

A report regarding a proposed amendment of certain sections of the Bangladesh Pure Food Ordinance, 1959 (Ordinance No. LXVIII of 1959).

Introduction

Adulteration of foodstuffs is an act of dishonest tradesmen who intend to make maximum profit from minimum investment. Random manufacture of adulterated foodstuffs unsuitable for human consumption led to a resolve to combat this trend in order to maintain a standard of purity for the preservation of public health. The legal philosophy for protection of the consumers from intake of adulterated food articles resulted in the inclusion of some provisions in the Penal Code, 1860 (Act No. XLV of 1860) making adulteration of food or drink and sale of noxious food or drink punishable under sections 272, 273,274,275 and 276 of the said Code.

The provisions of the penal Code could not, however, effectively control the trend of manufacture and sale of adulterated foodstuff. In subsequent years, widespread evil of food adulteration began to threaten public health. With a view to protecting consumers from the menacing effect of adulterated food articles, Pure Food Ordinance, 1959 (Ordinance No. LXVIII of 1959) was promulgated in 1959. Law Commission in 2006 submitted a report along with draft bill recommending enhancement of punishment prescribed in sections 272, 273,274,275 and 276 of the Penal Code, 1860. The said recommendation is reiterated hereby.

Adulteration of food articles is an offence under the Pure Food Ordinance, 1959 providing minor penalties of different kinds. Taking advantage of such minor penalties the unscrupulous traders started mixing injurious materials with almost every food articles like fruits, vegetables, fish, meat, flour etc. which necessitated an amendment of the Pure Food Ordinance, 1959 in 2005 by the Bangladesh Pure Food (Amendment) Act, 2005 widening definition of adulteration and the scope of the law and also enhancing the punishment of the offences.

Alarming increase of adulteration of foodstuffs created a strong public opinion for combating the ferocity of the offence. There has been a wide circulation of views for controlling different kinds of adulteration of foodstuffs. Mobile courts are now vigilant around the capital and the districts to discover different kinds of food houses, hotels and restaurants which are found to be selling noxious foodstuffs. Electronic media has been giving a wide coverage of various forms of adulteration of foodstuffs consumed by the people at large. Conscious stakeholders have also come forward to express their thoughtful research on the effects of different kinds of adulterated food on human body. Some stakeholders also maintained contact with the Law Commission for making necessary reforms on the laws in force relating to adulteration. Concerned quarters also invited the attention of the Commission for bringing reforms in the Ordinance. Consequently, the Law Commission included Bangladesh Pure Food Ordinance, 1959 (Ordinance No. LXVIII of 1959) in its two-year work plan of 2006-2007 for bringing necessary reforms in the same.

Recently mixture of sodium cyclamate with different articles of food, such as sugar, biscuits and eatables made of sugar has become a cause of common concern. Sodium cyclamate is a poisonous chemical substance which causes serious injury to human body particularly to the children. Intake of sodium cyclamate may result in the outcome of serious diseases like cancer and ulceration in different parts of human body.

Sodium cyclamate has been banned in the developed countries for its harmful effect on human body. So, import of sodium cyclamate should be banned in our country also, because its mixture with food items is very much injurious to public health. Section 6A, of the Bangladesh Pure Food Ordinance, 1959 prohibited the use of different chemical elements in the foodstuffs which cause injury to human body; but despite having harmful effect, sodium cyclamate has not been included therein. In the absence of sodium cyclamate in section 6A, the Mobile Court finds it difficult to punish the traders who are using sodium cyclamate in their food products. As such, inclusion of sodium cyclamate is necessary in section 6A and section 44 of the said

Ordinance, by way of a further amendment. We, therefore, recommend the inclusions of sodium cyclamate after the word “formalin” in section 6A and in the Table of section 44.

The Director General of the Directorate of Food generally looks after the purity of foodstuff, but he has not been made a member of the National Food Safety Advisory Council as constituted under section 4A of the said Ordinance. We therefore recommend the inclusion of the Director General as a member of the National Food Safety Advisory Council under section 4A of the said Ordinance. As such, an amendment of section 4A (1), should be made by adding “Director General of Food” as a member of The National Food Safety Advisory Council in the serial (kk) after serial (k).

Recommendations

In view of our discussions above, we recommend that an amendment be made in sections 4A, 6A and 44 of The Bangladesh Pure Food Ordinance, 1959 (Ordinance no LXVIII of 1959).

For convenience and ready reference we are enclosing herewith a Draft of the proposed Ordinance as annexure “A”. For convenience and understanding, we are also enclosing herewith some literature on the harmful effects of sodium cyclamate as annexure “B”.

(Dr. M. Enamul Hoque)
Member-2

(Justice Md. Sirajul Islam)
Member-1

(Justice Mustafa Kamal)
Chairman

An Ordinance for proposed amendment of the Bangladesh Pure Food Ordinance, 1959 (Ordinance No. LXVIII of 1959)

The Bangladesh Pure Food (amendment) Ordinance, 200....

WHEREAS it is expedient and necessary further to amend certain provisions of the Bangladesh Pure Food Ordinance, 1959 (Ordinance No. LXVIII of 1959) for the purposes hereinafter appearing; And

WHEREAS the Parliament now stands dissolved and the President is satisfied that circumstances exist which render immediate necessary action to amend the Bangladesh Pure Food Ordinance, 1959;

NOW, THEREFORE, in exercise of the powers vested in him by article 93 of the Constitution, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance, namely:-

1. Short title and commencement.- (1) This Ordinance may be called the Bangladesh Pure Food (amendment) Ordinance, 200.....

(2) This Ordinance shall come into force at once.

2. Amendment of section 4A of Ordinance No. LXVIII of 1959.- In the Bangladesh Pure Food Ordinance, 1959 (Ordinance No. LXVIII of 1959), hereinafter referred to as the said Ordinance, in section 4A, sub-section (1), after serial (k) a new serial (kk) shall be added and in that serial, "The Director General of Food" shall be added as a member of the National Food Safety Advisory Council.

3. Amendment of section 6A, of Ordinance No. LXVIII of 1959.- In the said Ordinance, in section 6A, in clauses (a) and (b) after the word "formalin" and the "coma", the words "sodium cyclamate" and a "coma", shall be inserted.

4. Amendment of section 44 of Ordinance No. LXVIII of 1959.- In the said Ordinance, in the table of section 44, in column 2 of section 6A, after the word "formalin" and the "coma", the words "sodium cyclamate" and a "coma", shall be inserted.