health, national economy and international relations. ➤ Pan India/International ramifications ➤ Drug related offences are being investigated by various agencies with little or no coordination. ➤ No dedicated agency to provide systemic support, guidance and coordination in intelligence sharing and investigation of drug related offences, diversion of prescription drugs by criminal gangs. ➤ Highlighted the schedule offences existed in India and suggested to include very serious offences under the Drugs and Cosmetics Act and Rules under the list of scheduled offences, so that conviction under CrPC shall be given to the culprit. Such offences could be but not limited to the import, manufacture, distribution, sale of adulterated and spurious drugs including cosmetics in India. After presentation, the Chair opened the forum for discussion and recommendation by the delegates from various national agencies to facilitate the creation of NDIA.
Conclusions	➤ Pan India nature of offences related to drugs and cosmetics ➤ No powers of arrest given to the Drugs Inspector under Drugs and Cosmetics Act, accordingly amendment in the act shall be done ➤ Serious offences of D&C act to be enlisted under scheduled offences
DCGI view towards NDIA:	
Dr. G.N. Singh	Expectations from NDIA in curbing the Spurious, Adulterated, Counterfeit drugs and cosmetics etc.
Discussion	DCGI discussed the nature of drug menace and its extent in the country. He also emphasized that the people involved in such activities could be fewer in number but are working in networks across India and abroad. Due to such international network, spurious drugs and cosmetics are illegally exported and thus damaging the country’s image. He believed that national level drug intelligence agency will enhance the mechanism to curb the illegal activities.
Conclusions	➤ The culprits involved in drug menace are fewer but working in network with latest technology of orders and deliveries. Hence, NDIA should be equipped to track and trace all offences raised out of drugs menace like Money Laundering, Tax evasion etc.
Enforcement Directorate :	
Mr. R. R. Kumar, AD	Empowerment of Drugs Inspector in Drugs and Cosmetics Act for effective

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Discussion	The existing Drugs and Cosmetic Act regulates the import, manufacture, distribution and sale of drugs and cosmetics. The act being of regulatory intent does not focus much on the offences/crimes which are criminal in nature. To fulfill this lacuna in terms of linking offences related to drugs to criminal offences under CrPC, suggested notifying heinous crimes (activities related to Adulterated/Spurious Drugs) under the Prevention of Money Laundering Act, 2002. He pointed out the necessity of empowerment of Drugs and Cosmetics Act in terms of investigation powers.
Conclusions	➤ The offences related to Adulterated/Spurious Drugs shall also be notified under PMLA act. ➤ Ready to share the intelligence and resources for enforcement
Financial intelligence Unit-IND:	
Mr. Manoj Kaushik,	Emphasis on simultaneous financial crimes by offenders involved in drugs menace
Discussion	Elaborated that any illicit activity including illegal drugs business involves financial transactions either by bank transactions or Hawala method. The offenders who do illegal business of spurious and adulterated drugs can be monitored for their financial profile. With such profiling, evidence can be produced in the court of law that a particular consignment/delivery of products has paid the offender and the usage of such money for any anti-social activities. Also the offender can be booked under PMLA, Tax evasion, anti-terrorism etc. based on the nature of profile. He has reiterated that, a strict vigil on any suspect/offender can be done and retrospectively financial profiling can be done for their past several years. He opined that for creation and effective functioning of NDIA, it requires a lot of man power and several Zonal and Sub-zonal offices of CDSCO throughout the country and cooperation from states in sharing intelligence and during enforcement. He also suggested considering the frame work of other International Drugs Intelligence Agencies.
Conclusions	➤ Financial profiling of offenders or suspects including international money laundering can be done by creating certain watch-list ➤ NDIA should have sufficient man power and network across country ➤ Orders and transactions happening through internet/electronic platforms and money incurred can also be done ➤ Ready to share the required data to NDIA
Directorate of Revenue Intelligence:	
Mr. Jaspreet Singh	Focus on illegal import/export under misbranded drug or falsified labeling
Discussion	Pointed his concerns about improper or incomplete labeling of drugs/healthcare products for export purpose. For example, export of Tramadol HCl from India is legalized however its import is banned in certain countries. Some organizations manufacture Ephedrine/Pseudoephedrine tablet and they export bulk tablets to other country. Later, Ephedrine/Pseudoephedrine is isolated or extracted from these tablets for misuse. Money being sent to India via non-banking channel like Hawala etc. In addition to the Narcotic drugs and psychotropic substances other drugs like steroids, food supplements also illegally gets exported. Sometimes non-branded drugs also exported e.g. Tramadol HCl tablets 50 mg with ‘Made in India’ labeled, spoiling the country’s image.
Conclusions	➤ IEC (Import Export Code) has to be made mandatory for all exports including online sale through e-pharmacies ➤ Till the appropriate mechanism to verify such exports is in place by CDSCO, alternatively Customs and DRI can be empowered
Narcotics Control Bureau:	
Mr. Praveen Kumar, DD, Operations	Issues related to multiple licenses for drugs

