



Star **LAW** review



Objectives and significance of the Pure Food Ordinance 1959

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PURE Food Ordinance 1959 was promulgated to ensure food safety throughout Bangladesh. It is the main food law of the country. The purpose and objectives of Pure Food Ordinance 1959 are as follows:

To control the manufacture and sale of food which are for human consumption

The Ordinance prohibits the sale of food not of proper nature, substance or quality.

Section-6 (1) provides, no person shall directly or indirectly and whether by himself or by any other person acting on his behalf:

(a) Manufacture or sell any food which is adulterated, or

(b) Sell to the prejudice of the purchaser any article of food, which is not of the nature, substance or quality demanded, by the purchaser.

Section-6A prohibits the sale or use of poisonous or dangerous chemicals and intoxicated food colour.

No person shall directly or indirectly and whether by himself or by any other Person acting on his behalf-

(a) Use any poisonous or dangerous chemicals or ingredients or additives or substances like calcium carbide, formalin, pesticides (DDT), PCBs oil etc, or intoxicated food colour or flavouring matter in any food which may cause injury to human body.

Section-7 Prohibits the manufacture or sale of food not of proper standard or purity.

Section-18 Prohibits the use of false labels.

To establish pure food court to enforce and interpret the provisions of this ordinance

Section-41 provides for the establishment of Pure Food Court. The government may establish as many food courts, as it deemed necessary in each district and in metropolitan areas. The purpose for establishment of food court is to provide better enforcement and to give better effect of the food laws which are provided in the Pure Food Ordinance 1959.



To establish national food safety advisory council to advise the government and to administer food laws throughout the country

The National Food Safety Advisory Council is an executive and advisory body.

Section-4A provides for the establishment of National Food Safety Advisory Council. Its main functions are as follows:

- To advise regarding overall food safety in Bangladesh
- To recommend for proper implementation of this Ordinance
- To give guidelines regarding the standard and quality control of food with a view to ensure their purity, safety and proper nutritional value
- To advise regarding technical matters arising out of the administration of this Ordinance
- To guide regarding the development of

man-power service and facilities required for ensuring safety, quality and purity of food for human consumption

- To propose about the policies and strategies related to food safety and quality control

The Pure Food Ordinance 1959 is the most important and central food law of Bangladesh. It is in the apex of all other food laws. It is one of the most important among the consumer-oriented laws. The Pure Food Ordinance 1959 has a great significance. It is trying to provide and ensure pure and wholesome food for all citizens of Bangladesh.

The Pure Food Ordinance 1959 should be more effective. In order to be more effective, it should have the following amendments:

(1) Sodium cyclamate should be banned in section-6A and in section-44. It should be banned in section-6A in clause (a) and (b) and in the table of section-44, in column-2 of section -6A. The word sodium cyclamate

should be added after the word 'formalin' and 'coma' and after the word 'sodium cyclamate' a coma should be inserted.

(2) Director General of Food should be included as member of the National Food Safety and Advisory Council under section-44A (1). In section-44A (1) after the letter 'K' and before the letter 'L' 'KK' should be added where the Director General of Food should be placed.

The Pure Food Ordinance 1959 should be modernized and upgraded. In order to be modern and upgraded law it should accommodate the international standards and guidelines like CAC and HACCP.

CAC (Codex Alimentarius Commission) is an international body. It was established by FAO in 1961 by the CAC (Codex Alimentarius Commission) Act 1961. Codex standard and guidelines ensure that food product must not be harmful to the consumer and can be traded safely between the member countries. CAC standard ensure food safety and hygiene control at all steps of food productions and transactions. CAC principles follow the monitoring of entire food chain i.e. from primary production to final consumer.

So the Pure Food Ordinance 1959, by adopting the principles and guidelines of CAC, can ensure food safety and hygiene control at all steps of food productions and transactions. It will be able to ensure food safety from farm to dining table.

HACCP (Hazard Analysis and Critical Control Points) is a tool to measure hazards and establish control systems and preventive measures from preliminary level to final level of production of a food-processing centre. The Pure Food Ordinance 1959, should also adopt the guidelines of HACCP in food hygiene.

The Pure Food Ordinance 1959 is the most important among the food laws of Bangladesh. So, after going through necessary amendments and by adopting the international standards like CAC and HACCP, it can become an ideal and effective food code of the country.

The writer is an Advocate of the Supreme Court of Bangladesh.

