

झारखण्ड सरकार

झारखण्ड ग्रामीण स्वास्थ्य मिशन समिति  
स्वास्थ्य चिकित्सा शिक्षा एवं परिवार कल्याण विभाग, झारखण्ड

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पत्रांक :- 9/RCH-41/2019- 68 (HSN)

दिनांक :- 13.03.19

प्रेषक,

सचिव,  
स्वास्थ्य चिकित्सा शिक्षा एवं  
परिवार कल्याण विभाग,  
झारखण्ड।

सेवा में,

सभी सिविल सर्जन  
झारखण्ड।

विषय :- संस्थागत प्रसव के साथ जन्म के 1 घंटे के अन्दर स्तनपान को बढ़ावा दिये जाने एवं IMS Act के प्रभावी अनुपालन के संबंध में।

महाशय/महाशया,

झारखण्ड सरकार बाल मृत्यु दर को कम करने हेतु कृत सकल्प है इस संदर्भ में NFHS-4 के अनुसार झारखण्ड में बच्चों में जन्म के 1 घंटे के अन्दर स्तनपान का प्रतिशत मात्र 33.2% है साथ ही 6 माह तक पूर्ण स्तनपान का प्रतिशत 64.8% है बाल मृत्यु दर को कम करने हेतु उपांकित सूचकाकों में अपेक्षित सुधार की आवश्यकता है।

आप अवगत हैं कि बच्चों के बौद्धिक एवं शारीरिक विकास में बच्चे के जन्म के 1 घंटे के अंदर स्तनपान तथा छः माह तक केवल स्तनपान की भूमिका महत्वपूर्ण है। जन्म के 1 घंटे के अंदर स्तनपान शिशु मृत्यु दर में 20: की गिरावट लाता है। साथ ही बिना स्तनपान के बच्चों में न्यूमोनिया से 15 गुणा तथा डायरिया से 11 गुणा ज्यादा मृत्यु का खतरा बना रहता है। डब्बा बंद दूध का प्रयोग स्तनपान के प्रयोग को कम करता है साथ ही ऐसे बच्चों में मृत्यु का खतरा भी बढ़ाता है।

उपरोक्त तथ्यों के आलोक में डब्बा बंद दूध के प्रयोग को बंद करने एवं स्तनपान को बढ़ावा देने हेतु भारत सरकार ने Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, supply and Distribution) Act, 1992 and as amended in 2003 (IMS Act) का कानून पूरे देश में लागू किया गया है। उपांकित एक्ट के मुख्य बिन्दु निम्नवत् है :-

- पाउडर दूध डिब्बाबन्द पूरक आहार एवं बोतल पर प्रत्यक्ष अथवा अप्रत्यक्ष बंदिश।
- किसी भी प्रसार के माध्यम से माँ के दूध के विकल्प के रूप में डिब्बाबन्द पाउडर दूध का प्रचार वर्जित है।
- माँ और स्वास्थ्य कर्मियों को भेंट के रूप में उपरोक्त चीजों के नमूनों को देने पर रोक।
- उक्त उत्पादों से संबंधित शैक्षणिक सामग्री अथवा उत्पादित वस्तुएँ और उपहार के रूप में देना मना है।
- इन सामग्रियों पर बालक माता और कार्टून की तस्वीर छापना मना है।
- स्वास्थ्य/पोषण संस्थाओं को इन कम्पनियों द्वारा किसी भी प्रकार का डोनेशन देने पर पाबंदी है।
- इस प्रकार की उत्पादों की बिक्री के लिए कमर्चारियों को कोई भी प्रोत्साहन राशि देने पर पाबंदी लगाई गई है।
- MAA - Mother's Absolute Affection कार्यक्रम के तहत IMS Act के संबंध में संस्थान एवं समुदाय स्तर पर जागरूकता हेतु विशेष ध्यान दिया जाय।