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Discussion	Highlighted the issue related to multiple licenses given to one person or license for multiple location. Sometimes licenses granted and renewed periodically to the person who is deceased by the Licensing Authority without physically checking the ground reality. Licenses were also given on the address which in reality does not exist. This creates lot of hurdles in tracing and tracking of drugs and thus gives bigger opportunity for illegal drug related activities.
Conclusions	➤ Multiple licenses is a very serious hurdle for tracking of drugs ➤ Licenses have to be strictly monitored during grant and periodic renewal
Central Bureau of Investigation:	
Mr. Satyavir Singh,	Investigation modalities of NDIA on the lines of CBI
Discussion	Explained about the modalities of how a dedicated team of police force along with investigation officers of NDIA (Drugs Inspectors) will help in search, seizure, arrest and launch of prosecution against the offenders. For the logistics of seizure and arrest, coordination with local Drugs Inspector and police station can be explored. Also pointed out the necessity of legal advisors for NDIA for effective conviction. CBI can support to the best possible extent by deputing required CBI officials on the NDIA board, who will be trained initially on Drugs and Cosmetics Act and Rules there under. By doing this, CBI inspectors will inherit the powers conferred under CrPC to them, which will facilitate Drugs Inspectors in enforcement activities without limitation of state borders.
Conclusions	➤ CBI can collaborate with NDIA for effective enforcement, so those offenders are convicted by court of law.
DCA, Maharashtra:	
Mr. O.S Sadhwani	Fractured nature of different state drug enforcement agencies and its limitations
Discussion	Currently each state/UT is doing enforcement under D&C act individually, however finding it difficult to arrest or seize the offenders. Drugs inspector of one state finds it difficult to manage the police and enforcement machineries of other states where the offender escapes and carries subsequent illegal activity (manufacture/distribution/sale etc). Police intervention is required for the effective and fast investigation of crimes by this national level agency. He also stated that in present scenario Indian drug regulators in many state are finding the illegal activity but they are unable to take them to the conviction of accused because of fractured nature of drugs regulatory system in the country. To put more light on this fact he illustrated with an example that spurious/counterfeit drugs manufacturing illegally in one state shown to be manufactured in some other state and then sold in some other state in the country, so it is difficult to handle cases of such nature. Further, he pointed out that the D&C Act empowers the Drugs Inspectors only to seize but not to arrest the accused so they are skipping from the hands of Drugs Inspectors. In this view he suggested to attaching dedicated police officers to drugs department. Illicit activities are not only done by unlicensed manufacturers but also by licensed manufacturers because there is no stringent control over the purchase of drugs manufacturing machinery, printing and labeling equipments to deter these clandestine activities. He also insisted to share the intelligence by states among themselves and to NDIA
Conclusions	➤ Need of a dedicated team of police officers who are trained in the enforcement activities of Drugs and Cosmetics Acts and Rules ➤ Collaborative intelligence sharing among states and centre
CDSCO	

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Discussion	➤ Dr.V.G. Somani, JDC(I), CDSCO opined that there is a need to keep strict vigilance on import and export certificates. An exclusive DCC meeting shall be held to take the suggestions from SLAs ➤ Dr. S. Eswara Reddy, JDC(I), CDSCO expressed his views and concerns about NDIA name and its functioning. ➤ Sh. R. Chandrashekhar, DDC(I), CDSCO suggested to sort out the issues in terms of domestic and international offences. He discussed about trade of medicines over internet and pointed out that Risk reward ratio is in favor of offenders as per existing Drugs and Cosmetics Act and Rules there under.
Final Outcome of the Meeting:	
Outcome	➤ NDIA should have a head office at CDSCO (HQ) along with its branch offices at Zonal, Sub-zonal offices of CDSCO. ➤ The investigation teams shall constitute officers from Drugs control departments along with a dedicated team of Police force, dedicated officers from other intelligence agencies like CBI, Legal advisors etc. ➤ Online data base for all licensed importers, manufacturers, distributors and retailers ➤ NDIA shall be empowered to take its decisions and shall be headed by drugs control officer not below the rank of Joint Drugs Controller ➤ NDIA, shall work on Short term, Mid-term and Long term measures for enforcement to curb the drugs menace ➤ Penalties to be enhanced for the activities purported which deal with adulterated/spurious drugs and cosmetics ➤ NCB precedence to be taken for notification of powers under section 100 of CrPC ➤ Powers of Investigation of I.O. to be added in the D&C Act. ➤ A departmental manual for working modalities shall be prepared
Action Items:	
The chairman suggested that third meeting shall be held at Zonal office, Hyderabad along with the members of the sub-committee on 09-03-2018.	

Meeting ended with the vote of thanks by Convener Dr. K. Bangarurajan, Join Drugs Controller (India).

Central Drugs Investigation Unit (CDIU)

File No. X.19013/2/2017-DC (Part 2)
Directorate General of Health Services
Central Drugs Standard Control Organisation
O/o Drugs Controller General (I)

Date: 27 FEB 2018

To,

All members of the sub-committee,

Subject: Third meeting of the Sub-committee for creation of National Drugs Investigation Agency scheduled to be held on 12.03.2018 at CDSCO, Hyderabad-Reg.