RIGHTS corner

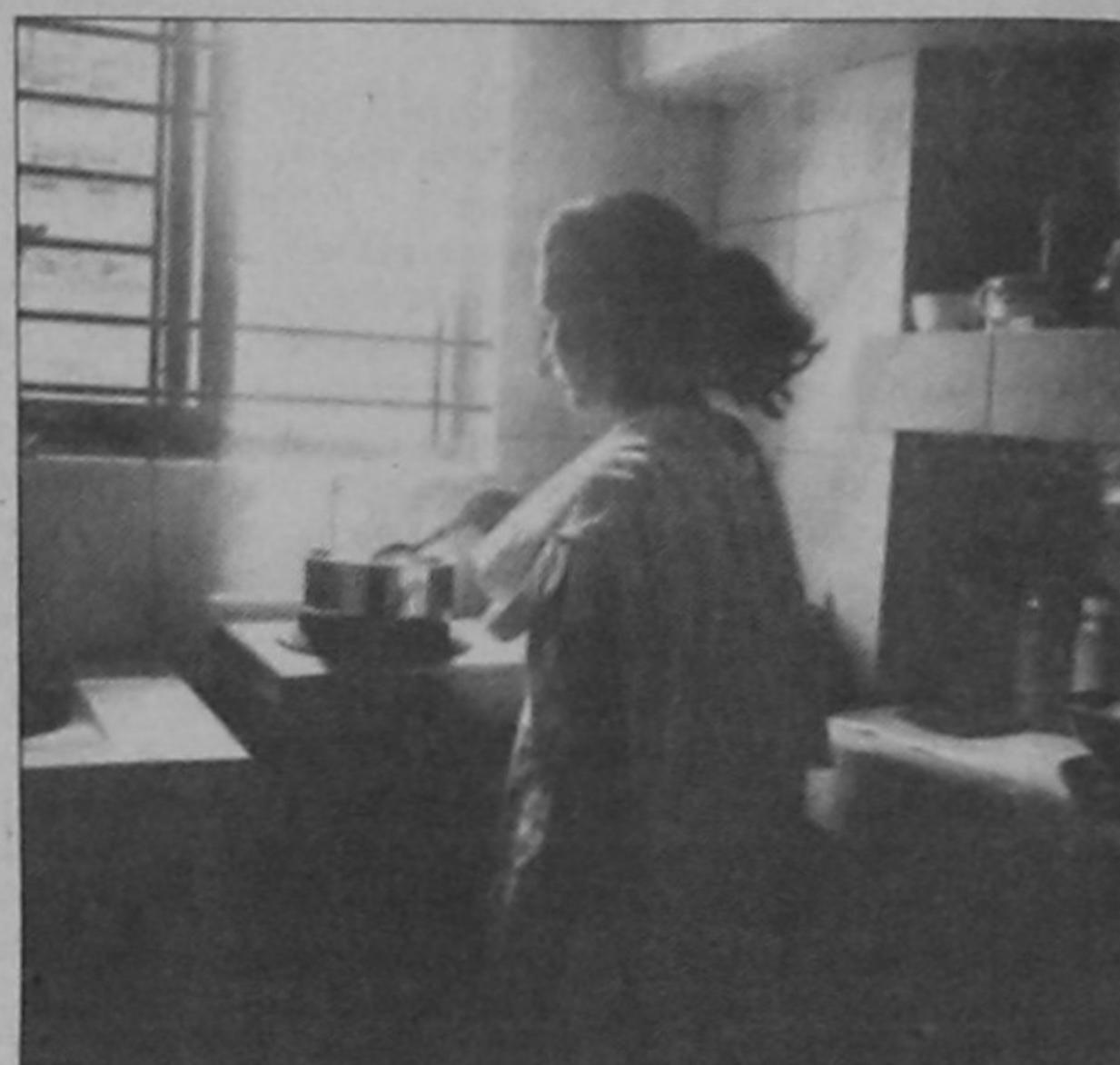


Domestic work or domestic slavery?

THIS question was addressed in a panel discussion as part of a larger event on the 'Situation of Domestic Workers in Austria - Employment of Human Trafficking for Forced Labour', organized by the Global Initiative to Fight Human Trafficking (UN.GIFT) at the Vienna International Centre recently.

Senior Austrian Government officials informed United Nations and diplomatic staff about the legal provisions concerning the employment of domestic workers and the measures taken by the Government to combat human trafficking. Ambassador Elisabeth Tichy-Fisslberger, the National Coordinator on Combating Human Trafficking, emphasized that this issue was taken very seriously by the Austrian Foreign Ministry, saying: 'Perpetrators need to be prosecuted. We will find ways to prosecute and diplomatic immunity should never be used to protect the perpetrators.'

