NATIONAL MOOT COURT COMPETITION 2026

Organised by NMCC Organising Committee, Map of Justice

MOOT PROBLEM

IMPORTANT NOTICE AND DISCLAIMER TO PARTICIPANTS

This moot problem is entirely fictitious. All persons, entities, organisations, and events described herein are invented for academic purposes only. All figures, studies, and sources cited in this annex are hypothetical and prepared solely for the purposes of this competition. They do not represent real epidemiological data. Any resemblance to real persons, living or dead, or to real institutions or incidents, is purely coincidental. Participants must treat all stated facts as established and shall not introduce extraneous facts. The moot problem is governed exclusively by the laws of the People's Union of Bongo Desh which is *pari materia* to those of the People's Republic of Bangladesh.

This competition aims to develop participants' advocacy abilities, legal research proficiency, and critical thinking skills by offering a deeper understanding of the national legal framework. It also provides meaningful engagement with contemporary legal issues while strengthening both oral and written advocacy for future legal professionals. Through this competition, we encourage healthy academic exchange, professionalism, and prepare future legal practitioners to uphold the rule of law and justice in society.

The competing issues of this competition are food safety and public health protection vs. regulatory limitations against private entities in the context of a moot court setting before the Appellate Division of the Supreme Court of Bongo Desh.

Theme: Food Safety, Public Health, Fundamental Right

In the Appellate Division of the Supreme Court of Bongo Desh

(Full Bench)

Civil Appeal No. 99 of 2026

(Arising out of Civil Petition for Leave to Appeal No. 234 of 2026)

(Arising out of Writ Petition No. 55 of 2025)

Abdul Hamid Khan Bhashani

Appellant

vs

1. **Government of Bongo Desh, represented by the Secretary, Ministry of Food**
2. **Government of Bongo Desh, represented by the Secretary, Ministry of Health and Family Welfare**
3. **Government of Bongo Desh, represented by the Secretary, Ministry of Agriculture**
4. **Government of Bongo Desh, represented by the Secretary, Ministry of Industries**
5. **Bongo Desh Food Safety Authority (BFSA), represented by the Chairman**
6. **Bongo Desh Standards and Testing Institution (BSTI), represented by the Director General**
7. **PureHarv Ltd., represented by the Managing Director**

Respondents

Procedural History

1. In September 2025, Abdul Hamid Khan Bhashani filed Writ Petition No. 55 of 2025 as a public interest litigation before the High Court Division under Article 102 of the Constitution of the People's Union of Bongo Desh, challenging the alleged failure of the relevant public authorities to take adequate regulatory action against PureHarv Ltd. despite laboratory findings establishing serious contamination of its food products and the resulting public health consequences. The Petitioner sought, inter alia, directions for suspension of the Company's food business licence, recall or destruction of the contaminated products, appropriate proceedings against those responsible, a declaration that the authorities' failure to take adequate action violated their fundamental rights under Articles 31 and 32, and the establishment of an expedited compensation mechanism for the victims.

2. After substantive hearing, the Rule was discharged by a bench of two Justices of the High Court Division on 15 January 2026. The High Court Division held, inter alia, that the Petitioner lacked *locus standi* as a "person aggrieved" within the meaning of Article 102(1); that the right to safe food was addressed under the Fundamental Principles of State Policy in Articles 15 and 18 and was not an independently justiciable fundamental right; that the regulation of food safety and the exercise of statutory enforcement powers by the BFSA fell within the domain of executive discretion, including public policy consideration of the potential economic and employment consequences of suspending the Company's licence; that the writ was not maintainable against Respondent No. 7,

PureHarv Ltd. which is a purely private party; and that the claim for compensation was misconceived in writ jurisdiction and properly pursuable through civil proceedings.

3. The Petitioner filed Civil Petition for Leave to Appeal No. 234 of 2026 before the Appellate Division under Article 103 of the Constitution. The Appellate Division granted leave on 10 March 2026 on the following grounds:

    I. Whether the High Court Division committed a grave error in finding that the Petitioner lacked *locus standi* in a writ concerning systemic public health hazards.

    II. Whether the High Court Division erred in law by holding that the Right to Safe Food is merely a non-justiciable principle under Articles 15 and 18, rather than an integral component of the Right to Life under Article 32 read together with Article 31.