Sir/Madam,

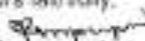
In continuation to the second sub-committee meeting held on 05.02.2018, for creation of National Intelligence Agency as recommended in 52nd DCC held on 18th September, 2017, it is to inform that the third meeting is scheduled to be held on 12.03.2018 at 10:30 AM in Conference room, CDSCO Zonal office, Hyderabad. The Chairman, members and special invitees of the sub-committee are requested to participate in the meeting:

- | | |
|---|-----------------|
| 1. Dr. Ravi Shankar IPS,
DG, DCA, Andhra Pradesh | Chairman |
| 2. Mr. O S Sadhwani,
Jt. Commissioner, FDA Maharashtra | Member |
| 3. Mrs. Jyoti J. Sardesai,
Director, Drugs Control Administration, Goa | Member |
| 4. Mr. Salim A. Veljee,
Ex-Director, Drugs Control Administration, Goa | Special Invitee |
| 5. Dr. Bangarurejan,
Joint Drugs Controller (India), CDSCO (HQ). | Convener |

It may please be noted that the TA/DA for attending the sub-committee meeting shall be paid as per Government of India norms by IPC, Ghaziabad. The air journeys should be performed by Air India Flights only and the air tickets, if purchased through agent, should be purchased through M/s. Balmaar Laurie & Co. who is authorized Govt. agent for this purpose. For any logistic support you may directly contact Shri. Chandan Kumar from IPC (Ph. 9310104676 and Email Id: finance@ipcindia.net)

Please acknowledge and confirm your participation.

Yours faithfully,


Dr. K. Bangarurejan
Joint Drugs Controller (India)

1. Dr. V.G. Somani, JDC (I), CDSCO with a request to participate as resource person.
2. Mr. R. Chandrashekar, DDC (I), CDSCO (WZ) with a request to participate as resource person.
3. Mrs. Annam Visala, DDC (I), CDSCO (Hyderabad Zone) with a request to participate as resource person.
4. Mr. Chandan Kumar from IPC, with a request to make logistic arrangements for the outstation participants

Central Drugs Investigation Unit (CDIU)

Following are the details of the third meeting of Sub-Committee for creation of National Drugs Intelligence Agency (NDIA), on recommendation of 52nd DCC.

Minutes of the second meeting of Sub-Committee for creation of National Drugs Intelligence Agency (NDIA)		
Date: 12-03-2018	Time 10.30 a.m. to 4:30 pm	Conference Hall, CDSCO, Hyderabad
Meeting called by	Dr. K. Bangarurajan, Joint Drugs Controller (Convener of Subcommittee for Creation of National Drugs Investigation Agency)	
Type of meeting	Official Meeting of Subcommittee for creation of NDIA, constituted by Drugs Consultative Committee	
Meeting Chair	Dr. Ravi Shankar, IPS, Drugs Controller, Andhra Pradesh (Chairman).	
Note taker	G.Raghuvaran, Drugs Inspector, CDSCO (HQ)	
Attendees	1. Dr. Ravi Shankar IPS, Drugs Controller, Andhra Pradesh 2. Shri. O.S Sadhwani, Jt. Commissioner, FDA Maharashtra 3. Smt. Jyoti J. Sardesai, Director, Drugs Control Administration, Goa 4. Shri. Salim A. Veljee, as Special Invitee, Ex-Director, Drugs Control Administration, Goa. 5. Dr.Bangarurajan, Joint Drugs Controller (India), CDSCO(HQ) (Convener) 6. Shri. A.C.S Rao, Dy. Drugs Controller (India), CDSCO (HQ) 7. Shri. Chandrashekar R, Dy. Drugs Controller (India), CDSCO, WZ 8. Smt. Annam Visala, Dy. Drugs Controller (India), CDSCO (Hyd) 9. Dr. Santosh Indraksha, Assistant Drugs Controller (India), CDSCO (HQ) 10. K.Rajabhanu, Assistant Director (Vigilence) 11. G.Raghuvaran, Drugs Inspector, CDSCO (HQ) 12. P.Rajesham, Drugs Inspector, CDSCO (HQ)	
Meet and Greet		
Dr. K. Bangarurajan	Welcome and Introduction by Members	
Discussion	Dr. K. Bangarurajan, Convener of the meeting, welcomed and greeted all respectable dignitaries and members of the subcommittee on behalf of Chairman. Then Dr. K. Bangarurajan, requested Hon. Chair Dr. Ravi Shankar to take over the proceedings.	
Opening of Session for discussion		
Dr. Ravi Shankar,	Overview of earlier two meetings of sub-committee and further expectations	

