

**Food Adulteration in Bangladesh: A Critical Approach towards the
Application of Food Safety Act, 2013 and Mobile Court Act, 2009.**

by

Anika Mardiah Chowdhury.

Id: 2015-3-66-011.

**A thesis submitted in conformity with the requirements
for the degree of Bachelor of Law**

**Faculty of Law
East West University**

**Food Adulteration in Bangladesh: A Critical Approach towards the Application of
Food Safety Act, 2013 and Mobile Court Act, 2009.**

Anika Mardiah Chowdhury

Bachelor of Law

Department of Law

East West University

2019

Abstract

This thesis deals with the food adulteration scenario in Bangladesh that problem of food adulteration were in past also continuing at present and now this is a growing problem in Bangladesh and by consuming it many people are suffering from food borne illness along the food safety has been insured under different laws like the Penal Code, 1860, Food Safety Act, 2013, Mobile Court Act, 2009 and how this interpreted as of right under the constitution of Bangladesh. This work also deals with the amendment of law required and proper applicability of an figured law is urgent required as the present system to prevent food adulteration are not able to curb the evil activities of adulteration and malpractices in Bangladesh because almost dozen of laws dealing with this but not proper application of any. The conclusion came up that the trial conducted by mobile court under the Mobile Court Act, 2009 has many limitations and the outcome by whose trial does not bring permanent solution therefore for ensuring food safety a figured law is required and establishment of a separate consumer court or food court under the Food Safety Act, 2013 is required along for better application the Food Safety Act, 2013 maybe amend by comparing other country law can be followed that how they deal with this issues.

Acknowledgement

First of all I am enormously grateful to my thesis supervisor, Aditi Rahman Shah (Senior Lecturer, Department of Law, East West University), for her generous and thoughtful guidance throughout the course of this project also i am very grateful to her for helping me to choose this subject matter. Then I would like to thank respected faculty Mahua Zahur, (Senior Lecturer and Chairperson, Department of Law, East West University) for giving me such opportunity to do this thesis work. Lastly this thesis would not have been possible without enthusiasm of my supervisor and all of those who are involved in this process.

Table of Contents

Acknowledgement	4
Table of Contents.....	5
Chapter-1.....	7
1.1. Introduction.....	7
1.2. Overview of theThesis.....	7
1.3. Scopes.....	8
1.4. Objectives of the study.....	9
1.5. Methodology.....	9
1.6. Limitations.....	10
1.7. Research Question.....	10
Chapter-2 Food Adulteration scenario in the context of Bangladesh.....	11
2.1 .During 2001-2005 the adulteration level.....	11
2.2. After 2005 to till 2019 the level of food adulteration.....	13
2.3. Food borne illness in the context of Bangladesh.....	17
Chapter-3 Food Safety Ensured under Different laws in Bangladesh.....	20
3.1. Under the Food Safety Act, 2013.....	20
3.2. Food Adulteration under the Mobile Court Act, 2009.....	21

3.3. Extensive Food Adulteration Violation of Fundamental Human Rights and the State Binding Obligations under the Constitution	23
3.4. Under the PenalCode, 1860.....	17
Chapter-4 Limitations of mobile court Conducted under Mobile Court Act, 2009	25
4.1. Procedural Limitation.....	25
4.2. Limitations under the constitutional Law.....	27
4.3. Violation of Natural Justice System.....	28
Chapter- 5 Review of Food Safety Act, 2013.....	29
5.1. Establishment of food court under the food safety Act.....	30
5.2. Trial and Procedure by the food court Act.....	30
5.3. Power and Time limit for investigation.....	31
5.4. Evidence which would be Admissible in Court.....	32
Chapter-6 Review of Canada’s Food Safety system Laws and Regulation.....	33
6.1. Investigation procedure.....	34
6.2. Recall procedure.....	34
6.3. Certificate.....	35
6.4. Offences.....	35
6.5. Continuing offence.....	36
Chapter- 7 Conclusion.....	38
Bibliography.....	39

Chapter-1

1.1.Introduction:

Food adulteration means and includes various forms of practices by mixing, substituting or concealing the food quality by mislabeling or expired food, adding toxic substances and formalin or others on the other hand food safety is about handling, storing and preparing food to prevent infection and help to make sure that our food keeps enough nutrients for us to have a healthy diet¹. Though the problem of food adulteration were in past also but now this food adulteration is a growing problem in Bangladesh and a large numbers of people consume it then having victims of adulterated foods. Almost the whole population is affected by unsafe food though most of us are unaware about it in a study in 2013 it was estimated that more than three core people in Bangladesh has been suffering from kidney diseases due to adulterated foods². In many newspapers has conferred it as the ‘silent killer³’. At present there have many laws dealing with this food safety issues but the level in increasing day by day therefore it is now much required to control food adulteration along with a proper applicability of laws.

On this background a critical discussion has been made to cure from these evil activities by proper application of figured law for ensuring food safety.

1.2.Overview of the Thesis:

Thesis paper divided into seven chapters in addition to the present one. Chapter 2 sets out about the current food scenario along with past and food borne illness by consuming this adulterate food. Firstly shown the reports of 2001 to 2005 regarding the level of food adulteration also a statistic are given. Secondly many reports are discussed about the formalin in food or fruits from 2005 to 2019 as after 2005 no statistic was found regarding the level of food adulteration. Finally it is discussed about the food borne illness by consuming these adulterate foods.

¹Rahman Bappy, 'Food Safety in Bangladesh: Challenges and Concerns' Daily Sun (Dhaka, 29th August, 2017) 1.

² Bashar Arafat Ibnul, "Food Safety Laws of Bangladesh: A Critical Evaluation" 20th October 2017
<<http://sclsbd.org/food-safety-laws-bangladesh-critical-evaluation/>> accessed 2nd july 2019.

³Rahman (n 1).

Chapter 3 consist discussion of food safety ensured under different laws and the level of punishments in Bangladesh firstly under the Food Safety Act, 2013. Secondly under the Mobile Court Act, 2009 consist how food adulteration define under this along the punishment. Thirdly this paper discuss that the adulterate food is violating Fundamental Human Rights and the State Binding Obligations under the Constitution of Peoples' Republic of Bangladesh. Finally discussed under the penal code, 1860 how food adulteration define and punishments.

Chapter 4 deals with limitation of mobile court which conducted under the Mobile Court Act, 2009. Mainly these chapter discuss that the summary trial by mobile court are not able to control the food adulteration level also these court conducted are violating the constitutional law along violating the natural justice system also have discussion about the procedural limitation of mobile court.

Chapter 5 are consist the review of Food Safety Act, 2013 and the need for establishment of food court under this Act because the trial proceeding under will conduct by the judiciary as like civil or criminal cases but which will solve within very specific time with proper rules by not violating the natural justice also not violation the constitution of Bangladesh.

In Chapter 6 discussed some procedure of the Safe Food for Canadians Act, 2012. This chapter mainly shows that in Bangladesh though the Food Safety Act, 2013 is the most recent law but for proper implementation or controlling the level of food adulteration some amendments may bring by following the Canadian system of the Safe Food for Canadians Act, 2012. Lastly in chapter 7 the conclusion and suggestion is given.

1.3.Scopes:

The work is mainly based on current scenario of food adulteration in Bangladesh and showing some criticism about the existing system of controlling food adulteration by mobile court under the Mobile Court Act, 2009 along the limitations also and the establishment of food court under the Food Safety Act, 2013 with the provisions regarding the food safety issues under the Food Safety Act, 2013.

1.4.Objectives of the study:

2. The objective of this study is to show the current scenario of food adulteration.
3. Another objective is to analyze the existing relevant law regarding food safety.
4. To show the limitation of mobile court conducted under the Mobile Court Act, 2009 in present system.
5. Then the establishment of food court under the Food Safety Act, 2013 and the procedure conducted under this.
6. Comparing our laws with other country's laws.
7. Then suggesting the ways to solve this food adulteration issues.

1.5.Methodology:

This research can be termed as a descriptive research which includes relevant provisions and different opinions of many blogs or group of people. This thesis paper describes the existing system of mobile court along review of Food Safety Act, 2013 also the solution or outcome as well. To conduct this research secondary data has been used. The methodology is depending on some secondary sources by searching websites, different blogs, various books,

online journals, newspaper and different journal articles also various Acts, Statute Laws etc for performing this work.