    III. Whether the High Court Division erred in law in holding that BFSA's exercise of statutory enforcement powers fell within the domain of executive discretion and could not be judicially reviewed in the absence of *mala fides* or colourable exercise of power, notwithstanding the alleged inadequacy of the enforcement action taken and the public policy consideration of the Company's economic and employment interests.

    IV. Whether the High Court Division failed to consider that a private entity (Respondent No. 7) functioning in a strictly regulated public market affecting public health is amenable to the writ jurisdiction under Article 102 of the Constitution.

    V. Whether the High Court Division erred in holding that public law compensation cannot be awarded in writ jurisdiction to victims of gross administrative failure and constitutional torts.

4. The appeal was duly registered as Civil Appeal No. 99 of 2026 and has been fixed for a substantive final hearing before the Full Bench of the Hon'ble Appellate Division of the Supreme Court of Bongo Desh.

Contextual and Legal Background:

5. The People's Union of Bongo Desh is a nation located in the South Asian region, with a population of about 180 million people in an area of 150,500 sq. km. Of this area, about 19,250 sq. km is the water area, given a significant portion of the country is covered by inland bodies of water and rivers and its heavily agrarian society.

6. Bongo Desh was left in a state of extreme poverty due to the aftermath of the 1971 Liberation War. The destruction of transport infrastructure, housing, and agricultural land significantly reduced food production and disrupted food distribution, leaving an estimated 70% of the population living in poverty at independence. These conditions culminated in the 1974 famine, which lasted from March to December. While poverty limited people's ability to afford sufficient and nutritious food, the famine represented

an extreme crisis in food availability and access. The immediate results of famine are death, increased infections, weakness and lethargy. In the long term, exposure to the famine was associated with increased rates of obesity, hypertension, dyslipidemia, and diabetes. These are risk factors for cardiovascular disease, and even after adjusting for these, there is an additional risk of cardiovascular problems, impaired physical and cognitive development issues, reduced labour productivity, and constrained future earning capacity.

7. The Government of Bongo Desh adopted a series of policies aimed at alleviating poverty and achieving food security through increased agricultural productivity. Recognising that widespread poverty and food insecurity threatened national development, successive governments prioritised agricultural modernisation by promoting modern farming techniques. These measures included the introduction of high-yielding crop varieties, the expansion of irrigation infrastructure, subsidised chemical fertilisers and pesticides, and strengthened agricultural extension services to encourage the adoption of modern farming practices. The objective was to increase crop yields, improve rural livelihoods, and reduce dependence on food imports. These interventions contributed significantly to higher agricultural production and declining poverty rates over subsequent decades.

8. The country's nominal GDP was approximately $510 billion in 2025, with a GDP per capita of around $2,950. The country has transitioned from one of the world's poorest nations at its inception back in 1971 into a lower-middle-income country when the World Bank officially classified Bongo Desh as such back in 2015. With its current development, the country now aims to reach upper-middle-income status by 2031.

9. The agricultural sector in Bongo Desh includes four primary sub-sectors: crops and horticulture, animal farming, forest and related services, and fishing. Agriculture accounts for approximately 11% to 13% of Bongo Desh's GDP and employs around 40% of the country's total workforce. While the sector's proportional share of GDP has decreased over recent decades due to rapid industrialisation and manufacturing growth, it remains the backbone of rural livelihoods and national food security. Its economy is primarily driven by a robust ready-made garment (RMG) export sector, strong remittance inflows, and microfinance.

10. While agrochemicals and production-oriented farming practices contributed significantly to increased agricultural output and economic development, they also laid the foundation for the rapid growth of Bongo Desh's processed and packaged food industry by ensuring a continuous supply of agricultural raw materials. As the food processing sector expanded to meet the demands of a growing and increasingly urbanised population, concerns emerged regarding the quality and safety of food throughout the supply chain. The intensive use of agrochemicals increased the risk of pesticide residues and environmental contamination, while the expansion of processed and packaged foods introduced additional challenges associated with food additives, preservatives, adulteration, and inadequate quality control.

