

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 (f) 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 transaction of business in the meetings of the Food Safety and Standards Authority of India, Namely:

1. Short title and commencement.-(1) These Regulations may be called the **Food Safety and Standards Authority of India (Transaction of Business at its meetings) 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 Food Safety and Standards Authority of India;
- (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 member of the Food Safety and Standards Authority of India and includes the Chairperson;
- (f) "Scientific Committee" means the Scientific Committee constituted by the Food Authority under section 14 of the Act;
- (g) "Scientific Panel" means Scientific established by the Food Authority under section 13 of the Act;
- (h) "Schedule" means a Schedule appended to these regulations.

(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 Food Authority.-

(1) There shall be not less than three meetings of the Food Authority 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 Food Authority in a financial year shall be held in the first quarter of that financial year.

(2) The notice of every meeting of the Food Authority shall be signed by the Chief Executive Officer intimating the time, date and the place of the intended meeting.

(3) The notice shall, subject to the provisions of sub-regulation (5) be given to every member, at least fifteen days before the date of the meeting by post to the address of every member or through e-mail or courier or Fax to facilitate speedy communication, stating therein the brief agenda of the meeting, setting out the items of business to be considered.

(4) The Chairperson may, in case of urgency, at any time, call a meeting of the Food Authority at a lesser notice than fifteen days.

(5) A meeting of the Food Authority 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.

(6) On receipt of the requisition of meeting referred to in sub-regulation (6), the Chairperson may direct to cause the meeting to be convened and held 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 requisition.

(7) If all the items of business to be transacted at a meeting of the Food Authority cannot 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.

4. Chairperson of the meetings of Food Authority.-The Chairperson may also invite any officer of the Food Authority or any other person qualified in the matters to be discussed at any meeting or any member or Chairperson of the Scientific Panel, to attend any meeting of the Food Authority, with a view to facilitate meaningful discussions and may participate in the proceedings of the meeting but such invitee shall no right to vote.

5. Participation of the Chief Executive Officer.-The Chief Executive Officer may, with permission of Chairperson take the assistance of any staff of the Food Authority for the purpose of discharging his duties relating to the meetings of the Food Authority.

6. Quorum.-(1) The quorum for any meeting of the Food Authority shall be one third of the Members as on the date on which the meeting is held and no business shall be transacted at any meeting of the Food Authority unless the quorum is present throughout the meeting.

(2) If the quorum is not present at any meeting of the Food Authority, the Chairperson or in his absence any other 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 quorum is not present, then, notwithstanding

anything contained in sub-regulation (1), the Members present at the adjourned meeting, not being less than five in number, shall constitute a quorum for such meeting to take up discussion and to dispose of only the items of business set out in the agenda for the initial meeting.

7. Agenda.-(1) The Chief Executive Officer shall be responsible for preparation of the agenda for each meeting of the Food Authority and circulation thereof to all the Members of the Food Authority at least a period of fifteen days before the date of each meeting:

Provided that the Chief Executive Officer shall prepare the agenda of meeting in consultation with the Chairperson:

Provided further that the Chief Executive Officer may, in consultation with the Chairperson, amend or delete or add new item in the agenda of business subsequent to its issue.

(2) Any business not included in the agenda shall not be transacted at a meeting of the Food Authority except with the permission of the Chairperson or other 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.

8. Decisions of meetings of Food Authority.-(1) 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.

(3) Votes on every item of business to be transacted at a meeting of the Food Authority shall be taken by a show of hands.

9. Closure of debates.-(1) The Chairperson or the Member presiding over the meeting may move for the closure of the debate on any item of business discussed at a meeting when he considers that all members have had the opportunity to express their views on any business discussed at the meeting and the decision of the Chairperson or the Member presiding shall be final.

10. Minutes of meetings of the Food Authority.-(1) The Chief Executive Officer shall cause the minutes of each meeting of the Food Authority to be prepared within a period of two weeks of conclusion of each meeting and submit the same to the Chairperson or other Member who presided over the meeting, for his approval:

Provided that if for any reasons the Chief Executive Officer is unable to attend any meeting of the Food Authority, the Chairperson may, for this temporary purpose direct any other officer of the Food Authority, to prepare the minutes of the meeting.

(2) The draft minutes of each meeting of the Food Authority approved by the Chairperson or the other Member who presided over that meeting shall be forwarded to each member not later than a period of two weeks from such approval, for adoption at the next meeting:

Provided that the decision of the Chairperson on the changes, if any, to be made in the draft minutes, shall be final.

(3) The minutes of each meeting of the Food Authority 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 Food Authority, the draft minutes of the previous meeting 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 on confirmation and adoption in that meeting be signed by the Chairperson or the other Member presiding over the meeting, as confirmation of correctness of the record of the proceedings of the previous meeting and be kept as a record of the Food Authority.

(6) The minutes of every meeting of the Food Authority shall be published on the Food Authority's website unless the Chairperson determines that confidentiality to be ensured.

11. Power of the Chairperson to take urgent action.-Nothing in these regulations shall affect the power of the Chairperson to take such action (after consultation, if necessary, with experts in the matter) as may be necessary in case of an emergency situation warranting immediate action by the Food Authority and when it is not feasible to call a meeting of the Food Authority, and reasons be recorded in writing:

Provided that any such action shall be placed before the next meeting of the Food Authority for its ratification.

12. Decisions by circulation.-(1) Any item of business or issue which require decision of the Food Authority, if the Chairperson so directs, may 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 the draft, together with necessary papers, if any, to all the Members at their usual address in India and approved by the 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 those Members entitled to vote thereon, 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 under sub-regulation (1), the Chairperson may

(a) declare the decision adopted; or

(b) declare the decision not adopted; or

(c) in case of neutrality of votes, postpone draft resolution for the next meeting of the Food Authority.

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

13. Record of Business.-(1) The Chief Executive Officer shall attend the meetings of the Food Authority maintain the record of proceedings of all items of the business transacted thereat;

(2) Every decision and direction of the Food Authority shall be recorded in writing and be kept as a record.

14. Independence and Confidentiality.-(1) Members of the Food Authority shall make a commitment to attend and participate in its meetings.

(2) Every Member shall submit at each meeting of the Food Authority a Specific Declaration of Interest in Schedule I, which might be considered prejudicial to their independence in relation to any of the items on the agenda.

(3) Any Member or any other participant in a meeting, who believes that his interests may undermine his independence, shall inform the Chairperson in writing who thereon take a decision on his participation in the discussions at the meetings or the work of the Food Authority.

(4) Members of the Food Authority and invitees shall sign an initial Declaration at the first meeting of the Food Authority for maintaining the confidentiality if the business transacted at meetings of the Food Authority in Schedule II.

15. Secretariat.-Chief Executive Officer shall ensure appropriate administrative support to enable the Food Authority to carry out its work.

16. Reimbursement of expenses.-Invitees to any meeting of the Food Authority shall be entitled to a payment of two thousand rupees for attending each meeting and the reimbursement of actual travel and subsistence expenses.

SCHEDULE I
[See regulation 14 (2)]
SPECIFIC DECLARATION OF INTERESTS

(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 14 (4)]
DECLARATION CONCERNING CONFIDENTIALITY

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