1.6.Limitations:

The research would be better if there is no limitation of time. Doing this research it is not able to find enough materials regarding this topic. There are lacking of case laws in Bangladesh and resources therefore for research only analysis one specific law of other country and only procedure of two laws of Bangladesh have been discussed but there has many laws and provisions available regarding this.

1.7.Research Question:

A number of questions can be framed on this research topic. However, this research has been limited to following question. To fulfill the purpose of the research following question will be addressed:

Are the provisions and procedure under the Food Safety Act, 2013 and Mobile Court Act, 2009 sufficient to curb the food adulteration level in Bangladesh?

Chapter- 2

Food Adulteration scenario in the context of Bangladesh

The people of Bangladesh are surviving with unsafe and adulterated foods and by consuming this they suffer premature deaths which increase healthcare costs, diseases, environment pollution etc⁴. In this chapter it is going to discuss the food adulteration level and the statistic and current scenario or report relating to this along with the level of food borne illness in the context of Bangladesh.

2.1.During 2001-2005 the adulteration level-

The majority of the foods samples were collected from different parts of Dhaka city and tested at the PHFL of DCC they found a shocking result.

year	No. of food items tested	No. of samples tested	No. (%) of samples adulterated
2001	37	563	422 (75)
2002	29	581	453 (78)
2003	36	960	713 (74)
2004	33	674	487 (72)
2005	38	1193	763 (64)

Figure 1: Food adulteration detected by Dhaka City Corporation during January 2001–December 2005.

The number of food samples tested in above each year varied from a single to 232 samples for this same food item⁵. It can be seen from the above table that the adulteration level were

⁴Bashar Arafat Ibnul,' Food Safety Laws of Bangladesh: A Critical Evaluation' 20th October, 2017.

< <http://sclsb.org/food-safety-laws-bangladesh-critical-evaluation/>> accessed date 28th July, 2019.

⁵Sharifa Nasreenn & ahmed tahmid,' Food Adulteration and Consumer Awareness in Dhaka City, 1995-2011' published date

increased but nevertheless any step was taken to cure this problem till 2005. The numbers of food items tested were limited to sweetmeat, ghee etc but the consuming level is high in case of milk and vegetable in Bangladesh which was ignored in the statistic it can be seen the data given below.

A random survey of food items conducted by Public Health Laboratory of DCC for the month of August					
Sl. No	Milk and other food samples	Number of Tested food items	Results of the test		Remarks
			Adulterated	Pure	
1.	Sweets	13	13	---	
2.	Sandesh	04	04	---	
3.	Curd	03	02	01	
4.	Ghee	02	00	02	
5.	Chana	01	01	--	Adulterated
6.	Sauce	21	13	08	76.32%
7.	Dalda/Vanaspati	02	02	--	
8.	Soybean oil	12	06	06	
9.	Ice cream	05	04	01	
10.	Kalakandh	13	13	--	
		Total-- 76	58	18	

Another statistic found the decreasing trend of food adulteration in the proportion of food samples in Dhaka city during 2001-2005.

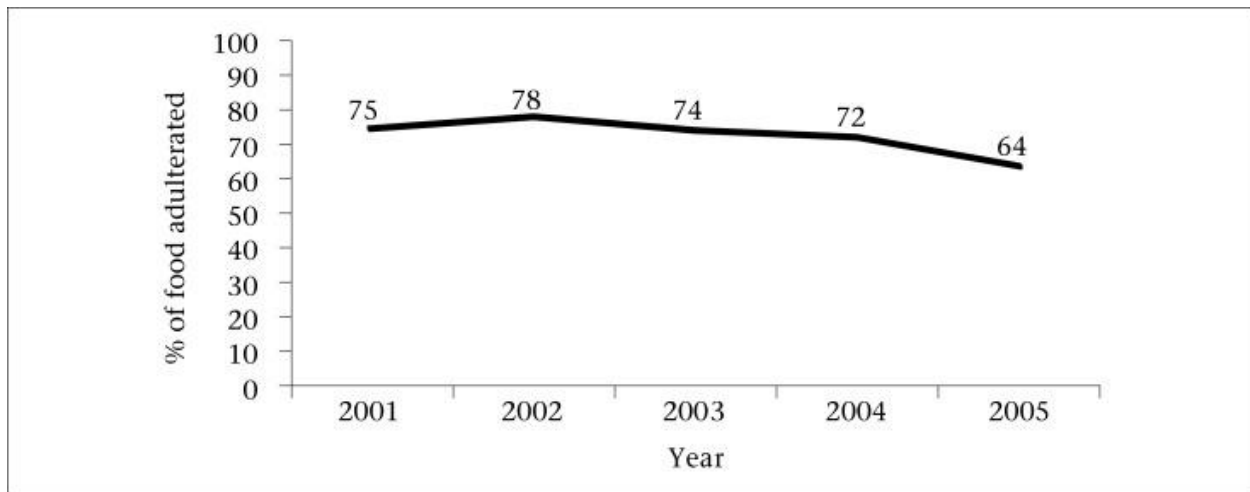


Figure 2: Food samples that tested positive for adulteration which were detected by Dhaka City Corporation, during 2001-2005.

The above figure shows that the level of food adulteration was decreasing but this were decreased in proportion with tested food sample which shows huge internal loophole by

them⁶. From the present scenario of food adulteration it can be clearly presumed that adulteration has never decreased if it is shown that it has decreased then it has decreased only on the surface. In Bangladesh as long as corruption prevails it will not decrease.

The food adulteration level is increasing day by day in an alarming rate but Dhaka City Corporation had detected it till 2005 after that no statistic had been published by them which is very disappointing and ignored by the authority. Although after 2005 mobile courts started raids against food adulteration which found the proportions of adulterated food reduced significantly in 2006 compared to 2005 moreover amendment of the Pure Food Ordinance along with media attention and several reports regarding food adulteration and accompanying magistrates also have a role in it⁷. In contrast one of the staff members at a DCC office claimed that this success was only superficial on the other hand the magistrate mentioned occasional non-cooperation from the field workers of DCC and BSTI during the raids therefore the allegation from both sides can be identified as one of the obstacles to cure food adulteration⁸.

2.2. After 2005 to till 2019 the level of food adulteration-

Though after 2005 no survey had been taken place for food adulteration but many reports had been made regarding formalin in the food or food borne illness and others.

In 2013 a report had been made regarding the formalin in fruits and vegetables the results were so disappointing and the food borne illness like kidney diseases was found as a result of such. The report is as follows-

⁶ Ibid.

⁷ Ibid.

⁸ Ibid.