Civil Society representatives highlighted the need for more awareness raising about the issue of human trafficking for the purpose of servitude and discussed the numerous indicators



used to determine an exploitative situation in the area of domestic work. After the panel discussion, the First Women's Chamber Orchestra of Austria together with the dancer, Fabiana Pastorini, whose personal history is closely linked to the topic as her own grandmother was sold to a private household as a domestic slave, performed a moving piece called 'On the way to Freedom'. In continuation, Mr. Antonio Maria Costa, Executive Director of the United Nations Office on Drugs and Crime and Director-General of the United Nations Office at Vienna, and Ambassador Böck of the Austrian Permanent Mission to the United Nations in Vienna addressed the audience to officially open the exhibition 'Enslavement domestic'. 'All too often the perpetrators hide behind diplomatic immunity. I am ashamed to say that there have even been such cases here in Vienna', said Mr. Costa.

He called on UN staff who have hired help to 'make sure that they are being treated fairly, paid a competitive salary with social assistance, and that their rights are respected.' He further cautioned: 'If you witness cases of labour exploitation, please bring it to the attention of the Austrian authorities'.

'Let us strengthen international efforts to address this problem - to reduce vulnerability to this crime, to ensure that the captors are brought to justice, and the victims receive compensation', said Mr. Costa in his concluding remarks.

Source: Global Initiative to Fight Human Trafficking (UN.GIFT).

HUMAN RIGHTS advocacy



Workshop on "Law, Power and Politics"

TABASSUM MOKHDUMA

THE relationship between law, power and politics are deep-rooted in every sphere of the society. These three are inter-related with each other and responsible for changes that took place in different times in different societies. No doubt that these three have been playing a very vital role in peoples' life. Thus, beyond any question, it is really important, especially for the

Capitalism and Law", Empowerment through Law of the Common People (ELCOP) organized the second workshop of the series on "Law, Power and Politics". Supported by Odhikar and Chinta Prokashana, the two-day workshop for law students was held at the Conference Room of Sir Nobab Nawab Ali Chowdhury Senate House, University of Dhaka (DU) on 13-14 November 2009 where 50 law students from 12 public and private

ELCOP; other notables present were Guests of Honour Dr Salimullah Khan, Professor, Department of Law, Stamford University Bangladesh; Dr Anu Mohammad, Professor, Department of Economics, Jahangirnagar University and Rezaur Rahman Lenin, Convener and Coordinator of the workshop.

The working session of the workshop included some of the interesting issues like concepts of law, power, politics and justice; the politi-

from torture; rights based development and micro finance; possibility of mutual enforcement; politics of power in Bangladesh context; bare life or political life etc. were discussed in the span of two days where the participants came to know about the law and order history of the sub-continent, how power and politics played an important role in the life of people in different era, violation of basic human rights because of misuse of power and politics etc. as well as how they can work to ensure equal rights of people of different walks of life.

Resource persons of the workshop were Farhad Mazhar, Editor, fortnightly Chinta and Managing Director, UBINIG; Farida Akhter, Executive Director of UBINIG; Dr. Salimullah Khan; Dr Anu Mohammad; Quazi MH Supan, Assistant Professor, DU; Mizanur Rahman Khan, Associate Editor, The Daily Prothom Alo and Advocate Adilur Rahman Khan, Secretary, Odhikar.

In the Valedictory session which was also presided over by Dr. Mizanur Rahman saw the presence of Justice Mohammad Abdur Rashid, Chairman, Bangladesh Law Commission as the Chief Guest while Farhad Mazhar and Adilur Rahman Khan were present as the Guests of Honour.

The workshop was indeed an eye-opener for the law students who look forward to make some positive changes in the existing power politics as well as in law and order situation. It gave the students some foods for thought which will certainly help them to critically analyze different situations related to law, power and politics. This workshop definitely encouraged the students to think

