Dedicated to……

Spirit of Knowledge

Declaration

I declare that the thesis entitled “Dynamics of Policy Formulation: A Case of Food Safety act, 2013, Bangladesh” submitted to the PPG Program of North South University, Bangladesh for the Degree of Master in Public Policy and Governance (MPPG) is an original work of mine. Without acknowledgement, no part of it, in any form, has been copied from other sources. No part of it, in any form, has been submitted to any other university or institute for any degree or diploma. All the views and expressions of the thesis are mine with the exclusion of PPG for any errors.

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Abstract

This is an exploratory study aimed to expose the dynamics of policy formulation, especially in case of Food Safety Act, 2013, Bangladesh. It is thought by scholars that in the developing countries the formulation does not follow the practices of the developed countries. The study explores what factors, which interest of actors and what processes were followed to formulate the Food Safety Act, 2013, Bangladesh.

The food contamination increased in an alarming rate in the recent years due to extreme greed and bad practices of the food sellers. The existing laws, related to food, were not being implemented properly due to the lack of coordination among different concerned ministries. Consequently, sufferings of people increased. At that moment, the government was drawn attention to make a strict law to control the contamination of food. As it is an important act for healthy life of people of the country, the act has been chosen.

This study is based on qualitative method of research. Data have been collected from interviews of the key actors and from secondary sources. To describe the factors the 'Agenda- setting' model of John Kingdon (2014) has been chosen. The 'Group Theory' of G. David Garson (1978) has been taken to explain the role and interest of actors. Again, the 'Policy Network' theory of F. Van Waarden (1992) has been used to describe the process of policy formulation. The analytical framework is basically drawn from these theories. The analytical framework proposes that the identification of a problem, the political will and the feasibility of the policy work for agenda-setting of a policy. Then the interest and role of actors contribute to the formulation. Finally, the formulation process continues with networking of the actors.

The study reveals some interesting findings. From the data analysis it is found that the food contamination and its effects on human health were identified as a problem through media. People's demand of strict law increased. The Civil Society, International Organizations were working to involve people as well as government to think about it. In that complex situation, the Ministry of Local Government and Rural Development wrote

to the Cabinet that they did not have enough capacity to deal with the existing law. At that moment, the Minister of Food proposed to Prime Minister to deal with the law. The Prime Minister agreed and consequently, summaries were sent to her. The other ministries also supported the act to be under Ministry of Food. Thus, the identification of a problem, the political will and feasibility had combined effect on agenda-setting. The interest of different actors brought them together to formulate the law. However, all the actors maintained a network in the formulation process. Then, the act followed other formal processes to formulate.

The findings in the study lead to the conclusion that the Food Safety Act, 2013, Bangladesh was formulated with the combined role of factors and actors and the formal process after interaction of all the actors. Though many scholars describe that the policy making in the developing countries are not much participatory and recorded, it is found that the specific policy gave space for stakeholders' participation and the records were maintained there.

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List of Abbreviations

ADM	Additional Deputy Magistrate
AO	Administrative Officer
BAPA	Bangladesh Agro – Processors Association
BARC	Bangladesh Agricultural Research Council
BCSIR	Bangladesh Council of Scientific and Industrial Research
BFSA	Bangladesh Food Safety Authority
BFS&QCA	Bangladesh Food Safety and Quality Control Authority
BSTI	Bangladesh Standards and Testing Institution
CAB	Consumer's Association of Bangladesh
CIRDAP	Centre for Integrated Rural Development for Asia and the Pacific
DMP	Dhaka Metropolitan Police
FAO	The Food and Agriculture Organization
FBCCI	Federation of Bangladesh Chambers of Commerce and Industries
FDA	Federal Drug Administration
FPMU	Food Planning and Monitoring Unit
ICDDRB	International Centre for Diarrheal Disease Research, Bangladesh
INFS	Institute of Nutrition and Food Science
LGRD	Local Government and Rural Development
MoA	Ministry of Agriculture
MoF	Ministry of Food
MoFL	Ministry of Fisheries and Livestock
MoPA	Ministry of Public Administration
NFSAC	National Food Safety Advisory Council
PM	Prime Minister
RI	Rigorous Imprisonment
TIB	Transparency International, Bangladesh
WHO	World Health Organization

Chapter 1

Introduction

1.1 Introduction

Our everyday life, in any country, is being regulated by different types of public policies. We consume foods everyday that is covered with food related policies; our shelter is covered with housing related policies; the roads are regulated with the policies of roads and highways. In the scholarly literature, there is a general consensus that a public policy can be defined as a course of action (or non-action) taken by a government or legislature with regard to a particular issue (Knill and Tosun, 2012). Policies are formulated and after following few phases are led to the implementation stage that ultimately regulates our social life. Usually few forces work behind the formulation of a policy- each upholding its own interest. Again, policy making in the developed countries are much participatory and much recorded, on the basis of which much of the theories have been provided, whereas scholars claim that policy making in the developing countries does not follow this process (Osman, 2002). It happens because the contexts of different countries vary from each other. One of the important policies of Bangladesh, the Food Safety Act, 2013, was formulated in the aim of ensuring safe food for the people of Bangladesh, following the participation of stakeholders and the formal process. The purpose of this study is to explore the dynamics that contributed to the formulation of the Act.

1.2 Background of the Study

As food adulteration has reached an alarming level in Bangladesh, protecting human health has become an important challenge for the government. Unethical practices have made people suffer a lot. In the market customers rarely find safe vegetables, fruits, fishes, meats, milk, spices etc. All these items are either adulterated or not properly preserved. Not only this, many fraud businessmen are producing container preserved foods. It is reported that extreme dose of pesticides and hormones are being used on

producing plants. When those things continue with mature vegetables, paddy or fruits, these affect their consumers. This type of report goes with poultry too. It is reported that over doze of antibiotics is being used for rearing poultry in Bangladesh. If people eat these poultry items, the antibiotics are automatically absorbed in the body and consequently people become resistant to those antibiotics (Sahu and Saxena, 2014). A close monitoring on all those things is very urgent now.

ICDDRB (International Centre for Diarrheal Disease Research, Bangladesh), an international research organization, indicates that hospital visits per day for treatment of diarrhea, which is caused by contaminated foods, is distressful (Ali, 2013). It reveals how health of common people in Bangladesh is threatened due to unsafe foods. Unsafe foods not only threaten life but also cause a huge expense of money for the treatment of the affected people. The National Taskforce on Food Safety reported in 2004 that about 5.7 million people got different levels of disabilities due to diarrheal disease caused by unsafe foods. Again, the Director General of Health Services in Bangladesh provided alarming news that during 2003 to 2009 around 1,79,99,284 people were affected by diarrhea among whom 4,674 died (Solaiman and Ali, 2014).

To check the problem the government formulated Consumer Rights Protection Act, 2009. Still the problem remained the same. In recent years the sufferings of people were being debated and pointed out in national medias. The Mobile Courts also found huge adulterated foods which were also being broadcasted. Over the past few years, people had a common thought that the sellers used formalin in the fruits. In the fear of taking formalin many people stopped eating fruits. It caused a huge loss to the producers and traders of fruits. Then, Dhaka Metropolitan Police (DMP) started drives against the use of formalin in food items. All these factors drew attention of the policy makers and consequently the Act was formulated in 2013. It needs to be pointed out that Bangladesh has a record number of laws to ensure safe food delivery. Prominent of them are- the Consumer Rights Protection Act, 2009, Penal Code, 1860, Control of Essential Commodities Act, 1956, the Pure Food Ordinance, 1959, Mobile Court Law,

2009. But inspite of such laws, adulteration of food continued unabated and existing laws were less effective. Then, government enacted in 2013 the Food Safety Act, 2013.

One of the reasons of weak implementation of those previous policies was that there was lack of coordination among the food related ministries, i. e. – the Ministry of Food (MoF), the Ministry of Agriculture (MoA) and the Ministry of Fisheries and Livestock (MoFL). It was being felt by the government that an independent authority should be created to coordinate among those ministries which could be done through the creation of an act. Thus the act had triple purposes - i) to create an act with appropriate level of punishment for the offenders, ii) to comply with the Article 15 and 18 of the Constitution that the State shall secure basic needs of its citizens and shall improve nutrition and public health and iii) to create an independent authority for making a coordinated approach for ensuring safe foods for people. Thus, the Food Safety Act, 2013 was formulated giving space for the creation of Bangladesh Food Safety Authority (BFSA). It is thought that the authority would be able to check, with its all power, all levels of adulteration of foods. BFSA was created in 2015 and is on the way to be empowered to monitor food management system.