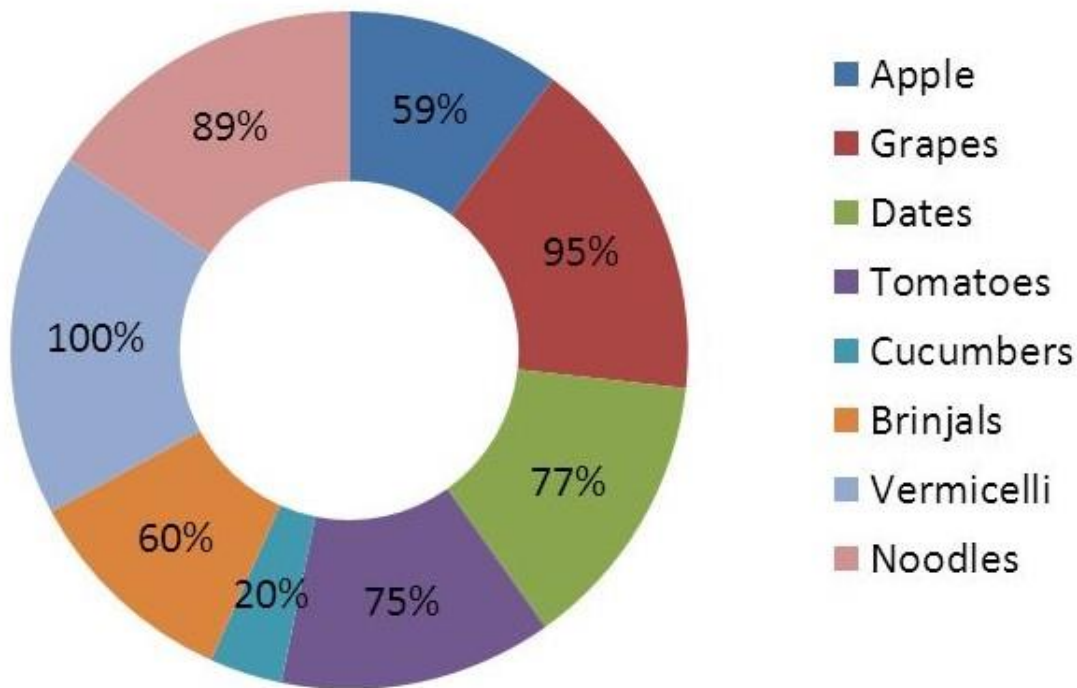


Figure 3: (source) The Daily Star, 28th July, 2013

On the other hand fifteen member team of the National Food Safety Laboratory along with the Food and Agriculture Organisation (FAO) came up with the findings after collecting and testing food samples from the capital's Gulshan, Karwanbazar and Mohakhali markets⁹. The survey report found that nearly 40% of 82 samples of milk, milk products, fish, fruits and vegetables contained banned pesticides such as DDT, Aldrin, Chlordane and Heptachlor also the amounts found pesticide on those samples were three to twenty times greater than the limits which were set by the European Union¹⁰. It seems from the report that the levels of adulteration were no in the stage of decreased. The above mentioned data are given in the following figure.

⁹Uzzal Moniruzzaman, 'Food adulteration reaches new height' *Dhaka Tribune* (Dhaka, April 29th, 2014) 1.

¹⁰ Ibid.

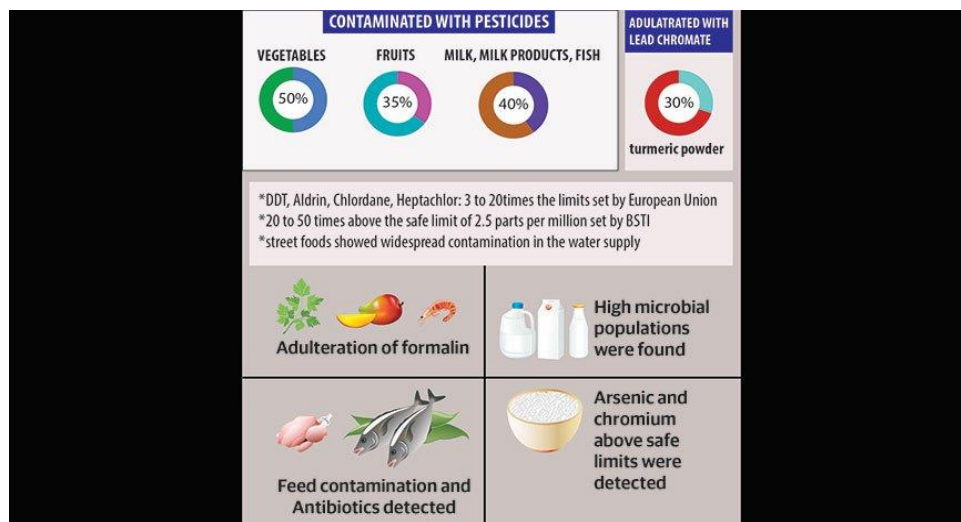


Figure 4: (source) Dhaka Tribune April 29th, 2014.

In 2015 a survey conducted by the National Food Safety Laboratory of Institute of Public Health tested fifteen major food commodities at various stages of production over an eight-month period¹¹. The result came out that nine out of fifteen foods tested contained dangerous levels of unsafe chemicals and contained toxins in foods which we consume daily like cauliflower, brinjal, green chilli, tomato, bean, etc¹².

In a news report on 2016 said that Food adulteration with poisonous chemicals has reached an alarming level in the premier port city posing a serious threat to the public health¹³ also the mobile court drives discovered that many food items like butter, vermicelli, puffed rice, bakery items, sweetmeats and curd were being adulterated with hazardous chemicals in an indiscriminate manner¹⁴. The consumers' rights activist added on this regard that "Unlike any other country of the world, it is very easy to open an eatery in Bangladesh¹⁵. The authorities concerned should take stern action against the errant businesses which are posing a serious threat to the public health"¹⁶.

¹¹Hossain Md. Farooque.' Food Adulteration Must Cease' *Daily Sun* (22 February, 2019) 1.

¹²Ibid.

¹³Kabir Rehan, Hussain Anwar.'Food adulteration a cause of concern' *Dhaka Tribune* (Dhaka, June 28th 2016) 1.

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶Ibid.

Safe food inspector of Dhaka South City Corporation¹⁷ said that We nine inspectors under Dhaka South City Corporation have filed 125 cases including 107 cases after sample testing and 12 cases for fake leveling and four cases against institutions for unhealthy food production since 2016¹⁸. The court imposed Tk 2,59,60,000 in fines and jailed for a year in three cases and he also added that Punishment and fines are not everything to ensure safe food all we need is awareness among the customer first¹⁹.

Bangladesh Restaurant Owners Association and Bangladesh Food Safety Authority jointly conducted survey on 170 restaurants in the capital's official area including Gulistan, Motijheel and Palton in April 2017²⁰. They had marked the restaurants out of 100 which were based on 27 criteria of safe food which was set by BFSA also opinioned that if any restaurant gets 80 or more than that then that would be green sign and for 50-79 would be marked as yellow but under 50 a restaurant is marked orange²¹. Alas as a result they found only 27 restaurants had green marks²².

A recent news published that Dhaka University researchers found presence of antibiotics meant for humans, lead and detergent, in packaged milk and dairy products of some of the top brands on this regards the HCD ordered the government and the fourteen milk producing companies to submit a report to the court on August after complying with the order The HC also issued a rule asking them to explain why the presence of antibiotics and lead in the pasteurized milk should not be declared illegal and unconstitutional²³. Also the HCD in February ordered the Anti-Corruption Commission (ACC) to investigate adulteration of milk, curd, and fodder and take legal action against those responsible and asked the BFSA to form a probe committee to identify the individuals and businesses involved in adulteration of dairy

¹⁷Akhter Shahin and Ahamad Rashad, 'Food safety still bleak' *New Age Bangladesh* (Dec 21,2018) 1.

¹⁸ Ibid.

¹⁹ Ibid.

²⁰Akhter Shahin and Ahamad Rashad,'Food safety still bleak' *New Age Bangladesh* (Dec 21, 2018) 2.

²¹ Ibid.

²² Ibid.

²³ Star Online Report,'HC orders 5-week ban on pasteurised milk of 14 companies' *Daily Star* (Dhaka, July 28, 2019) 1.

products and fodder in three months²⁴. Another report stated that the High Court on Monday directed the authorities of Food, agriculture, fisheries and livestock and health secretaries, cabinet secretaries, all members of Bangladesh food safety authority, members of central food safety management coordination committee, and chairman of Bangladesh Standards and Testing Institution concerned to conduct a survey to determine how much cow milk, dairy products and cow fodder containing bacteria, antibiotic, lead and pesticides are supplied across the country also asked the authorities concerned to submit a report within fifteen days²⁵.

The statement by health minister as “i think the level of food adulteration can be reduced substantially if the court gives these offenders capital punishment”²⁶. Also the health minister along the prime minister of Bangladesh termed food adulteration as crime²⁷ and person liable behind this are terrorist but till now no measure have been taken to solved this issues also a complete survey had not been made after 2005 regarding the level of food adulteration though many report have published but they are not enough informative regarding the level of food adulteration. These food adulteration news and reports are not new to us therefore for the sake of public health the government should take proper step and make proper applicability of laws.

2.3.Food borne illness in the context of Bangladesh:

At present food safety is a major concerning issue in Bangladesh for the sake of public health. As food borne illness is the main outcome of food adulteration for this every year huge numbers of people are suffering from food borne illnesses. Food borne illness is not only due to the presence of pathogenic microorganisms but also the presence of toxic and hazardous chemical present in the food²⁸. Unsafe as well as adulterated food is the main

²⁴ Ibid.

