

# RIGHTS Corner





# Food safety situation and food laws in Bangladesh

QUAZI FARUQUE & K RAHMAN SAJAL

OOD safety is an increasingly important public health issue. Governments all over the world are intensifying their efforts to improve food safety. These efforts are in response to an increasing number of food safety problems and rising consumer concerns. The emergence of food safety as a public health issue can be understood from the increasing urbanisation, which leads to great requirements for transport, storage and preparation of food. Increasing wealth, urban lifestyle, and some-times lack of facilities make people eat much of their food away from home in Bangladesh: for instance, food is often prepared by street vendors which are not hygienic and certified as safe food. And also it is very difficult to keep control over it. This situation challenges safe food production and distribution, failure of which is likely to cause widespread repercussions on health and economy of the nation.

#### Food situation in Bangladesh

Foods are often contaminated, adulterated by traders resulting in illness and unsound health of the consumers. In Bangladesh situation of safe food is not

If we give a look at the under mentioned table we can understand the worst condition of our food safety.

Yearly food samples tested at Public Health Laboratory from 1997-

Year	Samples tested	Satisfactory Samples	Adulterated Samples	% of Satisfactory samples	% of Adulterated samples
1997	5785	2791	2994	48.24	51.75
1998	5554	2722	2832	49	51
1999	5003	2814	2189	56.24	43.76
2000	4582	2199	2383	47.99	52.01
Vearly water samples tested from 1997-2000 (Water hacteriology)					

Year	Total no. of Samples tested	Satisfactory Samples	Total no. of Adulterated Samples	Satisfactory samples	samples
1997	424	340	84	80.19	19.81
1998	490	367	123	74.90	25.10
1999	439	366	73	83.37	16.63
2000	421	363	58	86.22	13.78

#### Yearly water samples tested from 1997-2000 (Water Chemicals)

Year	Total no. of Samples tested	Total no. of Satisfactory Samples		% of Satisfactory samples	%of Adulterated samples
1997	337	200	137	59.34	40.66
1998	302	169	133	55.96	44.04
1999	221	188	33	85.07	14.93
2000	198	179	19	90.40	9.60

Source: Publication on National Seminar on Food Safety in 2001 by Public Health Laboratory of Institute of Public Health.

#### Food testing facilities in Bangladesh

Virtually at present we don't have sufficient data on safe food in Bangladesh Because we are lacking facilities for collection of samples due to scarcity of trained manpower, adequate laboratory facilities and enough funds. The government affiliated food and water laboratory in Bangladesh is Public Health Laboratory situated in Institute of Public Health (IPH). This laboratory is being run with old infrastructure and equipment. So, the implementation of standards of testing according to the WHO/FAO/CODEX system are practi-

READER'S queries ?

Your advocate is Mr. Probir Neogi of the Supreme Court of

Bangladesh. His professional interests include civil law, constitutional

law and banking law. Send your legal and human rights queries to the

Law Desk, The Daily Star. A panel of lawyers will address your prob-

Q: I work in Italy. My wife stays in Dhaka with other members of my

family. I send money regularly to her bank account for her maintenance. Our house in Dhaka is an old one. I want to reconstruct it.

Apart from the money I send to my wife for maintenance, I want to

send money which will only be used for reconstruction of the house.

want to send the money in installment. I would like to know the legal

opportunities (executing power-of-attorney or making any deed of

agreement etc.) that I can take to make an arrangement to this effect.

Your Advocate: It is not clear from your letter what kind of recon-

struction and through whom you intend to do. It is also not clear

whether you are the sole owner of the house in question. If your

intended reconstruction requires structural change of the existing

building, sanction under the Building Construction Act, approval of

plan by RAJUK and clearance from Department of Environment

(DoE) will be required. To obtain these sanction, approval and clear-

ance by somebody else on your behalf (if you are the sole owner of

the house), you have to execute a power-of-attorney empowering

that person to that effect. You can execute this power-of-attorney in

Italy duly authenticated by the concerned officer of Bangladesh

Embassy there. If you consider it necessary that the money which will

be sent to your wife in excess of the usual amount regularly sent for

her maintenance will be utilised in full exclusively for the purpose of

reconstruction of the house, you can enter into an agreement with her

Your Advocate

cally impossible with all these old machines, manpower (with inadequate training and number) and financial support. Food commodities which are sold in the market are being tested in another government laboratory of Bangladesh Standards and Testing Institute (BSTI). Besides these, some times Bangladesh Council for Scientific and Industrial Research (BCSIR) Institute of Nutrition and Food Science of Dhaka University Conduct tests by collecting samples from the open market. But it is not sufficient. Gradually the condition of food adulteration is increasing. Even the baby food or bottled water is not safe from the hand of the unethical attitude of the traders.

