

**evsj ut` k mḡg tKU©
nBtKU@efull**

(t@ukyj AwinRbj RymWKKub)

iU nciUkb bs 324/2009

Bb w` ḡlUim Adt

Bn̄ evsj ut` k ms̄earib 102 AbfjQ` Abjyti GKU Avte` bc̄;

Ges

Bb w` ḡlUim Adt

-----`iLr-Kvix/

ebig

evsj ut` k Ms

-----c̄Zer`MY/

Rbie gbiRj tgvīm` ḠWlfutKU

-----`iLr-Kvix c̄¶/

Rbie gyndi Rujib Bmj ug,

tWc̄j ĀWlW© tRbrīj

-----c̄Zer`xmiKvi c̄¶/

i bibr t RjyB 14, 2009 Bs

i q c̄vb t RjyB 14, 2009 Bs/

Dc̄w-Z t

nePnicuZ Rbie G, ne,Gg, Luijy nK

Ges

nePnicuZ Rbie tgvt ggfjR Duij b Auntr

nePnicuZ G,ne,Gg, Luij "j nK t

`iLr-Kvix Ā iU tgvīKj ḡlUkZ Pure Food Ordinance, 1959, Gi Avl Ziq evsj ut`tki Lr`" I
cvbxq tfRj ḡy iWLevi Df̄t̄tk" Ā iU tgvīKj ḡmU `utqi Kvij qitQb/

1bs `iLr-Kvix Human Rights and Peace For Bangladesh GKU te-miKvix AjvfRbK
c̄Zob/ GB c̄ZobW gwbewaKvi msi¶Y I t̄tki bvMii K AviaKvi eRiq iWLevi Df̄t̄tk" `vcb Kiv
nBqitQ/ 2-6 bs `iLr-Kvix MY evsj ut` k mḡg tKifU P AvBbRxeke, | ibtRt`i bvMii K `wqZterai
Zvobiq evsj ut`tki Lr`" I cvbxqZ weixZv i¶v Kviev i mr Df̄t̄tk" Zvniiv Ā iU tgvīKj ḡmU `utqi
Kvij qitQb/

`iLr-Kvix nq th Pure Food Ordinance, 1959, Gi Avl Ziq The National Food Safety
Advisory Council br̄g GKU c̄wI` Lr`" I cvbxqZ weixZv ibdZ Kviev Df̄t̄tk" c̄qRbq
c`t¶c Mbtbi Rb" `vcb Kiv nBqitQ/ thtnZzeZḡtq evsj ut`tk Lr`" I cvbxq wewfbaeKvi iimqibK
Dc̄v`vb 0iv weiv³ nBtZtQ tmB tnZz 1 bs `iLr-Kvixi c̄¶ Bn̄i weÁ ḠWlfutKU gvidr 1 I 2 bs
c̄Zer`xMY eiveți 28-11-2008 Bs ZwiL Pure Food Ordinance, 1959, Gi Avl Ziq The

National Food Safety Advisory Council *“icb Kvi qv t’tk cØB Lv` w i wei x Zv mØZ Kvi evi Rb” GKU Demand For Justice Notice Rvi x Kiv nq (G’itb. Pri-G) / K’S’ ZvnitZ tKib dtj v`q bv nI qvq `i Lv` Kvi x MY AÎ ixU tgvKt gnu v tqi Kvi t j AÎ Ar`yj Z eisj vt`k msmeavtbi 102 AbtjQ` Abytj 18-01-2009 ZvitL cØZer`x MY eivetl bgi uLZ Rule Nisi Rvi x Ktib t*

“Let a Rule Nisi be issued calling upon the respondents to show cause as to why the inaction of the respondents to constitute 'The National Food Safety Advisory Council' as per the provisions of Pure Food Ordinance, 1959, for obtaining appropriate advice and policies related to food safety and quality control, should not be declared illegal and without lawful authority and why a direction should not be given upon the respondents to constitute "The National Food Safety Advisory Council" to obtain appropriate advice and policies related to food safety and quality control in order to save the life/ health of the citizen and/or pass such other or further order or orders as to this Court may seem fit and proper.