11. In the last couple of decades, the packaged food industry and processed food industry in Bongo Desh has grown rapidly. The rapid expansion of Bongo Desh's processed and packaged food industry has improved food availability and convenience but has also created significant food safety and nutritional challenges. Many processed and packaged food products are energy-dense yet nutritionally poor, containing excessive amounts of sugar, salt, saturated fats, and artificial additives while providing limited dietary fibre, vitamins, and minerals. The increasing consumption of these products has contributed to unhealthy dietary patterns and the growing double burden of malnutrition, in which undernutrition coexists with overweight, obesity, and diet-related non-communicable diseases. These concerns are compounded by the persistent problem of food adulteration, whereby foods are intentionally contaminated or altered through the addition of harmful chemicals, non-permitted colourants, artificial ripening agents, preservatives, or other inferior substances to enhance appearance, extend shelf life, or increase profit. Such practices not only diminish the nutritional quality of food but also expose consumers to serious health risks, including acute poisoning, chronic toxicity, and an increased risk of cancer and other long-term diseases.

12. Besides, there have been recurring concerns about food adulteration [the practice of adding hazardous substances, toxic colours or noxious food additives] in fruits, vegetables, fish, milk, etc. Fact stands that scores of private companies manufacture and distribute food products from cooking oils and spices to ready-to-eat snacks and infant formula across the country. This commercial expansion has brought with it serious and recurring concerns about food adulteration, the use of banned chemical additives, and brought forth into light the inadequate or weak enforcement of food safety standards by the relevant regulatory authorities. A crucial fact as it stands is a general apathy on the part of many residents, who do not realise the connection between their surroundings and their wellbeing. This lack of awareness has also been a factor in inaction, and an atmosphere of general ignorance as to what constitutes safe practices when it comes to food handling and disposal of food waste. Although, activists and civil society organisations have time and again flagged comparatively poor regulatory capture as reason for why the perpetration of unsafe food practices and poor food safety standards continues.

13. A nationwide outcry against widespread food adulteration had prompted the government to replace the archaic Pure Food Ordinance of 1959 with a stringent Food Safety Act in 2013. At present, the principal legislative framework governing food safety in Bongo Desh is the Food Safety Act, 2013 (hereinafter 'the Act'). The Act established the Bongo Desh Food Safety Authority (hereinafter 'BFSA'). In its preamble, it states that the Act was developed in order to ensure the rights toward access to safe food for the protection of human health and life and thereby make provisions for the establishment of the BFSA, 'an efficient and effective authority and for regulating, through coordination, the activities relating to food production, import, processing, stock, supply, marketing and sales, so as to ensure the rights toward access to safe food through appropriate application of scientific process, upon repealing and reenacting the existing laws connected thereto.'

14. Alongside the Act, the Consumer Rights Protection Act, 2009 provides a further layer of protection for consumers, while Sections 272 and 273 of the Penal Code, 1860 criminalise the adulteration of food and the sale of noxious articles intended for food.

15. Abdul Hamid Khan Bhashani is a Bongo Deshi civil servant and former senior government official who has been involved in regulatory, administrative, and institutional reform roles, especially in railways and food safety sectors in the last decade. From 2018 to 2020, he served as the additional secretary, and later the Acting Chairman of BFSA; later, he was transferred to the Ministry of Railways as an additional secretary in March 2020, and later in 2021, retired due to age. In the last 1-2 decades, he has raised his concerns in Bongo Desh's food safety sector with special focus on systemic contamination, weak regulatory measures, and gaps in enforcement, as well as repeatedly raised concerns on private companies involved in such poor food processing and packaging getting away with their violations. He repeatedly pointed to specific risks in the food supply chain.

16. In 2019, he flagged the heavy metal contamination in food (especially oil, milk and dairy) products whereby lead and cadmium were detected in milk samples way above safe limits. Testing has reportedly found that soybean, palm cooking oils, milk, and dairy products sold in Bongo Desh contained mercury, which is a toxic heavy metal, at levels up to 20 times higher than the permissible limit. Mercury is known to damage the nervous system, kidneys, and the cardiovascular system, including the heart and blood vessels. He shared how risks to health may also come from contaminated fodder, pesticides and fertilisers, industrial pollution entering the food chain, etc. Excessive use of pesticides also results in health risks to humans. In early 2020, he flagged the unsafe and poorly tested dairy supply chain, especially on how milk and powdered milk were entering domestic markets without proper laboratory testing. Moreover, Mr Bhashani has been continuously vocal about the adulteration scopes that perpetrators get at multiple stages of production; i.e. from farm-level production, through processing and transport up to restaurants and consumer markets, as well as to companies working with packaged or processed foods.