²⁵ Staff correspondent, ' Conduct survey on adulterated dairy products: HC' *New Age Bangladesh* (Dhaka, Feb 11,2019)

²⁶ Tribune Desk, ' Nasim seeks death penalty for food adulterators' *Dhaka Tribune* (Dhaka, 27th may 2019) 1.

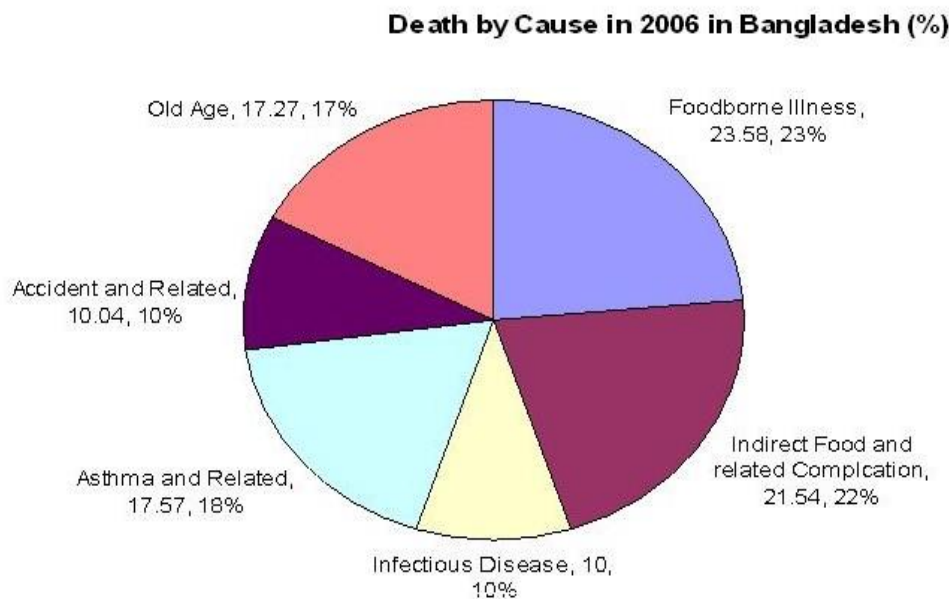
²⁷ Tribune Desk, ' PM: Food adulteration a form of corruption' *Dhaka Tribune* (Dhaka, 3rd February 2019) 1.

²⁸Masud zurana, ' Food borne illnesses and Bangladesh situation' published date March 8, 2017

<https://zuranarecipe.com/news_event/food-borne-illnesses-and-bangladesh-situation/> accessed date 10 june 2019.

foundation of many serious and chronic diseases like diarrhea diseases and various forms of cancer²⁹.

A report published in 2006 shown that huge number of people died each year due to food borne illness in the passage of time the food adulteration level is increasing along with death or serious illness cause by food borne illness³⁰.The report as follows shows that about 23% people died because of food borne illness and 21% & 10% people suffered from serious disease which were very concerning issue³¹. The report is given in the following **figure 5**.



An official statistics published by the Ministry of Health and Family Welfare (MOHFW) of the of the Government of Bangladesh (GOB) which reveals that up to half of the food samples were found adulterated which was tested by the IPH from 2001 to 2009. This Governmental Bangladesh statistics indirectly hinds that the situation of the increasing level of food adulteration concerns in Bangladesh had not improved over the past 10 years. The result also came out that adulterated food has many deadly affects. The National Taskforce

²⁹ Ibid.

³⁰ Ibid.

³¹ Ibid.

on Food Adulteration (NTFS) conducted by the government of Bangladesh found that adulterated foodstuffs annually causes various food borne illnesses which includes diarrhea, malnutrition and other diseases like kidney damage leading to death of many people in Bangladesh.

On the other hand food borne disease kills about two million people annually which include many children stated by the World Health also “Food contaminants contain such as harmful parasites, bacteria, viruses, prions, chemical or radioactive substances which cause more than 200 diseases such as ranging from infectious diseases to cancers”³².

Through a campaign against food contamination held by public and media as an outcome the government of Bangladesh had passed Safe Food Act 2013 and the aim of such was to form a Safe Food Authority and to ensure coordination among those relevant ministries and department³³.

³² Staff Reporter, ‘Food-borne diseases kill 2m a year: WHO’ *the Daily Star* (Dhaka, April 12 2015) 1.

³³ *Ibid.*

Chapter- 3

Food Safety Ensured under Different laws in Bangladesh

At present in Bangladesh there are several laws to regulate food safety. They are: Penal Code, 1860, Special Powers Act, 1974, Fish and Fish Products Ordinance, 1983, Consumers Rights Protection Act 2009, Mobile Court Act, 2009 and the constitution of Bangladesh. In this chapter the discussion would be limited to the laws of Penal code, Food Safety Act, Mobile Court Act and the constitution of Bangladesh under which the food safety has been insured.

3.1.Under the Food Safety Act, 2013:

As there were many laws which ensure food safety and food adulteration as a crime but those provisions were unable to control the manufacture and sale of adulterated food. For such with a view to protecting the consumers from the effect of adulterate food the Pure Food Ordinance of 1959 was repealed and the Food Safety Act of 2013 came up.

Food Safety Act, 2013³⁴ discuss use of poisonous elements, radioactive, heavy metals or Production of sub-standard food etc as an offense. On the other hand there are also duties for individual that producing adulterate food or the use of poisonous elements, radioactive, heavy metals in excessive level, processing aids, insecticides, pesticides or drug residues or others is completely prohibited to Produce, import or selling as well as production of sub-standard food is also prohibited under the Act. Also the Act had separately imposed many liabilities upon the producers, packers, distributors and sellers of the food.

The Food Safety Act, 2013³⁵ states that whoever violates any provision of this Act as specified in column 3 of the Schedule shall be deemed to have committed an offence

³⁴ The Food Safety Act 2013, s 23 to 44.

³⁵The Food Safety Act 2013, s 58.

under this Act and shall be punished with the penalty specified in column 4 for such first offence and with the penalty specified in column 5 for repetition of such offence. For example for using or mixing any chemical or substance such as calcium carbide, formalin, sodium cyclamate the imprisonment is for a period not exceeding five years but not less than four years or a fine not exceeding Taka ten lac but not less than Taka five lac or it can be both. For repetition the imposable penalty is imprisonment for five years or a fine of Taka twenty lac or both these seems very good initiative for decreasing food adulteration.

3.2.Food Adulteration under the Mobile Court Act, 2009:

The mobile court disposes summary case and Section 262 of the Code of Criminal Procedure chapter XX shall have to follow in case of summarily trial. According to this the role of mobile court in enforcement of laws in Bangladesh a case if disposed summarily the maximum punishment shall be award two years imprisonment maximum. Mobile Court Act states³⁶ any offenses done under the Penal Code, 1860 on specific sections, Motor Vehicles Ordinance, 1983, Fish and Fish Products (Inspection and Quality Control) Ordinance, 1983 and many others shall be trial by the judicial magistrate or executive magistrate or other designated officers. Also states³⁷ the impose of punishment which is limited to two years or less and fine shall be imposed as per the offense of that special law. The fine imposed shall be payable instant or within three months as per the Mobile Court Act³⁸. A recent report appears that the Rapid Action Battalion (RAB) mobile court destroys 400 maunds of mangoes in Jatrabari, Dhaka also fined nine wholesale depots around Tk 24,00,000 for selling mangoes before the scheduled time and using chemicals to ripen them³⁹.

3.3.Extensive Food Adulteration Violation of Fundamental Human Rights and the State Binding Obligations under the Constitution:

³⁶The Mobile Court Act 2009, s 6.

³⁷The Mobile Court Act 2009, S 8.

³⁸The Mobile Court Act 2009, S 9.

³⁹Rahman Rabbi Arifur,' RAB destroys 400 maunds mangoes in Dhaka' *Dhaka Tribune* (Dhaka, 22th May 2019) 1.