उपाकित परिपेक्ष्य में IMS Act से सबधित प्रावधानों एवं दिशा-निर्देश की प्रति संलग्न किया जा रहा है। जिलान्तर्गत चिकित्सक एवं स्वास्थ्य कार्यकर्ताओं के संघ यथा - IMA (India Medical Association), Pediatricians (IAP-Indian Association of pediatrician), Gynecologists (FOGS) Federation of Obs. and Gyn Surgeon of India), Nurses (TNAI-Trained Nurses Association of India) एवं अन्य (SOMI-Society of Midwives of India) को IMS Act से अवगत कराते हुए एक्ट के उल्लंघन के दृष्टांत पाये जाने पर एक्ट के अनुरूप कार्रवाई करना सुनिश्चित की जाय। इस कार्य हेतु जिला के सिविल सर्जन को नोडल पदाधिकारी नियुक्त किया जाता है।

साथ ही जिला अन्तर्गत सभी स्तरो (L1, L2 एवं L3) पर होने वाले संस्थागत प्रसव के उपरान्त प्रशिक्षित पारामेडिकल कमिरी के द्वारा शत प्रतिशत शिशुओं को जन्म के 1 घन्टे के अन्दर स्तनपान सुनिश्चित कराया जाय, ताकि राज्य में स्तनपान संबंधी सूचकांको में अपेक्षित बढ़ोत्तरी हो सके।

अनुलग्नक :- यथोक्त।

विश्वासभाजन

*W. K. Kumari*  
सचिव 12/08/19

स्वा०चि०शि० एवं परिवार कल्याण विभाग,  
झारखण्ड।

ज्ञापांक :- 68 (HCN)

दिनांक :- 12.08.19

प्रतिलिपि :-

1. स्वास्थ्य, चिकित्सा शिक्षा एवं परिवार कल्याण मंत्रालय, भारत सरकार को सादर सूचनार्थ।
2. अभियान निदेशक, झारखण्ड स्वास्थ्य मिशन, राँची को सूचनार्थ प्रेषित।
3. निदेशक प्रमुख, स्वास्थ्य सेवाएँ, झारखण्ड को सूचनार्थ प्रेषित।
4. अपर निदेशक सह नोडल पदाधिकारी, Child Health को सूचनार्थ प्रेषित।
5. सभी जिला आर.सी.एच. पदाधिकारियों को सूचनार्थ एवं आवश्यक कार्यार्थ प्रेषित।
6. सभी जिला प्रबंधक / अस्पताल प्रबंधकों को सूचनार्थ एवं आवश्यक कार्यार्थ प्रेषित।
7. पोषण विशेषज्ञ, युनिसेफ, झारखण्ड को सूचनार्थ एवं आवश्यक कार्यार्थ प्रेषित।
8. डॉ. आशुतोष त्रिपाठी, President, IAP को सूचनार्थ एवं आवश्यक कार्यार्थ प्रेषित।
9. डॉ. सुनीता कात्यान, BPNI, Ranchi Chapter को सूचनार्थ एवं आवश्यक कार्यार्थ प्रेषित।
10. State Coordinator, BPNI, Jharkhand को सूचनार्थ एवं आवश्यक कार्यार्थ प्रेषित।

*W. K. Kumari*  
सचिव 12/08/19

स्वा०चि०शि० एवं परिवार कल्याण विभाग,  
झारखण्ड।



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 41]

नई दिल्ली, सोमवार, जून 2, 2003/ ज्यैष्ठ 12, 1925

No. 41]

NEW DELHI, MONDAY, JUNE 2, 2003/ JYAISTHA 12, 1925

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

## MINISTRY OF LAW AND JUSTICE

(Legislative Department)

*New Delhi, the 2nd June, 2003/Jyaistha 12, 1925 (Saka)*

The following Act of Parliament received the assent of the President on the 1st June, 2003, and is hereby published for general information:—

### THE INFANT MILK SUBSTITUTES, FEEDING BOTTLES AND INFANT FOODS (REGULATION OF PRODUCTION, SUPPLY AND DISTRIBUTION) AMENDMENT ACT, 2003

(No. 38 of 2003)

[1st June, 2003.]

AN Act to amend the Infant Milk Substitutes, Feeding Bottles and Infant Foods  
(Regulation of Production, Supply and Distribution) Act, 1992.