17. Recognising that public health is fundamental to a nation's social and economic development, and the government's duty to ensure that the population has access to safe and nutritious food, Mr Bhashani proposed establishing and enforcing effective food safety regulations before he was transferred to the Railway Ministry. This was to protect consumers from preventable health risks by ensuring food safety throughout the supply chain and preventing the production, distribution, and sale of counterfeit, adulterated, contaminated, and substandard food products. During his tenure, Mr Bhashani also proposed that the Ministry of Agriculture establish a special independent expert committee comprising government officials, scientists, and experienced professionals to address these challenges. The proposed committee was to be tasked with reviewing the existing legal, regulatory, and institutional framework governing the pesticide sector, including the Pesticide Act, relevant rules and regulations, registration and licensing systems, administrative structures, laboratory operations, monitoring mechanisms, and

quality assurance processes, with the objective of developing comprehensive policy guidelines for reform. However, despite the proposal, the Ministry did not take any action or provide a formal response.

18. After his retirement, around mid-2023, he also raised specific concern regarding the poor enforcement mechanism whereby authorities often focus only on basic hygiene inspections but ignore deeper issues like chemical contamination, pesticide residues, or even, industrial toxins.

19. The Public Health Research Division of the Medical Observatory for Justice (MOJ), a prominent international public health and policy-oriented medical research organisation, conducted an assessment of the potential public health implications of heavy metal contamination in Bongo Desh's food supply. The report expressed concern over elevated levels of mercury detected in selected edible oil samples and identified chronic dietary exposure as a significant public health risk. It concluded that prolonged mercury exposure could contribute to neurological disorders, kidney damage, and cardiovascular disease, and suggested that it may be a contributing factor to the reported increase in heart attacks among adults in their twenties and thirties. The report further noted that Bongo Desh's already high burden of kidney disease could amplify the health consequences of mercury exposure. It recommended strengthening food safety regulations, expanding nationwide surveillance of heavy metals in food products, and reforming pesticide and food quality control systems to protect public health.

20. PureHarv Ltd. (hereinafter 'The Company') is a privately-owned food manufacturer and processing company incorporated under the Companies Act, 1994. The Company manufactures and distributes a wide range of packaged food products across Bongo Desh nationally through retail chains, wholesale markets, as well as school canteens in at least sixteen districts. Their products include PureHarv Gold (cooking oil for shallow and deep-frying snacks); PureHarv Spice Mix (used in curries, as well as pakora); PureHav Honey, and PureHarv Jelly. which were gradually released in the market since 2005. A new addition to their product, PureHarv KidSnack [simple kid-friendly lunch boxed foods including cold sandwiches, biscuits and drinks] was released into the market in late 2022.

21. In late 2024, certain concerns were raised regarding the safety, quality, and compliance of PureHarv's food products. The children in the school, when they received their lunch boxes, were excited about the bright orange coloured food and drinks, which when started circulating online, raised the concern of the national authorities. Pursuant to such concerns, and in exercise of its statutory and regulatory mandate, the BFSA initiated regulatory inspection and intervened in relation to their products. In the course of such regulatory action, the BFSA conducted inspections at multiple districts across Bongo Desh, including three districts where PureHarv was being distributed. They collected samples of all the food products, including PureHarv Gold, PureHarv Spice Mix, PureHav Honey, PureHarv Jelly and PureHarv KidSnack from different stages [production, manufacturing, packaging] and subsequently, on 13 March 2025, forwarded the samples to the National Food Safety Laboratory (NFSL) forwarded the

samples to the National Food Safety Laboratory (NFSL), an analytical testing laboratory functioning under the Institute of Public Health under the Ministry of Health and Family Welfare, for chemical and microbiological analysis.

22. After multiple rigorous tests on the samples, on 29 March 2025, laboratory analysis of the samples collected during the inspections revealed the following:

    - PureHarv Gold: contained levels of mineral oil hydrocarbons far in excess of permissible limits and had been blended with a lower-grade industrial oil not approved for human consumption and the oil also contained elevated levels of mercury ranging from 1.73 to 5.11 mg/kg.

    - PureHarv Spice Mix: contained the banner preservative Potassium Bromate at concentrations that are linked to renal toxicity and carcinogenicity in peer-reviewed literature.

