

**ersj vt`k msjg tKu©  
nBtKu©efm**

(t`ukvj AnuRb`vj RjymWKKvb)

**iU ucwKb bs 324/2009**

Bb w` g`vUvi m Adt

Bnv ersj vt`k msjg tKu© 102 Abt`Q` Abvti GKw Avte`bcT ;

**Ges**

Bb w` g`vUvi Adt

-----`iLv`Kvix|

ebvg

ersj vt`k Ms

----- cZev`mY|

**Rbie gbwRj tgvitm`, G`WtftKU**

-----`iLv`Kvix ct`|

**Rbie g`vUvi Riqv Bmj ug,**

tWcW A`vUwY© tRvtij

----- cZev`xmiKvi ct`|

i bvx t RjvB 14, 2009 Bs

i vq cUvb t RjvB 14, 2009 Bs|

Dcv`Z t

**vePvi cWZ Rbie G, ve,Gg, Lqij nK**

Ges

**vePvi cWZ Rbie tgv ggfvR Dvib Avt`f**

**vePvi cWZ G,ve,Gg, Lqi`j nK t**

`iLv`Kvi mY A` iU tgvKI gUxtZ Pure Food Ordinance, 1959, Gi Avl Zvq ersj vt`tki Lv` I  
cVbxq tFRij g`v i mLevi Df`tk` A` iU tgvKI gUw `vtqi Kwi qvtQb|

1bs `iLv`Kvix Human Rights and Peace For Bangladesh GKw te-miKvix AjvfrBk  
cZv`| GB cZv`vU gvbemaKvi msi`Y I t`tki bVmiK AnaKvi eRvq i mLevi Df`tk` `vcb Kiv  
nBqtQ| 2-6 bs `iLv`Kvi mY ersj vt`k msjg tKu© AvBbRxe,`| vBtR`i bVmiK `vqZ`vtai  
Zvobvq ersj vt`tki Lv` I cVbxqtZ veixZv` i`v Kvi evi mr Df`tk` Zvrviv A` iU tgvKI gUw `vtqi  
Kwi qvtQb|

`iLv`LeYv Kiv nq th Pure Food Ordinance, 1959, Gi Avl Zvq The National Food Safety  
Advisory Council bvtg GKw cWl` Lv` I cVbxqtZ veixZv` vBv` Kvi evi Df`tk` cWvRbxq  
c`f`c Mv`bi Rb` `vcb Kiv nBqtQ| th`nZzeZv`v ersj vt`tki Lv` I cVbxq vevfbecKvi i mViqvBk  
Dcv`v vUv veiv<sup>3</sup> nBtZtQ tmB tnZz 1 bs `iLv`Kvixi ct` Bvvi veA` G`WtftKU gvidr 1 I 2 bs  
cZev`mY eiveti 28-11-2008 Bs ZvitiL Pure Food Ordinance, 1959, Gi Avl Zvq The

National Food Safety Advisory Council *ncb Kwivq t`tk c0B Lv`w`i weixZv ubw0Z Kwievi Rb` GKwU Demand For Justice Notice Rvix Kiv nq (G`v`b. Pri-G) | wKŠ`ZvrvtZ tKvb dtjv`q bv nI qq `iLv`KviMY AĀ ixU tgrKI`gmU `vtqi Kwitj AĀ Av`vj Z evsjv`k msiearibi 102 AbjQ` AbjvĀi 18-01-2009 ZwiĀL c0Zev`MY eiveĀi ubgnj mLZ Rule Nisi Rvix KĀib 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.”

*Bnv Qiov `iLv`KviMY cieZ#Z 01-032009 ZwiĀL nj dKZ 1 wU Avte`bcĀ gvi dr GKwU m`uĀK ij Rvix Kwievi c0`Bv Kwitj AĀ Av`vj Z 01-03-2009 ZwiĀL ubgnj mLZ ij Rvix KĀib 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.”