The Food Safety Act, 2013 is significant for many reasons. Firstly, it was formulated after forty two years of independence of Bangladesh. Secondly, it had the aim of controlling the rampant bad practices related to foods, and thirdly, it has been formulated with the obligation of creating an independent food controlling authority named BFSA. This research will help to identify the dynamics in terms of factors and actors in formulation of the significant Food Safety Act, 2013. With the research it is hoped that the reason of the creation of the Act after forty two years will be unveiled also. Moreover, with the exploration of the dynamics behind the formulation of the Act, it will be possible to know how the policies are formulated in a developing country like Bangladesh.

1.3 Statement of Problem

The policy formulation process in a developing country is not the same as it is found in a developed country. There are few common social contexts in a developing country. Those are hunger, poverty, illiteracy, unemployment and uncertainty. These different contexts of a developing country lead to a different process of policy formulation. Osman (2002) says that although the policies of developed countries have proved their effectiveness in many cases, those cannot be applied in understanding the dynamics of the policy process of the developing countries. Public policies in the developing countries possess certain peculiarities of their own by virtue of being influenced by an unstable socio-political environment and face various problems and challenges. He says that in the developing countries the social problems as poverty, illiteracy, unemployment problems, and uncertainty play a negative role in the policy process. "The existing theories of policy making provide useful guidance for analyzing the policies of the developing countries but they are not quite sufficient for undertaking a comprehensive analysis" (Osman, 2002). It is because the factors or contexts of a developing country will not be the same as a developed country. In the developed countries there are multiple sources of power which dismiss the autonomy of the ruling party and the professionals have dominant role in the policy making process. On the contrary, multiple sources of power are less visible in a developing country. As people, here, struggle against uncertainty and poverty, they have less interest in the policies and in process of policy formulation. Paarlberg (1987) says about developing countries that "In addition to a colonial legacy, illiteracy and poverty might be the reasons for such disorganized society. Less organized interest groups thus cannot become dominant over the state machinery and, in the same way, professionals in the developing countries are less dominant than their counterparts in the developed countries". Again, decision making process in a developing country is centralized that comes from the state actors. Grindle and Thomas (1991) say about the policy making in a developing country that state actors in a developing country are frequently the most important actors in placing

issues on an agenda for government action. Shortage of financial resources is another obstacle to policy making here.

Bangladesh itself is a developing country with a long history of colonial rule. The military rule for a long time, after independence of the country, has created almost autocratic political system. All these have resulted in a centralized decision making system. The professionals are not free to give opinions as most of them are government employees. As Bangladesh has shortage of resources and institutional capacity, it depends much, for policy formulation and implementation, on the donor agencies and sometimes on NGOs (Osman, 2002). Thus, the network of a particular policy is determined or shaped by the socio-economic and political conditions of a country. Therefore, before analyzing a policy it is important to realize the policy context of a country. Osman (2002) says about it – "As even the contexts of developing countries also vary from each other, it is suggested that it would not be useful to apply the existing theories instantly to the case of a country without a factual study. Therefore, it is very important to understand the policy context first while employing a theory to analyse a policy". In Bangladesh, political will, donor's technical assistance, donor's conditions, managerial preparation and technical competence, control and management of resources are few of the determinants of policy formulation (Aminuzzaman, 2013).

Policy formulation is significant as it regulates our lives. Like the developed countries the formulation process should be much participatory and follow a rational process as far as possible reaching a decision on basis of evidence and debate. It is already described that the policy formulation in a developing country is influenced by state actors. Shortage of funds, less influential professionals, less organized interest groups, poverty, hunger, uncertainty etc. are the challenges of policy formulation in a developing country (Osman, 2002). Models of policy formulation are mainly based on Western centric models and there is very little description of how policy is formulated in context of developing countries.

Thus, to understand the policy formulation process in Bangladesh, the formulation of Food Safety Act, 2013 has been explored in this study. This is an attempt of uncovering and understanding of policy formulation in a developing country, like Bangladesh.

1.4 Research Objectives

As Food Safety Act, 2013 emerged during the critical food condition of Bangladesh, it is considered as one of the crucial Acts of the country. Among many social problems the formulation of the Act got preference. It did not happen automatically. It was the result of number of factors and interactions among different actors which made it possible. Thus, the objectives of this research are-

i) to explore the factors and actors that contributed to the formulation of Food Safety Act, 2013

ii) to explore the process of the formulation of the policy.

1.5 Research Questions

To explore the actors and factors, which contributed behind the Act, few research questions have been set. Like a typical empirical study, the current study works with the following research questions:

1. What factors contributed to the formulation of Food Safety Act, 2013?
2. Who were the actors and how they were involved in the process?
3. What was the process of formulation of the policy?

1.6 Rationale of the Study

There exist few critical determinants, conditional factors and the procedure system that influence the policy making and implementation in a developing country. Along with other variables, the level of readiness of a government to adopt new policies is strongly linked to the policy makers 'level of readiness and professionalism (Hill 1992, cited in Aminuzzaman,2013). Again, 'every policy has got its own policy network which varies depending on policy contexts. Socio- economic and political conditions of a country determine or shape the network of a particular policy' (Osman, 2002). The policy models and theories are mostly based on processes of developing nations, while understanding

and analysis of how policy is actually formulated in developing countries is quite scanty. For this reason, it is a matter of inquiry to better understand how policy evolves in a developing nation and what are the dynamics working behind the process. In this context, it is necessary to trace out the process of policy formulation and understand actors and factors that subscribed for and the reasons of those actors for their contribution in formulation of the Act named Food Safety Act, 2013 in Bangladesh. Hopefully this study will bring out the unknown actors and factors who subscribed for and the reasons of those actors for the contribution in formulation of the Act. From this point this research is an attempt to meet the gap.

1.7 Theories

To explore the dynamics of policy formulation various theories and models like- Institutional model, Process model, Group theory, Elite model, Rational model and Game theory model have been reviewed. On the basis of literature review, the 'Agenda-Setting' model of John Kingdon (2014) has been chosen to explore the factors of the formulation. In that model Kingdon describes that a problem, policy proposal and political receptivity have combined effect behind an agenda setting. Again, the 'Group Theory' of G. David Garson (1978) has been selected to explain the role of actors in the formulation of the Act. "Group theory begins with the proposition that interaction among groups is the central fact of politics. Individuals with common interests band together formally or informally to press their demands on government (Dye, 1998). According to group theorists "public policy at any given time is the equilibrium reached in the group struggle. This equilibrium is determined by the relative influence of any interest groups. The process of policy formulation has been described with 'Policy Network' theory of F. Van Waarden (1992). Policy network is the manner in which the policy communities share their information and power in the formulation of a policy. Thus, with the above mentioned theories, the study has shown how different actors, factors and process contributed to the creation of the Food Safety Act, 2013. The details of those theories are provided in Chapter 2 of this study.

1.8 Methodology

In the hope of exploring the factors and actors in the formulation of the Food Safety Act, 2013, the study utilized a qualitative method. As policy formulation is a process that did not involve the consumers' level, interviewing the concerned persons to collect the information has been preferred in the study. Both primary and secondary sources of information have been utilized to carry out the study. As primary source of information the officials and few stakeholders, who were present at the meetings of the formulation of the Act, were interviewed. Total 16 (sixteen) officials and stakeholders have been taken for interview. The examination of file works, the resolution of several meetings, the opinions of different ministries and departments were examined as secondary source of information. The methodology is discussed in details in Chapter 3 of this study.

1.9 Significance of the Study

The Food Safety Act, 2013 has been formulated to check the rampant food adulteration in Bangladesh. Obviously few groups or actors were engaged in the process. Usually, the role of the actors is not recorded in a developing country. The study has uncovered the interests of them in the formulation process. The research has shown how the interest groups banded together to achieve their goal of making the act. The actors tried to influence the policy to preserve their own interest. Besides, there existed many problems that deserved solution but the problem of food safety drew attention of government to bring solution. Certainly, few factors worked together to lead the problem into agenda-setting of a policy. By discovering the factors the research has shown how factors contribute in policy making. The research also has shown how the network between the actors was maintained. However, the study is document of policy formulation in a developing country like Bangladesh and it carries a different value. The researcher was unable to interview few respondents as they were busy. Few respondents could not remember every detail of the formulation process as the Act was made six years back. There is another limitation that the formulation of policies of Bangladesh cannot be generalized with the example of single Act.

1.10 Organization of the Thesis

This thesis contains eight chapters. A brief description of those chapters is provided below:

Chapter One presents the background of the study, states the research problem, states the methodology and theoretical framework, and specifies research questions linking them with the significance of the study.