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Discussion	Dr. Ravi Shankar opened up the session by giving brief overview of the earlier two meetings. The members deliberated various matters in details to arrive at final consensus. ➤ The name of the proposed agency in view of its wide acceptability and to avoid legal complexities ➤ Laboratory infrastructure, capacities and capabilities, to fulfill the investigational samples and thus facilitate prosecution ➤ Specialized training cell for uniform and harmonized functioning of the agency ➤ Intelligence information collection and dissipation ➤ Man power requirement and resource mobilization ➤ Fast track investigation and conviction through specially designated courts ➤ A detailed procedural manual for uniform and harmonized working ➤ Alignment or formal nod of Ministry to the agency’s requirements
Conclusions	➤ The name of the proposed agency shall be “Central Drugs Investigation Unit (CDIU)” in place of “National Drugs Investigation Agency” ➤ Laboratories shall be specially notified for the analysis of investigational/forensic samples received from CDIU. These notified laboratories shall be strengthened with latest equipments, forensic kits and specially trained persons. ➤ A training wing/cell shall be established to train the officers involved on information collection, search, seizure, arrest, prosecution and conviction of the guilty involved. Training shall be given at par with other renowned national and international investigation agencies. ➤ The central and state nodal officers of CDIU should develop an intelligence network to collect and share the information among themselves on the matters concerned. ➤ The requisite manpower for the CDIU may be obtained initially by deputation of the officers from state/centre with significant incentives along with required immunity since these officers are working on investigation and intelligence matters. There should be provision of secret funds for their service. ➤ Since the matter is related with people health across nation and globe, rapid investigation and conviction to the culprit is needed. Members suggested having special courts to deal with matters referred by CDIU. ➤ MIOG-Manual of Investigation and Operational Guidelines shall be prepared for uniform and harmonized working
Final Outcome of the Meeting:	
Outcome	➤ A proposal to be submitted to the Ministry for their in-principle agreement for the requirement of CDIU in terms of Manpower, Money and other requirements like technology, software etc.
Action Items:	
➤ The recommendations of the sub-Committee shall be submitted to the forth coming Drugs Consultative Committee meeting to be held on 09.04.2018 for the in-principle approval.	

Meeting ended with the vote of thanks by Convener Dr. K. Bangarurajan, Joint Drugs Controller (India).

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Annexure 5 - 2: Chain of Custody Form

[illegible]

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Letter of advice

9. Letter of advice is an important document, which acts as a link between the Investigation Officers and Forensic Scientist and therefore, should contain all possible information to derive maximum benefits from the physical evidence collected. The brief history of the case shall contain all pertinent facts relating to the motive, opportunity and means of committing the crime. Regarding collection of evidence full information should be furnished against each item, the details of when, where and how the evidence was collected against the column “ “List of articles forwarded for examination..... “. The Investigating Officer should go through the nature of examination and the type of analytical information provided by the FSL authority for each class of physical evidence given in detail in Order 557 to 570 before filling the column “Exact nature of examination required”. The Investigating Officer should affix the same seal invariably on the letter of advice.

List of documents to be sent along with physical evidence

11. Depending upon the nature of physical evidence forwarded, the following documents should be sent along with the covering letter.

- A. Forwarding letter/authorisation letter of competent authorities (Order 549-8)
- B. Letter of advice from Investigating Officers.
- C. Doctor's Report (post-mortem examination Report of victim and accused (if arrested) in rape and serology cases.
- D. Confession Statements of suspects / accused, statement of witnesses, etc., in Polygraph cases.
- E. Inquest / Panchanama copies in Toxicology cases.
- F. FIR copies where desirable.
- G. Sample seal on a sheet of paper, or on forwarding letter/letter of advice.
- H. Any other document relevant for examination.

Case property will be accepted by APFSL/RFSs if the following conditions are satisfied.

- A. Physical evidence forwarded should be described in detail with information as to when and where it was found, who found and how it was processed and forwarded and forwarded and tally with the description given in the letter of advice / post-mortem report/ medical officer letter.
- B. The Investigating Officer should indicate any special priority to be given to the case of sensational and important nature for examination and report, within one week.
- C. If special handling is required, it must be indicated and specific instructions given on packing itself, e.g. material is fragile or perishable, for safe transportation and handling in the laboratory.
- D. Adequate and appropriate sample should be collected and forwarded.
- E. The Police Constables or other personnel who are authorized to bring the case property should bring relevant identification cards, passports and other proofs of identity while delivering or taking back the cases property.
- F. Tag or mark all the articles. If the articles can be enclosed put a mark on the container or the box.
- G. Bulky articles, samples in huge quantities e.g. cots mattress, flooring stones, a drum of petrol or diesel oil , etc., or articles unconcerned with the case should not be sent.
- H. Label initial and seal all envelopes and the packages without fail. The seal should be legible and intact and all knots of stitching ropes must be sealed. It must be packed to avoid breakages, loss of contamination in transit.
- I. Ensure prompt delivery of all items interest to the laboratory within one month from the date of occurrence of crime. In case of delay beyond one month the case property should be forwarded along with a DO letter from the SP/DCP giving the reasons for delay. Record all the procedures adopted for location, recording, lifting, packing and forwarding in cases diaries. Wherever feasible it is advisable to bring the physical evidence in person and discuss the circumstances and

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history of the case so that the scientist will endeavour to bring out the right information from the scientific studies.