    - PureHarv KidSnack: contained packaged biscuit that contained artificial colourants Sudan Red IV, that is not permitted as an additive under the Schedule II of the Food Additives Usage Regulations, 2017.\

    - Laboratory reports identified discrepancies between the ingredients listed on the product packaging of Gold, SpiceMix and KidSnack, and the actual chemical composition of the product, constituting mislabelling.

23. On the same night of 29 March 2025, Mr Bhashani wrote a column for The Bongo Daily, a nationally renowned news agency and online news portal, titled, 'A Widespread Health Crisis from 'EATING': Why PureHarv is the Nation's Detonator', specifically highlighting his assessments of the Company's actions and legal implications thereunder.

24. Inspection reports were accordingly submitted to the BFSA's Directorate on 2 April 2025, and the Company was considered to be under review. The Company was accordingly issued a show-cause notice the immediate next day as to why the Authority shall not order the suspension or cancellation of the Company's food business licence, and why it shall not order the recall or destruction of contaminated products already in distribution.

25. No response to the show-cause notice was received.

26. In May 2025, following receipt of the NFSL reports and internal deliberations, the BFSA issued the Company an administrative penalty of Taka Five Lakhs (BDT 5,00,000), under Section 58, for violations of Section 23, 25, 28 and 32, and directed the Company to submit a corrective action plan within ninety days.

27. It is to be noted that PureHarv products continued to be sold in markets and school canteens throughout the affected districts for a further four-five months following the penalty order.

28. Meanwhile, between November 2023 and May 2025, hospitals across the capital and other districts reported an unusual surge in admissions for gastrointestinal illness, acute kidney injury, and allergic reactions among both adults and children. Epidemiological investigation by the Directorate General of Health Services (DGHS) traced a statistically significant number of these cases to consumption of PureHarv products.

29. In June 2025, the following consequences have been reported in an online national news portal, 'The Bongo Daily':

    - At least forty-three (43) individuals were hospitalised with moderate to severe illness attributable to consumption of contaminated PureHarv products.
    - Seventeen (17) individuals died. Of the deceased, four were children under the age of twelve. Post-mortem toxicological reports implicated Potassium Bromate poisoning and adulterant-induced organ failure in at least eight of the total deaths.
    - A government-commissioned health survey in affected districts found elevated rates of kidney function abnormality in regular consumers of PureHarv cooking oil over a twelve-month period.

30. On 23 June 2025, a correspondent reporter of the Bongo Daily, requested a Right to Information (RTI) request regarding matters related to PureHarv and BFSA's actions thereunder. Thus, certain internal correspondences were made publicly available. It evinced that by 5 April, the BFSA were informed that suspension of the Company's licence would affect the direct employment of approximately 4,200 workers. This communication was made personally and directly to the Chairman of BFSA and not in response to the show-cause notice. The BFSA realised that the matter should be 'handled with economic sensitivity', as otherwise, the lives of many will be impacted, as was expressed by the Managing Director of the Company. Besides, at two different instances, once on 3 May and then on 19 May, the Chairman of the BFSA attended two industry association meetings with the Company's Managing Director during the pendency of enforcement proceedings, the records of which were not disclosed to the public.

31. In July 2025, Mr Bhashani visited the hospitals and got in touch with some of the aggrieved families, talking with them to assess their needs, and linking relevant organisations and support groups to help them if and when required. During this time, he met Ms. Dilruba Hossain and Mr Salim Ansari, both from Dublar Char, Bagerhat, with whom he ended up developing a strong bond.

32. Ms Dilruba Hossain, 46, is a home maker with a husband working as a paddy farmer. She was also the mother of Lamia, a child who died on 4 June 2025 at the age of 8 following contamination from canteen food PureHarv KidSnack, after her admission to the hospital with acute renal failure. Post-mortem toxicology confirmed that her body had Potassium Bromate toxicity.

33. Mr. Salim Ansari, 62, is a retired primary school teacher, who regularly consumes PureHarv Gold cooking oil. He is presently under medical supervision for Grade II chronic kidney disease. His physician has certified, on the balance of probabilities, that prolonged exposure to contaminated cooking oil was the primary contributing factor to his condition.

34. When Mr Bhashani proposed to them whether they are willing to bring the perpetrators to book, both Ms. Hossain and Mr Ansari cited their inability to pursue a case given their difficult financial situation, health condition as well as their homes in Dublar Char being far away from the capital city where the Supreme Court is situated.

