

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

**DRAFT RULES OF PROCEDURE 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.

Having regard to the Decision of the Central Government regarding establishment of Food Safety and Standards Authority under Section 4 of the Food Safety and Standards Act, 2006.

To enable Food Authority carries out its mission and perform the tasks assigned to it under the conditions laid down in the Regulation, the following rules of procedures are adopted.

**Article 1: Chairperson and other Members**

The Chairperson and Members other than ex-officio Members of the Food Authority shall be appointed by the Central Government on the recommendations of the Selection Committee constituted by the Central Government as per Section 6 of the Food Safety and Standards Act, 2006.

**Article 2: Independence**

1. The members of the Food Authority shall undertake to act independently in the public interest.

For this purpose, they shall make a Declaration of Commitment (Annex. 1) and 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 shall provide at each meeting of the Food Authority any 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 (Annex. 3) and shall be published on the Authority's website.

3. Any member concerned that his or her interests may undermine his or her independence shall inform the Chair. The extent of the member's participation in the work of the Authority shall be laid down by the Chair. It shall be noted in the minutes of the meeting.

### **Article 3: Confidentiality**

1. The members of the Food Authority shall not divulge to third parties confidential information that they have received for which confidential treatment has been requested and agreed to by the chair.
2. Members of the Authority shall sign an initial written declaration (Annex. 4) that they will comply with the rules of confidentiality in paragraph 1.

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

1. In Accordance with Section 17(2) of the Food Safety and Standards Act, 2006, if Chairperson is unable to attend a meeting of the Food Authority any other Member nominated by the Chairperson on his behalf and, in the absence of such nominations or where there is no Chairperson, any Member chosen by the Members present from among themselves, shall preside at the meeting.
2. In Accordance with Section 17(5) of the Food Safety and Standards Act, 2006, the Chief Executive Officer shall take part in the meetings of the Authority, without voting rights.
3. Unless the Authority decides otherwise in a particular case, the Chief Executive may be assisted by other staff of the Authority.
4. In Accordance with Section 17(6) of the Food Safety and Standards Act, 2006, the Authority may invite the Chair of the Scientific Committee to attend its meetings, without voting rights.
5. Acting on a proposal from the Chair, the Authority may admit to its meetings any person especially qualified in the matters to be discussed with a view to facilitating meaningful discussion on the matter.
6. Members of the Authority shall make a commitment to attend and participate in its meetings. (Annex 1)

### **Article 5 : The Convening of meetings**

1. In Accordance with Section 17(1) of the Food Safety and Standards Act, 2006, the Food Authority shall meet at its Head Office or any of its offices at such time as the Chairperson may direct.
2. Subject to paragraph 3, the notice of meeting of the Authority, signed by the Chairperson, shall be transmitted by the Secretariat to members no later than fifteen days before the start of the meeting. The draft agenda shall simultaneously be sent to them, comprising the items to be considered. Preparatory documents shall be transmitted no later than 10 days before the start of the meeting.

3. When the Authority is convened to deliberate on a matter of urgency, the notice of meeting and the provisional agenda shall be transmitted to members as soon as possible before the start of the meeting.

#### **Article 6: Agenda**

1. The Chair shall adopt the provisional Agenda on the basis of a proposal from the Chief Executive Officer.
2. Subject to paragraph 3, requests for matters which members wish to have included, deleted or replaced on the provisional agenda shall be submitted to the Chair not less than ten days before the date of the meeting.
3. When the Authority is convened to deliberate on a matter of urgency, requests for matters which members wish to have included, deleted or replaced on the provisional agenda shall be submitted to the Chair not less than five days before the date of the meeting.
4. Any request by one or more members for inclusion, deletion or substitution 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 other members.
5. The agenda shall be adopted at the beginning of each meeting.
6. With the agreement of the Authority, urgent questions may be added to the agenda at any time before the end of the meeting, and items on the agenda may be deleted or carried over to a subsequent meeting.

#### **Article 7: Quorum**

A quorum of at least two thirds of all the members of the Authority shall to be physically present in order for the meeting to be valid. If attendance is less, the meeting shall be postponed and for the next meeting the quorum shall be one third.

#### **Article 8: Voting**

1. In accordance with Section 17(3) of the Food Safety and Standards Act, 2006, all questions which come up before any meeting of the Food Authority shall be decided by a majority of votes of the Members present and voting, and in the event of equality of votes, the Chairperson or the person presiding over the meeting shall have the right to exercise a second or casting vote.
2. For each decision adopted by the Authority, figures for the votes cast shall be recorded. A statement of the views of the minority may be entered in the minutes if the minority so requests.

### **Article 9: Closure of debates**

1. The Chair may move the closure of the debate when he considers that all members have had the opportunity to express their views.

### **Article 10: Written procedures**

1. Urgent matters and matters already discussed at a meeting of the Authority may - at the discretion of the Chair - be the subject of voting by written procedure.
2. In written procedure, decisions of the Food Authority are taken by the absolute majority of its members.
3. The time frame for voting by written procedure shall (with the exception of emergency cases) not be less than ten days after the draft decision has been sent electronically to the members.
4. In view of the votes and possible comments received, the Chair may
  - a) declare the decision adopted, correcting simple errors of writing or calculating, or
  - b) declare the decision not adopted or
  - c) declare the vote on the draft decision postponed for the next meeting of the Authority.
5. This result will be notified without delay to the members of the Food Authority.

### **Article 11: Accelerated Procedures**

In the case of an emergency situation warranting immediate action by the Authority, and when it is not feasible to call a meeting of the Authority, the Chairman may after consulting relevant experts in the matter, take decisions which will be placed before the next meeting of the Authority for ratification.

### **Article 12: Transmission of documents and minutes**

1. The draft minutes shall be forwarded to members not later than four weeks after the meeting or two weeks prior to the following meeting, for adoption at the next meeting.
2. Once approved, the minutes shall be signed by the Chair. The signed copy of the minutes shall be kept in the archives of the Authority.
3. The minutes shall be published on the Authority's website.

**Article 13: Reimbursement of expenses**

All travel and subsistence expenses incurred by members in connection with meetings relating to Food Authority business shall be paid by the Authority on the basis of the scales laid down in the Staff Regulations of Officials of the FSSA.

In addition, members of the Food Authority other than the Ex Officio members and those employed by a Government agency or institution, will receive a daily indemnity of Rs. 2000 for each meeting of the Food Authority for which he/she is present.

**Article 14: Secretariat**

The Chief Executive Officer shall provide the Secretariat, and appropriate administrative support to enable the Authority to carry out its work.

**Article 15: Amendment of the rules of procedure**

1. The Authority may amend these Rules of Procedure and its annexes by a majority of its members.
2. Amendments to the Rules of Procedure and its annexes shall enter into force on the date decided by the Authority.

**Article 16: Entry into force**

These Rules and annexes shall enter into force as soon as they are adopted.

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 considered 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 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)<br/>If yes, please provide details to enable the chair to take a decision.</b> |
|---------------|---------------------|--|
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**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 \_\_\_\_\_