Be it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Amendment Act, 2003.

Short title  
and com-  
mencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.



Amendment of section 2.

2. In section 2 of the Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Act, 1992 (hereinafter referred to as the principal Act),—

(i) for clause (a), the following clause shall be substituted, namely:—

“(a) “advertisement” includes any notice, circular, label, wrapper or any other document or visible representation or announcement made by means of any light, sound, smoke or gas or by means of electronic transmission or by audio or visual transmission.”;

(ii) in clause (d), for the words “but does not include a pharmacy or drug store”, the words “a pharmacy, drug store and any association of health workers” shall be substituted;

(iii) in clause (f), for the words “after the age of four months”, the words “after the age of six months and up to the age of two years” shall be substituted;

(iv) in clause (g), for the words “, whether or not it is suitable for such replacement”, the words “for infant up to the age of two years” shall be substituted;

(v) after clause (i), the following clause shall be inserted, namely:—

“(j) “promotion” means to employ directly or indirectly any method of encouraging any person to purchase or use infant milk substitute, feeding bottle or infant food.”.

Amendment of section 3.

3. In section 3 of the principal Act,—

(i) in clause (a), for the words “or feeding bottles”, the words “, feeding bottles or infant foods” shall be substituted;

(ii) in clause (b), for the words “infant milk substitutes is”, the words “infant milk substitutes and infant foods are” shall be substituted;

(iii) for clause (c), the following clause shall be substituted, namely:—

“(c) take part in the promotion of infant milk substitutes, feeding bottles or infant foods.”.

Amendment of section 4.

4. In section 4 of the principal Act, for the words “feeding bottles”, at both the places where they occur, the words “feeding bottles or infant foods” shall be substituted.

Amendment of section 5.

5. In section 5 of the principal Act, for the words “feeding bottles”, at both the places where they occur, the words “feeding bottles or infant foods” shall be substituted.

Amendment of section 6.

6. In section 6 of the principal Act, in sub-section (2), for the words “infant milk substitute”, at both the places where they occur, the words “infant milk substitute or infant food” shall be substituted.

Amendment of section 7.

7. In section 7 of the principal Act,—

(a) in sub-section (1),—

(i) for the words “Every educational or other material”, the words “Every educational or other material including advertisements or material relating to promotion of infant milk substitutes, feeding bottles and infant foods” shall be substituted;

(ii) after clause (f), the following clause shall be inserted, namely:—

“(fa) the date of printing and publication of such material and the name of the printer and publisher.”;

(b) in sub-section (2), for the words “feeding bottles”, the words “feeding bottles or infant foods” shall be substituted.

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8. In section 9 of the principal Act, for sub-section (2), the following sub-section shall substituted, namely:—
- Amendment  
of section 9.
- “(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, conference, educational course, contest, fellowship, research work or sponsorship.”
9. In section 20 of the principal Act, for the word and figures “section 11”, at both the places where they occur, the words and figures “section 11 and the rules made under section 26 of the Act” shall be substituted.
- Amendment  
of section 20.
10. In section 24 of the principal Act, after the words “or of any State Government”, the words, brackets, letter and figures “or a representative of such voluntary organisation which is notified under clause (c) of sub-section (1) of section 21” shall be inserted.
- Amendment  
of section 24.

SUBHASH C. JAIN,  
*Secy. to the Govt of India.*





# भारत का राजपत्र

## The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)  
PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित  
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नई दिल्ली, शुक्रवार, अगस्त 1, 2003/श्रावण 10, 1925  
NEW DELHI, FRIDAY, AUGUST 1, 2003/SRAVANA 10, 1925

मानव संसाधन विकास मंत्रालय  
( महिला एवं बाल विकास विभाग )

अधिसूचना

नई दिल्ली, 1 अगस्त, 2003

का.आ. 880(अ).—केन्द्रीय सरकार शिशु दुग्ध अनुकल्प, पोषण बोतल और शिशु खाद्य (उत्पादन, प्रदाय और वितरण विनियमन) संशोधन अधिनियम, 2003 (2003 का 38) की धारा 1 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, 1 नवम्बर, 2003 को, उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के उपबंध प्रवृत्त होंगे।

[फा. सं. 12-3/97-टी.आर.-II/एम.ई.]

