



BPNI Statement on the Misaligned Enforcement of the IMS Act

New Delhi, April 10, 2025. The Breastfeeding Promotion Network of India (BPNI) is a 33 year old non-profit independent organisation working on protection promotion and support of breastfeeding in India. In 1995, Government of India notified BPNI in the official gazette to monitor the compliance with the Infant Milk Substitutes Feeding Bottles, and Infant Foods (Regulation of Production, Supply and Distribution) Act 1992. BPNI has been monitoring and reporting on the alleged violations of the baby food law IMS Act that prohibits any form of promotion or advertisements of baby foods for children under the age 2.

The Breastfeeding Promotion Network of India (BPNI) expresses deep concern over the persistent gaps in the enforcement of the IMS Act. Despite the law's crucial role in safeguarding infant health and promoting breastfeeding, its implementation remains compromised due to a misalignment in the designated responsibilities.

The law's Statement of Objects and Reasons clearly envisions the Ministry of Health and Family Welfare (MoHFW) as the primary authority along with State Governments for ensuring compliance with its provisions.

The section of the law says - "21. Cognizance of offences. – (1) Save as otherwise provided in section 173 of the Code of Criminal Procedure, 1973 (2 of 1974), no court shall take cognizance of any offence punishable under this Act except upon a complaint in writing made by – 2[(a) the Designated Officer or **the Food Safety Officer** directed under subsection (5) of section 42 of the Food Safety and Standards Act, 2006; an officer not below the rank of a Class I officer authorised in this behalf, by general or special order, by the Government [Central]; "

It is further clarified in the Rules 1993 who would be an authorised officer.

"4. Authorised officers. – (1) No officer of the Government shall be authorised by the State Government under section 12 unless he is –

(a) a medical officer in charge of health administration of a local area; or
a graduate in medicine and has received at least one month's training in food inspection and sampling work approved for the purpose of food inspection under the Prevention of Food Adulteration Act, 1954 (37 of 1954) by the Central Government or a State Government.

Under current business rules issued by the Prime Minister's Office (PMO), the enforcement responsibility has been erroneously assigned to the Ministry of Women and Child Development (WCD) – a ministry that lacks direct influence over the healthcare system. This fundamental misallocation has led to widespread lapses in enforcement, leaving the health of millions of infants at risk.

Recent instances further underscore this issue. For example, when queried about the appointment of food safety officers under the IMS Act, officials from the Food Safety and Standards Authority of India (FSSAI) clarified that this duty falls under the purview of the Ministry of WCD.

“Infant Milk Substitutes(IMS) Act is a special Act to protect , promote and support breastfeeding. Implementation and monitoring of the IMS Act does not come under the preview of Food Safety and Standards Authority of India (FSSAI). It falls within the domain of Ministry of Women and Child Development”

This happened despite FSSAI having notified Food Safety officers via an official communication on 8th September 2020. The said notification has disappeared from its website, however, we have a copy (Annex).

Such responses contradict the explicit provisions of the law, which mandate that food safety officers be empowered as authorized officers to protect infant health. The result is a bureaucratic void in which violations – such as unchecked sponsorships and promotional activities by infant formula companies – are effectively given free rein.

BPNI reiterates that the PMO must urgently review and revise the prevailing business rules. BPNI has submitted such request twice. By reassigning enforcement responsibilities to the MoHFW, the government can ensure that those best equipped with medical expertise and a robust presence in healthcare service delivery are at the forefront of protecting infant health. This realignment is not only critical to upholding the law that once championed India’s commitment to breastfeeding, but it is also essential for meeting our national health targets, including the early initiation of breastfeeding, which currently stands at a mere 41%.

The baby food law has kept a check the sales and consumption of powdered formula . Does India want to lose this protection?

Given that the FSSAI is being oblivious, we call upon the PMO, alongside all relevant governments, to take immediate corrective action. Strengthening the governance framework around the IMS Act will safeguard the rights and health of infants across India and ensure that corporate interests do not undermine public health objectives.

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