Chapter two surveys literature that concerns policy formulation, the factors and interaction of different actors during the process and describes theoretical framework used for the study. In the theoretical framework both dependent and independent variables and the relationship between them have been discussed. Finally, the dynamics of the Food Safety Act, 2013 have been described.

Chapter three contains the methodology adopted to pursue the study. It discusses the methods and techniques used for the data collection and analysis. Finally, it provides an account of the challenges faced in the data collection work and the strategies that were followed to overcome it.

Chapter four provides the details of Acts that were formulated at different times and it shows the comparison between the present Act and the earlier ones.

Chapter five presents an analysis of the data in order to explore the factors, actors and process in the formulation of the Food Safety Act, 2013.

Chapter six describes the findings of the research. It depicts the full story of the formulation process of the Act.

Chapter seven analyses the formulation of the Act through the lenses of analytical framework.

Chapter eight finally brings conclusion of the research and describes the areas for future research.

1.11 Summary

The introductory and first chapter of this research provides a blueprint of the investigation. This chapter highlights on the research background, problems followed by research questions, scope and significance of the current study. The organization of the thesis is also presented in the beginning chapter- the glimpse of which will provide a concise idea how the study has uncovered the role of different interest groups, the factors and processes that contributed to the formulation of the Food Safety Act, 2013.

Chapter 2

Literature Review and Theoretical Discussion

2.1 Introduction

The main purpose of this study is to bring out the dynamics of policy formulation in the case of Food Safety Act, 2013. In this endeavor, this chapter discusses relevant literature and theories of policy formulation along with factors and actors that influence policy formulation. The discussion includes how the dependent variable and relevant independent variables are related. The dynamics in the case of Food Safety Act, 2013 have also been described. At the end, an analytical framework has been drawn.

2.2 Literature Review on Policy and Policy Formulation

Before delving deep into the study it is worth analyzing the relevant literature on public policy. The literature review highlights the contribution of scholars in the field of policy formulation. The review portrays the formulation of act in both developed and developing countries. Moreover, it attempts to identify the literature gap.

2.2.1 The Concept of Public Policy

Public policies are present in everyday activities of our daily life. Everybody is encompassed with policies of which sometimes he or she remains unaware. The scholarly literature describes public policy as a course of action by the government. Thomas R. Dye (1972) says, “Public Policy is whatever government chooses to do or not to do.” There are many issues to deal with but government gives priorities to those issues that fulfill the interests of many actors and are thought to bring more benefits to the society. Again, Richard Rose (1969) says that “Public policy is not a decision; it is a course or pattern of activity.” This definition is reflecting the reality that a decision is taken following many formal activities. The activities may include file work of bureaucrats, communication among different ministries, vetting from relevant offices and finally declaration of a policy through a circular. After formulation it needs to be implemented by different sectors. Then it needs to be monitored to make sure about its

implementation and finally the policy is evaluated and modified. After evaluation, the policy either continues after modification or, if proved as ineffective, is abandoned. Another scholar, Friedrich,1963, (cited in Rathod, 2005) has termed public policy as a line or course of action adopted by the individual group and government for facilitating the public policy process and doing away with the stumbling blocks in its way for the attainment of objectives and accomplishment of goals. James Anderson describes policy as a purposive course of action followed by an actor or a set of actors in dealing with a problem or matter of concern (Howlett & Ramesh, 1995).Therefore, the definitions provide us the following ideas about policy that- i) public policy is based on government decisions, ii) the decisions are often taken by sets of actors within government, iii) after government gives decision of taking any action to regularize something, it follows few official processes to become a public policy, and iv) public policies have some specific goals.

Hogwood and Gunn (1984) describes public policy as a field of activity, as a program, as a formal authorization that arises from a process over time and that involves intra and inter-organizational relationship. “Any public policy is subjectively defined by an observer as being such and is usually perceived as comprising a series of patterns of related decisions to which many circumstances and personal, group, and organizational influences have contributed. … For a policy to be regarded as a ‘public policy’ it must to some degree have been generated or at least processed within the framework of governmental procedures, influences and organizations” Hogwood and Gunn (1984). Accordingly, a law or Act is a government decision that is generated within the framework of government procedures; it can be described as a policy.

The full policy process has the following phases: a) problem definition and agenda setting, b) policy formulation and adoption, c) implementation, and d) evaluation- with the potential consequence of policy termination and reformulation (Knill & Tosun, 2012). With the selection of a social problem the policy process begins. The problem gets priority depending on the environmental condition, on the persuasion of different

actors and on the political willingness. In the next step, the bureaucrats along with professionals make the draft of the policy. In this process opinion of different stakeholders are taken. The draft is modified in different phases; the vetting takes place and finally it is declared to be implemented. In the implementation process the characteristics of the policy, institutional characteristics of the implementing agencies and their communication, contextual factors (economic, social and political environment), and the response of the implementers have a combined contribution (Van Meter and Van Horn, 1975). The evaluation stage determines the termination or reformulation of the policy. If it is reformulated, it indicates that the policy cycle will be continuous.

2.2.2 Global Context

There are many works on public policy that describe the phases, the actors of policy and on policy formulation. But, very few works are there on a specific policy formulation. Before describing the formulation, it is worth to introduce public policy. Public policies are taken to solve some social problems. They help to regulate our lives. Howlett and Ramesh (1995) in their book *Studying Public Policy: Policy Cycles and Policy Subsystems* describe policy as a purposive course of action followed by an actor or actors dealing with a problem. While describing how the activities from agenda setting to policy formulation take place in Britain, Richard Rose (1969) in his book *Policy Making in Great Britain* says that public policy is not a decision but it is a course or pattern of activity. Those patterns are divided into few phases by the scholars. Knill and Tosun (2012) describe four phases of a policy. They are a) problem definition and agenda setting, b) policy formulation and adoption, c) implementation, and d) evaluation- with the potential consequence of policy termination and reformulation. They also provide the name of actors who contribute to policy formulation. Those actors are- the head of government, the Prime Minister, members of legislature, the judiciary, the bureaucrats, the political parties, the experts and so on. Again Boyer (1960) in the article " Policy Making by Government Agencies" says about five stages of policy making in public

administration. The five stages are- initiating, preliminary drafting, public participation, final drafting and reviewing. He describes those stages in the whole article.

Policy formulation and policy implementation are equally important in the policy cycle as a victorious formulation carries less merit if the implementation is not appropriate. Van Meter and Van Horn (1975) in their article "The Policy Implementation Process: A Conceptual Framework" provides six variables for the successful implementation of a policy. They say that in the implementation process the characteristics of the policy, institutional characteristics of the implementing agencies and their communication, contextual factors (economic, social and political environment), and the response of the implementers have a combined contribution to the successful implementation of a policy.

As policy is a solution to a social problem, the identification of it is crucial. John Kingdon (2014) in his book *Agendas, Alternatives and Public Policies* describes how a problem, policy proposal and political receptivity create combined effects on agenda setting. He says that when a social situation is considered as a problem, when the political parties consider it as a problem and when the problem has alternative solutions, then it takes place in the agenda-setting of a policy. Kingdon (2014, p. 166)) also says about 'policy windows' as crucial part of 'agenda-setting' in policy. He says, "These policy windows, the opportunities for action on given initiatives, present themselves and stay open for only short periods. If the participants cannot or do not take advantage of these opportunities, they must bide their time until the next opportunity comes along. …An open window affects the type of agenda… the governmental agenda is the list of subjects to which people in and around government are paying serious attention at any given point in time." Thus, he describes 'policy windows' as opportunities of placing an issue in 'agenda-setting' of policy formulation. Kingdon (2014) describes – "Policy windows open infrequently, and do not stay open long. Despite their rarity, the major changes in public policy result from the appearance of these opportunities."Again, some scholars describe the use of power from few actors who fix which problem will take

place in the agenda. Mueez, Arifah, Azreena, Farahana, Mustafa, & Juni (2018) in their article “Agenda Setting and Power in Policy Making: A Case Study of Tobacco Policy in Developing Countries” describe that power is exercised in different ways by actors and then they determine if the problem will get into an agenda. In the case of Tobacco Policy, the conflict between the economic contribution of tobacco companies and the health issue determined the agenda setting.

