

FOOD PROCESSING/SAFETY & STANDARDS

-COPY OF

NOTIFICATION Dated 4th March, 2011

(Published in the Gazette of India on 10th March, 2011)

In exercise of the powers conferred by sub-section (1) and clause (b) of sub-section (2) of section 92 of the Food Safety and Standards Act, 2006 (34 of 2006), the Food Safety and Standards Authority of India, with the previous approval of the Central Government, hereby makes the following regulations regulating the rules of procedure for transaction of business of the Central Advisory Committee, namely:

1. Short title and commencement.-(1) These regulations may be called the **Food Safety and Standards Authority of India (Procedure for Transaction of Business of the Central Advisory Committee) Regulations, 2010.**

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.-(1) In these regulations, unless the context otherwise requires,

- (a) "Act" means the Food Safety and Standards Act, 2006 (34 of 2006);
- (b) "Chairperson" means the Chairperson of the Central Advisory Committee;
- (c) "Chief Executive Officer" means the Chief Executive Officer appointed under section 9 of the Act.
- (d) "Food Authority" means the Food Safety and Standards Authority of India established under section 4 of the Act;
- (e) "Member" means members of the Central Advisory Committee and includes the Chairperson of the Central Advisory Committee;

(2) Words and expressions used in these regulations and not defined but defined in the Act shall have the same meanings respectively assigned to them in the Act.

3. Meetings of the Central Advisory Committee.-(1) There shall be not less than three meetings of the Central Advisory Committee in a year on such dates and at such places as the Chairperson may direct and the interval between any two meetings shall not in any case be longer than five months:

Provided that the first meeting of the Central Advisory Committee in a financial year shall be held in the first quarter of that financial year.

(2) The notice of every meeting of the Central Advisory Committee signed by the Chairperson or by such other officer of the Food Authority as may be authorised by the Chairperson intimating the time, date and the place of the intended meeting shall be circulated to every member, subject to the provisions of sub regulation 4, at least fifteen days before the date of the meeting stating thereon the brief agenda of the meeting, setting out the items of business to be considered, by post address of every member or through e-mail or fax or courier to facilitate speedy communication.

(3) The Chairperson may, in case of urgency; at any time, call a meeting of the Central Advisory Committee at a lesser notice than fifteen days.

(4) A meeting of the Central Advisory Committee may be called on the requisition in writing, addressed to the Chairperson and signed, by not less than one-third of members, setting out therein the purpose of the meeting to be called and the business to be considered thereat.

(5) On receipt of the requisition of meeting referred to in sub-regulation (5), the Chairperson may call the meeting within such time as he may direct, but in any case not later than a period of thirty days from the date of receipt of such valid requisition by the Chairperson.

(6) If all the items of business to be transacted at a meeting of the Central Advisory Committee could not be completed in one sitting, the meeting may be adjourned from time to time:

Provided that at the adjourned meeting only the unfinished items in the agenda shall be discussed and decision taken thereof.

(7) Representatives of the Food Authority may participate in the proceedings of the Central Advisory Committee with the permission of the Chairperson but shall have no right to vote at the meeting.

4. Chairperson of meetings of Central Advisory Committee.-(1) The Chief Executive Officer shall preside over every meeting of the Central Advisory Committee and if the Chief Executive Officer is unable to attend a meeting of the Central Advisory Committee, any member elected by the members present from amongst themselves attending the meeting, shall preside at such meeting.

(2) The Chairperson may invite any officer of the Food Authority or any other person qualified in the matters to be discussed, to attend any meeting of the Central Advisory Committee, with a view to facilitate meaningful discussions and such invitee may participate in the proceedings of the meeting but shall have no right to vote.

5. Quorum.-(1) The quorum for any meeting of the Central Advisory Committee shall be one-third of the members as on the date on which the meeting is to be held and no business shall be transacted at any meeting of the Central Advisory Committee unless the quorum is present throughout the meeting.

(2) If the quorum is not present at any meeting of the Central Advisory Committee, the Chairperson or the member presiding over the meeting, shall adjourn the meeting to such other date, time and place as may be specified by him not being later than thirty days, and if at such adjourned meeting a quorum is not present, then, notwithstanding anything contained in sub-regulation (1), the members present at the adjourned meeting, not being less than ten in number, shall constitute a quorum for such meeting and to take up for discussion and to dispose of only the items of business set out in the agenda for the initial meeting.

6. Agenda.-(1) The Chairperson shall cause the agenda to be prepared and circulated at least fifteen days before the date of each meeting of the Central Advisory Committee.

(2) Any business not included in the agenda shall not be transacted at a meeting of the Central Advisory Committee except with the permission of Chairperson or the member presiding over the meeting.

(3) With the permission of the Chairperson or other member presiding over the meeting, urgent questions may be added to the agenda at any time before the conclusion of the meeting, or any item on the agenda may be deleted or carried over to a subsequent meeting.

7. Decisions of the meetings of the Central Advisory Committee.-(1) All questions which come up before any meeting of the Central Advisory Committee shall be decided by a majority of votes of the members present and voting:

Provided that if a member is interested in any item of business to be transacted at a meeting, he shall not participate or vote on such item and in such case, the decision on such item shall be taken by majority of the votes of other members attending the meeting, not being less than five in number.

(2) The Chairperson or the other member presiding over the meeting, shall endeavor at all times to arrive at decisions or recommendations through a consensus among members and voting shall be resorted to if attempts to arrive at a consensus fail.

8. Closure of debates.-The Chairperson or other member presiding over a meeting, may move for the closure of the debate when he considers that all members have had the opportunity to express their views on any of the business discussed at the meeting and his decision shall be final.