दिनेश सिंह, संयुक्त सचिव

MINISTRY OF HUMAN RESOURCE  
DEVELOPMENT

(Department of Women and Child Development)

NOTIFICATION

New Delhi, the 1st August, 2003

S.O. 880(E).—In exercise of the powers conferred by Sub-section (2) of Section 1 of the Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Amendment Act, 2003 (38 of 2003), the Central Government hereby appoints the 1st day of November, 2003, as the date on which the provisions of the said Act shall come into force.

[F.No. 12-3/97-T.R. II/ME]

DINESH SINGH, Jt. Secy.



## Annexure II

### The Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Act, 1992 and As Amended Act in 2003

This Act provides for the regulation of production, supply and distribution of infant milk substitutes, feeding bottles and infant foods with a view to the protection and promotion of breastfeeding and ensuring the proper use of infant foods and for matters connected to it. It extends to the whole of India. It also lays the responsibility of health workers and of the government to provide accurate information to people. Following are the basic provisions of the IMS Act.

#### THE IMS ACT PROVISIONS

#### IMS Act is violated if any baby Food Company, its distributor or supplier, or any person

1. Promotes any food by whatever name, for children up to two years.
2. Promotes use of infant foods before the age of six months.
3. Advertises by any means—television, newspapers, magazines, journals, through SMS, emails, radio, pamphlets etc.
4. Distributes the product or samples to any person.
5. Contacts pregnant or lactating mothers using any person.
6. Gives any kind of inducements like free gifts, tied sales, to anyone.
7. Distributes information and educational material to mothers, families etc. (They can give educational material to health professionals like doctors, nurses etc provided it has information prescribed in clause 7 of the IMS Amendment Act, 2003. The education material should have only factual information and should not promote the products of the company)
8. Gives tins, cartons, accompanied leaflets of these products having pictures of mothers or babies, cartoons or any other such images to increase saleability.
9. Displays placards, posters in a hospital, nursing home, chemist shop etc. for promoting these products.
10. Provides direct or indirect inducements to health workers
11. Demonstrates to mothers or their family members how to feed these products. However, a doctor can demonstrate this to the mother.
12. Gives benefits to doctors, nurses or associations like IAP, IMA, NNF etc, for example, funds for organizing seminars, meeting, conferences, contest, fee of educational course, sponsoring for projects, research work or tours.
13. Fixes commission of employees on the basis of volume of sales of these products.

### HIGHLIGHTS OF THE ACT

- Prohibits all persons from any kind of promotion of infant milk substitutes, infant foods or feeding bottles
- Prohibits the advertisement of infant milk substitutes and feeding bottles to "ensure that no impression is given that feeding of these products is equivalent to, or better than, breastfeeding.
- Prohibits providing free samples and gifts to pregnant women, mothers of infants and members of the families.
- Prohibits donation of free or subsidized supplies of products for health care institutions and prohibits incentives and gifts to health workers.
- Prohibits display of posters at health care facilities / hospitals /health centres.
- The Act also prescribes that all labels of IMS /Infant food, must say in English and local, languages that breastfeeding is the best. Also, the labels must not have pictures of infants or women or phrases designed to increase the sale of the product.
- Prohibits any contact of employers manufacturing and distributing company with pregnant women, even for providing educational material to them.

### PENALTIES FOR CONTRAVENTION

Violations of the Act attract imprisonment for up to three years and/or fine up to Rs.5000.

Penalty with regard to the Label on container or quality of infant milk substitute, feeding bottle and infant food is punishable with imprisonment up to 6 month extended to 3 years and fine at least Rs.2000.

### WHAT HEALTH SERVICE PROVIDERS CAN DO

- Seek correct and scientific information about breastfeeding, feeding bottles and infant foods.
- Understand the hazards of using infant milk substitutes,
- Create awareness on promotion and protection of breastfeeding.
- Report violations to the right authorities. Inform/publicise addresses and names of organisations where you can report violations.