The actors and policy have close alliance as without the actors the policy will never emerge. David Garson (1978) is of the view that groups with common interests band together formally or informally to press their demands on government for policy formulation. Interest groups are involved effectively in problem identification and in agenda setting and ultimately in process of policy formulation. He has shown that groups compete with each other regarding the interests and state acts as a control-mechanism. Thomas R. Dye (1972) in his book *Understanding Public Policy* says that public policy is a government action and that government gives priority to those issues that fulfill the interest of the actors and are thought to bring more benefit. He describes that with the influence or power of different actors the policy gets influenced. The actors try to influence the policy to bring it in their benefit. Rathod(2005) in his book *Framework of Public Policy: The Discipline and Its Dimensions* describes public policy as a course of action which is adopted by the individual group and government for facilitating the public policy process. There exists a competition between the groups in the formulation process and they keep checking the activities of each other. After certain course of action the policy gets its shape. Sutton (1999) describes the dichotomy of Policy making, the management of change, the role of interest groups in the policy process, ownership of the policy process and the narrowing of policy alternatives. Her description about the interest groups matches with the interest groups of David Garson. She says that “policy process is influenced by a range of interest groups that exert power and authority over policy-making. These influences affect each stage of the process from agenda setting to the identification of alternatives”.

Again, a policy is formulated through intercommunication between the actors. Van Warden (1992) opines that policy networks bind the groups in a policy arena. In "Policy Networks" theory it is said that a common network takes place among groups because the groups have common ideas about the solution of a specific problem. There are two terms used here, i. e.- 'Policy Networks' and 'Policy Community'. The first term is used as a generic term showing relationship among government and private actors, whereas 'Policy Community' is shown as an interaction in case of a particular policy among restrictive group. In this sense 'Policy Networks' are included in 'Policy Communities'. Considine, Lewis and Alexander (2009) describe policy network as the manner in which the policy communities share their information and power in the formulation of a policy. They identified interpersonal relationship of any organization, direct contacts, interaction with different organizations, conference attendance etc. as the indicators of measurement of network. They say "We used a number of generalized network measures to examine those important external connections for our city governments. These were: A contact matrix designed to measure the level of interaction each individual has with a range of government, private sector and third sector actors; membership of associations; and attendance at conferences. These are measures that are often taken to indicate engagement with peers that are broader than the particular organizations that individuals work in". On the other hand, Howlett, Mukherjee and Koppenjan (2017) describe some actors as 'policy brokers' who may belong to multiple groupings and exert control over connections among other actors. They say that 'policy brokers' are "potentially playing a key role in any lesson – drawing activity and influencing the kinds of interactions undertaken by different sets of subsystem actors". Policy network theory concentrates on relationships of influence and interactions that occur in policy formulation process.

2.2.3 Bangladesh Context

Very limited work on formulation of policy in Bangladesh has been done so far. Especially the works on food safety is very rare. But the knowledge on the policy formulation in Bangladesh is essential as it cannot be same as compared to the

formulation process of a developed country. Osman (2002). in the article “Public Policy Making: Theories and Their Implications in Developing Countries”, describes that policy making in developing countries may differ from the practices of developed countries as the country contexts of developing countries are different. She describes that hunger, poverty, unemployment, uncertainty are common problems in a developing country. As people struggle everyday with those problems, they remain less aware of any policy. In the article she describes how the health policy in a pluralist country like the USA takes place with the role of different actors. She explained that the developing countries are not pluralist, the decision making here is centralized, health sector has not emerged as a corporate system in the developing countries, there is shortage of resource, professionals are controlled by the government and that there is weak institutional capacity of the government. As Bangladesh itself is a developing country, her statements about country context and policy formulation stay in parallel to the country.

Few common players are visible in the policy formulation in Bangladesh as well. Shakil, Noman, Hridi, & Sharna (2016) have described in the article “Policy Making Process in Bangladesh” that few actors , i.e. Cabinet, government ministries, parliament, political parties, bureaucracy, NGO/ CSO, private sectors, pressure groups and donors participate in policy making process in Bangladesh. They identify few problems in policy making, i. e. – bureaucrats are dominant actor in setting an agenda, politicians possess little knowledge about policy making, bureaucracy is politicized, there exists imbalanced relationship between people and politicians and conflict among the groups.

The scholars strongly believe that the donor agencies play a crucial role in the policy formulation in Bangladesh. Aminuzzaman (2013) in the article “Dynamics of Public Policy: Determinants of Policymaking and Implementation in Bangladesh” describes the country context and institutional framework for policymaking in Bangladesh. He also discusses how the cabinet, government ministries, parliament, political parties, bureaucracy, NGOs, the private sector, informal pressure groups, donor and development partners work as major stakeholders of policy formulation. He says that

policy formulation is relatively autonomous in Bangladesh with little participation of the citizens and as such political will, donors' technical assistance, donors' conditionality are few of the determinants of policy formulation.

Very few works on specific policies of Bangladesh have been done. Khair **(**2004) describes how the formulation of the National Environment Management Action Plan (NEMAP), back in 1990s, was a participatory policy process that involved non- state actors and common people. He also pointed out that the global environmental policy regimes have influenced the non-state actors and donors to convince the government for participatory policymaking. He opined that lack of political commitment, inability of non-state actors and donors to push the government to make the policy process more participatory hinder the participatory policy making in general. Palmary, et al. (2018) in their report named " How Unpopular Policies are Made: Examples from South Africa, Singapore and Bangladesh" say that international actors, intended policy beneficiaries, coalitions among NGOs and other interested parties, civil servants, the research works and the political context contributed towards formulation of the migration policy making in Bangladesh. However, The policy formulation process of Bangladesh has slowly but steadily moved from a closed to a more open pathway in which external actors have been given a seat at the policy table to work with the government (Shahan and Jahan, 2017). While discussing the nutrition policy Shahan and Jahan (2017) say – "Until recently the existing literature has argued that the policy arena in Bangladesh is centralized and closed, and that external actors have very limited to no access to shaping policy. However studies of the policy process, including environmental policy, drug policy, health policy and food policy, indicate that the policy domain is opening up, which, in turn, is creating opportunities for external actors to participate in the policy process including development partners, national and international NGOs, business organizations, civil society organizations and think-tanks".

There are rare works on Food Policy. However, two works reflect on food policy scenario in Bangladesh. Islam, et al. (2013) describe in their article-"Hygiene Intervention

Reduces Contamination of Weaning Food in Bangladesh" that following the practices of Hazard Analysis Critical Control Point (HACCP) the food contamination can be reduced significantly. They have shown that creating awareness among mothers about food contamination can prevent diarrhea in Bangladesh. Again, Solaiman and Ali (2014) describe in their article "Civil Liabilities for Unsafe Foods in Bangladesh and Australia: A Comparative Perspective for Consumer Protection" that there are few shortcomings in Consumer Rights Protection Act, 2009 when it is compared with the Australian Consumer Law of 2010. They provide few suggestions for strengthening civil liabilities for consumer protection and compensation.

However, the above discussed literature can be summarized in the following manner for its better use in the research:

- Public policy is a government action and that government gives priority to those issues that fulfill the interest of the actors
- Problem, policy proposal and political receptivity create combined effect on agenda setting
- Groups with common interests band together formally or informally in the formulation process
- Policy process is influenced by a range of interest groups that exert power and authority over policy-making
- Power is exercised in different ways by the actors and then they determine if the problem will get into an agenda
- There exists a competition among the groups in the formulation process and they keep checking the activities of each other
- A common network takes place among groups because the groups have common ideas about the solution of a specific problem
- Policy making in the developing countries are not the same as the developed countries

- Cabinet, government ministries, parliament, political parties, bureaucracy, NGOs, the private sector, informal pressure groups, donor and development partners are major stakeholders of policy formulation
- Global environmental policy regimes have influenced the non-state actors and donors to convince the government for participatory policy making
- The policy formulation process of Bangladesh has slowly moved from a closed to a more open pathway in which external actors have been given scope to work with the government

It is evident from above discussion that policy formulation bears importance to regulate human life, but there are very few comprehensive studies on the policy formulations in Bangladesh. The studies suggest that public policy formulation in Bangladesh have some common actors. The decisions are mostly centralized, political will is very important here and that donors and NGOs have a great influence here. But, how the actors play a role, what are their interests, which factors set the agenda of any specific policy etc. need to be explored more. From this point, this research is expected to reveal new facts and dynamics in policy formulation in Bangladesh.

Now, from the literature highlighted above, the following theoretical discussion have been presented.

2.3 Choice of Theory

It is described earlier that to explore the dynamics of policy formulation various theories and models like- Institutional Model, Process Model, Group Theory, Elite Theory, Rational Model and Game Theory Model have been reviewed. The short description of those theories and models is provided here:

Institutional Model: In this model it is described that political activities are generally molded by specific government institutions as the government institutions i.e.- the courts, the bureaucrats, the municipalities etc. formulate and implement the policies. The policies are regarded as obligation to people. Institutions are so structured that they

can prioritize certain interests and can ignore others. This idea was proposed by DiMaggio and Powell (1991).

