



RIGHTS corner

LAW week



Food safety situation and food laws in Bangladesh

QUAZI FARUQUE & K RAHMAN SAJAL

FOOD 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.

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 satisfactory.

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 1997-2002

Table with 6 columns: Year, Total no. of Samples tested, Total no. of Satisfactory Samples, Total no. of Adulterated Samples, % of Satisfactory samples, % of Adulterated samples. Data for years 1997-2000.

Yearly water samples tested from 1997-2000 (Water bacteriology)

Table with 6 columns: Year, Total no. of Samples tested, Total no. of Satisfactory Samples, Total no. of Adulterated Samples, % of Satisfactory samples, % of Adulterated samples. Data for years 1997-2000.

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

Table with 6 columns: Year, Total no. of Samples tested, Total no. of Satisfactory Samples, Total no. of Adulterated Samples, % of Satisfactory samples, % of Adulterated samples. Data for years 1997-2000.

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.

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).

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.

A study has jointly been conducted by the department of Soil, Water and Environment of Dhaka University and the Commonwealth Scientific & Industrial Research Organization (CSIRO) and have detected presence of significant amount of arsenic transferred from ground water to crops.

Table showing arsenic concentration in various crops and vegetables cultivated in the affected areas (samples were collected in 1999 & 2000)

Table with 4 columns: Name of the crops, Concentration, Maximum allowable, and another column. Lists crops like Arum, Bean, and Rice with their arsenic concentrations.

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.

We know that diseases caused by arsenic accumulation are irreversible. But it can be kept static by taking antioxidant, protein and vitamin rich food. As vegetables are the main sources of our vitamins, doctors prescribe the arsenic affected patients to take vegetables.

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 melon, 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.

Scientists, researchers, consumers, NGOs, donors should come forward with integrated efforts to formulate a strategic plan to solve the problem.

Anational 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 of arsenic.

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.

The laws and ordinances are:

- 1. Bangladesh Pure Food Ordinance, 1959.
2. 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.

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.

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.

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

READER'S queries

Your Advocate



Your advocate is Mr. Probrir Neogi of the Supreme Court of Bangladesh. His professional interests include civil law, constitutional law and banking law.

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.

Jakir Hossain
Rome, Italy.

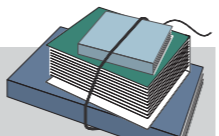
Your Advocate: It is not clear from your letter what kind of reconstruction and through whom you intend to do. It is also not clear whether you are the sole owner of the house in question.

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,
Kushtia.

Your Advocate: There is no legal scope for disconnecting relationship between a father and a son/daughter in the Muslim law as there is no recognition of adoption in the same law.

LAW lexicon



Evidence

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.

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.

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.

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 case.

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 equity, the law of nature and of nations." Edmund Burke (1729-1797), Irish philosopher, statesman.

"In law it is a good policy to never plead what you need not, lest you oblige yourself to prove what you can not." Abraham Lincoln (1809-1865), U.S. president.

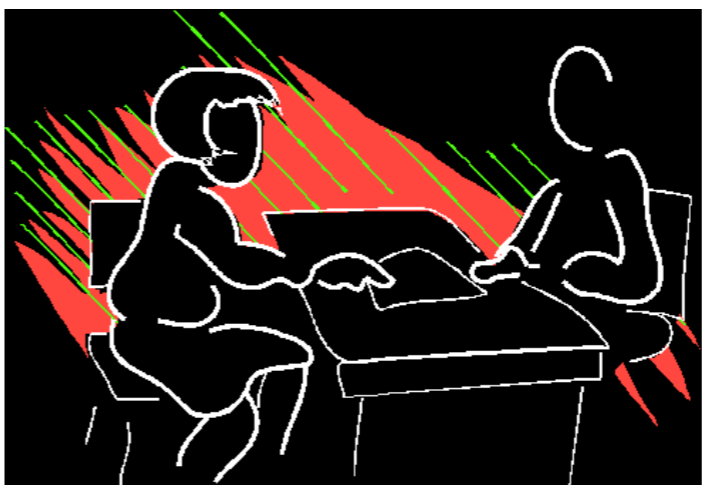
"The profession I chose was politics; the profession I entered was the law. I entered the one because I thought it would lead to the other." Woodrow Wilson (1856-1924), U.S. president.

LAW letter



Quota system should be abolished

Quota system was introduced in the recruitment of government services 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.



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.

M.H Bari
Khulna.

LAWSCAPE



A restaurant full of lawyers was held hostage. The bad guys threatened that, until all their demands were met, they would release one lawyer every hour.

It seems that a lawyer had a little bit too much to drink and on his way home hit the car in front of him. The lawyer got out of his car, walked over to the driver of the other car and said, "Boy, are you in trouble. I'm a lawyer!"

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

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.

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.

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.

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.

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.

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".

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.

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.

Judge feels embarrassed to hear writs of ETV

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.

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 CIRDP auditorium.

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.