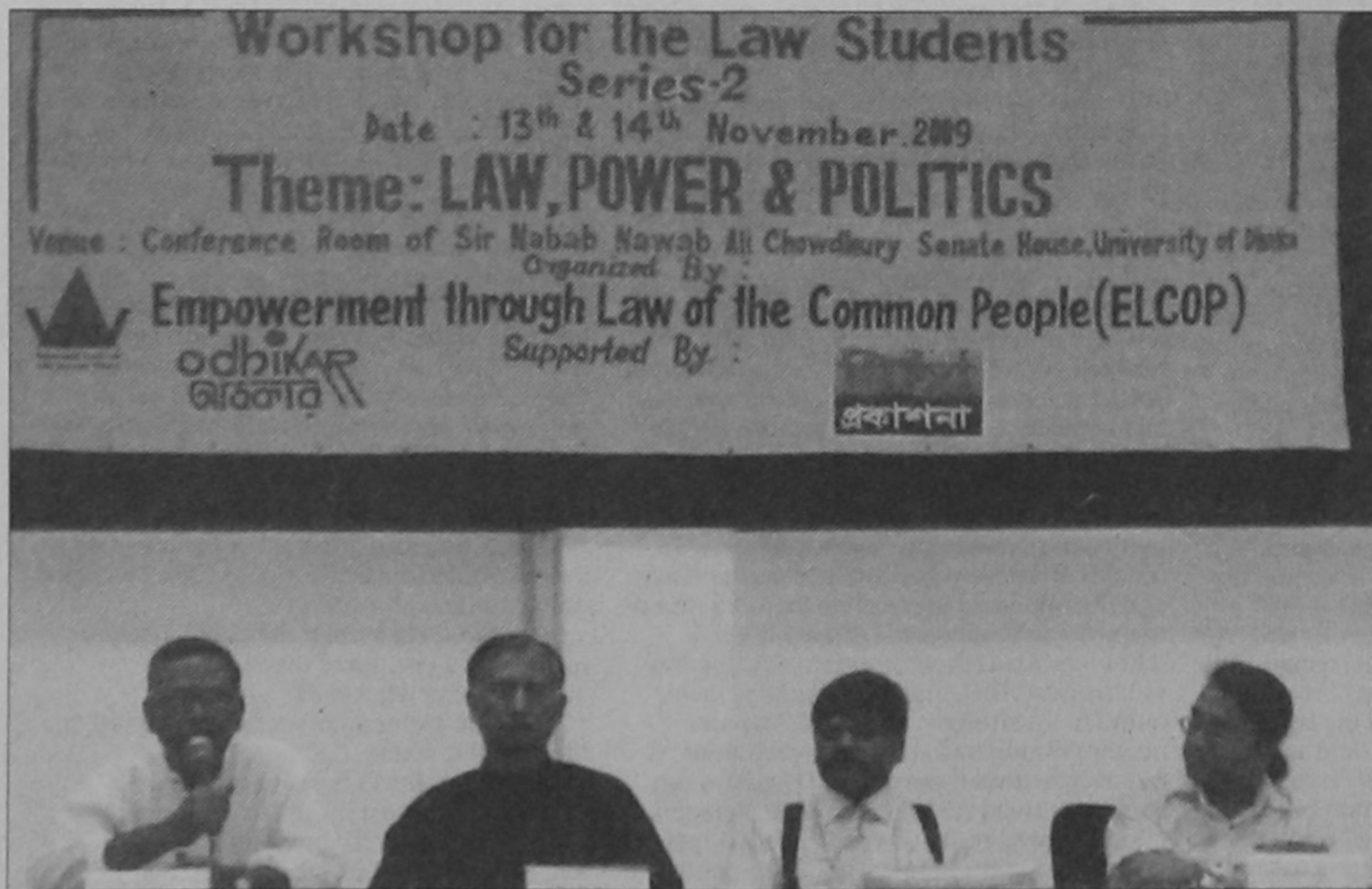
how they can contribute to the society.

Furthermore, dialogue is a very essential tool to explore different issues and this workshop created a platform among the students for such dialogues. At the end of the workshop, the students undoubtedly felt that they have a responsibility towards their society and it is the best time of their life to give back to society.

In our society the rule of law has yet to be established in its true sense. Still in our country the perpetrators most of the time escapes punishment because of the loopholes of law while the sufferings of the general people tells the need of young, dedicated law community to ensure peoples' right. So the law students must know how they can work in future to ensure people's equal right. On the other hand, the existing law syllabus in Bangladesh cannot be said as a comprehensive one. Though students read law in the class and the teachers teach them but that's far from enough as students need to discuss more so this type of workshop is needed to make the students realize the realities.

The programme Convener Lenin said that he strongly believes, departmentalization of knowledge is itself an obstacle in having fundamental and integrated education and that interaction of knowledge is the root of all development. Thanking the resource persons for their enormous assistance and support and expressing that the young law students will come forward to help establish the rule of law, he looks forward to organize more such events.

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law students, to understand the implied relationship between law, power and politics and its importance in society, and its impact on peoples' life.

After the successful completion of the first workshop on "Colonization,

universities took part.

The workshop was inaugurated by the Chief Guest Professor AAMS Arefin Siddique, Vice-Chancellor, DU. Presided over by Dr. Mizanur Rahman, Professor of Department of Law, DU and Executive Director of

cal economy of natural resources; legal and political crisis in Bangladesh; patriarchy, parliamentary arrangements in Bangladesh constitution; seeking effective remedies: prevention of arbitrary arrests, freedom of expression and freedom