Process Model: In this model policies are seen as series of processes, i.e.- problem identification, agenda setting, formulation, legitimating and implementation. The model limits its focus on the policy process but not on the substances of the policy. Thus it has a narrow focus but it helps us to understand several activities that take place in the policy process. The model was proposed by Harold Dwight Lasswell (1971).

Group Theory: Group theory of G. David Garson (1978) discusses that the interaction among interested groups plays the most important role in policy making. The actors of groups remain in between the government and the people. There are competitions among the groups regarding the influence on the policy. The influence itself makes the policy as equilibrium because policy yields to the more influential groups. The government's activity is to balance between the groups.

Elite Theory: In this theory public policy is seen as a result of choices of elite people though the policy is enacted for all people. As people remain less informed of a policy matter, the elite people mould mass opinion and then impose their own preferences. Hence, policies are formulated from the top and flow downwards. Ultimately, public policy does not reflect the demand of common people (Dye, 1998, p. 21). This theory was provided by Vilfredo Pareto, Gaetano Mosca and Robert Michels.

Rational Model: In the rational model policies are taken as a part of 'maximum social gain'. The policymakers calculate the social value, ratio of benefits, judge all the policy alternatives, the result of each alternative, and finally, pick up the best policy alternative. There is criticism about the model that no social benefit is possible without giving benefit to some specific groups. Again, it is said that policy makers do not look neutrally to the social benefits, rather they think of their own benefits (Dye, 1998). The 'Rational Model' was provided by Derek B. Cornish and Ronald V. Clarke (1986).

Game Theory: This theory is the study of "rational decisions in situations in which two or more participants have choices to make and the outcome depends on the choices made by each" (Dye, 1998). In policy making the outcome depends on what other

players do. The theory depends on strategy which is based on rational decision making of the players. But it may not be applicable to policy making as there are many obstacles in the way of rational decision making of government. The game theory was provided by John Von Neuman and Oskar Morgenstern (1953).

Agenda- Setting Model: In the 'Agenda-Setting' model John Kingdon (2014) shows that three things- identification of a problem, the availability of solutions and the political will have combined effect on agenda-setting for a policy. Thus these three things work as factors of policy formulation. When certain social problem draws the attention of the policy makers, when the political parties consider the making of the policy as beneficial and finally, when the bureaucrats and other actors prove that the problem has alternative solutions, then the problem is granted as a policy agenda which consequently emerges as a policy. In the model Kingdon (2014) says about 'Policy Windows' which means the opportunities of policy. If the actors can grasp the opportunity the problem arrives in the stage of policy agenda.

Policy Network Theory: In this theory of Van Warden (1992) it is said that different actors interact within a network and share their expertise and interests in the formulation process. It is the manner in which the state actors and other actors communicate and share their resources. The actors maximize their influence to bring in the outcomes and avoid becoming dependent on other actors. The actors are organized to focus on their demands.

The summary of those theories is provided in the following table:

Table 2.1: The Summary of Theories

Name of Theory/ Model	Summary
Institutional Model	political activities generally are molded by specific government institutions
Process Model	policies are seen as series of processes
Group Theory	the interaction among interested groups play the most important role in policy making
Elite Theory	policy is seen as a result of choices of elite people
Rational Model	policies are taken as a part of 'maximum social gain'
Game Theory	two or more participants have choices to make and the outcome depends on the choices made by each
Agenda- Setting Model	problem, policy and political perceptivity have integrated role in agenda - setting
Policy Network Theory	different actors interact within a network and share their expertise

After reviewing all the above mentioned theories and after collecting some information from the Ministry of Food, it was felt that the 'Group Theory' of G. David Garson (1978) would be more applicable for narrating the role of actors in policy formulation, especially in the case of Food Safety Act, 2013. Again, for sketching the factors the 'Agenda -Setting model' of John Kingdon (2014) seems much appropriate. The formulation process may be depicted using the 'Policy Network' theory of Van Warden(1992).

Now, in the following part of the study, the dynamics of policy formulation and their connection with the chosen theories are provided in details.

2.3.1 Dynamics of Policy Formulation

A policy is formulated with the involvement of some actors. The environmental condition, political receptivity contributes in the selection of a problem. Then, some formal and informal communication procedures take place to form the policy. In the following part of the study different dynamics will be discussed.

2.3.2 A Brief Discussion on Factors in the Policy Making Process

We already know that the factors or environmental conditions affect the selection of a problem. There may be many problems to be solved but only few get the attention of the actors to be taken into consideration. The agenda setting allows a legislator to become sensitized to some of the problems that affects the society. Moreover, problem of people will reach the political agenda when it is converted to a political issue (Mueez, Arifah, Azreena, Farahana, Mustafa, & Juni, 2018). There may remain many social problems that need to be taken into account but all of them do not arrive on the governmental agenda for action. The concerns for agenda setting for government action are not simple. There may be international or local actors to initiate an agenda. Government itself also can initiate a policy. John Kingdon (2014) defines the agenda setting stage in the following way: " The agenda, as I conceive of it, is the list of subjects or problems to which governmental officials, and people outside of government closely associated with those officials, are paying some serious attention at any given time … Out of the set of all conceivable subjects or problems to which officials could be paying attention, they do in fact seriously attend to some rather than others. So the agenda-setting process narrows this set of conceivable subjects to the set that actually becomes the focus of attention". In this study the 'Agenda –Setting' model of John W. Kingdon has been utilized to bring in the factors for agenda- setting.

2.3.3 The Factors and John Kingdon's Model

Kingdon describes that a problem, policy proposal and political receptivity have combined effect behind an agenda–setting. Firstly, "Conditions come to be defined as problems, and have a better chance of rising on the agenda, when we come to believe that we should do something to change them" (Kingdon, 2014). People use different logics for identifying a condition as a problem - i) when some conditions violate important values, ii) when compared with other relevant units, the condition may be defined as a problem, iii) when one condition is classified into a category and is defined

as a problem (Kingdon,2014). Thus, if the problem is much important, it gets more chance to be an agenda. Sometimes policy entrepreneurs invest to draw the attention of officials to bring the issue into agenda. The policy entrepreneurs may be businessmen in different fields. The strongly the condition is recognized as a problem the strongly it will get into an agenda. In case of Food Safety Act, 2013, the media coverage, about the problem of safe food and about people's suffering, drew the attention of the government which, consequently, took the issue into the agenda of policy making.

Again, political perceptivity is vital for an agenda-setting. The newly elected political parties set forth new agendas. The participants of a policy also pursue them. Elected persons become more important in considering a condition as a problem and, therefore, setting the agenda. In Bangladesh the election agenda is very important for the making of a policy. In case of Food Safety Act, 2013 the political will, both from the ruling and opposition parties, played a crucial role in agenda-setting.

Finally, a problem is taken into an agenda when the policy makers find it feasible considering "technical feasibility, congruence with the values of community members, and the anticipation of future constraints, including a budget constraint, public acceptability, and politician's receptivity" (Kingdon, 2014). This statement may quite well be reflected in the Food Safety Act, 2013.

Thus, problem, policy proposal and political receptivity make the agenda –setting of a policy. When there is a problem that is taken to the politician without any solution, it will not get any priority. Again, if a problem does not get political backing, it will not get the value. The interest groups, then, use their lobbying, political connections, and negotiation skills to bring a social problem into an agenda-setting.

Kingdon(2014) also describes about 'policy window' which means the opportunity that arrives at any time for the actors to set a problem into 'agenda-setting'. If any actor can grab the opportunity to set a problem into agenda of the policy then he emerges as an important role player in the formulation of the policy.

2.3.4 A Brief Discussion on Role of Actors

Without actors a policy is not possible. Different actors play roles from different levels. They may be either individuals or groups. Knill and Tosun (2012) describe the executive as an actor. The head of the government, the Prime Minister, and the ministers can play a part in the policy making process. As members of legislature facilitate communication between citizens and the government, it plays a role in the process. Another actor is the judiciary who can affect policy by setting agendas. The bureaucrats, especially those in the ministry, largely affect a policy decision as they are professionals, they are organized and they know the application of rules better than others. The political parties, from the government or from the opposition parties, can affect electoral decisions of citizens by influencing ideas and beliefs of citizens about public policy. The private actors include lobby groups, interest associations (business groups, labor groups), pressure groups, non- governmental organizations. Individuals use rational choices in the formulation process on the basis of available information on benefits. The experts, with diverse knowledge, share their experience and knowledge with policy makers and thus play their role in the process. Howlett and Ramesh (1995) say that the actors involved in a particular policy area can be collectively referred as a 'policy subsystem'. They have divided the policy actors into five categories: elected officials, appointed officials, interest groups, research organizations and mass media. They say that voters play small role in the policy process though, in a democratic country, voters have the opportunity to express their choice. On the other hand, the political parties pay attention to people's opinion while making a policy. However, it can be said that the actors in a policy may "come both from within the machinery of the state and from the society at large" (Howlett and Ramesh, 1995).