#### Arsenic creeps into food chain!

One great problem has recently been identified in our food stuffs i.e. arsenic contamination. Our food chain is getting arsenic contaminated dangerously from nature. Recently Arsenic contamination is found not only in the water of tubewells but also in various crops and vegetables. When a crop is irrigated with arsenic contaminated water, there is evidence of arsenic entering into

A study has jointly been conducted by the department of Soil, Water and Environment of Dhaka University and the Commonwealth Scientific & Industrial Research Organization (SCRIO) and have detected presence of significant amount of arsenic transferred from ground water to crops. If we look at the under mentioned table, we will be able to understand the grave situation of the arsenic contamination in crops and vegetables

Table showing arsenic concentration in various crops and vegetables cultivated in the affected areas (samples were collected in 1999 &

Name of the crops		Concentration	Maximum allowable
Maximum allow	able		
& vegetables	limit of arsenic		imit of arsenic for human consumption
Arum	15.97 to 19.78 mg/kg		
Bean	5.1 mg/kg	Bangladesh has not	The maximum
Gourd leaf	20.10 mg/kg	yet fixed up the	allowable limit of
Onion	93.30 mg/kg	maximum allowable	consumption of
Tomato	7.20 mg/kg	limit of arsenic in	arsenic through food
Papaya	0.83 to 1.10 mg/kg	crops. But in Australia	0.20 mg/day/person.
Wheat	1.00 mg/kg	by a person is	
Rice	5.30 mg/kg	this limit is fixed at 0.50 mg/kg.	

Source: The Daily Star, June 6, 2002.

In the same study the researchers also found that food cooked with arsenic contaminated tubewell water contains high level of arsenic.

It is also found that paddy straw, grass of arsenic affected areas are accumulating a substantial amount of arsenic from soil which are the main source of fodder. By this way the domestic animals which are our main source of meat and milk are getting arsenic contaminated. Consumption of meat and milk of the arsenic contaminated animals would cause transfer of arsenic into human body.

We know that diseases caused by arsenic accumulation are irreversible. But it can be kept static by intaking antioxidant, protein and vitamin rich food. As vegetables are the main sources of our vitamins, doctors prescribe the arsenic affected patients to take vegetables. But the patients are eating those arsenic contaminated vegetables without knowing that the are getting more contaminated. Apparently, by looking at the plants one can not understand whether those are arsenic contaminated or not.

However, there is a wide variety of crops in those affected areas which do not accumulate arsenic from soil. The study showed that potato, bitter gourd, brinjal, snake gourd, ladies finger, sweet potato, turmeric, ginger,

green chili are safe as presence of arsenic in them is insignificant and do not pose any threat. So, there is nothing alarming or to be panicked. What we need is just to be aware of the situation and bring appropriate changes in cultivation pattern and food habit as precautionary measures.

#### Some considerable recommendations

From the above story it is found that arsenic problem is a great problem in Bangladesh at the moment and day by day the situation is going worse. If preventive measures are not taken in time, public health of the country will be at stake. Therefore, the following recommendations are the worth taking

- Scientists, researchers, consumers, NGOs, donours should come forward with integrated efforts to formulate a strategic plan to solve the
- . A national policy should be formulated to face the arsenic problem. Irrigating with surface water should be encouraged.
- Alternative sources of water (rainwater etc.) have to be utilised for
- irrigation. On the basis of research a new "arsenic free agriculture" system should
- be introduced. Consumers should be sufficiently educated regarding the adverse effect
- Awareness should be built up among the consumers to select and purchase the safe food from open market.

### The food laws in Bangladesh

The Constitution of the People's Republic of Bangladesh has attributed importance on the nutrition status of people and basic principles and measures for protecting consumers from products, processes and services which can endanger their health and safety. This constitutional safeguard is strengthened through enactment of related laws and regulations to make consumption proper and appropriate. But the existing laws are too weak to cope with the declined food quality situation in Bangladesh.

