

March 4, 2013

**Mr. Keshav Desiraju,
Secretary to Government of India, MOHFW,
NIRMAAN BHAWAN,
New Delhi.**

Sub: Concerns on “India’s Call to Action: Child Survival and Development- Strategic Approaches for Private Sector Engagement” (Hereinafter referred to as “ the document’)

Dear Mr Desiraju,

We want to draw your attention to our concerns on the expression of the Government of India’s interest to engage with the private sector to enhance child survival and development. Knowing the impact of unhealthy commodities on public health and NCDs, this action seems to be highly misplaced.

We therefore, request you to hold the process till suitable answers to our questions are found and sufficient mechanisms established to monitor proposed actions and their impact on public health.

Here are our observations and concerns based on the facts given in the ‘document’:

1. Private sector is defined in the document as “corporate sector involved in for profit business in India and elsewhere”. Government of India seems to have had little appreciation of the fact that the principal role of “for profit” corporations is to maximize profits. This is the first of our major concerns that Government of India is harping on ‘for profit sector’ for enhancing child survival and development in India, without any evidence what so ever that lack of such engagement is the cause of the problem rather, the global evidence points to the opposite. (Attached the Feb. 2013 Lancet Article: *Profits and Pandemics: prevention of harmful effects of tobacco, alcohol, and ultra-processed food and drink industries*, 12 February 2013). This article gives full information how corporate behaviour is linked to unhealthy food consumption that leads to widespread harm to human health and how it the leading cause of obesity and NCDs.

2. The ‘document’ calls for ‘market based approaches’, and ‘creating shared value’ by marketing and promoting products like ‘fortified foods’ to poor and the un-reached. This was neither discussed nor deliberated at the Summit. None of the participants made any demand for such products / services. Successful examples shown by few States did not rely on these approaches. Some States at the Summit did make it public that they don’t need money but need lasting and supportive technical support. Our concern is that Government of India’s proposal to rely on private sector misses the point.

3. In the section on role of corporate sector, for profit intent is made clear through marketing of products to people. It is unfortunate that the Government of India provides legitimacy rather than regulating. We are extremely concerned and believe that communication and marketing messages will be misused to up their sales. As it did in Africa e.g. Unilever and UNICEF partnered in 2009 to fight diarrhea. Unilever happily reported in its annual report after that there was 9% increase in sales of ‘Lifebuoy’ soap. No news on what was the drop in diarrhoea. Not that hygiene is bad to aspire to, but the real aim of corporate sector is to use CSR to their advantage as a PR exercise with the use of UN and governments’ halo as partners. Another example is of ‘Nestle’ using the government

universities few years back in India to teach nutrition to school children.

4. Corporate ability to use public platforms and resources has been well documented in all sectors whether it is PPP model to run private hospitals or it is an education on nutrition endeavor of a baby food company. The corporate sector clearly wishes to go free from regulations. Selling fortified foods and reaching out to all people through company employees is a clear intent expressed and presence of companies like Britannia makes us suspicious that some kind of deal is struck here between Government of India and the corporate sector. Britannia has shown active interference in policy for the last few years through Global Alliance for Improved Nutrition (GAIN) partnership, and now it has made an effort to call for deregulation. Britannia Industries (India), was recently linked to an opinion piece in the BMJ, claiming that the: "*Law on infant foods inhibits the marketing of complementary foods for infants, furthering undernutrition in India.*" This is a call to dilute the *Infant Milk Substitutes Feeding Bottles, and Infant Foods (Regulation of Production, Supply and Distribution) Act 1992, and Amendment Act 2003. (IMS Act)*. GAIN on whose board Britannia sits, claims to work in partnership with governments yet its letter to the Kenyan Government in October 2012 showed how it is putting pressure on governments in developing countries to weaken legislation and specifically permit the promotion of baby foods and involvement of companies in education. We feel that this 'document' provides a back door entry to call for weakening regulation.

