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It shall be a fundamental responsibility of the State to attain, through planned economic growth, a constant increase of productive forces and a steady improvement in the material and cultural standard of living of the people, with a view to securing to its citizens (a) the provision of the basic necessities of life, including food...

The States Parties to the present Covenant... shall take... the measures, including specific programmes, which are needed: (a) to improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge... (Article 11, ICESCR). The right to adequate food is realized when every man, woman and child, alone or in community with others, have the physical and economic access at all times to adequate food or means for its procurement... (General Comment 12, ICESCR)

This morning, Yunus, a rickshaw-puller while sharing his life-struggle mentioned that he owns land of around 3 bighas- and this year he cultivated rice. He and his family were in hope that they will not have to worry about next year's rice. Their field is filled with golden ripen paddy but when he went to the local market he found that considering the market-price they will be in a significant loss. He requested his family to not invest further cutting the paddy... and left for Dhaka. According to him here he would earn cash daily- save and send money to his family. He decided to stop cultivation from next year! They don't want to beg for food...

I am in dilemma... FAO is claiming the

number of people suffering from food insecurity in Asia and the Pacific decreased from 581 million to 542 million between 1990 and 2005. But I met Yunus and now believe he is not at all alone... How I put these opposite two realities together? Is one of them myth while the other a burning reality? Are above commitments only 'wishful word' with no substance in life of a common citizen of Bangladesh? Or is this because having food is a mere basic necessity under fundamental policies of our state with no legal implications? What if it becomes a right or a fundamental right?

It is evident that inclusion of the right to food in our constitution gives a solid basis for the right. Also modifying the constitution requires cumbersome procedures. As we find in Ecuador, Bolivia or in South Africa. In a judgment of a case in South Africa it was assessed whether the measures taken by the state could be considered as conforming to the obligation of the state to realize the right to adequate housing guaranteed under the state constitution.

In both parts of the globe countries have examples that governments can indeed be held accountable for ensuring the effective exercise of the right to food under constitutional provisions on other human rights. However, the extent to which indirect invocation of other human rights can lead to effective protection of the right to food at the national level will ultimately depend on judicial interpretation of the state constitution and whether a given human right will be broadly interpreted so as to also include the right to food.

Bangladesh government already has



# Will our constitution guarantee: Right to food?



taken measures ensuring food security and taken initiatives through safety-net programmes ensuring food security for the people living in poverty. Will the government formulate a legal framework to protect peoples' right to food complying with the international human rights instruments?

We had seen in number of districts combating the situation- community-based volunteers prepared a short term action plan with the aim to initiate activities led by community people. In few years

their hard work was clearly visible and one after other remarkable successes was reported building a movement at the community level. But these are pits and pieces.

Since 2005 the FSN, Bangladesh- a part of global IFSN- with the endeavor of a good number of like-minded organizations working closely with food producing communities and are active in advocacy to address the critical concerns related to the livelihood crisis of the people. The main focus of the network is to deal with the issues that have created negative consequences on the

livelihood options and struggles of poor and marginal farmers, women, workers, indigenous communities and the artisans. Where are the changes? What are they and other similar forums really doing?!

The other side can be found in Kendrio Krishok Moitree- a national platform for farmers'. They so far created several conditions for preventing hunger and malnutrition. This is the combined results of various interconnected activities, including-increased productivity of rice fields (using good seed and management practice); production and marketing of vegetable from home gardens, egg and milk from poultry and livestock (using collective and mobile marketing initiative); collective grain banks (fistful of rice) with others. Being community based entity they are contributing to their local development initiatives.

This is no one's sole problem and requires close cooperation of the government, development partners and non-government entities with common citizenry to work towards establishing their right to food. At the global level overcoming challenges to food insecurity has played and continues to play a significant role in the development agenda of Bangladesh. Like Yunus hundreds of thousands of farmers are in great danger living life with limited hope, no dream- knowing no way out. Will they come together and demand for change? Will they become one and demand for realization of all basic necessities in life? Will they claim their right to food as a fundamental right? When?!