*ZvrvQiov, `iLv`KviMYcĀĀ 16-04-2009 ZwiĀLi Avte`bcĀi cwiĀc0ĀĀZ Avil GKwU m`uĀK ij Rvix 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 c0Zev`x cĀĀ 24-02-2009 ZwiĀL nj dKZ. GKwU GvdĀWwvU Bb AcwRkvb `wLj Kiv nq | D<sup>3</sup> GvdĀWwvU `iLv`Ā DĀwcz weIqwi m`uĀK<sup>0</sup>Kvb w0gz tcvl b Kiv nq biv Zte eYBv Kiv nq th, 1959 mĀbi Pure Food Ordinance, 1959, AbjvĀi miKvi BwZgĀ` GKwU RvZxq Lv` cwiĀ `Mvb KwivqĀQ | KvĀRB bZb Kwiv qv RvZxq Lv` cwiĀ `Mvb Kwievi tKvb c0hvRbxqZv biv evj qv GvdĀWwvU eYBv Kiv nq | Rbve gbwRj tgrvĀm, `iLv`Kvix cĀĀi weĀ G`wĀfĀfĀKU gtnv`q Zvrvv `iLv`Ā Ges cieZ#Z `wLj KZ. 2wU m`uĀK Avte`bcĀi c0Z Avgt`i `w0 AvKI<sup>0</sup> ceR wĀte`b KĀib th, GB evsjv`k GK mgq km`-k`vgjv Ges me<sup>0</sup>cKvi weix Lv`Āi tMjvavi evj qv cwiĀPZ wQj wKŠ`mgtqi weeZ#b evsjv`tk GK tkYri Amr Ges Amvaye`emvqxi Kej KZ.nBqv me<sup>0</sup>cKvi Lv`Ā, cvbxq l e`enwmiK e`ĀZ tĀRij c0qum Ae`inZ MvZĀZ Pij tĀZĀQ | ZvrvQiov, eZBv mvavi Y gvbĀqi me<sup>0</sup>cKvi Lv`Ā e`ĀZ i vmvqubK Dcv`vb wgnkZ Kwiv qv এদেশের জনগণকে রাসায়নিক বিষক্রিয়ার শিকার করিয়াছে। অথচ, বহুপূর্বে প্রণীত Pure Food Ordinance , 1959, Gi Avl Zvaxb newfbæc`ĀĀC M0Y m`uĀK<sup>0</sup>c0Zev`x miKvi Ges miKvĀi newfbæms`v m`uĀb<sup>0</sup> D`vmbx hv`l msiearib Ges newfbæAvBĀbi Avl Zvq RbMĀYi Lv`Āi weixZv iĀĀv Kiv ZvrvĀi misiearibK*

Ges AvBbvM `wqZj I KZ`| wZub Avil wte`b Ktib th, cUzev`x miKviti msukw wefVM I ms`v Gt`tki RbMtiYi cU Ges ml` i qv Kwi evi msweambK cUzkij i qv Kwi tZ m`cY`e` nBqvQb| wZub Avil etj b th, weaex fite Pure Food Ordinance , 1959, Gi Avl Zvq evsj vt`tki cUzuU trjvq cUqvRbxq mSL`K Public analyst wbtqM, tFRvj Lv` m`jxq Aciva wePti i Rb` Av`ij Z `vcb Ges আদালতে মামলা সংক্রান্ত- কার্যক্রম আরম্ভ, এবং অধ্যাদেশ এর আওতায় প্রয়োজনীয় সংখ্যক পরিদর্শক নিয়োগের Rb` wbt`k cU`v Ktib| cU DEti Rbve Gg, GbtqZy inxg, AwZwi`3 AvUvYtRbvij, `iLv`Kvixi c`qj Dl`wcz AvfthM A`Kvi Kwi tZ cvtib bvB| Zvrviv Pure Food Ordinance, 1959, GB AvBtbi Avl Zvq th mg`lc`t`qj MhY Kiv miKviti `wqZj wQj Zvrviv A`Kvi Kwi tZ cvtib bvB| Zte Zvrviv Pure Food Ordinance, 1959, Gi Avl Zvq cUqvRbxq c`t`qj MhY Kwi evi Rb` 1(GK) ermi mgq cU`v Ktib|

Dfq c`qi e`3e` keb Kiv nBj | msweavb evsj vt`tki mteP AvBb| GB AvBb evsj vt`tki mKj RbMtiYi tg`uj K AwKvi msi qY Kti | GB AvBtbi 32 AbtjQ` evsj vt`tki RbMtiYi Rxb I e`w`3 `vxbZvi i qvKeP| 32 AbtjQ` wbgj`c t 32| AvBbvbyqx e`ZxZ Rxb I e`w`3 `vxbZv nBtZ tKvb e`w`3 tK ew`AZ Kiv hvBte bv| GB AbtjQ` e`w`Z Rxb k`iwi e`w`B wekij | msweavb `rfweK Rxb avib m`utK`w`b`o`qZv cUvb Kiv nBqvQ| `rfweK Rxb evj tZ `r` m`Z Rxb tevSvq| GB c`ht`Wt g`w`Dwi`b dvi`k` ebvg evsj vt`k 55 wWgj Avl (003)69 tguK`gvi ivtq, thLvfb Avgt`i GKRb D`3 ivtqi tjLK wQtb, wbgj wLZ e`3e` cU`v`b`thM` 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."