Although the right to food does not expressly included as a fundamental right in the constitution but the basic concept of protecting the right to life under the Constitution includes basic human needs such as food or medical care or can easy access to health facilities⁴⁰. By interpreting this right to life it can be say that the constitution of People Republic of Bangladesh imposes binding obligations on the state to protect right to food which includes under right to life as stated in **article 32** of the constitution of Bangladesh that no person shall be deprived of life except in accordance with law. On the other hand **article 31** of the constitution states that no action shall be taken which are detrimental to the life or body of any person except in accordance with law⁴¹. In the case of *Gias Uddin vs. Dhaka Municipal Corporation*⁴² held that the protection of life means that one's life cannot be imperiled by any action which is contrary to law and adulterated foods do imperil human life⁴³. Therefore under this case along article 31 and article 32 the right to food can be interpreted right to life it can also be seen in the case of *Nurul Islam vs. Government of Bangladesh*⁴⁴ which pronounced that the right to life under **article 31** means and includes the right to have a sound mind and health whereas safe foods are urge required for sound health⁴⁵.

Article 15 of the constitution of Bangladesh says it shall be a fundamental responsibility of the State to attain through planned economic growth 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 its citizens the basic necessities of life including food and medical care. Whereas **article 18(1)** of the constitution states that the State shall raise the level of nutrition and the improvement of public health as its primary duties and shall adopt effective measures to prevent the consumption of intoxicating drinks and drugs which is injurious to health. Therefore from the above scenario it can be seen that food safety in a fundamental principle though this obligation cannot enforce in court.

⁴⁰Solaiman SM and Atahar Ali Abu mohammad Noman, ' Extensive Food Adulteration in Bangladesh: A Violation of Fundamental Human Rights and the State's Binding Obligations' Journal of Asian and African Studies [2014] Vol. 49(5), 624.

⁴¹ Ibid.

⁴²*GiasUddin vs. Dhaka Municipal Corporation* [1997] 17 BLD (HCD) 577.

⁴³Solaiman (n 40).

⁴⁴*Nurul Islam vs. Government of Bangladesh* [2000] 20 BLD (HCD) 341.

⁴⁵Solaiman SM and Mohammad Atahar Ali Abu Noman, ' Extensive Food Adulteration in Bangladesh: A Violation of Fundamental Human Rights and the State's Binding Obligations' Journal of Asian and African Studies [2014] Vol. 49(5), 625.

In the case of *Farooque vs. Government of Bangladesh*⁴⁶ where the petitioner claimed that the toxic milk powder was imported in Bangladesh in violation of the right to life which guaranteed and protected under **article 31** and **32** of the Constitution of Bangladesh. Also he mentioned an **article 18(1)** as the state's primary duty to protect public health. The court accepted the argument of right to life and right to food only to the respondent's importation of toxic milk powder which is adulterated food and held that though article 18 cannot be enforced to the Court but in interpreting the meaning of the right to life under article 31 and article 32 rights to life includes secured food. Also stated that a man has a natural right to enjoy a healthy life and longevity but this right or expectation is threaten if a man consumes food or drink which is injurious to health therefore the natural right of man to live healthy life has been guaranteed under the aforesaid mentioned articles.

At the last it can be said that it is judicially established that the constitutional obligations to protect people's right to life includes right to safe food and food adulteration or the supply of adulterated food articles are contrary to these rights⁴⁷.

3.4.Extensive food adulteration constitutes an offence under the Penal Code, 1860:

The Penal Code, 1860⁴⁸ states that whoever adulterates any article of food or drink so as to make such article noxious as food or drink intending to sell such article as food or drink or knowingly it to be likely that the same will be sold as food or drink shall be punished with imprisonment of term not exceeding six months imprisonment or one thousand taka or both. On the other hand penal Code, 1860⁴⁹ says that whoever sells or offers food or drink knowingly or has reason to believe that food or drink has been rendered or has become noxious or state unfit food or drink shall be punished with six

⁴⁶*Farooque vs. Government of Bangladesh* [1996] 48 DLR (HCD) 438.

⁴⁷ *Ibid.*

⁴⁸ The Penal Code 1860,s 272.

⁴⁹ The penal Code 1860, s 273.

month imprisonment or one thousand taka or both. In the case of *Mohammad Nazrul Islam vs. The State*⁵⁰ it was stated that mere possessions of adulterate food constitute an offense it does not require that he must be the owner of that adulterate food.

Though in the penal code food adulteration stated as an offense but the punishment or fine is too light in comparison with the food adulteration offense.

In the above discussion it can be seen that there are many laws regarding food adulteration but not application of any uniform law for this reason the level of food adulteration has never been decreased.

⁵⁰*Mohammad Nazrul Islam vs. The State* [1982] 11 CLC (HCD).

Chapter- 4

Limitations of mobile court Conducted under Mobile Court Act, 2009

In this chapter going the discussion would be the limitation of mobile court which is conducted under the Mobile Court Act, 2009 basically the limitation will deal to the extent of procedural limitation, constitutional limitation and violation of natural justice in terms of conducting the trial of food safety.

The procedure conducted by a mobile court is regulated by the Mobile Court Act, 2009. This Act empowered the judicial magistrates and Metropolitan magistrates to take cognizance and try an offence summarily. The mobile court tries simple offences which are particularly mentioned in the Schedule to that Act. In our country the mobile courts serve a crucial purpose and ignore many procedures which have to follow in case of a trial like notice or hear from the accused regarding his defense but the mobile court for providing a quick and efficient trial though it reduces the backlog but the way though it conducts its function must be reformed. For example by allowing a single individual to play the roles of plaintiff as well witness, investigator and much importantly a judge under the following Act gives too much power in the hands of the person who is in charge of the case. Therefore the Mobile Court Act of 2009 stands as flawed and unfair.

4.1.Procedural Limitation:

The Mobile Court Act, 2009 pronounce judgment only base of confession by the accused but as per the rule the burden of proof should be much heavier to have free and fair process. On the other hand Section 6 states out that the punishment can only be conferred if the accused confession instantly that the allegation by the magistrate is true and the punishment is limited fine and/or imprisonment. This may happen if the offenders who are aware of the limitations of the mobile court do not confess to their offences and they cannot be brought to the book of the law as a result common people become victimized

and are deprived of instant justice⁵¹ . Nevertheless it is to be mention that the Act does provided limitations in relation to imposing punishment as⁵² states that the imprisonment must not exceed two years but what if the offence is grievous than. On the other hand if the accused give no confession than the mobile court shall have no authority to pronounce any punishment. Then the case shall then be referred to the appropriate court and shall be conduct as normal case proceeding.

Other important features added in the following Act⁵³ is that if an individual if tried and punished once than cannot be tried or punished again for the same offence for instance a mobile team have entered into a restaurant and by their random inspection reveals existence of adulterate food which fall below the stipulated standards like rotten vegetables or unhygienic environment etc then mobile court may impose instant fine then the owner may give fine but after lapse of time there is no surety that they will not use that rotten vegetable again as imposing punishment is not an outcome of permanent solution therefore trial at once can be regarded as great loophole in the following Act.

Also many have claimed that mobile court have not proper equipment to determine the adulteration as some bakery owners of Dinajpur filed a writ petition challenging some sections of the Mobile Court Act,2009 and seeking an HC order to enact a policy of keeping food experts and necessary food testing equipment with the mobile court⁵⁴ .

Therefore at the last it can be said that though mobile court played an effective role many times regarding the food adulteration but the limitation cannot be ignored for the sake of permanent solution in terms of food adulteration. On the other hand many experts have suggested that instead of executive magistrates the judicial magistrates should be in charge also opinioned that it is also important that we create a more efficient judiciary

⁵¹ Tribune desk,' HC: Mobile courts by executive magistrates illegal, unconstitutional' *Dhaka Tribune* (Dhaka, 11thMay 2017) 1

⁵² The Mobile Court Act 2009, s 8(1).

⁵³The Mobile Court Act, 2009, s 10.

⁵⁴ Tribune desk,' HC: Mobile courts by executive magistrates illegal, unconstitutional' *Dhaka Tribune* (Dhaka, 11thMay 2017) 1

which allows for justice to be served promptly and effectively⁵⁵.