The Rule is made returnable within 2(two) weeks from date. Requisites to be put in at once.”

Bn Qrov `i Lv` Kvi x MY cieZØZ 01-03-2009 ZvitL nj dKZ 1 uL Avte`bcØi gvi dr GKU mØuik ij Rvi x Kvi evi cØtj Kvi t j AÎ Ar`yj Z 01-03-2009 ZvitL bgi uLZ ij Rvi x Ktib t

“Accordingly, let a Rule Nisi be issued calling upon the respondents to show cause as to why a direction should not be given upon the National Food Safety Advisory Council and other respondents to take appropriate steps under the provisions of Pure Food Ordinance for food safety and quality control in order to save the life/health of the citizens of Bangladesh and/or such other or further order or orders as to this Court may seem fit and proper.

The Rule is made returnable within 2(two) weeks from date.

Requisites to be put in at once.”

ZvnitQrov, `i Lv` Kvi x MY cieZØZ 16-04-2009 ZvitLi Avte`bcØi cieZØZ Avi I GKU mØuik ij Rvi x Kiv nq t

“Let a Rule Nisi be issued calling upon the respondents to show cause as to why the direction should not be given upon the respondents to appoint public analyst of food as per section 4 and to set up food Courts as per section 41 of the pure food Ordinance, 1959 and /or pass such other or further order or orders as to this Court may seem fit and proper.

The Rule is made returnable within 2(two) weeks from date.

Let a copy of this Rule be forwarded to the learned Attorney General of Bangladesh also for his information. Requisites to be put in at once.”

1 bs cØZer`x ctj 24-02-2009 ZvitL nj dKZ. GKU GndtWnfU Bb AcRkvb `wLj Kiv nq/ D³ GndtWnfU `i Lv` t DlmcZ weiqw mØuikØKv bøgZ tcvb Kiv nq bvB Zte eYBv Kiv nq th, 1959 mtbi Pure Food Ordinance, 1959, Abytj miKvi BvZgtä GKU RvZiq Lv` cwi l` MVb Kvi qtj/ KvRB bzb Kvi qv RvZiq Lv` cwi l` MVb Kvi evi tKib cØhRbxqZv bvB eij qv GndtWnfU eYBv Kiv nq/ Rbve gbwRj tgvitm, `i Lv` Kvi x ctj li weÁ G WtfutKU gtnv`q Zvnvi `i Lv` Ges cieZØZ `wLj KZ. 2uU mØuik Avte`bcØi cØZ Avgit`i `wó AvKtj ceR bte`b Ktib th, GB eisj vt`k GK mgq km` Kvgj v Ges me©cKvi weix Lv` tMj vari eij qv cwi IPZ wj K’S’ mgqj weeZtj eisj vt`k GK tkYi Amr Ges Amvaje emvqj Kej KZ.nBqv me©cKvi Lv` cvbxq I e'enwi K e`tZ tfRij cØqm Ae`nZ MwZtZ Puj tZtQ/ ZvnitQrov, eZgbv mvavi Y gybjsqi me©cKvi Lv` e`tZ i vnvqbk Dci`vb ugikZ Kvi qv এদেশের জনগণকে রাসায়নিক বিষত্ক্রিয়ার শিকার করিয়াছে। অথচ, বহুপূর্বে প্রণীত Pure Food Ordinance , 1959, Gi Avi Zvaxb wewfbaeC tPc MØY mØuikØcØZer`x miKvi Ges miKtji wewfbaems`v mØubØ D`vmib hwi`i msmeavb Ges wewfbaAvBtbi Avi Zvq RbMjYi Lv` t weix Zv i Pjv Kiv Zvnit`i msmeavbK

