

**FOOD SAFETY AND STANDARDS AUTHORITY OF INDIA**  
**3<sup>RD</sup> FLOOR, FOOD AND DRUG AUTHORITY BHAWAN**  
**KOTLA ROAD, NEAR BAL BHAWAN,**  
**NEW DELHI-110002**

**DRAFT REGULATIONS GOVERNING OPERATION OF THE CENTRAL**  
**ADVISORY COMMITTEE OF THE**  
**FOOD SAFETY AND STANDARDS AUTHORITY OF INDIA**

Having regard to the Food Safety and Standards Act, 2006(Act No. 34 of 2006), enacted by the Parliament of India to consolidate the laws relating to food and establish Food Safety and Standards Authority of India for laying down science based standards for articles of food and regulate and monitor their manufacturing, processing, distribution, sale and import so as to ensure safe and wholesome food for human consumption.

Whereas:

- Section 12 of the Food Safety and Standards Act, 2006 specifies the functions of the Central Advisory Committee.

It is proposed to adopt the following rules:

**Article 1: Membership of the Central Advisory Committee**

- 1) The Food Safety and Standards Authority shall, by notification, establish a Committee to be known as the Central Advisory Committee.
- 2) The Central Advisory Committee shall consist of two members each to represent the interests of food industry, agriculture, consumers, relevant research bodies and food laboratories and all Commissioners of Food Safety, and the Chairperson of the Scientific Committee shall be ex officio member.
- (3) The representatives of the concerned Ministries or Departments of the Central Government who are at least of the rank of Joint Secretary to Government of India in Agriculture, Animal Husbandry and Dairying, Biotechnology, Commerce and industry, Consumer Affairs, Environment and Forests, Food Processing Industries, Health, Panchayati Raj, Small Scale Industries and Food and Public or government institutes or organizations and government recognized farmers' organizations shall be invitees to the deliberations of the Central Advisory Committee.
- (4) The Chief Executive Officer shall be ex- officio Chairperson of the Central Advisory Committee.

## **Article 2: Delegation of responsibilities**

- (1) The Members of the Central Advisory Committee will be appointed in a personal capacity. They shall therefore not delegate their responsibilities to another member or to a third person.

## **Article 3: Chair**

- 1) The Central Advisory Committee shall be chaired by the Chief Executive Officer of the Authority.
- 2) If the Chief Executive Officer is unable to Chair a meeting or part of a meeting of the Central Advisory Committee, he may nominate a senior member of the Authority's staff to chair the meeting on his behalf.

## **Article 4: Attendance at meetings**

- 1) Members of the Central Advisory Committee shall make a commitment to attend and participate in its meetings. (Annex 1)
- 2) For the purpose of ensuring the smooth functioning of the meetings, and in order to provide particular expertise and with a view to enrich the discussions, the Chair may admit to the meetings of the Central Advisory Committee any person especially qualified in the matters to be discussed.
- 3) Representatives of the Authority's departments may participate in the work of the Central Advisory Committee.
- 4) The Chief Executive Officer may invite representatives from other relevant bodies to take part.

## **Article 5: Independence**

- 1) The members of the Central Advisory Committee shall undertake to act independently in public interest.

For this purpose, they shall make an Annual Declaration of Interests (ADoI) indicating either the absence of any interests which might be considered prejudicial to their independence or any direct or indirect interests which might be considered prejudicial to their independence. These declarations shall be made annually in writing (Annex 2) and shall be published on the Authority's website.

- 2) Members and any other participant shall make at each meeting of the Central Advisory Committee a Specific Declaration of Interests(SDoI), which might be considered prejudicial to their independence in relation to the items on the agenda. This declaration shall be made in writing before commencement of the meeting(Annex 3) and shall be published on the Authority's website.

- 3) Any member and any other participant, who believes that his or her interests may undermine his or her independence, shall inform the Chair in writing. The extent of his or her participation in the work of the Central Advisory Committee shall be laid down by the Chair keeping in view the interests declared. It shall be noted in the minutes of the meeting.

#### **Article 6: Transparency**

- 1) The Central Advisory Committee shall carry out its activities with a high degree of transparency.
- 2) The minutes and other documents relevant to matters discussed shall be published in English language on the Authority's website.
- 3) Requirements for transparency and openness of the work of the Central Advisory Committee and for access to the documents considered by it shall be developed in separate Internal Rules.