mZivis msweavb evsj vt`tki mKj RbMtiYi mY` `rfweK Rxb hvcb Kwi evi w`o`qZv weavb Kwi qvQ| evsj vt`k miKvi msweavb cU`E `rfweK mY` Rxb hvcb cUzeUKZv m`w`Kvix th tKvb c`t`qj `hrfZ Kwi tZ msweambK fite eva`| Bnv ej vi At`qv ivtLbv th, th tKvb RvMZ tMvxi mY`Zv w`f`P Kti wei`x Lv` mieivt`ni Dc`i| wei`x Lv` MhY e`w`Zti`K tKn mY`fite ew`Pqv `w`KtZ ( Survive ) c`ti bv| mY` I `r` m`Z Rxb hvcb e`w`3MZ I ivtq ch`q mKj t`q`TB mvd`j`i P`v`x KwM| Bnv e`w`Zti`K Dbw`Zi me`c`Kvi cU`PovB e`nBte| t`tki RbMb AmY` `w`Ktj ivt`f tKvb cwiK`i`briB AMw`Z nBtZ c`ti bv| GB mKj Kvi`b RbMti mY`t`i cU`Z`v`v`Kib c`v`b` cvBeri thM`| KviY 32 AbtjQ` e`3 Rxb Gi mY`Zv e`w`Zti`K cU`RvZt`j mKj Dbqb cU`PovB m`v`b`w`edj nBte| AZGe, msweavb e`w`Z Dc`i`3 D`t`k` c`i`Y K`f`i` wei`x Lv` mieivn w`v`o`Z Kib AwZ Ri` ix| এই সংক্রান্ত পদক্ষেপ Pure Food Ordinance, 1959, & ( Ordinance No. LXVII of 1959) (Aa`k) G eY`v Kiv nBqvQ wK`S`i



Aa'it`tki 4 avia'র আওতায় সরকার সংশ্লিষ্ট এলাকার জন্য উপযুক্ত যোগ্যতা সম্পন্ন Public Analyst of Food ঠতqM c'vb Kwi'teb/

Aa'it`tki 41 avivi Avl Zvq c'Z`K tRjv Ges gnvbMix Gj vKvi Rb` mi Kvi Pure Food Court `lcb Kwi'teb/ D³ Av`vj Z mg#n 41G avivi Avl Zvq tdsR`vix Kvh'ewa Abgn'ti wePvi Kih`Cwi Pvi'j Z nB'te/

Aa'it`tki 34(2) avivi Avl Zvq mi Kvi Inspector ঠতqM c'vb Kwi'teb/

অতঃপর, উক্ত অধ্যাদেশের আওতায় ভেজাল খাদ্য প্রস্তুত এবং বিক্রয় সংক্রান্ত বিষয়াদীতে প্রয়োজনীয় পদক্ষেপ গ্রহণ Kwi'tZ mi Kvi AvBbv'jM'f'ite eva`/

GgZve`iq, ঠbg'ij mLZ ঠb't`Rvej'x c'vb Kiv nBj t-

(1) GB ivq l Av't`tki Kwc c'bi `B'erm'tii g'ta` evsj'it`tki c'Ziu tRjv l gnvbMix, ij'tZ c'q'Rbxq msLK Public Analyst of Food Ges Inspector ঠতqM c'vb;

(2) GB ivq Av't`tki Kwc c'bi `B'erm'tii g'ta` c'Ziu tRjvq l gnvbMix, ij'tZ Pure Food Court `lcb/

G m'ut`K`C'q'Rbxq we'wa c'Yqb Kwi'evi Rb`l mi Kvi'tK Avne'vb Kiv nBj /

G c'ht`½ we'Á AwZwi³ G'vUwY® tRb'it'ij g'trv`q Avg'it`i `w'ó AvKI'P Kwi'qv et'j b th, eZ'g'it'b t'g've'vBj কোর্টেও কার্যক্রম বন্ধ বিধায় এ সম্পর্কে পদক্ষেপ গ্রহণ সম্ভব হইতেছে না।

we'Á AwZwi³ A'vUwY® tRb'it'ij 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'ut`U Z'w'or AvBbv'jM c`'t'c M'h'Y Kwi'tZ eva`/

Dcwi'ij mLZ ঠb't`Rbv mnK'it'i A'Í i'j'u'LiPr e'v'iz'ti'tK G've'mij DU Kiv nBj / Z'te c'Zev`m'Y GB iv'tq ev'v'Z ঠb't`Rbvi t'K'vb e'v'l`v c'q'Rb g'tb Kwi'tj A'Í Av'vj'tZ ঠb't`Rbv c'lv'v' Kwi'tZ cv't'ib/ A'Í ixU t'g'v'K'ig'm'U i'v'tqi Kwc c'Zev`m'Yi ঠb'KU t'c'Y Kiv nDK/

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