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## HUMAN RIGHTS MONITOR



# Food adulteration: Needs immediate attention

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We, the people of Bangladesh, neither want to embrace premature death nor want to get older quickly. It is our statutory right, both as a human being and a citizen of the country, to possess and enjoy a sound health surrounded by hygienic atmosphere. But the atrocity of food contamination has reached to such a height that it is quite impossible for us to believe the maxim, "we eat to live." It is like taking venom in disguise of ambrosia. The types of food people consume everyday cause many lethal and long-term diseases which may eventually lead to untimely end of their precious lives. Food contamination somehow prevails in many

situational analysis, it may easily be presumed that this vicious issue has become very acute and is generating a deadly consequence for us.

### Horrorific food adulteration vs. food safety situation in Bangladesh

The voracious demon of food contamination has already devoured the consumers of Bangladesh to a great extent. From babyfood to adult foodstuffs, either at breakfast or lunchtime or even at dinner, whether inside our sweet home or at restaurants outside home, no food item is free from contamination. Inexpensive melamine and other compounds are used to increase the apparent protein content of products in baby milk and baby foods.

that pose threat to health. What else can we eat now? Doesn't this precarious condition raise the question of effectiveness of food security system in Bangladesh? Let us now analyse the actual food safety situation in the country. In Bangladesh, the total food safety and quality control framework consist of: (a) Laws and Regulations, (b) Standards (c) Administration and Inspection (d) Laboratory Analytical Services. Supreme attention has been given to ensure food safety through our National Food Safety and Nutrition Policy. A number of ministries, departments and agencies are involved in these activities.

The Constitution of the Peoples' Republic of Bangladesh ensures food, nutrition and improved public health (Art. 15 & 18) for its citizens. Apart from the Constitutional provisions, there are a number of legislations for controlling food standard. Some important Legislations are: The Consumer Right Protection Act, 2009; The Bangladesh Pure Food Ordinance, 1959; The Iodine Deficiency Disorders (IDD) Prevention Act, 1989; Fish and Fish Product (Inspection and Quality Control) Rules, 1997; The Pesticide Ordinance, 1971 & the Pesticides Rules, 1985; Marine Fisheries Ordinance 1983 and Rules, 1983; The Bangladesh Standards and Testing Institution Ordinance, 1985; The Bangladesh Pure Food (Amendment) Act, 2005; The Smoking and Tobacco Products Usage (Control) Act, 2005; The Penal Code, 1860; The Poisons Act, 1919; The Drugs Act, 1940; The Medical Practice and Private Clinics and Laboratories (Regulation) Ordinance, 1982; The Narcotics (Control) Act, 1990; The Trade Marks Act, 2009; etc. Notwithstanding all these, the food safety situation in Bangladesh is very much unstable.

### Factors accelerating contamination of food in Bangladesh

- Inconsistencies and weaknesses in existing food laws and regulations.
- Low level of awareness about food safety among producers and consumers.
- Inadequate availability of food to meet the demands of the consumers.
- Basic dishonesty of the unscrupulous food traders to gain more profit.
- Absence of unified food safety policy and a unified food safety law.
- More concern about price than quality and safety of food on the part of the consumers.
- Availability of formalin and other adulterants in a very low price.

### Fatal effects of contaminated food on human beings

Food preservatives and other added toxic chemicals can create disastrous health related troubles to us. It may leave both short-term and long-term impact on our health causing normal diarrhoea to deadly cancer. These dangerous adulterants may prove corrosive to the skin, nervous system, lunge, respiratory system, pancreas, liver etc. The injection of formalin into the eye may be severe enough to destroy the eye. There is a probable chance that formalin and added preservatives may cause reproductive toxicity. Menstrual irregularities and higher infertility may also be found in females. The fetus or unborn baby may be a victim of prolonged diseases even before birth while in their mothers' womb. So, the question is not only safety of adults, but also soundness of health of future generation. It is not desirable that our children should suffer from any physical disability or psychological disorder.

