

Food Safety and Standards Authority of India (Financial) Regulations, 2023

UNION OF INDIA

India

The Food Safety And Standards Act, 2006

Food Safety and Standards Authority of India (Financial) Regulations, 2023

Regulation F-NO-11012-038-2016-2017-FSSAI-F-A of 2023

- Published in Gazette of India : Extraordinary 46 on 20 January 2023
- Commenced on 20 January 2023
- [This is the version of this document from 20 January 2023.]

F.No. 11012 /038 /2016-2017 /FSSAI /F & A— Whereas the draft of the Food Safety and Standards Authority of India (Financial) Regulations , 2022 were published as required by section 92 of the Food Safety and Standards Act, 2006 (34 of 2006), vide notification of the Food Safety and Standards Authority of India number F. No. 11012 /038 /2016-2017 /FSSAI /F & A,dated the 24th May ,2022 ,in the Gazette of India ,Extraordinary ,Part III,Section 4 ,inviting objections and suggestions from the persons likely to be affected thereby , before the expiry of the period of thirty days from the date on which the copies of the Official Gazette containing the said notification were made available to the public ;And whereas ,the copies of the said Gazette were made available to the public on the 27th May ,2022 ;And whereas no objections and suggestions received from the public in respect of the said draft regulations ;Now , therefore , in exercise of the powers conferred by clause (t) of sub- section (2) of section 92 read with sub- section (2) of section 81 of the said Act , the Food Safety and Standards Authority of India hereby makes the following regulations, namely :-

Chapter 1

General

1. Short title and commencement .

(1)These regulations may be called the Food Safety and Standards Authority of India (Financial)Regulations ,2023 .(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, –(i) “ Act ” means Food Safety and Standards Act, 2006 (Act No. 34 of 2006); (ii) “ Chief Financial Authority ” means the Chief Executive Officer, Food Safety and Standards Authority of India in respect of the powers to be exercised under sub-section 4 of section 10 of the Act; (iii) “ Finance Committee ” means a Finance Committee of the Food Safety and Standards Authority of India; (iv) “ Food Authority ” means the Food Safety and Standards Authority of India established under section 4 of the Food Safety and Standards Act, 2006. (2) All the words and expressions used herein and not defined in these regulations but defined in the Act and rules or regulations made thereunder shall have the same meaning assigned to them in the Act and rules or regulations made thereunder.

Chapter 2

2. Funds of the Authority . -

(1) The Food Authority shall maintain the Food Safety and Standards Authority of India Fund to further the objectives of the Act. (2) Financial receipts of the Authority shall include the following amounts, namely : –(a) grants made to the Food Safety and Standards Authority of India Fund by the Central Government. (b) sums realised by the way of fees and penalties and other statutory charges by the Authority. (c) income received out of the investments made from the Fund ; (d) by way of testing charges, consultancy, grants, donations ; or any other sources, etc. (3) All sums such as fees, penalties and other statutory charges realised by the Food Safety and Standards Authority (including interest thereof) as a Regulatory Body may be separately accounted for and received in a Bank Account to be maintained by the Authority ; (4) Sharing of sums realised under clause (b) of sub-regulation 2 of regulation 2 among stakeholders shall be decided by the Authority. (5) Any amount available with the Authority as on the date of coming into force of these Regulations on account of the receipts mentioned in sub-regulation 3 of regulation 2, shall be transferred to the Bank Account maintained for such receipts. (6) All expenses of the Food Authority shall be met from the combined receipts referred to in sub-regulation 1 of regulation 2, in accordance with the budget as approved by the Food Authority and forwarded to the Central Government in accordance with the provisions contained in sub-section (1) of section 81 of the Act. (7) The Food Authority may maintain more than one bank accounts to handle financial receipts mentioned in sub-regulation 1 of regulation 2.

Chapter 3

3. Finance Committee

(1) There shall be a Finance Committee which shall consist of the following members, namely : –(i) Executive Director (Finance), Food Safety and Standards Authority of India - Chairman ; (ii) Representative of Additional Secretary & Finance Authority, Ministry of Health & Family Welfare Two members of the Food Authority nominated by it - Member; (iii) Two members of the Food Authority nominated by it - Members (iv) Director (Finance), Food Safety and Standards

Authority of India - Member Secretary ;(2)The Finance Committee shall provide overall inputs on financial matters of the Food Authority and more specifically relating to review of : (i) budget of the Authority (including performance budget); (ii) estimation of grant in aid from the Central Government and other receipts ; (iii) audit of accounts of the Food Authority through auditors appointed for this purpose ; (iv) investment of surplus funds ; (v) advice on budget allocations for various work programmes. (3) (i) The Chief Financial Authority shall cause to develop financial report formats and present the financial reports to the Finance Committee . (ii) The reports developed by the Chief Financial Authority would generally provide the Authority's financial and cash position , its adherence to the budget and any donor -imposed restrictions on contributions . (iii) The annual accounts and financial statements of the Food Safety and Standards Authority of India shall be prepared by the Chief Financial Authority , reviewed by the Finance Committee and shall be placed before the Food Authority for its consideration . (4) Meetings of the Committee . - (1) The Finance Committee shall meet at least twice in a year or more frequently as may be required . (2) The Executive Director (Finance) , Food Authority and two other members shall constitute the quorum for the transaction of business at a meeting of the Committee . (3) The minutes of the meeting shall be duly prepared and signed by the attending members . (4) Travel and other allowances admissible to non -official members of the Committee for attending the meetings may be borne by the Food Authority . (5) All financial proposal shall be placed before the Finance Committee prior to being placed before Food Authority for consideration and approval .

Chapter 4

4. Delegation for utilisation of the Fund , - The Fund shall be utilised in the manner as specified below , namely : -

(i) all expenses from the Fund received from the Central Government shall be incurred in accordance with the General Financial Rules , 2017 of Government of India as amended from time to time. (ii) all expenses from the funds received from the sources other than Central Government shall be incurred in accordance with the General Financial Rules 2017 of Government of India or as per guidelines approved by the Food Authority on the recommendations of the Finance Committee .

Chapter 5

5. Accounts of the Authority . -

(1) The Authority shall maintain appropriate accounts and other relevant records and prepare an annual statement of accounts including the balance sheet in accordance with such general directions as may be issued and in such form as may be specified by the Central Government . (2) The accounts of the Authority shall be audited by the Comptroller and Auditor -General of India or any other person appointed by them in this behalf annually and any expenditure incurred by them or any person so appointed in connection with such audit shall be payable by the Authority . (3) The accounts of the Authority as certified by the Comptroller and Auditor -General of India or any other person appointed by him on this behalf , together with the audit report thereon , shall be forwarded annually to the Central Government and that Government shall cause the same to be laid before

each House of Parliament