Ges AvBbvbM `m̄qZj I KZ@`/ w̄Zib Avi I w̄bte`b Ktib th, c̄Zer`x miKv̄ti i msik̄o refw̄M I ms-`i Gt̄`tki RbM̄tYi c̄Y Ges m̄-`i q̄v Kv̄i evi ms̄earbK c̄Zkij i q̄v Kv̄i t̄Z m̄cȲe`_nBqv̄tQb/ w̄Zib Avi I etj b th, w̄eaex fv̄te Pure Food Ordinance , 1959, Gi Avi Zvq evsj v̄`tki c̄ZiU tRj iq c̄q̄Rb̄q msL'K Public analyst w̄tq̄M, t̄Rv̄j Lv` m̄q̄Aciva weP̄ti i Rb` Av̄ij Z `icb Ges আদালতে মামলা সংক্রান্ত - কার্যক্রম আরম্ভ, এবং অধ্যাদেশ এর আওতায় প্রয়োজনীয় সংখ্যক পরিদর্শক নিয়োগের Rb` w̄b`tk c̄Dv̄ Ktib/ c̄Z D̄t̄i Rb̄v̄ Gg, Gb̄tq̄Zj i n̄g, Av̄Zi 3 Āv̄Wb̄tRb̄tij, `i Lv` Kv̄i xi ct̄l D̄i w̄Cz Av̄f̄hM Ā`Kv̄i Kv̄i t̄Z c̄t̄i b bvB/ Zvnvi Pure Food Ordinance, 1959, GB AvBtbi Avi Zvq th mg`i c̄t̄l M̄Y Kiv miKv̄ti i `m̄qZj w̄qj Zvnvi Ā`Kv̄i Kv̄i t̄Z c̄t̄i b bvB/ Zt̄e Zvnvi Pure Food Ordinance, 1959, Gi Avi Zvq c̄q̄Rb̄q c̄t̄l M̄Y Kv̄i evi Rb` 1(GK) ermi mgq c̄Dv̄ Ktib/

Dfq ct̄l i e^3e` keb Kiv nBj /

ms̄earb evsj v̄`tki m̄terP AvBb/ GB AvBb evsj v̄`tki mKj RbM̄tYi tḡy K Āv̄Kv̄i ms̄i P̄Y Kt̄i / GB AvBtbi 32 Ab̄yQ` evsj v̄`tki RbM̄tYi Rreb I e^w^3 `r̄xbZv̄ i q̄vKeP/ 32 Ab̄yQ` w̄gīc t 32/ AvBbvb̄yq̄x e^ZxZ Rreb I e^w^3 `r̄xbZv̄ nBt̄Z t̄Kv̄b e^w^3t̄K ev̄ĀZ Kiv hv̄Bte bv/ GB Ab̄yQ` e^w^Z Rreb kāuii e^w^B wekv̄j / ms̄earb c̄f̄weK Rreb avib m̄x̄t̄K w̄b̄DqZv̄ c̄vb Kiv nBqv̄tQ/ c̄f̄weK Rreb ev̄j t̄Z `r̄` m̄q̄Z Rreb tevSv̄j / GB c̄h̄t̄% Wt ḡm̄Dw̄i b dvīj ebv̄ evsj v̄`k 55 w̄Gj Avi (003)69 tḡK̄gvi i vt̄q, thLvt̄b Avḡt̄i GKRb D^3 i vt̄qi tj LK w̄t̄j b, w̄ḡj w̄Z e^3e` c̄baibthiM` t

" 22. Part ii of the Constitution enshrines the basic rights of the people under the heading 'Fundamental Rights' . This chapter contains Article 26 to Article 47A. Article 26 declares that to laws inconsistent with the fundamental rights are to be void. Article 32 provides for protection of right to life and persona liberty. Article 32 reads as follows:

" 32 No person shall be deprived of life or personal liberty save in accordance with law."

23. This declaration in the Constitution is not mere empty words. These guarantees are fundamental in nature, bestowed upon the people of Bangladesh by its Constitution. The expression "life" enshrined in Article 32 includes everything which is necessary to make it meaningful and a 'life' worth living, such as, among others, maintenance of health is of utmost importance and preservation of environment and hygienic condition are of paramount importance for such maintenance of health, lack of which may put the 'life' of the citizen at naught. Naturally, if the lives to the inhabitants living around the concerned factories are in jeopardy, the application of article 32 becomes inevitable because not only a right to life but a meaningful life is an inalienable fundamental right of citizens this country."