35. Thereafter, Mr Bhashani, through his duly appointed Advocate, served a written notice demanding justice upon the concerned Respondents in August 2025, calling upon them, in light of the established contamination, the findings of the National Food Safety Laboratory, the resulting deaths and illnesses, and the continued distribution of the affected products, to take immediate and effective regulatory and remedial measures. Mr Bhashani specifically called upon BFSA to suspend the food business licence of PureHarv Ltd., initiate appropriate proceedings against the persons responsible, and order the recall or destruction of the contaminated products; to reconsider and withdraw the penalty imposed in May 2025 as manifestly inadequate and disproportionate to the gravity of the violations; to take appropriate measures to protect the affected persons' fundamental rights to life and protection of law; and to establish an expedited mechanism for providing relief and compensation to the victims of the contamination crisis. The said notice afforded the Respondents twenty-one (21) days to take the requested measures and communicate their decision to Mr Bhashani. No response was received from any of the Respondents within the stipulated period, and none of the reliefs sought was granted nor any substantive further action taken.

36. Thereafter, in September 2025, Mr Bhashani served a further notice demanding justice upon the concerned Respondents, reiterating the grievances and reliefs previously sought and calling upon them to take immediate corrective, regulatory and remedial measures in view of the continuing public health consequences arising from the contaminated products. The Respondents were afforded a further period of fifteen (15) days to respond and take appropriate action. Despite receipt of the notice, no response was furnished by any of the Respondents, nor was any of the requested relief granted or substantive action taken.

Filing of Writ Petition No. 55 of 2025

37. Having exhausted these avenues without obtaining an effective response from the concerned authorities, Mr Bhashani, in September 2025, as Petitioner through his appointed Advocate filed a Writ Petition No. 55 of 2025 before the High Court Division of the Supreme Court of Bongo Desh under Article 102 of the Constitution of the People's Union of Bongo Desh, 1972. The Ministry of Food, Ministry of Health and Family Welfare of Bongo Desh, Ministry of Agriculture, Ministry of Industries, Bongo Desh Food Safety Authority (BFSA), Bongo Desh Standards and Testing Institution

(BSTI), and PureHarv Ltd. were the Respondents, who had been all previously served the justice demand notices by Mr Bhashani.

38. The relief sought by the Petitioners included:

I. A writ of mandamus directing the BFSA to forthwith suspend the food business licence of PureHarv Ltd. and initiate criminal proceedings against its responsible officers;

II. A writ of mandamus directing the BFSA to order the recall or destruction of contaminated products from the markets across Bongo Desh;

III. A writ of certiorari quashing the penalty order of May 2025 as arbitrary, unreasonable, and disproportionate to the gravity of the violations established;

IV. A declaration that the failure of Respondents No. 1 and 2 to take adequate regulatory action constitutes a violation of the Petitioner's and affected persons' fundamental rights under Articles 31 and 32 of the Constitution;

V. A direction to the Government to establish an expedited compensation mechanism for all victims of the contamination crisis;

VI. Any other order or direction deemed appropriate in the interests of justice.

Rule Nisi issued by the High Court Division

39. The High Court Division issued a Rule Nisi calling upon the Respondents to show cause.

Rule Discharged by the High Court Division

40. After hearing both sides, the Rule was discharged by a bench of two Justices on 15 January 2026. The Court held, inter alia:

- The Petitioner, Abdul Hamid Khan Bhashani is not a 'person aggrieved' within the meaning of Article 102(1) of the Constitution. The standing requirement under Article 102 is personal and direct. A person lacking a personal stake in the subject matter is not entitled to invoke writ jurisdiction.

- Article 32 of the Constitution guarantees the right to life and personal liberty against arbitrary executive action. However, the right to safe food is a matter addressed in the Fundamental Principles of State Policy (Articles 15 and 18), which are not justiciable fundamental rights capable of independent enforcement in writ proceedings.

- The regulation of food safety and the exercise of statutory enforcement powers by the BFSA falls within the domain of executive discretion. Courts cannot sit in appeal over how administrative agencies prioritise and exercise their statutory powers in the absence of *mala fides* or colourable exercise of power. The Court also held that consideration of the potential economic and employment consequences of

suspending the Company's license was a legitimate policy consideration for the BFSA.

- Respondent No. 7, PureHarv Ltd., is a private company, and a purely private party. Writs under Article 102 do not lie against purely private parties that do not exercise public functions or statutory powers. The writ against Respondent No. 7 is accordingly not maintainable.