2.3.5 The Actors in Group Theory

The group theory discusses the interactions of various actors in the policy process. Starting with Latham's *The Group Basis of Politics* in 1952 and Truman's *The Governmental Process* in 1964, studies on group politics looked at the role of groups in public policies and their interaction with the government (Richardson and Jordon 1979,

cited in Khair, 2004). The group approach has a common focus that policy making is based on group relationships and behavior of all actors and that it needs to be understood in group context. G. David Garson (1978) has proposed in Group theory that interaction among groups is the central fact of politics. Individuals with common interests band together formally or informally to press their demands on the government. The group theorists believe that public policy is the equilibrium in the group struggle. The relative influence of any interest group can change the public policy towards their direction. The weaker group will lose the influence and thus the policy will mould according to the influence of the stronger group. "The competition among the groups does not permit any group to become absolutely powerful in a system. Hence, they keep on checking the activities of each other" (Rathod, 2005). Ultimately, the more powerful group with high communication ability becomes the gainer. The actors emerge as influential at any time and after their role is over other actors may arrive in the stage to play their role. In the formulation process policy makers "are viewed as constantly responding to group pressures- bargaining, negotiating, and compromising among competing demands of influential groups" (Dye, 1998). Thus the interaction of interested groups in the policy making process is essential.

The political system manages group conflicts by i) establishing rules of the game in the group struggle, ii) arranging compromises and balancing interests, iii) enacting compromises in the form of public policy, and iv) enforcing those compromises (Dye, 1998). Peter John (1998) rightly comments that the increase in groups having a say in policy matters or jostling for influence have in recent years undermined the cozy approach to public policy held by corporatists due to the large number of relationships (cited in Khair, 2004).

Obviously, few actors contributed to the formulation of the Food Safety Act, 2013 in Bangladesh on the basis of their interests. The research endeavors to explore which actors on which interest and how interacted with each other in case of the formulation of the Act.

2.3.6 A Brief Discussion on Policy Formulation

Again, the formulation of policy goes through a strategic process among which integration and networking are crucial. A common desire and sharing among the actors create a policy community. The actors interact and share information, engage expertise and political support. Among them some state actors who become included use their specific resource. The full process is termed as 'policy networks' by Colman and Perl (1999). They say, "The manner in which state actors share this resource and the resulting distribution of resources among community members create different patterns of public-private relationships or *policy networks* that provide the context for policy deliberations". The policy process varies depending on the characteristics of the institutions and on the networks. At the initial stage of a policy the drafting is made by bureaucrats. "Along with the government and parliament, the ministerial bureaucracy is a key player at the drafting stage. It may be assisted by experts, interest groups and ideas promoted by international organizations; or the policy proposals set out could be influenced by partisan ideology or the maximizing of self interest" (Knill & Tosun, 2012). When the policy moves to the adoption stage, the number of actors declines and only government related actors can take decisions on it- either to accept it or to reject it as a bill. In the same connection, Boyer (1960) describes five stages of the policy making process which are followed by government agencies – i) initiating, ii) preliminary drafting, iii) public participation, iv) final drafting, and v) reviewing. The legislative bodies, the administrators or the interest groups take the action of initiation. Usually the administrator receives the idea of policy from others. The original draft of a policy proposal is made by a person who is familiar with the policy subject. Then it is submitted to the department head for his suggestions. The department head discusses about it with other relevant officials of the department. Then the administrators take opinion from the representatives of different groups who may be affected by the policy. At the same time opinion from advisory committee and experts are taken. In the mean time, the draft may be revised several times according to available information. When the draft reaches maximum satisfaction of all concerned, it is granted as a final draft. Then,

it is sent to the legislative review body. After few modifications from the review body, the policy is published officially and the implementation of it begins with the effective date.

2.3.7 The Policy Formulation in Policy Network Theory

The formulation of the Food Safety Act, 2013 will be discussed, in this study, with the "Policy Network" theory. R.A.W. Rhodes (1984) said that- "interactions among various departments and branches of the government and between the government and other organizations in society constituted policy networks which were instrumental in formulating and developing policy". F. Van Waarden (1992) used the term 'policy network' in his article "Dimensions and Types of Policy Networks". The author used the term 'policy community' to mean the participants in the policy making process. The manner in which the 'policy community' shares their information and power is described as 'policy network'. Coleman and Perl (1999) say- "Within these policy communities, some subsets of actors, termed variously the 'sub-government' or the 'actor constellation', will be 'directly and necessarily participating in the making of policy choices'. These actors interact strategically, while engaging in exchanges involving the sharing of information, expertise, and political support." While interacting with different actors, a kind of bargaining and negotiation takes place. As every actor wants to win in the process, there exists a competition of role playing. Again, in a dictatorial political system the command of supreme person is enough to take a policy decision. In the interaction, state actors along with community members create a relationship that is called 'policy networks'. The outcome of this network is the deliberation of policy. Rathod (2005) explained the interaction among state actors in four phases: i) Legislature- Executive Interaction, ii) Legislature- Bureaucracy Interaction, iii) Executive and Bureaucracy Interaction, and iv) Policy Decisions. As executive has the overall responsibility to run the administration of the state and as the executive is composed of legislature, the later body assists the executive in the policy making. Again, bureaucracy helps the executive for the formulation which is submitted to the legislature for approval. Finally, the policy decision is made after selecting among many alternatives.

In the case of Food Safety Act, 2013 of Bangladesh, different participants acted according to the 'network theory' during the formulation process which will be explored in the study.

2.4 Dynamics in the Case of Food Safety Act, 2013

Bangladesh has some common policy making contexts like other developing countries which have been described earlier The contexts include centralized decision making from state actors, autonomy of ruling parties, weak participation of professionals, shortage of resources and weak institutional capacity. In case of Food Safety Act, 2013, the actors, factors and processes had a combined role in the formulation process. The bureaucracy, the political parties, the private interest groups, NGOs, international organizations, the experts did play their role. The identification of the problem in the country context, political willingness and support from bureaucracy contributed to the agenda setting. Moreover, the policy process followed the same steps as described by Boyer (1960). Like all policies there were bargaining, negotiating and compromising among influential groups.

2.5 Variables Used in This Research

In this study the formulation of the Act is dependent variable. As the factors and actors contribute in the formulation process these two things are taken as independent variables.

2.5.1 Formulation of Food safety Act, 2013 as Dependent Variable

The Food Safety Act, 2013 itself was the desired outcome of the formulation of a policy to ensure safe foods for the people of Bangladesh. So it is the dependent variable in present research. It means the act was formulated to ensure safe foods for people, to ensure punishment for those who adulterate foods, or import adulterated foods or encourage others to make adulterated foods. The Act was more successful in formulation as it went in the deep of the problem and encompassed all sides of the problem and, therefore, ensured appropriate solution of it. As formulation itself is a process, which cannot be measured, the dependent variable does not have any

indicator. The proposal of establishing Bangladesh Food Safety Authority to empower it for monitoring and identification of all practices of food adulteration, the imposition of huge penalty is present in the Food Safety Act, 2013. Nevertheless, the formulation of the Act is related to few independent variables which are discussed in the following sections of the study.

2.5.2 Factors / Agenda Setting as Independent Variable

It has been discussed earlier that factors contribute to the formulation of a policy. The contribution of the factors is evident in the following indicators –

i) Perception of the problem: The more the problem gets attention, the more it has the scope to enter into a policy agenda.

ii) Political benefit: Political parties consider how much beneficial the policy making will be for their election agenda.

iii) Calculation of feasibility: If the problem has easier solutions, if it provides more benefit than cost , then it is granted for agenda-setting.

In case of Food Safety Act, 2013, also, the problems with safe food have got the attention of the government bending it to political will to solve the problem and the feasibility also proved better by the bureaucrats. The ruling party thought it as beneficial to its political agenda. Consequently, it led to the formulation of the policy.