#### **Article 7: Agendas**

- 1) Subject to paragraph 2, requests for matters which members wish to have included on the agenda shall be submitted to the Chair not less than 15 days before the date of the meeting. Where a member wishes to replace or delete an item, the request shall be made at the meeting itself.
- 2) When the Central Advisory Committee is convened to deliberate on a matter of urgency, requests for matters which members wish to have included on the agenda shall be submitted to the Chair not less than five days before the date of the meeting.
- 3) Any request by one or more members for inclusion, deletion or replacement of an item on the agenda shall state the reasons on which it is based. The Chair shall bring any such request to the notice of the members of the Central Advisory Committee.
- 4) Having taken into account the requests by members for inclusion, deletion or replacement of items, the Chair shall take the final decision on the agenda.
- 5) Urgent questions may be added to the agenda at any time before the end of the meeting with the agreement of the Chair, and items on the agenda may be deleted or carried over to a subsequent meeting.

#### **Article 8: Confidentiality**

- 1) The members of Central Advisory Committee or other participants shall not divulge to third parties confidential information that they have received for which confidential treatment has been requested and is agreed by the chair.

- 2) Members of the Central Advisory Committee shall sign an initial written declaration (Annex 4) that they will comply with the rules of confidentiality in paragraph 1.
- 3) Members of the Central Advisory Committee and other participants, shall be required, even after their duties have ceased, not to disclose information of the kind covered by the obligation of professional secrecy.

### **Article 9: Secretariat**

The Central Advisory Committee shall be assisted by a secretariat. The secretariat shall be provided by, and responsible to, the Chief Executive Officer and shall provide the technical and logistical support to ensure the efficient functioning of the Central Advisory Committee.

### **Article 10 : The Convening of meetings**

- 1) The Central Advisory Committee shall meet regularly at the invitation of the Chairperson of the Central Advisory Committee or at the request of at least one third of its members and not less than three times a year.
- 2) The notice of convening of a meeting of the Central Advisory Committee shall be transmitted by the Secretariat on behalf of the Chair to members no later than ten days before the start of the meeting. The draft agenda shall simultaneously be sent to them, comprising the items to be examined. Preparatory documents shall be transmitted no later than 10 days before the start of the meeting.
- 3) When the Central Advisory Committee is convened to deliberate on a matter of urgency, the notice of convening and the provisional agenda shall be transmitted to members as soon as possible before the start of the meeting.
- 4) Where at least one third of the members requests a meeting, the meeting shall be convened within one month or, in case of urgency, as soon as possible.

### **Article 11: Quorum**

A quorum of at least two thirds of all the members of the Central Advisory Committee shall have to be physically present in order for the meeting to be valid.

### **Article 12: Closure of debates**

- 1) The Chair may close a debate when he considers that all members have had the opportunity to express their views.
- 2) Members may ask for closure of discussion which shall be given at the discretion of the Chair once all members have been given the opportunity to state their views.
- 3) Any member asking to speak on closure shall be given precedence.

### **Article 13: Written procedures**

- 1) In exceptional cases, where the Chair wishes to consult the members of the Central Advisory Committee in an emergency situation or food safety crisis, documents and information may be transmitted by the quickest means available and information sought without the need to convene a meeting.
- 2) The matter will in any case be placed on the agenda of the next meeting.
- 3) Where a member of the Central Advisory Committee is not able to participate in a meeting he or she may make his or her views known on an agenda item to the Chair in writing. The Chair shall ensure that these are circulated to other members by the secretariat.

### **Article 14: Working Groups**

- 1) The Central Advisory Committee may set up working groups where it is necessary to bring together the relevant expertise on a scientific, technical or other question falling within the remit of the Authority.
- 2) The Chair in consultation with Central Advisory Committee shall determine the terms of reference of a working group and the timeframe in which it shall complete its task.
- 3) Experts who attend working group meetings shall be nominated by the relevant organization or identified by the Chairperson from the data base maintained by the Authority and shall be bound by the rules of confidentiality and independence as if they were members of the Central Advisory Committee.
- 4) The quorum rules in Article 11 shall not apply to working groups.
- 5) Experts shall be reimbursed on the basis of the provision of Article 16.
- 6) Working Groups shall send a report of their meetings to the Chief Executive Officer immediately following a meeting. The Chief Executive Officer shall inform the Central Advisory Committee on the progress of the work allocated to the working groups.

### **Article 15: Transmission of documents and minutes**

- 1) The draft minutes and the attendance list of the meetings of the Central Advisory Committee shall be forwarded to members not later than four weeks after the meeting or two weeks prior to the following meeting.
- 2) Members who wish to amend the draft minutes shall inform the Chair and the members of the Central Advisory Committee.
- 3) After giving each member the opportunity to comment, the minutes shall be adopted at the discretion of the Chair at the meeting following the one to which they refer. Should the draft not have been sent in time and if one member objects, the Chair may decide to hold the matter over until the following meeting.