9. Minutes of the meetings of the Central Advisory Committee.-(1) The draft minutes of each meeting of the Central advisory Committee shall be prepared within a period of two weeks of conclusion of each meeting and submitted to the Chairperson or to the member who presided over the meeting, for his approval.

(2) The draft minutes of each meeting of the Central Advisory Committee, approved by the Chairperson or the other member who presided over that meeting, as the case may be, shall be forwarded to each member not later than a period of two weeks after such approval for adoption at the next meeting.

(3) The minutes of each meeting of the Central Advisory Committee shall contain a fair and correct summary of the proceedings thereat and the names of members who did not participate in the discussion of, or vote on, any item of business transacted at the meeting.

(4) The Chairperson or other member who presided over the meeting may decide the inclusion or non-inclusion of any matter in the minutes, if in his opinion, not relevant or material to the proceedings or defamatory of any person.

(5) At every meeting of the Central Advisory Committee, the draft minutes of the previous meeting of the Central Advisory Committee approved by the Chairperson or the other member who presided over that previous meeting, shall be placed before the meeting for confirmation and adoption with or without amendments or modifications, which shall be signed by the Chairperson or the other member who is presiding over the meeting, as confirmation of correctness of the record of the proceedings of the previous meeting and be kept on record.

(6) The minutes of each meeting of the Central Advisory Committee, after confirmation at the next meeting as referred to in sub-regulation (5), shall be placed before the subsequent meeting of the Food Authority.

10. Decisions by circulation.-(1) Any item of business or issue on which required decision of the Central Advisory Committee, may, if the Chairperson so directs, be referred to members by circulation of papers as a resolution.

(2) No resolution shall be deemed to have been passed by the members, unless such a resolution circulated in draft, together with necessary papers, if any, to all the members at their usual address in India and approved by majority of the members as are present in India.

(3) Any resolution circulated under sub-regulation (1) and approved by the majority of such of members entitled to vote shall have effect and binding as if such resolution were decided by the majority of the members at a meeting.

(4) Where any business is referred to members under sub-regulation (1), a period of not less than ten clear days shall be allowed for the receipt of replies from members from the date on which the draft resolution is circulated.

(5) Based upon the votes and comments received, on the draft resolution circulated, the Chairperson may

(a) declare the decision adopted; or

(b) declare the decision not adopted; or

(c) in case of neutrality of votes, postpone the draft resolution for the next meeting of the Central Advisory Committee.

(6) Any resolution passed through circulation, shall be placed at the next meeting of the Central Advisory Committee for its ratification.

11. Record of Business.-(1) The Chairperson shall cause the record of the proceedings of the meeting of the Central Advisory Committee be written and maintained by an officer of the Food Authority.

(2) The record of business transacted at every meeting of the Central Advisory Committee shall be signed by the Chairperson or the member presiding over such meeting, as the case may be, and be kept on records.

12. Independence.-(1) Members of the Central Advisory Committee shall make a commitment to attend and participate in its meetings.

(2) Every member shall make at each meeting of the Central Advisory Committee a Specific Declaration of Interests in Schedule I, which might be considered prejudicial to their independence in relation to the items on the agenda.

(3) A member of the Central Advisory Committee or any other participant, who believes that his interests may undermine his independence, shall inform the Chairperson in writing who thereon take decision on his participation in the meetings or work in the Central Advisory Committee keeping in view the interests declared.

13. Confidentiality.-(1) The members of the Central Advisory Committee and other participants at a meeting shall not divulge to third party any confidential information that they have received, for which confidential treatment has been requested and agreed

by the Chairperson.

(2) Every member of the Central Advisory Committee and other participants at a meeting shall be required, even after their duties have ceased, not to disclose information of the kind covered by the obligation of professional secrecy.

(3) Every Member of the Central Advisory Committee and other participants shall sign an initial declaration at the first meeting of the Central Advisory Committee for maintaining the confidentiality of the business transacted at meetings of Central Advisory Committee in Schedule II

16. Reimbursement of expenses.-Every person invited to attend any meeting of the Central Advisory Committee other than the members shall be entitled to a payment of two thousand rupees for each meeting of the Central Advisory Committee attended by him.

SCHEDULE I

(See Regulation 12 (2))

SPECIFIC DECLARATION OF INTERESTS

The Food Safety and Standards Authority of India

(Please note that high quality of scientific expertise is by nature based on prior experience and that therefore having an interest does not necessarily mean having a conflict of interest)

Name: _____

Profession: _____

- Meeting of the Food Authority
- Meeting of the Central Advisory committee
- Meeting of the Scientific Committee
- Meeting of Panel on _____
- Meeting of the Working Group on _____

Meeting dates	
Venue	

S. No.	Agenda Items	Whether the member has a conflict of interest. (YES/NO) If yes, please provide details to enable the chair to take a decision.

Declaration: I declare that the information provided above is true and complete.

Done at: _____ on this _____ day of _____

Signature: _____

SCHEDULE II

(See Regulation 13 (3))

DECLARATION CONCERNING CONFIDENTIALITY

The Food Safety and Standards Authority of India

Name: _____

Position:

- Member of the Food Authority
- Member of the Central Advisory Committee
- Member of the Scientific Committee
- Member of a Panel on _____
- Member of a Working Group on _____
- other expert (external) on _____

I hereby declare that I am aware of my obligation to respect confidentiality. I know that I am obliged not to divulge information acquired as a result of my activities in Food Safety and Standards Authority, if the information is subject to a request for confidentiality and I hereby undertake not to divulge any such confidential information. I shall also

respect the confidential nature of the opinions expressed by other Members of the bodies indicated above or other experts during discussions in meetings or provided in written form.

Done at: _____ on this _____ day of _____

Signature _____

**Sd/
(V.N. Gaur)
Chief Executive Officer**

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