2.5.3 Actors as Independent Variable

It is mentioned earlier that different actors with different interests are involved in the policy making process. The contribution of the actors is evident in the following indicators -

i) The level of network between the actors: The inter-communication between the actors helps to contribute their opinions to the formulation of the policy. Their opinions take place in the equilibrium of the policy.

ii) Influence of actors on the making of policy: More powerful actors have more influence in the policy making.

iii) Level of interest: The actors take part in negotiation and bargaining on the basis of their interest.

In the case of Food Safety Act, 2013, in Bangladesh, the political parties, bureaucracy, the experts, the Civil Society, international organizations or donor agencies, the media, the private entrepreneurs or businessmen group worked as actors in the formulation process. Each of the actors had own interest; they communicated among them for the formulation; and the most powerful actors influenced the policy making also. The study will find out how the interest of different groups worked in the equilibrium in the policy making process.

Thus, the operationalization of the independent variables of the study is provided below:

Table 2.2 Operationalization of the Independent Variables of the Study

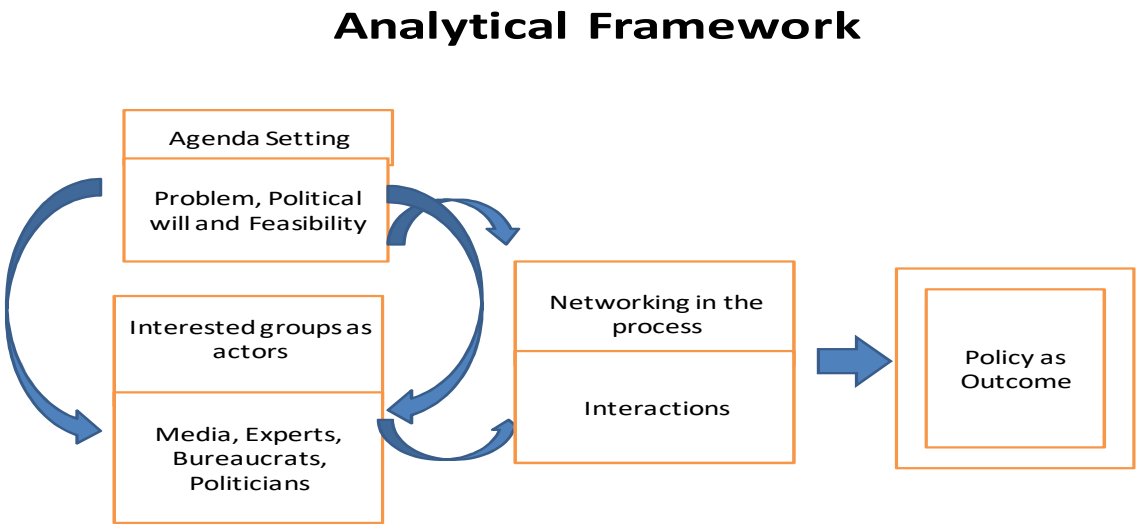
Independent variable for formulation of Food Safety Act, 2013	Operational definition	Indicators	Where to get data and how	The theory Used
Factors for agenda setting, like- Problem, Policy Proposal and Political receptivity	The condition, the budget and homework of bureaucrats and political will opens the way for agenda setting	i) Perception of the problem ii) Political benefit iii) Calculation of feasibility	Official records, minutes of meeting and from officials working in different organizations By interview	Agenda Setting model
Different Actors, like- political parties, bureaucracy, experts, donor agencies, civil society, media and the business men group	Interest of different groups contribute to the policy formulation	i) The level of network among the actors ii) Influence of actors on the making of policy iii) Level of interest	Official records, minutes of meeting and from officials working in different organizations By interview	Group theory

It is worth mentioning that the dependent variable is the formulation of the Act itself, the indicator of which is finalization of the policy as an output.

2.6 The Analytical Framework

The close relationship between the actors and factors contributed to the formulation of the Food Safety Act, 2013 in Bangladesh. The social context, the political will and feasibility of the policy worked as another independent variable. Additionally, various interested groups worked together in a certain context related to the food safety issue. It is mentioned earlier that the interest groups are independent variables. The factors and actors are also inter- related. The formulation of the Act itself is the dependent variable in the study. The formulation follows a process that can be explained through the 'policy network' theory. To show the role of factors, actors and the networks, among the actors, the 'Agenda-setting' model of John Kingdon (2014), the 'Group Theory' of G. David Garson (1978) and 'policy network' theory of F. Van Waarden (1992) have been used in the analytical framework. The interaction between dependent and independent variables is provided in the following figure.

Figure 1: Relationship between Dependent and Independent Variables



2.7 Summary

The second chapter discussed the theoretical aspects of the research. The main purpose of this chapter was to develop a conceptual and analytical framework to know the formulation of a policy. In this purpose several articles and books have been studied. It is shown how different actors and different contexts contribute to the formulation of policy in a country. The variables are selected on the basis of 'group theory' and 'agenda- setting' model. It is shown in the analytical framework that the actors and factors had a combined role in the making of Food Safety Act, 2013.

The following chapter deals with the research methodology used in this study to gather and analyze the empirical data.

Chapter 3

Research Methodology

3.1 Introduction

In the present context of food condition in Bangladesh, the Food Safety Act, 2013 is an important policy. It is a different act in the sense that it was formulated as an umbrella Act that has created an umbrella organization at its beginning part of the law. With this organization the Act aims to bring all food related ministries under its area of control which is very necessary to check the rampant food adulteration in Bangladesh. The present study explores the actors, factors and process of formulation of the act. This chapter presents the methodology applied for collecting and processing data. It will elaborate research strategy, research design, research methods and techniques used for the collection of data and its analysis.

3.2 Research Design

The most important part of a research is its design as it is the plan for research process to achieve the result that the author desires. “A research design is the logic that links the data to be collected (and the conclusions to be drawn) to the initial questions of the study. Every empirical study has an implicit, if not explicit, research design” (Yin, 2003, p.19). According to King et al. (1994, p.13), the research design can be divided into four parts: “research question, theory, data, and use of the data”. Thus among the number of activities gathering data, analyzing and interpreting data, presenting the research results and discussing their theoretical implications are essential parts. There are three approaches: “quantitative, qualitative and mixed method” of social science research. King et al. (1994, p.3) says that quantitative research uses numbers and statistical methods and tends to be based on numerical measurements of specific aspects of phenomena. To him qualitative research is “tended to focus on one or a small number of cases, to use intensive interviews or depth analysis of historical materials, to be

discursive in method, and to be concerned with a rounded or comprehensive account of some event or unit. Even though they have a small number of cases, qualitative researchers generally unearth enormous amounts of information from their studies. Sometimes this kind of work in the social sciences is linked with area of case studies where the focus is on a particular event, decision, institution, location, issue, or piece of legislation" (King et al. 1994, p. 4). Again, according to Creswell (2014), qualitative research is exploratory in nature with which the researcher perceives the informant's ideas and insights and draws a picture about his investigating area. Mixed method in a thesis covers both the quantitative and qualitative approaches. The present study has used the qualitative method approach.

3.3 Sources of Data

We know that primary data are collected using procedures that best fit the research problem (Hox and Boeije, 2005). On the other hand, secondary data are those that were collected by someone else (Johnston, 2014). The main sources of data in this study are the official documents which are secondary sources of data as well. In-depth interviews and consultation with the persons, who were present in the meetings of the formulation process, were taken as the primary sources of data.

3.4 Data Collection Method

Data collection is the most important part of the research methodology as the research questions are justified through it. There are few key methods of data collection, i.e.- surveys, interviews, examination of official and non-official documents and observations. The researcher has chosen qualitative approach for data collection as the study is fully exploratory in nature and the formulation process can be better explored through interviews and documents. Researcher have collected data from both primary and secondary sources by using the following data collection techniques.

i) Interview

Primary data for this study have been gathered by interview of the officials who were present in the meetings of the formulation of the Food Safety Act. In-depth interviews

and consultation have been made with key informants like- the then secretary of Ministry of Food, a member of BSTI, Member of BCSIR, DG of National Consumer Rights Protection Directorate, DG of FPMU, Professor of Dhaka University, member of DCCI, other bureaucrats, civil society members, media personality and FAO official. The interviews were carried out from May 15 to June 12 of 2019. The researcher has interviewed the respondents after taking an appointment from them and the interview took place either in secretariat or in their homes or offices. Total thirteen questions were prepared to ask them that helped to bring out the actors, factors and process of the formulation of the act. All of them have been asked the same questions. It is proven to be an effective method of collecting information when investigators are interested in understanding the perception of participants or learning how participants come to attach certain meanings of a phenomena or events (Berg, 2009). The duration of each interview was about 30 to 40 minutes. In few cases, for justifying information of the respondents, the researcher has talked with few officials of the Cabinet Division.