5. Companies are entering the world's most important arenas of public health policy setting, the World Health Assembly and Codex Alimentarius; they are now trying to carve out a bigger role for themselves even in the Government of India. We are concerned that Government of India is entering into partnership with companies or their representative bodies through which they gain entry. Some companies allegedly have been violating the IMS Act and even challenged Government of India for making this law, e.g. the Writ petition filed by Nestle in 1995 against Union of India is pending in the High Court. An Indian Court has framed charges against Nestle for violating the IMS Act. Nestle has been found to spy against civil society organisations and proved guilty in a Swiss court. We suspect, therefore relying on such PPPs and 'Business Coalitions' referred to in the document is not going to serve any purpose; it will rather dilute the existing protection granted to its people by the Parliament of India.

6. Corporate sector offers to rely on its "Core business" strategy to impact child mortality. This is a flawed concept given the fact that the top priority of the many transnational marketing and media businesses who have contributed to the NCD epidemic is to change traditional food patterns and cultures in lower and middle-income countries and to "teach the world to snack." Our concern is why Government of India is allowing corporate strategy under the guise of child survival that will up the NCDs in times to come.

7. Status of child survival in the 'document' makes a point about where the problem is. Health coverage is not universal. Coverage is limited even for the vulnerable and the marginalized and poor communities.

8. The 'document' mentions some process meetings held and a communication issued on 13th September 2012 to constitute sub-groups. This was neither transparent nor inclusive to our knowledge. The list of members of the Sub group on this document reveals that most of them are corporate houses or their representative bodies and international agencies, who are their backers. It clearly opens the gate for a self-serving agenda of corporate sector.

Given these facts and concerns, we believe that Government of India is venturing into partnering with

private sector without actually knowing the need. Allowing this kind of space to the corporate sector which is based on a belief that association with industry leads to greater success may mean that Government of India abdicates its responsibility to provide public health care system of credibility that it aspires to. There is no evidence that PPPs deliver health benefits and are believed to be delaying tactic of corporate sector.

We request that this 'document' be put to rest till suitable answers are found to our concerns. Supreme Court of India in a judgment made it clear that such partnerships are not in public interest. Article 5.3 of the FTCT that outlines protection measures from Tobacco industry is relevant to the processed food and during industry as well.

We call upon Government of India not to propose any de- regulation of the IMS Act and impress upon that public regulation is the only evidence based mechanisms to prevent harmful impact of unhealthy commodity industry, and therefore request for a substantial response from Government of India to move towards comprehensive set of public regulation to control the NCDs rather than indulge in actions that perpetuate NCDs.

We are not seeking to eliminate food businesses from the development scene but simply saying those corporate businesses that are the providers of unhealthy commodities/ products and those who work on their behalf should be kept away from the policy setting process and programme implementation. We do encourage "interaction" with private sector.

We do believe that child survival needs to be tackled on a fast track but not necessarily to bring high rates of NCDs in future. We would like to know what is the level of engagement with private sector that the government envisages in the longer run, what is the status of the 'document' and who owns this. We request Government of India to focus attention on flaws in health system and barriers to universal reach. Government of India should endeavor to promote healthy meals and foods specifically for children as observed by the Supreme Court of India instead of peddling corporate interests.

This has been an ongoing issue and attached letter to the PM in 2009 reflects this. We would appreciate a response from your end. We would like to come and discuss this further with you in case you feel like.

Yours truly,



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on behalf of

List of Signatories

Name	Organisation/State
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Ulka Mahajan	
Asha Mishra	Bharat Gyan Vigyan Samiti
Vinod Raina	
Aruna Roy	National Campaign for People's Right to Information
Anjali Bharadwaj	
Nikhil Dey	
Ashok Bharti	National Conference of Dalit Organizations
Colin Gonsalves	Human Rights Law Network
G V Ramanjaneyulu	Alliance for Sustainable and Holistic Agriculture
Kavita Srivastava	People's Union for Civil Liberties
Binayak Sen	
Lali Dhakar, Sarawasti Singh	National Forum for Single Women's Rights
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Sameer Garg	Chhattisgarh
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Dharmender	Delhi
Ramendra	Delhi
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Vimla	Delhi
Sarita	Delhi
Sejal Dand	Gujarat
Sumitra Thakkar	Gujarat
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