- The laws and ordinances are:
- 1. Bangladesh Pure Food Ordinance, 1959.
- Bangladesh Pure Food Rules, 1967. 3. Essential Commodities Act, 1978.
- 4. Bangladesh Standards and Testing Ordinance, 1984.
- 5. Special Powers Act, 1974. 6. Meat Act.

Bangladesh has no 'food Safety Policy" as yet but a National Plan of Action for Nutrition (NPAN) that contains food safety issue and number of rules and regulations is in place to keep control over food production and sale to ensure safe food for human consumption. MoH & FW, MoLGRD, MoC. MoI and MoHA are authorised ministries in this respect

These acts and ordinances stated above are not up to the mark as the situation has been changed a lot. The food safety laws were prepared a long way back on the basis of the situation of that time. But the time has changed and it requires the laws to be updated. We feel these laws should rather be enacted afresh. So. the Consumers Association of Bangladesh (CAB) since long had been demanding for a new package law as Consumers Protection Act and it was prepared in 1995. This is likely to be passed soon in the parliament. After promulgation of the laws people will be able to know their rights and responsibilities and unscrupulous business community and others will abstain from all sorts of misdeeds. In case of any violation of the rules which endanger the public health, the accused will have to face the consequences the law prescribes which is yet to be legislated.

Quazi Faruque & K Rahman Sajal work for Consumer Association of Bangladesh (CAB).

# Child rights violation beyond control

Crimes against children are increasing alarmingly. Crimes like rape, killing, acid throwing against the children are taking place at random. According to the survey of the Shishu Adhikar Forum during the month of September 2001 to August 2002, about 578 children were killed, 486 were abducted, 565 were subjected to rape and 771 were missing. The children also fell victim to dowry. The survey said that social degradation, unemployment and rampant showing of cinema relating to violence are behind these heinous crimes. Against the backdrop of furious violation of child rights the concerned authority does not take any visible initiatives to combat the crimes as well as the criminals. -Law Desk

### Banking laws to be amended

The government plans to amend three banking laws in order to strengthen the functions of the Bangladesh Bank. The laws are Bangladesh Order, Bank Companies Act and Bangladesh Bank Nationalisation Presidential Order. The Ministry of Finance is reportedly working on amendments of the three major laws, which regulate the functions of the central bank. The amendment will make the functioning of the central bank stronger. -BSS

#### Custodial cell overcrowded

The custodial cell of the Dhaka Metropolitan Magistrate Court has become overcrowded. There are only 5 rooms in the cell, which can accommodate 130 to 150 persons whereas 1200 to 1500 inmates are now accommodated there. The inmates who stay there feel suffocated and develop various diseases. Sometimes they become so sick that shifting to hospital becomes necessary. The situation worsens in the months of March to September when power disruption becomes frequent. The damp weather also adds to their sufferings. Many of the prisoners fell seriously sick in this over crowded custodial cell due to intolerable heat. Despite repeated request the concerned authority has not taken any visible initiatives so far to improve the situation. -News Today, 5

### ADB suggests amendment to **Privatisation Act, 2000**

In order to establish appropriate legal framework for expediting the privatisation process of state owned enterprises the Asian Development Bank (ADB) has suggested amendment of the Privatisation Act, 2000. Although adoption of the Act is a step forward, there is significant deficiency in the law that has led to slow pace and virtually no divestment of the state owned enterprises. The suggested amendment of the law includes forbidding any litigation of a privatisation candidate during the divestment process, down sizing of privatisation commission board members to 5 from 17 and appointment of professionals on fixed term contract from the private sector. -The Financial Express, 05 September.

### Thousands of cases waiting for disposal

About 10 thousands cases are waiting for disposal in the different courts of Jessore district due to lack of judges in the court. The local Bar Association attracted notice of the government for several times but no initiatives were taken to solve this problem. There are 10 Assistant Judge Courts in Jessore district of them three in the Sadar thana. But seven posts of assistant judges have been vacant for a long time resulting in delay in disposal of cases. The people of this district are suffering a lot for such delay in disposal of cases. -Daily Janakantha, 03 September.