m̄Zi vs ms̄earb evsj v̄`tki mKj RbM̄tYi m̄y` c̄f̄weK Rreb hv̄cb Kv̄i evi w̄b̄DqZv̄ ms̄earb Kv̄i q̄t̄Q/ evsj v̄`k miKv̄i ms̄earb c̄E` c̄f̄weK m̄y` Rreb hv̄cb c̄ZeÜKZv̄ mȳKv̄i th t̄Kv̄b c̄t̄l c̄hv̄Z Kv̄i t̄Z ms̄earbK f̄v̄te eva`/ Bnv ej vi Āt̄c q̄v i vt̄Lbv̄ th, th t̄Kv̄b Rv̄Z t̄M̄oxi m̄y`Zv̄ w̄b̄P̄ Kt̄i weīx Lv` miev̄i t̄ni Dct̄i / weīx Lv` M̄Y e^w^Zt̄i t̄K t̄Kn m̄y`f̄v̄te ew̄Pqv̄ w̄Kt̄Z (Survive) c̄t̄i bv/ m̄y` I `r̄` m̄q̄Z Rreb hv̄cb e^w^3MZ I i vt̄iq ch̄t̄q mKj t̄q̄t̄B m̄vt̄j i Pv̄ex Kv̄iV/ Bnv e^w^Zt̄i t̄K DbuZi me^c̄Kv̄i c̄Pov̄B e^`nBte/ t̄`tki RbMb Am̄y` w̄Kt̄j i vt̄oi t̄Kv̄b c̄w̄Kv̄i bviB AM̄m̄Z nBt̄Z c̄t̄i bv/ GB mKj Kv̄i t̄b RbM̄tbi m̄y`t̄`i c̄Zms̄earbKt̄b c̄vb` c̄Bevi thM`/ Kv̄i Y 32 Ab̄yQ` e^3 Rreb Gi m̄yZv̄ e^w^Zt̄i t̄K c̄Rv̄Zt̄sj mKj Db̄q̄b c̄Pov̄B m̄x̄b w̄edj nBte/ AZGe, ms̄earb e^w^Z Dct̄i v^3 D̄t̄l K` c̄iY Kt̄i weīx Lv` miei w̄b̄DZ Kib ĀZ Ri" ix/ এই সংক্রান্ত পদক্ষেপ Pure Food Ordinance, 1959, & (Ordinance No. LXVII of 1959) (Aa`t̄k) G eYb̄i Kv̄i nBqv̄tQ w̄Kši

‘yM RbK GB th Bnvi tKvb c̄qM `k̄gb b̄n/ mi Kvi c̄l nBtZI GBifc ē_Zv Ā_Kvi Kwi tZ c̄ti
b̄B/

Aāit̄`tki D̄t̄i k̄ Bnvi c̄l̄eYiq eYBv Kiv nBqtQ/ c̄l̄ebwU mbgīc t

" An ordinance to provide for the better control of the manufacture and sale of food for human consumption."

D³ Aāit̄`tk eWZ ofood Bnvi 3 awīq mbgī wLZ f̄te mĀwqZ Kiv nBqtQ/

3. In this Ordinance, unless there is anything repugnant in the subject or context,-

(I)

.....

.....

(5) 'food' means any kind of edible oil, fish, fruit, meant or vegetable or any other article used as food, drinking water or any other during for human consumption other than any drug, and includes ice, accreted water, carbonated water or any substance whether processed, semi processed or raw or any substance which has been used in the manufacture, preparation or treatment of food and those articles which will be notified by the Government from time to time,

t̄fRij mgikZ Lv̄ 3 avivi 1 Dcaviq eYBv Kiv nBqtQ t

3

1) an article of food shall be deemed to be "adulterated" if-

(a) any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength, or

(b) any substance has been substituted wholly or in part for it, or

(c) any of the normal constituents has been wholly or in part abstracted so as to render it injuries to health, or

(d) it is mixed, colored, powdered, coated or stained in a manner whereby damage or inferiority is concealed, or

(e) it does not comply with any standard provided by or under this Ordinance or any other law for the time being in fore, or