Though multiple initiatives have been taken place to amend the Act but still there is no real change made out or taken place yet. At this point it is imperative that the government should take note and implement these changes and it is the only way to ensure that the people of this country may receive the justice they deserve⁵⁶.

4.2.Limitations under the constitutional Law:

The Mobile Court Act, 2009 had given rise to a wide difference of opinions regarding the constitutional law and regarding its effect or power on the separation of powers between the judiciary and the executive which has been established by the Masdar Hossain case. While the positive view recognized that the mobile court system conduct a speedy resolution of some offences on the counterpoint it is argued by many experts that the system allows officers to act arbitrarily in the absence of instant advice from lawyers in case of accused persons often appear to be victims of the situation⁵⁷. Moreover article 35 (3)⁵⁸ provides the right to obtain a fair and open trial for all by a competent forum and protection from providing evidence against him but the sole means to punish the accused under mobile court law if the accused confessed by himself which makes it an unconstitutional. Also The High Court (HC) declared the mobile court conducted by executive magistrates illegal and contradictory to the Constitution a two member of bench passed the order after the final hearing on three writ petitions also the court declared section 5 which empowers an executive magistrate to conduct mobile court and sections 6 (1), 6 (2), 6 (4), 7, 8 (1), 9, 10, 11, 13 and 15 of the Mobile Court Act,2009 an illegal and contradictory to the Constitution along independence and supremacy of the judiciary and the verdict of the Masdar Hossain case⁵⁹. The matter is currently pending

⁵⁵Firoz Al Mamun, 'Judicial magistrate may run mobile court' the *Daily Sun* (Dhaka, 14th May 2017) 1.

⁵⁶ Tribune editorial, 'The mobile court system is broken' *Dhaka Tribune* (Dhaka, 7th December 2017) 1.

⁵⁷Khan Joy Barrister Omar, 'Mobile Court Law' *The Daily Star* (Dhaka, 7th April 2015) 1.

⁵⁸ The Constitution of People's Republic of Bangladesh, a 35(3) & (4).

⁵⁹ Tribune desk, ' HC: Mobile courts by executive magistrates illegal, unconstitutional' *Dhaka Tribune*(Dhaka, 11thMay 2017) 1.

in the Appellate Division ‘But the law continuous to hurt the 1972 constitution’ as stated by the Humanity Foundation a rights organization⁶⁰ .

On the other hand the mobile court system is a cost-effective means of speedy solution of cases and would be unnecessarily time consuming if dealt with as per the normal court procedure. In addition to being efficient and cost-effective the system also encourages a better legislative process in general by reducing a significant portion of the plethora of cases that are referred to courts which in turn slow down the legal process as a whole⁶¹.

4.3.Violation of Natural Justice System:

An established principle of natural justice is that every person shall have the equal right to defend himself before punishment or must have to be heard before punishment and can appoint a lawyer to this end. However in trial of a case under the Mobile court act, 2009 the law has no provision of self-defense or provide time for appointing a lawyer which is a great violation of the general principles of law⁶².

A further incompatible stipulation of the following Act is that the magistrate who takes cognizance and frame charge he by himself conduct the trial as per my knowledge there is no such precedent in the world which allows the same person who bring the allegation and trying the accused also pronounce the judgment.

⁶⁰ Star online report, ‘Running of mobile court by executive magistrates unconstitutional’ *Daily Star* (Dhaka, 12th July 2019) 1.

⁶¹Khan Joy Barrister Omar, ‘Mobile Court Law’ *The Daily Star* (Dhaka, 7th April 2015) 1.

⁶² Staff Reporter, ‘The Mobile Court Act’ An Analysis’ *TheKustia Times* (Kustia, 19th July 2011) 1.

Chapter- 5

Review of Food Safety Act, 2013

As in the previous chapter it has been discussed about the limitation of mobile court which established under the Mobile Court Act where the result found that the solution by them is not permanent as the adulteration level is increasing day by day so it is now mandates require for a permanent solution for the citizen of Bangladesh. Therefore for permanent solution the food court under the food safety Act is urgent needs to established because the trial proceeding under this Act will done by the judiciary as like civil or criminal cases but which will solve within very specific time with proper rules by not violating the natural justice as the accused will get chance to defend himself also the punishment is higher than provided by the mobile court. Moreover the food court under the food Safety act is not unconstitutional.

Then In the case of *Human Rights and Peace for Bangladesh vs. Bangladesh*⁶³ the court directed the government of Bangladesh to establish a food court in each division and each district city as whole of the country for ensuring safe food also to appoint adequate numbers of Public Analyst of Food as required under section 41 under the Pure Food Ordinance 1959 lately which has been repealed by the Food Safety Act 2013. The Food Safety Act had not made those food court void rather in the Act⁶⁴ it states that the Pure Food Court established under sub-section (1) of section 41 of the repealed Ordinance shall be deemed to be the Pure Food Court as designated under section 64 of the Food Safety Act, 2013 and the cases pending before Pure Food Court be disposed of in according and the duration shall be two years of receiving the copy of the judgment.

⁶³*Human Rights and Peace for Bangladesh v Bangladesh* (2009) writ petition no. 1190: para 23.

⁶⁴The Food Safety Act 2013, S 90(1).

On another report it is found that the civil society members yesterday urged the government to implement the Safe Food Act 2013 and food court immediately in order to stop the ongoing trend of food adulteration in the country⁶⁵.

Therefore from many reports and cases it was requested to establish a food court. In this chapter the necessity to establish food courts for decreasing or solving the food adulteration level along with the comparison to mobile court will be shown.

5.1. Establishment of food court under the food safety Act:

Though at present there are mobile courts which are dealing with food adulteration but the management process or jurisdiction is not properly defined therefore it is now urged that there is a need for a court which will deal with specific jurisdictional cases for a permanent solution of food adulteration. Whereas the Food Safety Act⁶⁶ states that there must be as many as a number of food courts which is necessary for ensuring food safety which shall be termed as the Pure Food Court and the Government shall define or fix the jurisdiction of those courts in consultation with the Supreme Court. And the punishment which can be imposed notwithstanding anything contained in the Code of Criminal Procedure shall have the power to impose any amount of fine as provided in this Act.

If this pure food court is compared with the Mobile Court Act then it can be found that the food court is far better because it has the liberty to impose a fine or punishment as equitable to the offenses.

5.2. Trial and Procedure by the food court Act:

The Food Court will try the offenses before it summarily and shall follow the provisions laid down in Chapter XXII of the Code of Criminal Procedure⁶⁷. Whereas Section 66 had

⁶⁵ Tribune report, 'Call for implementing Safe Food Act 2013' *Dhaka Tribune* (Dhaka, 8th November 2014) 1.

⁶⁶The Food Safety Act 2013, s 64.

⁶⁷The Food Safety Act 2013, s 65.

discussed about the investigation of the offences for instance like after being informed the Chairman or any person authorized in this behalf or the Inspector if primarily be confirmed about the commission of such offence after making necessary inquiry or investigation shall file a case before the Food Court. On the other hand any person may file a case before the Food Court in respect of any anti-food safety practice within thirty days from the date of commission of such act.

In comparison this trial and offences with the mobile court it can see that the mobile court has such limitation like it has no time for investigation it impose punishment on the basis of confession which is gross violation of the constitution of Bangladesh. On the other hand the food court proceed as like normal case proceeding but the mobile court does not heard or trial which is also an gross violation of natural justice.

5.3.Power and Time limit for investigation:

As under the Food Safety Act it is ensured that the trial shall be concluded summarily for that reason any officer or the Inspector who had authorized to investigate shall conclude their investigation within ninety working days from the date of issuing order by the food court⁶⁸ . If the investigation is not possible to conclude on time then the reasons shall be record in writing and have to inform the food court regarding this and shall conclude within next thirty working days.

Then another provision under the Food Safety Act⁶⁹ if the Authority or an officer empowered has reasons to believe that an offence under this Act has been committed by any person or anything relating to an offence or any document paper or other thing necessary to prove such offence has been left in any place or lied with any person then the court may in writing issue a warrant to arrest such person or to search the place at anytime by day or at night. The provisions of the Code of Criminal Procedure shall be applicable for a search warrant, an arrest or a seizure⁷⁰.