- The prayer for compensation in writ jurisdiction is misconceived. Public law remedies are designed to correct the action or inaction of public authorities. Claims for monetary relief arising from private harm must be pursued through civil proceedings before the appropriate court.

Filing of Civil Petition for Leave to Appeal No. 234 of 2026

41. Being aggrieved by, and dissatisfied, with the impugned judgment and order dated 15 January 2026 passed by the High Court Division, the Petitioner preferred a Civil Petition for Leave to Appeal (CPLA) No. 234 of 2026 before the Appellate Division of the Supreme Court of Bongo Desh.

42. The CPLA was placed before the Hon'ble Judge-in-Chamber of the Appellate Division, who, upon finding that substantial questions of law were involved, directed that the matter be placed before the Full Bench for hearing.

Leave to Appeal granted by the Appellate Division

43. Upon hearing the parties, the Appellate Division was pleased to grant leave to appeal by its judgment and order dated 10 March 2026., on the following substantial grounds of law:

I. Whether the High Court Division committed a grave error in finding that the Petitioner lacked *locus standi* in a writ concerning systemic public health hazards.

II. Whether the High Court Division erred in law by holding that the Right to Safe Food is merely a non-justiciable principle under Articles 15 and 18, rather than an integral component of the Right to Life under Article 32 read together with Article 31.

III. Whether the High Court Division erred in law in holding that BFSA's exercise of statutory enforcement powers fell within the domain of executive discretion and could not be judicially reviewed in the absence of *mala fides* or colourable exercise of power, notwithstanding the alleged inadequacy of the enforcement action taken and the public policy consideration of the Company's economic and employment interests.

IV. Whether the High Court Division failed to consider that a private entity (Respondent No. 7) functioning in a strictly regulated public market affecting public health is amenable to the writ jurisdiction under Article 102 of the Constitution.

V. Whether the High Court Division erred in holding that public law compensation cannot be awarded in writ jurisdiction to victims of gross administrative failure and constitutional torts.

Registry of Civil Appeal No. 99 of 2026

44. Subsequently, upon the grant of leave, the matter was duly registered as Civil Appeal No. 99 of 2026 and has been fixed for a substantive final hearing before the Full Bench of the Hon'ble Appellate Division.

Recent Developments in Bongo Desh

45. A recent survey by the BFSA revealed that over 60 per cent of street food vendors do not adhere to basic hygiene standards. This situation is exacerbated by the rapid urbanisation of the capital city, which has led to increased food demand, yet has failed to provide the necessary infrastructure to support safe food production and distribution.

46. On 26 February 2026, the Food, Fisheries and Livestock, and Agriculture Minister of Bongo Desh, Md Rafidur Rahim expressed his resolute commitment during a Ministerial meeting, to bequeathing a beautiful example and a Beautiful Bongo Desh for future generations through the robust implementation of food security and uncompromising quality assurance. He said, "My primary objective is to establish a systemic legacy that will serve as a benchmark for the next generation," while speaking at a view exchange meeting with high-level officials of the Directorate General of Food.

47. While speaking as the chief guest at a discussion in the capital on the World Metrology Day on 20 May 2026, the Industries, Commerce, Textiles and Jute Minister KM Ashikur Matin has said that access to quality products is a fundamental right of the people and urged the Bongo Desh Standards and Testing Institution (BSTI) to carry out its responsibilities with greater diligence to safeguard the consumer rights. The minister also stressed the need to strengthen relevant institutions, including BSTI to ensure food safety across the country and prevent the production, supply, and marketing of counterfeit and adulterated consumer goods.

Annexure 1: PureHarv Advertisement on its products



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Annexure 2: Penalty Order imposed by BFSA on PureHarv Ltd. Company

Government of the People's Union of Bongo Desh
Bongo Desh Food Safety Authority (BFSA)
(A Statutory body under Ministry of Health and Family Welfare, Government of Bongo Desh)
Corporate Office Complex, Building-2, 119 KNI Avenue, D1000, Bongo Desh

Memo No.: BFSA/Admin/Penalty/2025/147 **Date:** 25 May 2025

ORDER IMPOSING ADMINISTRATIVE PENALTY

Issued under Section 58 of the Bongo Desh Food Safety Act, 2013

To: **PureHarv Ltd. Company ("the Company")**
Plot-488, Road-21, Block-L, 121 BJA Avenue, D1229, Bongo Desh

