

File No. FSSAI/T/SP-Coordination/2011  
Food Safety and Standards Authority of India  
( A statutory Regulatory Authority)  
Ministry of Health and Family Welfare

FDA Bhawan, Kotla Road,  
New Delhi – 110 002.

17<sup>th</sup> August, 2011

**MEMORANDUM**

**Subject : Channel of communication to Scientific Committee and Scientific Panels.**

Food Safety and Standards Act 2006 (34 of 2006) provides for establishment of Food Safety and Standards Authority of India with the mandate to lay down science based standards for articles of food and to regulate their manufacture, storage, distribution, sale and import to ensure availability of safe and wholesome food for human consumption. Section 13 & 14 of FSS Act 2006 provide for establishment of Scientific Panels, consisting of independent scientific experts and Scientific Committee.

The FSSAI (Procedure of Scientific Committee and Scientific Panels) Regulation, 2010 lays down the procedure for establishment and operation of Scientific Committee and Panels.

Some of the provisions of the Act and Regulation relating to the working of these bodies are reproduced below: -

**Section 16 (4) (a), (b) and 16 (6) of FSS Act, 2006**

4. *The Food Authority shall make it public without undue delay –*
- (a) the opinions of the Scientific Committee and the Scientific Panel immediately after adoption;*
  - (b) the annual declarations of interest made by members of the Food Authority, the Chief Executive Officer, members of the Advisory Committee and members of the Scientific Committee and Scientific Panel, as well as the declarations of interest if any, made in relation to items on the agendas of meetings;*

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- 16(6) *The Food Authority shall not disclose or cause to be disclosed to third parties confidential information that it receives for which confidential treatment has been requested and has been acceded, except for information which must be made public if circumstances so require, in order to protect public health.*

**Clause 20 & 21 of the FSSAI (Procedure of Scientific Committee and Scientific Panels) Regulation, 2010**

**20 Confidentiality –**

- (1) *The members of the Scientific Committee, the Scientific Panels and the Working Groups and the external experts participating in the Working groups, or acting as observers, shall not divulge to third party any information, specifically, identified by the Food Authority as “restricted or confidential”.*
- (2) *Members of the Scientific Committee or Scientific Panel or Working group and external experts participating in the Working groups, or acting as observers, shall sign a declaration of interest in Schedule I.*
- (3) *The members of the Scientific Committee, the Scientific Panel and Working Groups and external experts participating in the Working groups, or acting as observers, shall even after their duties have ceased, not disclose information of the kind covered by the obligation of professional secrecy.*

**21 Independence: -**

- (1) *The members of the Scientific Committee, the Scientific Panels and Working Groups and external experts shall undertake to act independently of any external influence make a Declaration of Commitment in Schedule II and an Annual Declaration of Interest in Schedule III indicating either the absence of any interests which might be considered prejudicial to their independence or any direct or indirect interest which might be considered prejudicial to their independence.*
- (2) *The members of the Scientific Committee, Scientific Panels and Working Groups and external experts, at each meeting shall make a Specific Declaration of Interest in Schedule IV which might be considered prejudicial to their independence in relation to the items on the agenda.*

It is thus clear that to enable the Scientific Committee/ Panels to work in an independent manner without any influence, it is necessary to channelise all information/communication meant for these bodies, or any request for making presentation through the FSSAI Secretariat. The members of the Committee or Panels should not be approached directly by any firm/industry in respect of any agenda item. Similarly, individual opinions, views and comments expressed during the discussion on any agenda are kept confidential to promote free, frank and objectives participation by members and objective decisions by the Scientific Committees and Panels.

All concerned may, therefore, take note of the above mentioned statutory provisions. Needless to say that violations of any of these provisions mentioned above are punishable offences under the FSS Act 2006 besides attracting appropriate administrative action.

This has the approval of CEO.

(Sumita Mukherjee)  
Director (M), FSSAI