### Sturdy commitment as to 'No contaminated food from today'

Strong determination is required on the part of the common people regarding the consumption of foods. It will not be very easy to depart from the essential foods. But in case of fancy foods we can exercise our due consideration. Until and unless the food item reaches our satisfactory level, we should not opt for it. In order to achieve this objective, strong awareness raising campaign should be launched. Consumer education and awareness building activities must be enhanced. Every citizen must come forward and uphold the movement that we should keep ourselves away from that food which will prove injurious to our health. We, the people of this sub-continent, had previous experiences of deserting foreign and unethical products when the question of independence, sovereignty and religious prestige arose before us. Today's question is for our existence and survival. So, time has come again to awake our conscience and hold the true spirit.

### Separate Tribunals or Courts to try consumer offences

Under the Consumer Rights Protection Act, 2009, an aggrieved consumer cannot go directly to courts to take action against consumer offences. The aggrieved consumers of Bangladesh can only lodge a complaint to the Director General of the

Consumer Directorate and then must wait for the directorate to take further action. So, it is suggested that separate consumer court or tribunal must be set up and consumers must be given the opportunity to lodge complaint directly to such courts. Consumer court or tribunal is not at all a new phenomenon. Even in our neighbouring South-Asian countries like India, Sri Lanka, Pakistan and Nepal (in a state of development), consumer complaints can be directly filed for economic redress.

### Legislative and other strategic initiatives

A comprehensive and unified food safety law should be enacted. Food laws and regulations should accommodate International Standards. Besides, food Ordinances, food Regulations and other relevant Acts should be updated from time to time for maintaining scientific and technical developments. Statutory restrictions must be imposed on importing formalin and other preservatives with immediate effect.

### More dynamic and frequent activities of the mobile courts

The mobile courts have to undertake more dynamic and frequent incursions besides regular campaign against food adulteration both in cities and rural areas.

### Improving food inspection services

Food inspection programmes should be developed. In this regard, training materials and proper guidelines should be provided for the food inspectors.

### Sophisticated laboratory analysis

Food laboratories should have adequate equipment and technical support for the purpose of establishing a system for food-borne illness surveillance.

We cannot ignore the issue as it is a matter of our physical soundness and there should be no compromise while dealing with the issue. Besides, it is our constitutional right to enjoy food safety. But eradicating food adulteration overnight is an impossible task. It should be borne in mind that unless and until there is adequate supply of food at a reasonable price, legislative approaches will bring no result. So, what is really necessary is to generate consciousness among the consumers regarding the quality and safety of food. Indeed, we have a long way to go forward.

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other countries of the world. Even in developed countries, between 25-30% citizens experience one case of food-borne illness annually. According to WHO (World Health Organization), an estimated 2.2 million people are killed annually due to food-borne and water-borne diseases throughout the world. In another report of FAO (Food and Agriculture Organisation), it is found that approximately 45 million people in Bangladesh suffer from food poisoning or some kind of food-borne diseases throughout the year and the number could be even higher provided there is a household survey in the country. In absence of authentic database in Bangladesh, reliable estimation of actual health hazard due to food contamination is not available. However, from newspaper reporting, public opinion and

Farmers and orchard owners use spray-gun containing calcium carbide, formalin and other insecticides to squirt upon fruits and vegetables so as to keep it free from insects and diseases. Brick and saw dust as well as aromatic fragrance are mixed with spices. Textile dye is used to make food items more colourful and shining.

Preservatives are used in processed milk and fizzy drinks. Formalin is used to conserve meats and fishes. Crude mobil is mixed with mustard and soyabean oil. Brick dust is mingled with rice and urea fertiliser is used to make rice look more white and shining. There are still many more techniques and processes being used by dishonest manufacturers and traders day by day. Certain restaurants are using dead chicken meat and sweets mixed with substances