- J. Always obtain a signed receipt whenever evidence is transferred (chain of custody) from place to place or person to person.
- K. Notify the laboratory if the case is associated with any previous submission, evidence, or case.
- L. Tweezers forceps and similar tools should be used to collect and place trace and small items into containers. It is advisable to use rubber gloves to handle such physical evidence.
- M. An “evidence box” such as a clean empty cartons, cardboard boxes, etc., should be utilized for transporting the evidence. An evidence box with pegboard sides allows for tying or wiring small and medium sized objects in place. A series of drilled holes and appropriately sized clamps can serve the same purpose.
- N. Items of evidence that need comparative analysis for possible commonness of origin should be packed in separate containers to avoid any cross contamination. Thoroughly clean and dry all containers, wrapping paper, cardboard boxes before packing physical evidence. No wet or metal containers should be used.
- O. Evidence in the form of documents should be first placed in transparent envelopes without folding or bending, and then placed between two pieces of rigid card board and packed in a suitable cloth lined envelope.
- P. Plastic pill bottles such as used medicine containers with lids, which are unbreakable, can be easily sealed with tape. So they make excellent containers for hair, fibers and other small trace evidence. They are ideal for spent bullets, empty cartridge cases, and cartridge because they can be packed with absorbent cotton to minimize movement.
- Q. Plastic envelopes and bags are suitable for packing wide variety of materials. However, in case of soil, debris or clothing impregnated with bloodstains this may result in bacterial action contaminating the blood sample, and should be avoided.
- R. If the stain is on a transportable object such as a knife, crowbar firearm or any other weapon, it is preferable to send the whole object, protecting the area of the stain or completely enclosing the object in a package (if it is small enough). If the stain is on clothing, the garments should be wrapped separately in paper, marked appropriately and packed. This is better than any other technique (such as scraping) for forwarding a movable sample of the stain for analysis.
- S. Garments and other materials such as bed-sheet, towels, tablecloths and similar evidence should be folded to a minimum size, Specific area which contain trace evidence should be folded in such a way as to protect such areas to avoid loss of incriminating evidence by falling off, peeling off, etc.
- T. It is preferable to send a soil-stained or mud-soaked object to the laboratory rather than to attempt to remove and send the soil or mud as a separate item. When such traces are picked up as individual items of evidence it is vital that every precaution is taken to keep the evidence in separate sealed containers to avoid any accidental loss or mixing in transit.
- U. Bed-sheets carpets woollen materials from the scene of arson may be wrapped in metal foil and sealed in airtight containers. Smaller objects, such as paper and rags or solid samples should be sealed in the container in which they were found or placed in airtight bottles or cans. This protects the fire accelerants and their residues from evaporation.
- V. Pills and other non-caustic substances should be left in their original containers for transport to the laboratory. Such containers often contain useful information. The investigating officers should count the number of pills and capsules or accurately determine the bulk quantity of fluids or powders and should include such data in observation notes and letter of advice.
- W. Caustic or corrosive poisons should not be transported until their safe transit is ensured by suitable means. Appropriate containers such as glass bottles with glass lids should be used for transporting substances such as acids.
- X. Food and edible substances should be placed in as many separate moisture-proof bottles or containers as necessary to avoid any contamination. In case of suspected food poisoning, the packages should be marked clearly as suspected or known sample of poison.

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- Y. Trace evidence, such as hair, fibers, etc., should be sealed in folded paper or placed in clean, scaled envelopes.
- Z. All evidence should be forwarded or received only in sealed conditions. Samples seal should be affixed on covering letter/ letter of advice for comparison.

Guidelines for Investigating Officers

- 1. The skull should be intact and clean.
- 2. The photograph should be clear showing the facial portrait preferably taken recently.
- 3. Bones should be packed separately in paper packets or aluminium foil.

Chemistry

- 560-1. The Chemistry Section deals with analysis of a wide range of materials encountered in cases of explosives, adulteration of fuels, acid burning, fire, spurious goods. Etc.
2. Nature of physical evidence received by the section, nature of examinations conducted and type of analytical information laboratory can provide is given below:

Sl.No.	Nature of physical Evidence	Nature of examination conducted	Type of analytical information laboratory can provide
1. Sale of spurious substandard/ duplicate goods. Manufactured goods	Samples of pain balm, tooth-powders, tooth pastes, detergents, cosmetics, Engine oils etc.	Appropriate chemical and instrumental analysis.	a)Whether the samples are genuine or spurious. b) Nature of deviation from standards.
2.In cases of Vitriolage (Acid throwing)	Affected clothing material, containers seized at scene, pieces of skin, soil and other affected objects.	Colour test, In-organic chemical analysis.	a) Nature of acid. b) Corrosive potency.
3.Sale/ use of different chemical substance.	Unknown powders substances tec.	Chemical analysis together with instrumental methods depending upon the type of samples.	The qualitative and quantitative nature of substances.
4.In cases of suspected adulteration of fuels petrol. H.S. Diesel Oil etc.	Samples of Motor spirit and High Speed diesel.	Density distillation flash points kinematic viscosity etc. and instrumental analysis using gas chromatography.	a) Whether the fuel samples referred for examination are genuine or adulterated. b) Nature of adulterant c) Percentage of adulterant.

Spurious Samples

Control samples of the same batch number and of same volume and weight should be sent for comparison.

Computer Forensics

561-1. This section deals with the examination of digital storage media encountered in various type of Cyber crimes viz., computer frauds, credit & debit cards frauds, online crimes, sending obscene mails, publishing pornography, browsing child pornography, unauthorized interception, software piracy, video piracy, theft of source code, preparation of fake certificates/ documents such as counterfeit notes, security bonds, educational certificates, sale deeds, etc.