- 4) Once agreed, the Chair shall sign a copy of the minutes and this shall be kept in the archives of the Authority. The final text of the minutes shall be forwarded to members not later than four weeks after its approval.

**Article 16: Reimbursement of expenses**

Travel expenses incurred by members in connection with Central Advisory Committee meetings shall be reimbursed by the Authority in accordance with the scales laid down in the Regulations and Rules applicable to officials and other servants of the Food Authority and for Experts.

**Article 17: Amendment of the Internal Rules of the Central Advisory Committee**

- 1) The Food Authority shall amend these Internal Rules of the Central Advisory Committee and their annexes by a majority of its members.
- 2) Amendments to the Internal Rules of the Central Advisory Committee and their annexes shall enter into force on the date decided by the Food Authority.

**Article 18: Entry into force**

These Rules and annexes shall enter into force immediately on their adoption by the Food Authority.

Done at New Delhi on \_\_\_\_\_

For the Authority,

**ANNEX 1: DECLARATION OF COMMITMENT**

**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 \_\_\_\_\_
- Expert (external) on \_\_\_\_\_

Pursuant to Section 4 of the Food Safety and Standards Act, 2006 establishing the Food Safety and Standards Authority of India, I hereby undertake to make all reasonable efforts to attend and participate in the meetings of the above body and to act independently of any external influence and in public interest.

Done at: \_\_\_\_\_ on \_\_\_\_\_

Signature: \_\_\_\_\_

**Annex 2 ANNUAL DECLARATION OF INTEREST(ADoI)**

*(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:** \_\_\_\_\_

**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)

Information on direct or indirect interests of relevance to the mission of the Authority

(1)Direct interests (financial benefits arising from, for example, employment, contract work, investments, fees etc.)

(2)Indirect interests (indirect financial, e.g., grants, sponsorships, or other kind of benefits):

(3)Interests deriving from the professional activities of the Member and his/her close family Members:

(4)Any membership role or affiliation in organizations/bodies/club with an interest in the working of the Authority:

(5)Other interests or facts that the undersigned considers pertinent:

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

Done at: \_\_\_\_\_ on: \_\_\_\_\_ Signature: \_\_\_\_\_

(Please attach additional sheets whenever required)

## **Guidelines on interests**

- Any financial interests or benefits, including holding of stocks and shares, equity, bonds, partnership or property interests relevant to the Authority's mission. The holding of financial interests connected with a pension or investment scheme contracted prior to membership and/or interests in unit trusts or similar arrangements would not, in principle, be of particular interest, providing that the Member has no influence on financial management.
- Professional experience carried out in the last five years in a field relevant to the Authority's mission. This should include all work, irrespective of whether the activities have been subject to regular or occasional remuneration (Board membership, executive or non-executive directorship, employment, consultancy, contractual interests, traineeship).
- Interests the member may have had in the past or ongoing legal proceedings relevant to the Authority's mission, with an indication of their implications, are to be declared.
- All assistance and support received by private and public undertakings or bodies are to be declared, where they are associated with direct or indirect pecuniary or material benefit and which have a bearing on the topic of the Panel/Committee. These include grants for study or research, fellowships or sponsorships for the last 5 years.
- Participation in public interest groups, professional societies, clubs and organisations which may have an agenda relevant to the Authority's mission are to be declared. The role and position held is to be set out clearly and precisely.
- When declaring interests, members should be as precise as possible. For example, shareholders are to indicate the company name and number of shares. In the case of professional experience, the position held and activities performed should be set out clearly and precisely.
- Close family member includes spouse or partner and dependent children living in the same household.
- When declaring interests, member should consider statements of personal opinion on issues relevant to the questions addressed by the Authority (e.g. publications, public statements); employment or family (e.g. the possibility of any indirect advantage or any likelihood of pressure which could arise from the member's employer, business associates or immediate family members).

- The Authority recognises that scientific expertise underpins the fulfilment of its mission and tasks and that the quality of such expertise is inherently based on prior experience. An “interest” declared is not automatically considered to be a conflict of interest. Interests of an intellectual nature are considered as indispensable to safeguard the quality and overall balanced objectivity of the scientific work.

**ANNEX 3: SPECIFIC DECLARATION OF INTERESTS (SDoI)**

*(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 Authority**
- Meeting of the Central Advisory committee**
- Meeting of the Scientific Committee**
- Meeting of Panel on.....**

**Meeting of the Working Group on.....**

<b>Meeting dates</b>	
<b>Venue</b>	

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

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

**Date:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**ANNEX 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 \_\_\_\_\_
- 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 FSSA if this information is subject to a request for confidentiality. 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 \_\_\_\_\_

Signature \_\_\_\_\_