evsj († k mpåj †KU© mB‡KU9e fWl

(†®úkyj AwiÆb"yj RyimWKkub)

ixi vevikb bs 1190/2009

Bb w g Wim Adt

Brvevsjit k mswadbi 102 Aby Q Abynti GKW Aute bcî;

Ges

Bb w g Wi Adt

ebvg

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----- c**#**ev **xW** |

Rbve gbu**R**j †gui‡m`, G`W‡fv‡KU

Rbve gyvdv Rvgvb Bmjvg, ‡WcyU A"UW©†Rbv‡ij

----- c**ü**zev xmiKvi c‡¶|

îbubxt RỷuB 14, 2009 Bs ivq côub t RỷuB 14, 2009 Bs|

Dcw Z t

wePuicuZ Robue G, we,Gg, Luqi'ji nK Ges wePuicuZ Robue taut aaZ fuR Dulib Aunt=§

wePuicwiZ G, we, Gq, Luqi'jj nK t

`ilv [KvinW Aî in touki gubțz Pure Food Ordinance, 1959, Gi Avizva essi tî tki lv` i cuba tfRyi gŷ ivlevi Dţîţk Aî in touki gwl va kviqut0b|

1bs `ilv' [Kuix Human Rights and Peace For Bangladesh GKW te-mikuix AjvfRbk cëlob| GB cëlobW gbewakui msi (1 l t tki bWik Awakui eRuq ivkeui Dtitk' (cb kiv nBqtQ| 2-6 bs `ilv' [KuixW evsjvt' k mpily tkvtUP AbbRxexe,) | wbtRt' i bwik `wqZtevtai Zvobuq evsjvt' tki lv'' | cvbxqtZ we'i×Zv i (1 kwievi mr Dtitk' Zvnviv Ali ixU tgk'i gwU `vtqi kwiqtQb|

`iLut- I eybv Kiv nq th Pure Food Ordinance, 1959, Gi Aul Zuq The National Food Safety Advisory Council butg GKW cwil` Lv` I cubaqtZ wixzv whoz Kwiewi Dtitk' cüqRbaq c`t¶c Nütbi Rb' 'cb KivnBqtQ| thtnZzeZgtb eusiut tk Lv' I cubaq wufboeku iwnqbK Dcv b buvwelv³ nbtztQ tmb tnzz 1 bs`iLv I Kuixi ct¶ Bmi waa G'WttfutKU guidr 1 I 2 bs cezev xw eiveti 28-11-2008 Bs ZwitL Pure Food Ordinance, 1959, Gi Aul Zuq

"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."

Bnv Quov`ilvī (KvixW cieZAZ 01-032009 Zwi‡L njdKZ 1 W Avte`bcî guidr GKW n¤ví‡K iý RvixKvievi cë BvKvitj Aî Av vjz 01-03-2009 Zwi‡L ubgyjvkz iý RvixK‡ib 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."

Zunívov, `ilv Í KuixWct¶ 16-04-2009 Zwitli Avte`bcî i cuitcë||tz Avil GKW mpuik i'j RvixKivng 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 cizev x ct 24-02-2009 Zwith nj dKZ. GKW Gwithfu Bb Ackko whj Kivnq D³ Gwithfu ilut 1 Dì wez welqui mtutk Ko wigz teulb Kivnq bb Zte ey bv Kivnq th, 1959 ntbi Pure Food Ordinance, 1959, Abynti mi Kui Buzgta "GKW Ruzq Lv" cuil `Mb Kwiqu | Kutrb bzb Kwiqv Ruzq Lv" cuil `Mb Kwiqu itkub cünrbaqzv bb eyi qv Gwithfu ey bv Kivnq | Rbue gburj tguitm, `ilv Kix ct i waá Gwhtfutku gtnv q zuni `ilv í Ges ciez rz whj kz zw mtuik Ate betii cäz Augt i `yo Aklip cer whe b ktib th, Gb eusit k GK ngq km-k gj v Ges me chui wix lut "i thi vani eyi qv cwinz wij ukš ngtqi wez b eusit tk GK thi Anr Ges Amaye emapi kej kz nbqv me chui lv", cub i e enuik e tz tfry cünh Ae "nz Mztz pjtzu zunuv ez b maniy gubqi me chui lv" e tz iunqubk Dev b ugukz Kwiqv Gt tki Rbhytk iunqubk welquqi ukkui Kwiqtu A_P, eûc te cüz Pure Food Ordinance, 1959, Gi Aul zubb wufbos t C Nöy mtutk cizev x mikui Ges mikuti wufboe ms (nttub v mb hi mae ab Ges wufbok bt Aul zuq Rbhyti lut "i wix zvi q v kiv zunt i