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Sl.No.	Nature of Physical Evidence	Type of analytical information laboratory can provide
1.	CPUs, Laptops, Hard disks, Pen drives, Servers CD/DVDs, Memory cards etc.	Working condition of the storage media. Retrieval of incriminating data contained in the storage media including deleted data. Internet History, Web pages, e-mail accessing details, e-mail content, Meta data of files & MAC address of the device.
2.	GSM, CDMA mobile phones SIM cards, Memory cards Modem tec.,	Working condition of the device. Contacts, SMS text message (including deleted), Images Audio & Video files retrieved and given in soft/hard copy. 1. To retrieve information such as name of the network provider – usually printed on the SIM and phone No. Associated with the SIM. Subscriber name, Phone records. 2. To retrieve all incoming messages (stored by default). 3. Outgoing messages (stored only at the explicit request). 4. To recover Deleted files, Short Dial Number and last number dialled. 5. To find out IMEI 6. To indicate the Setting of the mobile. 7. Logged incoming calls and dialed numbers. 8. Logged incoming calls and dialed Nos. 9. to retrieve stored executable programme. 10. To retrieve stored calendar events.
3.	CD/DVD containing source code of complainants digital storage media seized from accused. CD/DVD containing pirated movies and CD/DVD containing original movies as specimen. Digital Video Recorder.	Whether the storage media seized from accused contains source code pertaining to complainants or not. Whether the CD/DVD seized from accused contains pirated movies or not is furnished on comparison with specimen. Retrieval of CCTV video footage of required duration.

Precautions to be taken by the investigating officers while handling computer evidence:

1. The Investigating Officer are advised not to switch off the ‘Live suspected Computers until the RAM dump is acquired.
2. Advised to Photograph the screen and back side close view of computer with existing connections.
3. In case of raiding on the offices, internet cafes where number of computers are more, I.Os are advised to contact FSL scientists before seizure.
4. I.Os are advised not to send Monitor, Keyboard, Mouse, UPS to forensic science laboratory. In case of all in one computer system (Ex: Apple MAC) the same may be forwarded to FSL.

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5. Advised not to keep seized computer systems, memory devices, cell phones etc, near to high power magnetic field or electric gadgets.
6. All the seized material should possess panch chit & proper labelling in correlation with letter of advice and to be packed by using appropriate packing material. They should be sealed with lac seal which possess unique identification symbol. Clear sample seal should be provided in the appropriate column of Letter of Advice/ Forwarding letter.

Nature of physical evidence received by the section nature of examinations conducted and type of analytical information laboratory can provide is given below.

Sl. No .	Nature of Physical Evidence	Nature of examination conducted	Type of analytical information laboratory can provide.
1	Glass: Glass pieces, fragments, glass panes with fractures.	a) Physical b) Physical matching c) Microscope d) Fluorescence e) Density analysis f) Refractive index g) Elemental analysis	1) Whether a glass piece found at crime scene was originally from of the control sample such as glass bangle / window / sheet glass, spectacle lens, head lamp etc. or not. 2) In case of fracture of a glass window glass sheet determination of force direction and sequence of fractures etc.
2.	Paint: Paint flakes chips and smears	a) Physical b) Physical Matching c) Microscope d) Reaction to solvent e) Paralysis Gas Chromatography f) IR Spectra photometry elemental analysis	Whether the two paint sample originated from the same source or not.
3.	Restoration of Erased Numbers: Erased numbers on vehicles firearms and other valuable gadgets.	a) Visual examination b) Under magnification c) Polishing d) Chemical etching examination under oblique light	To restore the original numbers.
4.	Tool marks: Tool marks on door, windows, locks, wires, and other surfaces.	a) Visual Examination under magnification. b) Stereo Microscope/ SEM c) Photography	Type of tool used Whether the tool marks on the questioned were made by the suspected tool or not.
5.	Spurious Articles: (in the form of labels trademarks brand name logo, specification etc., found on the covers, packages) Cement soap washing / talcum powder, pain balms oils, fans, gutka, seed, seals, printed matter court fee stamps machine parts etc.	a) Physical parameter such as length, size, shape, pattern, design, weight, volume, density. b) Microscopic Examination. c) Fluorescence under Ultra Violet Radiation.	Whether the labels, trademarks, brand name logo etc, found on the covers / packages of the spurious article tallied with the standard or not.
6	Counterfeit Currency Counterfeit Currency notes, material used for counterfeiting such as paper, ink, blocks, screen printing devices etc.	a) Visual b) Dimensions c) Stereomicroscopic d) Examination under transmitted light e) Fluorescence under ultra violet radiation f) Scanning electron microscope	1) Whether the suspected/ questioned notes are counterfeit or not. 2) Whether the materials such as blocks, inks, paper, screen printing devices etc., were used print the suspected notes or not.