Subject: Imposition of penalty on PureHarv Ltd. Company

WHEREAS, upon review of the test reports submitted by the National Food Safety Laboratory (NFSL), it has been found that the food products manufactured and marketed by the Company failed to comply with the prescribed food safety standards;

AND WHEREAS, upon receipt of the said reports, the Bondo Desh Food Safety Authority (BFSA) has conducted an internal review and examined the matter in detail;

AND WHEREAS, the said violation has been found to constitute a clear breach of the relevant provisions of the Bongo Desh Food Safety Act, 2013, and the rules made thereunder;

NOW, THEREFORE, in exercise of the powers conferred under Section 58 of the Bongo Desh Food Safety Act, 2013, the Bongo Desh Food Safety Authority hereby orders the Company as follows:

1. An administrative penalty of Taka Five Lakhs only (BDT 5,00,000/-) for violations of Sections 23, 25, 28 and 32, is hereby imposed on the Company, which shall be deposited to the account designated by the Bongo Desh Food Safety Authority within thirty (30) days from the date of issuance of this Order;

2. The Company shall prepare and submit a Corrective Action Plan to the Bongo Desh Food Safety Authority within ninety (90) days from the date of issuance of this Order, specifying concrete measures and timelines for remedying the deficiencies identified; and

3. Failure to pay the penalty or to submit the Corrective Action Plan within the stipulated time shall result in further legal action being taken under the Bongo Desh Food Safety Act, 2013, and the rules made thereunder.

This Order is issued under Section 58 of the Bongo Desh Food Safety Act, 2013, and shall take effect immediately.

Yours sincerely,

Z.Ali

Md Zakaria Ali

Chairman, Bongo Desh Food Safety Authority (BFSA)

Copy forwarded for information and necessary action to:

1. Managing Director, PureHarvLtd. Company
2. Director, Enforcement & Compliance Division, BFSA.
3. Record File.
4. IT and Admin, BFSA - for uploading this advisory on the BFSA website.

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Annexure 3: Public Health Consequences of Food Adulteration in Bongo Desh

Food adulteration exposes millions of people in Bongo Desh to harmful chemicals, microorganisms and contaminants, leading to acute illnesses, chronic diseases and preventable deaths.

PUBLIC HEALTH CONSEQUENCES				
Type of Health Effect	**Common Conditions**	**Estimated Annual Incidence Rate**	**Sample Size & Methodology**	**Key Sources**
Acute Gastroenteritis	• Diarrhoea • Vomiting • Food poisoning • Abdominal pain • Dysentery	Over 50% of the population is affected annually in Bongo Desh.	n = 8,500 households (multi-stage cluster sample, 40 districts); 95% Confidence Interval (CI) ±1.1%	Bongo Desh National Household Food Safety Survey, 2023
Allergic & Respiratory Reactions	• Skin rashes • Breathing problems • Irritation	Over 30%	n = 1,200 clinical patients, 15 referral hospitals; 95% CI ±2.6%	Bongo Desh Multi-Hospital Clinical Surveillance Study, 2023
Neurotoxic Effects (from pesticides, heavy metals, chemicals)	• Headache • Memory loss • Nerve damage • Developmental delays (in children)	Over 35% (long-term exposure risk)	n = 450 biomonitoring subjects, stratified across 3 high-exposure zones	Bongo Desh Biomonitoring & Neurotoxicity Study, 2023
Organ Damage and Toxicity (from chemicals & metals)	• Kidney damage • Liver damage • Reproductive problems	Over 20% (chronic exposure)	n = 900 patients, multi-site renal/hepatic panel cohort	Bongo Desh Multi-Site Organ Toxicity Cohort Study, 2024
Cancer (long-term risk)	• Stomach, liver, and other cancers • Linked to formalin, pesticides, heavy metals, artificial colours	Over 12% (higher with prolonged exposure)	n = 22,000 registry cohort, 7-year follow-up (national cancer registry linkage)	Bongo Desh National Cancer Registry Linkage Study, 2024

Methodological Note

Sample sizes reflect standard multi-stage cluster and stratified sampling methodologies used in large-population health surveys, wherein statistically representative estimates are derived from targeted sub-samples rather than full population enumeration. Bongo City population base: 180,000,000 (Bongo Desh National Census, 2022, cited for illustrative purposes).

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