# Date expired noodles sold in open market

Time expired noodles named "Testy" is being sold in the market of Chittagong Port City without any hindrance from the concerned authority. The product was marketed by an unidentified company named "Korea-Bangladesh Food Products". The packet of the product does not contain any date of production while it contains expiry date as 15th May. Moreover, there is no mark of the BSTI seal in the packet. The local consumers suffered from various diseases after consuming the outdated noodles. -Daily Sangbad, 01 September.

# Fate of two bills uncertain

The fate of the two bills relating to the reserved women seats in the parliament and the separation of judiciary from executive are uncertain as they will not be placed in the current session of the parliament. The autumn session of the parliament resumed on 12 September, -UNB, 9 September,

### **Government plans to amend Bar** Council Act

The Ministry of Law and Parliamentary Affairs plans to bring some changes in some provisions of the Bar Council Act, 1972. The Act contemplates provisions for enrolment certificates for the lawyers, control of the professional behaviour, discipline and qualification of the lawyers. The proposed changes which are identical includes increasing the number of the member of the bar council, direct election for the post of vicepresident, nomination of judges and academicians to the enrolment committee along with elected council members. Under the existing law, the council comprises 15 members. The Attorney General is ex-officio president of the committee. Seven national and zonal members are elected by the lawyers across the country. The national and zonal members elect a vice president from the I4 elected members. The suggestion includes election of zonal representatives by the zonal lawyers of the bar council. The suggestion also includes increasing functional power of the president. -News Today, 9 September.

# Judge feels embarrassed to hear writs of

One of the two Justices of the vacation bench comprised Justice M.A.Matin and Justice S.K. Sinha, of the High Court Division of the Supreme Court feels embarrassed to hear two writ petitions filed by the Ekushey television. The ETV Limited has filed two separate writ petitions challenging the closure of its transmission and seizure of its transmission equipment. Earlier Justice Nazmun Ara Sultana, members of another vacation bench also expressed embarrassment to hear the petitions. The bench forwarded the matter to the Chief Justice after Justice S.K. Sinha expressed embarrassment to continue hearing. - Prothom Alo, 12

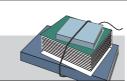
# Advocacy for reform in labour laws

The speakers in a seminar suggested that the labour laws should be amended, as it is very complicated and backdated. The seminar named " Review of Labour law" organized by the Bangladesh Institute of Labour Studies (BILS) was held in the CIRDAP auditorium. Trade union leaders, Labour Court lawyers, NGO workers and human rights activists had taken part in the seminar. The speakers called for updating the labour laws for the benefit of the workers and rapid industrialisation of the country. They also suggested incorporation of some provisions in labour laws for better protection of the rights of the worker. They also indicated that the laws should be simple so that the workers can file suit without appointing lawyers. Some lawyers called for the extension of maternity leave for 16 week. They advocated also that the labour court should be placed under the Supreme Court instead of the Ministry of labour and Industry. -Daily Star, 12 September.

# Regional law enforcing body will be set up

Regional law enforcing body will be set up in order to combat terrorism and prevent drug trafficking in the SAARC region. The decision came on a meeting of the third South Asian Association for Regional Cooperation (SAARC) conference of police officials in Katmandu on 30 August. As the activities of the INTERPOL, consists of 179 member, in controlling crimes in the region is expensive and time consuming a regional police body for South Asia felt necessary. It was also decided in the meeting to take up the recommendations for the regional police body to the SAARC Standing Committee, which will be submitted to the 12th SAARC summit for ratification. The participants also in principle agreed to establish an organization for South Asian Professionals against Trafficking of Humans (SAPATH). They also agreed to establish a SAARC organized Crime Monitoring Desk -The Bangladesh Observer, 01 September

# LAW lexicon



Evidence means every type of proof legally presented at trial (allowed by the judge) which is intended to convince the judge of alleged facts material to the case. Evidence can be oral or documentary. Oral evidence, as defined in section 3 of the Evidence Act, means all statements which the court permits or requires to be made before it by witnesses, in relation to matters of fact under inquiry; documentary evidence, according to the same section, cuments produced for the inspection of the Court. Evidence also includes "circumstantial evidence" which is intended to create belief by showing surrounding circumstances which logically lead to a conclusion of fact. Comments and arguments by the lawyers, statements by the judge and answers to questions which the judge has ruled objectionable are not evidence. Evidence must survive objections of opposing lawyers that it is

