



putting child nutrition
at the forefront
of social change

**Breastfeeding
Promotion Network of India**

(Registered Under Societies Registration
Act XXI of 1860, Delhi R.No. 5-23144)

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To,
Dr. Jayshreeben Mehta,
President,
Medical Council of India,
Pocket- 14, Sector - 8,
Dwarka Phase -1
New Delhi - 110077

Subject- Decision of the Executive Committee of MCI regarding Regulation 6.8

Respected Dr. Mehta,

In MCI executive committee meeting held on 18th February 2014 in New Delhi, the committee has taken some decisions regarding 'Violation of MCI's code of ethics by the Indian Academy of Pediatrics (IAP)-Reg.' and made some far-reaching observations. I, on behalf of Breastfeeding Promotion Network of India (BPNI), wish to make following submission in this regard.

1. I hope you are aware that there is an important social legislation in our country that is meant to control unethical marketing practices of baby food companies, and includes regulating health care systems in this regard. This is the *Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Act 1992, and the Amendment Act 2003. (The IMS Act)*
2. The IMS Act takes under its purview "**health care system** (means an institution or organisation engaged, either directly or indirectly, in health care for mothers, infants or pregnant women, and includes a health worker in private practice, a pharmacy, drug store and any association of health workers) as well as **health worker** (means a person engaged in health care for mothers, infants or pregnant women)."
3. Section 9 of the **IMS Act** provides:
 - (1) No person who produces, supplies, distributes or sells infant milk substitutes or feeding bottles or infant foods shall offer or give, directly or indirectly, any financial inducements or gifts to a health worker or to any member of his family for the purpose of promoting the use of such substitutes or bottles or foods.
 - (2) No producer, supplier or distributor referred to in sub-section (1), shall offer or give any contribution or pecuniary benefit to a health worker or **any association of health workers**, including funding of seminar, meeting, conferences, educational course, contest, fellowship, research work or sponsorship.
4. Violations of the IMS Act are cognizable and punishable.
5. The Government of India, using the powers conferred by clause (c) of Sub-Section (1) of Section 21 of the IMS Act, has appointed BPNI through a gazette notification to make complaint regarding the violation the IMS Act in the court of law. Breastfeeding Promotion Network of India (BPNI) is a non-profit voluntary organization registered under Societies Registration Act 1860.

As a policy, BPNI does not accept funds of any kind from the companies manufacturing baby foods, feeding bottles etc. and organization/industry having conflict of interest.

6. It is evident from the above mentioned provisions of the IMS Act applies to both health workers (which includes medical practitioners), health care facilities (which includes institutions, hospitals, clinics etc. where the medical practitioner is practicing medicine) and professional association of health workers.
7. Since, the IMS Act provisions apply both to health workers (including physicians) and associations of health workers both, we believe that MCI should ensure that both of them abide by important laws like this.
8. However, we were shocked and deeply concerned by the decision of the executive committee of MCI, taking the "Association" out of the purview of ethics, which is retrograde.

".....In view of the above the executive committee decided as under: 1. Regulation on Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002 under clause 6.8 i.e. "Code of conduct for doctors and professional association of doctors in their relationship with pharmaceutical and allied health sector industry." the term "Association of Doctors" be deleted. Regulation may be accordingly amended."
9. It will be prudent to state here that section 1.9 of the MCI Code of Ethics Regulations, 2002 (amended up to December 2010) mandates that physicians should observe the laws of the country in regulating the practice of medicine and shall also not assist others to evade such laws states for protection and promotion of public health.
10. Here it is important to note that the MCI Code of Ethics Regulations, 2002 (amended up to December 2010) encourages physicians to join associations and societies. Section 1.2.2 of these regulations states "**Membership in Medical Society:** For the advancement of his profession, a physician should affiliate with associations and societies of allopathic medical professions and involve actively in the functioning of such bodies."
11. Therefore, I request MCI to reconsider the decision to make amendment to the MCI regulation to free professional associations of doctors from the purview of the Professional Conduct, Etiquette and Ethics Regulations, 2002.
12. I request you to please ensure that Professional Conduct, Etiquette and Ethics) Regulations, 2002 under clause 6.8 i.e. "Code of conduct for doctors and professional association of doctors in their relationship with pharmaceutical and allied health sector industry", so that this decision of the committee does not become a hindrance in effectively implementing IMS Act, to which Government of India is mandated and so is MCI.
13. I hope you will take necessary action in this regard including discussion on my request in the next meeting of the executive committee of MCI.

Thanks and Regards,



Dr. Arun Gupta MD (Pediatrics), FIAP
Central Coordinator,
Breastfeeding Promotion Network of India (BPNI),
Member, Prime minister's Council on India's Nutrition Challenges