⁶⁸The Food Safety Act 2013, s 68.

⁶⁹The Food Safety Act 2013, s 69.

⁷⁰The Food Safety Act 2013, s 70.

In comparison with mobile court as they do not investigate any matter for which what they impose fine to such extent which apparently appear before them not all other offences also mobile court has no jurisdiction to issue warrant for asking if there is any plan for further doing any offenses or not.

5.4.Evidence which would be Admissible in Court:

Under the following Act⁷¹ it states that if any person connected with the food safety management system or any member of any law enforcing agency or any other person takes any video footage or records any conversation of any occurrence of committing or preparation for committing an offence of food adulteration then such video footage or still photograph or audio record shall be admissible as evidence at the trial of any case relating to such offence.

As we know under the Evidence Act, 1872 nowhere is mention about this types of evidence would be admissible or not but this Act had mentioned regarding electronically evidence which is very good initiative for solving an issue easily and impose punishment or pronounce judgment.

Though the Food Safety Act, 2013 is very good law in present scenario for ensuring food safety but in comparison with the previous Pure Food Ordinance 1959 will make us decipher about the fact that penalties have certainly though have been increased but the penal and monetary punishments have been laid down as alternatives to each other which is great loophole of the law as for this the business operators will get chance to fly away by paying the monetary fine only. Therefore in the Food Safety Act, 2012 an important change or amendment is however required to impose a minimum penalty with each and every offense.

⁷¹The Food Safety Act 2013, s 72.

Chapter- 6

Review of Canada's Food Safety system Laws and Regulation

A comprehensive report ranks Canada and Ireland as the top countries in food safety performance and the document produced by the Conference Board of Canada's Centre for Food in Canada in collaboration with the University of Guelph's Food Institute⁷². For assessment of report they examined pesticide use, total diet studies, foodborne illness rates and national food or dietary consumption studies then for risk management the researchers looked at national food safety response capacity, food recalls, food traceability and radionuclides standards and for risk communication they studied food allergies and public trust. In terms of reporting chemical risks through total diet studies, France and Italy ranked the highest also Austria, Canada, the U.K. and the U.S. showed the strongest scores. The researchers also found that most countries have strong national food safety response capacities although Austria's lags a bit and that public trust in food safety was highest in Canada and Ireland⁷³.

As Canada ranked world best for safe food it can be an idol for Bangladesh in ensuring food safety. Canada is dealing with many Acts and Regulations for ensuring safe food which was last amended on 2019-01-15.

Those Acts are:

Canadian Dairy Commission Act

Consumer Packing and Labeling Act

Criminal Code

⁷² Lydia Zuraw, 'Canada, Ireland Top Food Safety World Ranking' Food Safety News November 21, 2014
<<https://www.foodsafetynews.com/2014/11/canada-ireland-top-food-safety-world-ranking/>> accessed Date 12th July 2019

⁷³ ibid

Food and Drugs Act

Safe Food for Canadians Act

Seeds Act and many others

From those above Laws I am hereby discussing some provisions of Safe food for Canadians Act which may fulfill the loophole of present laws dealing with food safety in Bangladesh.

6.1. Investigation procedure:

In the Regulation states that an operator⁷⁴ who suspects on reasonable grounds that a food presents a risk of injury to human health or does not meet the requirements of the Act or these Regulations must immediately investigate the matter. If it establishes the presents a risk of injury to human health then the operator must immediately notify the Minister and immediately take action to mitigate the risk. An operator must prepare keep and maintain a document therefore.

6.2. Recall procedure:

An operator⁷⁵ after investigation must prepare keep and maintain a document that sets out a recall procedure which shall contain the name of a contact person who is responsible for the procedure and the name of a contact person who is responsible for conducting recalls. And the operator must at least once of every 12 months conduct a recall simulation based on the document and shall keep that document for two years after the day on which the recall simulation is completed.

On the other hand the operator by himself may conduct the recall procedure if an operator determines that a food should be recalled because it presents a risk which is injurious to human health then the operator must immediately notify the Minister. And if a food is the

⁷⁴ Safe Food for Canadians Regulations effect on January 15, 2019, s 82.

⁷⁵ Safe Food for Canadians Regulations effect on January 15, 2019, s 84.

subject of a recall because it presents a risk of injury to human health the operator must immediately implement the recall procedure.

6.3.Certificate:

A certificate shall provide to each inspector⁷⁶ in a form established by the President of the Agency or the President of the Canada Border Services Agency by attesting the inspector's designation and on entering a place under subsection 24(1). The inspector may exercise his power by examine or test or take samples of anything that is in the place also may examine a document that is in the place. Also use or cause to be used a computer or other device that is in the place to examine data that is contained in or available to a computer system or reproduce it or cause it to be reproduced in the form of a printout or other intelligible output and remove the output for examination or copying and many others.

6.4.Offences:

Under this Act⁷⁷ if any person contravenes a provision of this Act or a provision of the regulations or fails to do anything the person was ordered to do by he then on conviction shall imposed fine of not more than \$5,000,000 or to imprisonment for a term of not more than two years or to both or on summary conviction for a first offence fine of not more than \$250,000 or to imprisonment for a term of not more than six months or to both and for a subsequent offence to a fine of not more than \$500,000 or to imprisonment for a term of not more than 18 months or to both.

On the other hand if person who contravenes any provision of this Act or a provision of the regulations or in failing to do anything the person was ordered to do by or other than subsection 32(1) knowingly or recklessly causes a risk of injury to human health is guilty of an offence and is liable to a fine the amount on discretion of the court or to

⁷⁶ Safe Food for Canadians Act 2012, s 23.

⁷⁷Safe Food for Canadians Act 2012, s 40.

imprisonment for a term of not more than five years or to both or on summary conviction for a first offence fine of not more than \$500,000 or to imprisonment for a term of not more than 18 months or to both and for a subsequent offence to a fine of not more than \$1,000,000 or to imprisonment for a term of not more than two years or to both.

6.5. Continuing offence:

Under the following Act if an offence under this Act is committed or continued on more than one day it constitutes a separate offence for each day on which it is committed or continued.

From the above discussion it is clear to us that Canada tries to makes food as safe as possible for Canadian also protects consumers by targeting unsafe practices and implements tougher penalties for the offences that put health and safety at risk, provides better control over imports.

In Bangladesh if we see the Food Safety Act, 2013 which is most recent laws has many lacking for which food safety is far away from the citizen therefore to ensure food safety and better implementation of law some amendment may bring like the zone division to the investigation inspectors as a result it would be easy for them to investigate specific area and ensure safe food. On the other hand summary conviction it would be very workable for ensuring food safety if the court provide fine and punishment after a summary trial and then a subsequent trial may bring. The most important amendment may bring which is recall procedure this can be made after imposing fine or summary trial the officer may recall by himself if the accused is doing the same crime or not and at present in Bangladesh the common scenario can be seen after trial by the mobile court the food company or accused does or repeat the same crime and then provide fine and repeat crime together for which the adulteration level is not decreasing though there have many laws if this practice or recall procedure exercise the adulteration level may decrease.

Under the Minister of Health the Government of Canada has brought together three organizations under one portfolio that is responsible for meeting the expectations of food safety:

Health Canada develops food safety and nutrition standards and a policy assesses food safety risks and promotes healthy eating through initiatives like Canada's Food Guide⁷⁸.

The Canadian Food Inspection Agency, guided by the Government's Safe Food for Canadians Action Plan verifies that industry is meeting federal food safety and regulatory requirements and sets standards to detect and prevent risks to Canada's food supply⁷⁹.

The Public Health Agency of Canada conducts food-related illness surveillance and outbreak investigations and provides advice to Canadians on how to protect themselves during an outbreak⁸⁰.

In Bangladesh these practice may bring under the health ministry by divided into three organizations for ensuring food safety.

⁷⁸ Healthy and safe food for Canadians framework, 2014 < <https://www.canada.ca/en/health-
<canada/services/publications/food-nutrition/healthy-safe-food-canadians-framework.html> > accessed date 27th July 2019.

⁷⁹ Ibid.

⁸⁰ Ibid.