(f) it contains or is mixed or diluted with any substance in such quantity as is to the prejudice of the purchaser or consumer or in such proportion as diminishes in any manner the food value or nutritive qualities which it possesses in its pure, normal, undeteriorated and sound condition, or

(g) it contains any poisonous or deleterious ingredient (including radiation) which may render it injurious to health, or

(h) it is not the nature , substance or quality which it purports to be or which it is represented to be by the manufacture or the seller;

Aāit̄`tki 4G avivi Avl Ziq GKU National Food Safety Advisory Council (KvDwYj) Mvb
Kiv mi Kvi i `wqZ/ D³ KvDwYj mi Kvi tK mbgī wLZ w̄l q̄ej x m̄utK Dct̄`k c̄vb Kwi teb t

4A. (2) The National Food Safety Advisory Council shall advice to the Government on the following subjects-

" (a) matters related to the safety of food and to the administration of this Ordinance,

(b) Standard and quality control (National an Codex Standard) for food with a view to ensuring their purity, safety and proper nutritional value,

(c) technical matters arising out of the administration of this Ordinance,

(d) development of man-power services and facilities required for ensuring safety, quality and pure food for human consumption, and

(e) policies and strategies related to food safety and quality control."

Aa`it`tki 4 avivi আওতায় সরকার সংশ্লিষ্ট এলাকার জন্য উপরোক্ত যোগ্যতা সম্পন্ন Public Analyst of Food **বিভাগীয় কর্মকর্তা** Kwi`teb/

Aa`it`tki 41 avivi Avl Zvq cōZ'K tRj v Ges gnvbMix Gj vKvi Rb mi Kvi Pure Food Court -icb Kwi`teb/ D³ Ar`vj Z mgtn 41G avivi Avl Zvq taSR`vix Kvh@ewa Abgnti wePvi Kvh@Cw Pwj Z nBte/

Aa`it`tki 34(2) avivi Avl Zvq mi Kvi Inspector **বিভাগীয় পদক্ষেপ গ্রহণ কর্মকর্তা** Kwi`Z mi Kvi AvBbvbMfite eva/

GgZve -iq, vbgij uLZ wb`Rvej x cōvb Kiv nBj t-

(1) GB ivq I Avt`tki Kic cōBi `B erm@i i gta` evsj vt`ki cōZnU tRj v I gnvbMix, wj tZ cōqvRbq msLK Public Analyst of Food Ges Inspector **বিভাগীয় পদক্ষেপ গ্রহণ কর্মকর্তা**

(2) GB ivq Avt`tki Kic cōBi `B erm@i i gta` cōZnU tRj vq I gnvbMix, wj tZ Pure Food Court -icb/

G mpm@KcōqvRbq weva cōqb Kwi`evi Rb`I mi Kvi`K Avnevb Kiv nBj /

G c@h@z weÁ A@Zw@ 3 G@W@Y@ tRb@i j gtnv`q Avg@t`i `m@o AvKI@ Kwi`qv etj b th, eZ@itb tgvevBj কোটেও কার্যক্রম বন্ধ বিধায় এ সম্পর্কে পদক্ষেপ গ্রহণ সভ্ব হইতেছে না।

weÁ A@Zw@ 3 A@W@Y@Rb@ এর উপরোক্ত বক্তব্য সঠিক নহে। খাদ্যে ভেজাল প্রদান ও বিক্রয় শাস্তিযোগ্য অপরাধ। পুলিশ এবং আইন প্রয়োগকারী যে কোন সংস্থা খাদ্যে ভেজাল প্রদান ও বিক্রয় সম্পর্কে অবহিত হইলে এ

m@tÜ Z@or AvBbvbM c@t@c M@Y Kwi`tZ eva/

Dcwijj uLZ wb`Rbv mnKvi A@ ijk@L LiPi e@Zti`K G@em@j DU Kiv nBj / Zte c@Zer`M@Y GB ivq e@Y@Z wb`Rbv tKib e@L v c@qvRb g@b Kwi`tj A@ Ar`vj tZ wb`Rbv c@_@r Kwi`Z c@i@b/ A@ i@L tg@K@i g@ui i@tqi Kic c@Zer`M@Yi wbKU tc@Y Kiv nDK /