Dfq c‡¶i e³e" kêb KivnBj |

GB Aby Othew 2 Rook kāwli ewski wekyi msue auto truek Rook auto mutatk@boqzvc ou kiv nbquto | truek Rook ewj tz trans. Rook teusua | GB cottwalk gwadib duik ebug eusjutk 55 w/Gj Avi (003)69 tguki gui iuta, thuto Auguti GKRb D³ iutai tj LK wotjo, wogojentz e³e° cobano thwi 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 meaning 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."

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Aarut tki Dtik Brui cö leyu ey By Kiv nBquto | cö lebuul ubgige t

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

D³ Aa't tk eW2 ÔoodÕBmi 3 awiy ubgyjukZ fyte mÁwyZ KivnBqytQ|

3. In this Ordinance, unless there is anything repugnant in the subject or cont (I)	text,-

(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, acrated 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,

- 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, powered, 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;

Aa' thi 4G ani Al Zuq GKW National Food Safety Advisory Council (KDW) Mb Kivniktii `wqZ D³ KDW mikutk beginz welqejxnputk@ct k cöb Kuteb 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'u tki 4 anini Anizuq mikni mské-Gjukni Rb" Dchý thumzv mtubo Public Analyst of Food ubtquucub kniteb|

Aa'u' tki 41 auivi Aul Zuq cëz''K trjv Ges gmbNix Gjukui Rb'' mikui Pure Food Court "(cb Kwiteb| D³ Av`y'Z mg‡n 41G auivi Aul Zuq tdšr`vix Kuh@un Abynți uePui Kuh@uiPuj Z nBțe| Aa'u' tki 34(2) auivi Aul Zuq mikui Inspector ubţavNicöb Kwiteb|

AZtci, D³ Aa"t tki Avizvq tfRyj Lv" cöz Ges veµq msµvší velqv xtz cöquRbxq c`t¶c Möy Kvitz miKvi AvBbbbytfyte eva"

GqZve (q, wq w LZ w Rvejxc Oub KivnBj t-

- (1) GB ivq I Avi tki Kve cëBi ` B erntii gta" evsj vi tki cëZwi tRjv I gmbNix, vj tZ cëqRbq msLK Public Analyst of Food Ges Inspector white McÖb;
- (2) GB ivq Avî îki Kuc cëBi `B ermtii gia" cëZW îRjvq I gmbNix, yi iz Pure Food Court `(cbl

G mɨdɨK@ÖŋRbag usun cögb Kwieui Rb'il miKui‡K Avneub KivnBj

G cốt½ veÁ AvZvi³ G`UNV® †Rhưtij gṭmì q Avgvi` i ` yó AvK IV Kviqv etj b th, eZgvtb †gveßj †KvUP Kvh@q eÜ veauq G m¤ú‡K@` ṭ¶c Mäy m¤¢ nB‡Z‡Q bv|

weÁ Awzwi³ Aʿwwarbutij Gi Dcṭiv³ e³eʿ mwk bṭn | Lvtʾ ʿ †fryi cöub I weµq kwī [ṭhwi Aciva | cyjk Ges Awbb cṭṇwkwix†h †Kub msˈv Lvtʾ ʿ †fryi cöub I weµq m=witk@AewnZ nBtj G m=#Ü Zwor Awbbubyic` ṭ¶c Mäy Kwitz ewaʿ |

Dowinjuk Zulat Rovinnkuli Ali i juli Lipve wiz titk Gʻvernji DU Kivin Bj | Zite o tizev xuv GB i utq ew 2 ulat Rovi tkub e "L'o c tiqurb gito kuitji Ali Av yjtzulat Rov c o tibo | Ali i xu tquk i qulli i utqi kub c tizev xutvi ulak U to ov kivin DK |
