



BPNI/2024/039

June 10, 2024

To,
Shri Rajesh Kotecha
Secretary
Ministry of Ayush,
Ayush Bhawan,
B Block, GPO Complex, INA,
New Delhi – 110023

And
Shri G. Kamala Vardhana Rao,
Chief Executive Officer, Food Safety Standards Authority of India (FSSAI),
Government of India,
03rd & 04th Floor, FDA Bhawan,
Kotla Road Near Bal Bhawan, New Delhi – 110002

Subject: Defence on cancellation of Neolacta Lifesciences Ltd licence for commercially selling human breastmilk in the Karnataka High Court

Respected Sir,

1. You may be aware that FSSAI had issued a licence to company named “Neolacta Life Sciences Pvt Ltd” operating from Bangalore in 2016. Later with BPNI’s intervention it was cancelled in 2021 as it did not fit under any regulations. The company had been exploiting women in the communities to donate their breastmilk, and convert it into some liquid and powder products and has been selling in the country.

2. Later in November 2021, Ministry of Ayush, Government of India, had issued a license to sell human breastmilk as a ‘proprietary medicine’, to the same company. After BPNI’s intervention in 2022, we were informed that the State Licensing Authority of Karnataka cancelled the licence AUS-993 of Neolacta Lifesciences Pvt. Ltd. (Annexure1)

3. You may be aware that after this cancellation order, the said company filed a Writ Petition WP 19352/2022 in the Karnataka High Court on 22-09-2022.

4. On 27-9-2022 Hon’ble Justice granted interim Stay, copy of the order is pasted.

“Learned AGA is requested to accept notice for respondent Nos.1 & 2. Issue emergent notice to respondent No.3. Interim order as prayed for till next date of hearing. This interim protection has been granted since apparently, it is a prima facie case of ‘acting under dictation’ subject to the version of the other side after filing of their objections. It is open to the respondents to move the matter at any time.”

5. On 24 May 2024, FSSAI issued a notification on Unauthorised commercialisation of human milk and its products. (Annexure 2)

6. On 5th June 2024 during the hearing of another writ petition, the High Court has put a stay on FSSAI's 24th May 2024 notification." W.P.No.14425/2024 Issue emergent notice to respondents, returnable by 26.06.2024. Meanwhile, the impugned communications at Annexure-A dated 01.06.2024 and Annexure-B dated 24.05.2024 are stayed till the next date of hearing, insofar as the petitioners are concerned. Liberty is reserved in favour of the respondents to seek vacation/modification of this order. Re-list these matters on 26.06.2024"

7. No one appeared on behalf of the state /central government in the hearing. The court orders are attached. (Annexure 3, 3.1, 3.2)

8. It is with this background; we approach you once again to look into this matter with utmost priority and intervene at the High Court with Government of India's objections to vacate the stay as the case is open to move the matter on **26th June 2024. Both the FSSAI and Ministry of Ayush representation is extremely important in this case to save the lactating mothers and infants of India from this commercial exploitation.** Delay would defeat the purpose of Ministry's earlier decisions.

9. The then Honourable Minister of State, MoHFW had earlier informed the Parliament that commercialisation and processing of human milk will not be allowed. (Annexure 4)

10. It is widely reported from all over the country that the Neolacta company is selling its products freely in the same manner continuing the exploitation of poor women.

11. A statement of the National Neonatology Forum condemning in no uncertain words commercialisation of human milk or its products is also attached with this letter. (Annexure 5)

12. We have expressed the similar concerns to Dr. Bharati Pravin Pawar, Hon'ble Minister of State, MoHFW, Government of India on 19th March 2024. (Annexure 6)

We, therefore, request for an urgent intervention of the Ministry of Ayush in order to achieve finality to the Writ Petition.

Thank you in advance for the necessary action.

Yours sincerely,



Dr. Nupur Bidla, PhD
National Coordinator, BPNI

Copy to,

To, The Minister of Health, Government of Karnataka- min-health@karnataka.gov.in

To, The Secretary, MoHFW, GOI- secyhfw@nic.in

To, The Principal Secretary Health, Government of Karnataka - prs-hfw@karnataka.gov.in

The Adviser (Ay.), Drug Policy section, Ministry of Ayush - adviser-ayush@gov.in

Drug Policy Section, Ministry of Ayush - dcc-ayush@nic.in

Ms. Inoshi Sharma, IRS, Executive Director, FSSAI - ed-office@fssai.gov.in