#### **Examination-in-chief, Cross-examination** & Re-examination

Examination-in-chief means the examination of a witness by the party who calls him. Cross-examination means the examination of a witness by the adverse party. The examination of a witness, subsequent to the crossexamination by the party who called him is re-examination (Section 137 of the Evidence Act). One is allowed considerably more latitude in crossexamination than in examination-in-chief or re-examination. For example, a party is not allowed to ask leading questions in examination-in-chief but he

# Leading question

According to section 141 of the Evidence Act leading question means any question suggesting the answer which the person putting it wishes or expects to receive. "What was the accused wearing?" is not a leading question, as it does not suggest any particular answer. But "Was the accused wearing a red cap?" is a leading question as the question suggests a particular answer ("Yes, he was wearing a red cap."). As per section 142 of the Evidence Act leading questions can not be asked in examination-in-chief or in re-examination except with the permission of the court. However, there is no bar to ask leading question in cross-examination.

# Witness

Witness means person who comes to court and swears under oath to give truthful evidence. A witness is one who, being sworn or affirmed, according to law, deposes as to his knowledge of facts in issue between the parties in a

# Deposition & Testimony

Deposition is the official statement by a witness taken in writing. Affidavits are the most common kind of depositions. Testimony is the verbal presentation of a witness in a judicial proceeding.

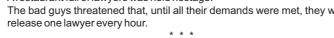
Source: law.com Law Dictionary.



LAW quotation

"There is but one law for all, namely that law which governs all law, the law of our Creator, the law of humanity, justice, and equitythe law of nature and of nations."

oblige yourself to prove what you can not." Abraham Lincoln (18091865), U.S. president.



hit the car in front of him. The lawyer got out of his car, walked over to the The driver looked out his window and said, "No, you're in trouble. I'm a Aboxing referee doesn't get paid extra for a longer fight.

It seems that a lawyer had a little bit too much to drink and on his way home

# Corresponding Law Desk

Please send your mails, queries, and opinions to: post -Law Desk, The Daily Star, 19 Karwan Bazar, Dhaka-1215; telephone 8124944, 8124955, 8124966; fax 8125155, 8126154; email dslawdesk@yahoo.co.uk; interactive email lawdesk20@hotmail.com

Edmund Burke (17291797), Irish philosopher, statesman.

"In law it is a good policy to never plead what you need not, lest you

'The profession I chose was politics; the profession I entered was the law. I entered the one because I thought it would lead to the

Woodrow Wilson (18561924), U.S. president.



The bad guys threatened that, until all their demands were met, they would

driver of the other car and said, "Boy, are you in trouble. I'm a lawyer!" judge." What's the difference between a lawyer and a boxing referee?

#### stipulating therein conditions to that effect. Q: My brother wants to disconnect legal relation with our family. If it is done, will he get any property of my parents? By which Act the matter will be determined and what will be the rights of my elder brother after separating legal relation? Sudipto Shahin,

319, Mujib Hall, Islamic University.

Please advise.

**Jakir Hossain** 

Rome, Italy.

ship between a father and a son/daughter in the Muslim law as there is no recognition of adoption in the same law. Paternity is a legal relation between father and child and maternity is a legal relation between mother and child. And these existing paternity and maternity continue to exist independent of your brother's and/or his parents' will. So, your brother will inherit his parents' property according to

Your Advocate: There is no legal scope for disconnecting relation-

# Quota system should be abolished Quota system was introduced in the recruitment of government ser-

LAW letter

vices after independence with a view to elevate the retarded sectors of the society. It was hoped that this system would be abolished after a certain period. But it is still existing. It is fact that 65% posts of the government services have been allotted for various quotas such as district quota, women quota, freedom fighters' quota & tribal quota. The quota system acts as a great bar for the meritorious students to compete for the post. If so, where the meritorious students will go? It is really very unfortunate to keep the meritorious students unemployed. Present quota system has caused serious obstacles in recruiting the deserving candidates in the civil service. It has weakened the standard of the civil service tremendously causing an administrative snag. In this regard PARC recommendation regarding abolition of quota system in government services is praiseworthy. The PARC report said, " The region



based or other quotas are contrary to the spirit of constitution and also making the government employment system complicated." Public Service Commission's annual report also advocated for abolition of the quota system in government services repeatedly. But all these recommendations remained unheeded by the ruling echelon of the country. The Government should cancel quota system to ensure free access of meritorious students to civil service which is very much essential for the better interest of the country.

M.H Bari