Chapter - 7

7.1. Conclusion:

Food adulteration is always remain an burning issue in Bangladesh the government though had taken many steps but have failed to control this issues. At present there are many laws regulating this many laws has been amended to solve this issue but nothing were successes to overcome with this. Then in 2009 a new law have passed the Mobile Court,2009 though mobile court perform many role to solve this issue but there have many limitations for which the outcome is not satisfactory. In 2013 a law has been passed Food Safety Act, 2013 but this still not implemented fully under this law the requirement was to established food court but still there were no food court in every district. Therefore as the food adulteration level is increasing day by day it is now become urgent required to establish separate food court whose trial procedure will same as normal court but summary trial as stated under that Act also. The Food Safety Act, 2013 may also amend by following other country's laws for better control of this burning issue.

Bibliography

Statute:

1. The Constitution of the People's Republic of Bangladesh.
2. The Penal Code, 1860.
3. The Mobile Court Act, 2009.
4. The Food Safety Act, 2013.
5. Pure Food Ordinance, 1959.
6. Consumers Rights Protection Act 2009.
7. Code of Criminal Procedure, 1898.
8. Safe Food for Canadians Regulations effect on January 15, 2019.
9. Safe Food for Canadians Act 2012.

Cases:

1. *GiasUddin v. Dhaka Municipal Corporation* [1997] 17 BLD (HCD) 577.
2. *Nurul Islam v. Government of Bangladesh* [2000] 20 BLD (HCD) 341.
3. *Farooque v. Government of Bangladesh* [1996] 48 DLR (HCD) 438.
4. *Mohammad Nazrul Islam Vs. The State* [1982] 11 CLC (HCD).
5. *Human Rights and Peace for Bangladesh v Bangladesh* [2009] writ petition no. 1190 para 23.

Journal articles:

1. Susan Keenan, Stephen Spice, others,' Food Safety Policy and Regulation in the United States' published date February 2015.
2. SM Solaiman and Mohammad Atahar Ali Abu Noman,' Extensive Food Adulteration in Bangladesh: A Violation of Fundamental Human Rights and the State's Binding Obligations' Journal of Asian and African Studies [2014] Vol. 49(5), 625.

3. Bangladesh Legal Aid and Services Trust (BLAST) and Campaign for Right to Food & Social Security,' THE RIGHT TO FOOD: LEGAL PROTECTION IN BANGLADESH' Published date May 2015.
4. Md. Imrul Hasan,' REVIEW OF EXISTING FOOD SAFETY LAW/ACT AND POLICY AGAINST INTERNATIONAL BENCHMARKS' published date July 2015.
5. Sangita Bansal, Apoorva Singh, Manisha Mangal, Anupam K. Mangal & Sanjiv Kumar,' Food adulteration: Sources, health risks, and detection methods' CRITICAL REVIEWS IN FOOD SCIENCE AND NUTRITION 2017, VOL. 57, NO. 6, 1174–1189 published date 13 Feb 2017.
6. Mai T Pham, Andria Q Jones, Jan M Sargeant, Barbara J Marshall and Catherine E Dewey,' RAeseqaruchaarltiictleative exploration of the perceptions and information needs of public health inspectors responsible for food safety' published date 2010.
7. Sheikh Shams Morsalin,'FOOD ACCESS CONSTRAINTS ON THE POOR: CONTEMPORARY DYNAMICS AND CLIMATE CHANGE IMPACTS' Journal of International Affairs, Vol. 20, Nos. 1 & 2 published date June 2 and December 2016.
8. Abu Noman Mohammad Atahar Ali,' Manufacturing unsafe foods in Bangladesh: a legal and regulatory analysis' University of Wollongong Thesis Collection 1954-2016 published date 2013.

Online Article:

1. Ibnul Bashar Arafat, "Food Safety Laws of Bangladesh: A Critical Evaluation" 20th October 2017 <<http://sclsbd.org/food-safety-laws-bangladesh-critical-evaluation/>> accessed 2nd July 2019.
2. Nasreenn Sharifa & Tahmid Ahmed,' Food Adulteration and Consumer Awareness in Dhaka City, 1995-2011' published date September 2014<https://www.researchgate.net/publication/265466568_Food_Adulteration_and_Consumer_Awareness_in_Dhaka_City_1995-2011> accessed date June 16, 2019.
3. Zurana Masud,' Food borne illnesses and Bangladesh situation' published date March 8, 2017<https://zuranaazrecipe.com/news_event/food-borne-illnesses-and-bangladesh-situation/> accessed date 10 June 2019.

4. Zuraw Lydia,' Canada, Ireland Top Food Safety World Ranking' Food Safety News November 21, 2014 <<https://www.foodsafetynews.com/2014/11/canada-ireland-top-food-safety-world-ranking/>> accessed Date 12th July 2019.
5. Healthy and safe food for Canadians framework, 2014< <https://www.canada.ca/en/health-
<canada/services/publications/food-nutrition/healthy-safe-food-canadians-framework.html>> accessed date 27th July.
6. Robert Longley,' The US Food Safety System, A Case of Shared Government Responsibilities' 4th June 2019 <<https://www.thoughtco.com/the-us-food-safety-system-3321054>> accessed date 28th July 2019.
7. M S Siddiqui,' High Court order on food safety: Where are food courts?' the Financial Express July 02 2013
< <http://www.febd.com/index.php?ref=MjBfMDdfMDJfMTNfMV8yN18xNzQ5MTY>> accessed date 1st June 2019.

Newspaper Articles:

1. Tribune report, 'Call for implementing Safe Food Act 2013' *Dhaka Tribune* (Dhaka, 8th November 2014).
2. Star online report, 'Running of mobile court by executive magistrates unconstitutional' *Daily Star* (Dhaka, 12th July 2019).
3. Barrister Omar Khan Joy, 'Mobile Court Law' *The Daily Star* (Dhaka, 7th April 2015).
4. Times Report, "The Mobile Court Act' An Analysis' *The Kustia Times* (Kustia, 19th July 2011).
5. Mamun Al Firoz, 'Judicial magistrate may run mobile court' *the Daily Sun* (Dhaka, 14th May 2017).
6. Tribune editorial, 'The mobile court system is broken' *Dhaka Tribune* (Dhaka, 7th December 2017).
7. Tribune desk,' HC: Mobile courts by executive magistrates illegal, unconstitutional' *Dhaka Tribune* (Dhaka, 11thMay 2017) 1.
8. Tribune desk,' HC: Mobile courts by executive magistrates illegal, unconstitutional' *Dhaka Tribune* (Dhaka, 11thMay 2017).

9. Tribune desk,' HC: Mobile courts by executive magistrates illegal, unconstitutional' *Dhaka Tribune* (Dhaka, 11thMay 2017).
10. Arifur Rahman Rabbi,' RAB destroys 400 maunds mangoes in Dhaka' *Dhaka Tribune* (Dhaka, 22th May 2019).
11. Staff Reporter, 'Food-borne diseases kill 2m a year: WHO' *the Daily Star* (Dhaka, April 12 2015).
12. Staff correspondent,' Conduct survey on adulterated dairy products: HC' *New Age Bangladesh* (Dhaka, Feb 11, 2019).
13. Tribune Desk,' Nasim seeks death penalty for food adulterators' *Dhaka Tribune* (Dhaka, 27th may 2019).
14. Tribune Desk,' PM: Food adulteration a form of corruption' *Dhaka Tribune* (Dhaka, 3rd February 2019).
15. Star Online Report,'HC orders 5-week ban on pasteurised milk of 14 companies' *Daily Star* (Dhaka, July 28, 2019).
16. Shahin Akhter and Rashad Ahamad,'Food safety still bleak' *New Age Bangladesh* (Dec 21, 2018).
17. Md. Farooque Hossain,' Food Adulteration Must Cease' *Daily Sun* (22 February, 2019).
18. Rehan kabir, Anwar Hussain,'Food adulteration a cause of concern' *Dhaka Tribune* (Dhaka, June 28th 2016).
19. Moniruzzaman Uzzal,'Food adulteration reaches new height' *Dhaka Tribune* (Dhaka, April 29th, 2014).
20. Bappy Rahman,'Food Safety in Bangladesh: Challenges and Concerns' *Daily Sun* (Dhaka, 29th August, 2017) 1.