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Glass:

1. The evidence of glass must be photographed and their location noted on the sketch before they are touched or moved.
2. The fragments of glass, which may lodge in or adhere to the clothing of perpetrator or fall in his pockets trouser folds, shoes etc, should be searched / collected.
3. While collecting glass or glass fragment, fingerprints, dust or dirt, blood stains, other foreign matter should be well protected.
4. All available pieces, fragments should be collected to examine the commonness of source or origin.
5. Control glass should always be taken from any remaining glass in the window or door frames, as close as possible to the point of breakage.
6. Fragments of glass, which may be adhering to or embedded in the tyres of the suspected vehicle, should be collected.

Paint:

1. When transfer of paint occurs in hit and run accident, uncontaminated control sample must always be collected from near the surface of the vehicle as was suspected of being in contact with the victim's vehicle with the help of a clean scalpel or a knife / blade.
2. Control sample should also include all the paints layers down to the base metal.
3. Loose paint chips from a garment or from the road must be collected carefully and should be packed in small plastic containers.
4. Each paint sample should be separately packed and marked as to the exact location of its recovery.

Tool Marks:

1. The tool marks should be protected with cotton.
2. In case of theft of electric wires etc., the crime cut end to be examined should be marked properly and the other end cut by the investigating officer should be bent so as to distinguish from crime end.
3. The crime tools recovered should not be put to use before forwarding to FSL.

Spurious Articles

Control sample of same size, batch, manufacturing date has to be procured from authorised dealer/ manufacturer along with certificate as that of the suspected article.

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Digital Evidence Collection Form

Digital Evidence Collection Form		
	Date	
	Time	
	Item Number	
	Custodian/Suspect Name	

Computer Information		
☐ Desktop	Manufacturer	
☐ External HOD	Model Number	
	Serial Number	
	Asset tag	
	Actual Date and Time	

Evidence Drive		
	Date of Acquisition	
	Time of Acquisition	

Acquisition Information		
☐ SCSI	Manufacturer	
☐ Other	Model Number	
	Serial Number	
	HOD Size	

Destination Drive Details		
	Manufacturer	
	Model Number	
	Serial Number	
	HOD Size	

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Annexure 5-3: Digital Evidence Collection Form

Digital Evidence Collection Form			
Crime number		Date	
PS/Cache/SDPO		Time	
IO Name		Item Number	
Location		Custodian/ Suspect Name	

Computer Information			
☐ Laptop	☐ Desktop	Manufacturer	
☐ HDD Only	☐ External HDD	Model Number	
☐ Other		Serial Number	
Time Zone		Asset tag	
BIOS Date and Time		Actual Date and Time	

Evidence Drive			
Acquired by		Date of Acquisition	
Signature of I.D		Time of Acquisition	

Acquisition Information			
☐ IDE	☐ SCSI	Manufacturer	
☐ SATA	☐ Other	Model Number	
		Serial Number	
		HDD Size	

Collection Details		Destination Drive Details	
Software Used		Manufacturer	
Version		Model Number	
Write Protect Device Used		Serial Number	
Verified By		HDD Size	
Image File Number			
Notes			

..... of Analysis:

There are three main functions of analysis:

- Facts:** Verified information related to an intelligence issue.
- Findings:** Expert knowledge based on organized information that indicates is increasing, decreasing, or changing, and identifies emerging trends
- Forecasts:** estimative judgments based on facts and findings, using the large of robability, and defended by sound and clear argumentation (if requested) & 10: Analytic Methodologies.

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.....Methodologies:

.....typically use seven analytic methodologies when analyzing criminal active information:

Link Analysis

Flow Analysis

Financial Analysis

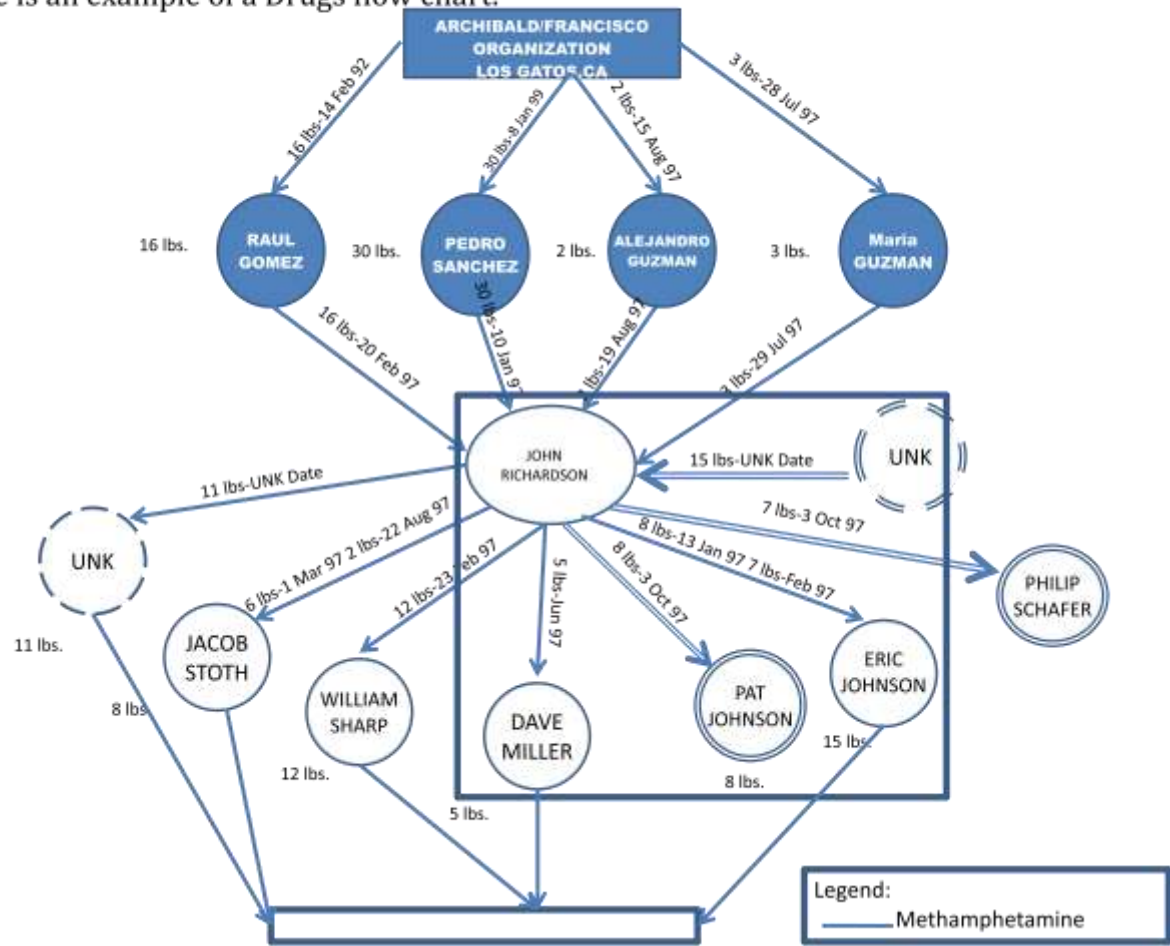
Communication Analysis (Frank JW) - CY600 Course in U.S.A.

Crime Mapping

Analysis of Competing Hypotheses (Frank JW)

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Here is an example of a Drugs flow chart.



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ANNEXURE 5-4: Forensic Science Laboratories

Address and Location	Office	Contact No.
Central Forensic Sciences Laboratories		
Central Forensic Science Laboratory, Sector 36-A, Plot-2, Akshin Marg, Chandigarh, Punjab – 160036	0172 - 2615068 dircfsl_chd@dfs.gov.in	0172 2609
Central Forensic Science Laboratory, Ramanthapur, Amberpet Post, Hyderabad, Andhra Pradesh – 500 013 Diretor, NAA Unit of CFSL, Hyderabad	040 - 27038429 direcfsl_hyd@dfs.gov.in cfsl_hyd@rediffmail.com	040 27039
BARC, Trombay, Mumbai – 400 085	022- 25505334	
Central Forensic Science Laboratory, 30, Gorachand Road, Kolkata, West Bengal – 700 014	033 22841638/ 3247 direcfsl_kol@dfs.gov.in	033 228408
Central Forensic Science Laboratory (CBI), CBI Complex Block 3, Road, CGO Complex, New Delhi – 110 003	011 – 24361396 direcfsl_cbi.gov.in	011 243607
State Forensic Sciences Laboratories		
State Forensic Sciences Laboratory, Red Hills, Opp. Niloufer Hospital, Andhra Pradesh, Hyderabad – 500 004	040-23390398	040-233944
State Forensic Sciences Laboratory, Kahilipara, Assam, Gowhathi – 781 019	0361-2381305, 0361-2381385, 0361-2381696	0361-23813
State Forensic Sciences Laboratory, Arunachal Pradesh, nderdewa – 791 123	0360-2218190	0360-22114
State Forensic Sciences Laboratory, JLN Marg, P.O., Shastri Nagar, ar, patna – 800 023	0612-2287535	0612-22812
State Forensic Sciences Laboratory, Police Line Campus, Tikrapara, pur, Chattisgarh – 492 002	0771-2251258	0771-22512
State Forensic Sciences Laboratory, Behind Police Bhawan, Sector 18A, Gujarat, Gandhi Nagar.	079-23256250	079-232562
State Forensic Sciences Laboratory, Madhuban, nal, Haryana – 132 037	0184-2380104	0184-23801
State Forensic Sciences Laboratory, Junga, Arunachal Pradesh – 173 216	0177-2752527	0177-27525
State Forensic Sciences Laboratory, Bikram Chowk, Jammu Tawi (Winter) State Forensic Sciences Laboratory, Dalgate, Srinagar (Summer)	0191-2435249 0194-2473155	0191-24352 0194-2431
State Forensic Sciences Laboratory, Line Tank Road, Old Jail, Jharkhand, Ranchi – 834 001	0651-2280540 0651-2283834	0651-22805
State Forensic Sciences Laboratory, Madiwala, Karnataka, Bangalore – 560 068	080-25532910	080-2553291
State Forensic Sciences Laboratory, Bank House, Compound, Villayambalam, Tiruvanamthapuram, Kerala – 695 010	0471-2721533	0471-272153
State Forensic Sciences Laboratory, 5, Cilvil liens, Sagar, Madhya Pradesh – 470 001	07582-267707 07582-267791	07582-26770