Table 3.1: The List of Respondents

Serial No	The Respondents	Number	Data Method
1	Former Secretary of Ministry of Food	1	Interview
2	Nutrition Advisor of FAO	1	Interview
3	Former DG of FPMU	1	Interview
4	Former Director of DCCI	1	Interview
5	Former Director of BSTI	1	Interview
6	Program Coordinator of CAB	1	Interview
7	Former Professor of DU and former Director of INFS	1	Interview
8	Former DG of Consumer Rights Protection Directorate	1	Interview
9	Former Section Officer, Ministry of Food	1	Interview
10	AO, Ministry of Food	1	Interview
11	Television Journalist	1	Interview
12	Newspaper Journalists	2	Interview
13	Former Legal Advisor, Department of Food	1	Interview
14	Former ADM, Dhaka	1	Interview
15	Former Member (Development), BCSIR	1	Interview
	Total respondents	16	

ii) Examination of official and non-official documents

Many essential data have been collected from secondary sources to fulfill the purpose of the study. Such data played crucial role for cross checking primary data. With the secondary data the researcher has discovered what the process was, followed in the formulation of the act and what the desire of the Prime Minister was regarding the act. It has also provided information about how many people and who were present in the meetings, how many meetings took place, what the duration was for each step of the process and what written conversation, between different ministries and agencies, took

place. Basically, secondary data for this study have been obtained from books, scholarly researches on policy formulation and food safety, articles, public documents such as newspaper, acts etc. Most importantly the written notes and letters and different drafts in the preserved files of the Ministry of Food, of FPMU unit of Ministry of Food and of BFSA have been studied to find out the process of formulation of the act.

3.5 Data Analysis Method

Mainly, data analysis establishes a linking logic and relationship between the dependent and independent variables of the study. Creswell (2009) rightly mentioned that there is no single way of analyzing data and that analysis is an elective process which attempts to make sense of gathered data. The researcher has analyzed description of the respondents and documents for qualitative data. Firstly, the raw data have been transcribed in a systematic way to maintain a coherence of the evidence. Creswell (2009) said that during analysis the researcher continually reflects on collected data, moving deeper to the understanding and representing of data, and deriving an interpretation of the larger meaning of the data. In this study, the verbal responses have been transformed into clear written text for analyzing it systematically and for making it understandable. However, the researcher has used textual presentation with figures and tables for easy understanding of the arguments.

3.6 Challenges Faced During Data Collection and Limitations

Like every other study, the researcher has faced few challenges during data collection. Getting appointment from the respondents had been one of the challenges. All the respondents are busy. It happened that in some cases the researcher had to take appointment for two or three times for the same respondent. The reason was that on the appointment date the respondent suddenly became busy and had to cancel the appointment. The researcher had to wait for a long time to meet few respondents as the respondents were busy. Sometimes the researcher grasped the opportunity to talk to any respondent if he said that for half an hour he was free. Then the researcher rushed to him. Still the researcher failed to take an interview of the former Minister of

the Ministry of Food. The researcher met him three times. He tried to give time, but as he is a busy Minister of Ministry of Agriculture the appointments were cancelled. The respondents of few companies also could not manage time to give interview. Then, the researcher sent them the questionnaire through email, still they could not respond due to business. Another limitation was the time gap. The Food Safety Act, 2013 was formulated from 2012 to 2013. Some respondents said that it was story of six years back and for this reason they have forgotten few things. Besides, the 'Official Secrecy Act' says of not sharing confidential records. As the researcher had the experience of working in a ministry and had few friends in Ministry of Food, the researcher could manage to go through the notes and letters.

3.7 Reliability and Validity of Data

Researchers should be very careful during data collection process as only reliable and valid data can establish their findings. According to King et al (1994), reliability means applying the same procedure in the same way will always produce the same measure. Again, according to Yin (2009) – "the goal of the reliability is to minimize the errors and biases in a study". While collecting data the researcher maintained the protocol of interview and recorded time, place and date. The researcher wrote answer of the respondents during interview. It can be believed that by using the same procedures any external observer will find the same outcome. Before interview the researcher prepared the questionnaire focusing on the indicators of independent variables that will bring the answers to the research questions. There were many people present in the meetings of formulation of the act but the researcher has chosen the key informants from each category. The researcher used same questions for all respondents so that the researcher can become sure of the information.

Again, validity means the source of data should be trustworthy and authentic. It is the strength of qualitative research. To make the data valid the interview and document analysis method were used. Cross checking of data from these two sources ensured the trustworthiness of it.

Thus, it can be claimed that if other researchers use the same questions and interview the same respondents, they will have similar outcome.

3.8 Ethical Considerations

We know that the consideration of ethical issues, i.e.- freedom of speech, anonymity, confidentiality, disclosing the purpose of the study, avoiding deceiving participants, respecting norms of indigenous people are very much important in social science research. The researcher has taken maximum care about the confidentiality of the respondents. While collecting data the researcher has developed a friendly relationship with the participants to ensure their freedom of speech and avoided biasness while collecting information.

3.9 Summary

This chapter aimed to discuss the methodological approaches that were used to collect data for the study. To ensure best outcome of information the researcher has used both interview and documents for information. This process has ensured a reliable and valid data for the study which have been analyzed in a descriptive way.

In the next part of the study an overview of the Food Safety related laws/regulations has been presented and analyzed.

Chapter 4

An Overview of the Laws/ Policies Related to Food Safety in Bangladesh

4.1 Introduction

The issue of Food Safety is much old. There are 27 Food Safety related laws and rules/ regulations in Bangladesh. Among them few prominent Acts will be discussed in this chapter. Before describing those laws, an idea of Act, Ordinance and Rules is provided here. An Act is a law which is made by the legislature like parliament or State Legislative Assembly. After the bill is passed in the legislature it is sent to the President or the Governor for his approval. When it gets his approval, it becomes an Act. When the Parliament is not in session and when there is a need to make legislation or Act in emergency, then the legislation or Act is sent to the President or Governor with a proposal. If the President approves the proposed legislation, it becomes an Ordinance. Legally, an Ordinance is equal to an Act, but it is not passed by the Legislature. Again, the rules explain the Laws and hence the Law is much heavier than the Rules (Islam, 2006). The laws are described in the following part of the study.

4.2 The Laws and Rules/ Regulations Related to Food Safety

The laws and rules/ regulations related to Food Safety are the following:

1) The Food Safety Act, 2013

2) Bangladesh Pure Food Ordinance, 1959

3) Bangladesh Pure Food (Amendment) Act, 2005 and Pure Food Rules 1967

4) Bangladesh Standards and Testing Institution (BSTI) Ordinance, 1985, amended as BSTI Act, 2003

5) Fish and Fish products (Inspection and Control) Ordinance, 1983 (Ordinance xx of 1983)

6) Fish and fish Product (Inspection and Quality Control) Rules, 1997

7) Fish Protection and Conservation Act, 1950 (amended in 1995)

8) Marine Fisheries Ordinance, 1983 and Rules 1983

9) Fish and Animal Feed Ordinance, 2008

10) The Animals Slaughter (Restriction) and Meat Control (Amendment) Ordinance, 1983

11) Bangladesh Animal Disease Act, 2005

12) Bangladesh Animal and Animal Product Quarantine Act, 2005

13) Bangladesh Accreditation Act, 2006

14) Destructive Insects and Pest Rules, 1966 amended up to 1989

15) The Pesticide (Amendment) Act, 2009 and the Pesticide Rules 1985 amended up to 2010

16) Consumer's Right Protection Act, 2009

17) Local Government, (City Corporation) Act, 2009

18) The Radiation Protection Act, 1987

19) Bangladesh Standard specification for Grades on Milled Rice

20) Agricultural Produce Market Act, 1964 (revised in 1985)

21) The Food Grain Supply (Prevention of Prejudicial activity) Ordinance, 1956 (Ordinance,

Xxvi of 1979)

22) The Essential Commodity Act, 1990

23) The Iodine Deficiency Disorders Prevention Act, 1989

24) The Food or Special Courts Act, 1956

25) Ministry of Food and Disaster Management Procurement Specifications

26) Rice Mill Control Order, 2008

27) Import Policy Order, 2009

28)107 Food Standard under PFR 1967 and 59 Standards under BSTI

29) International Standards- Codex, OIE, IPPC, HACCP, GMP, GHP, GAP, ISO and others

Among the above mentioned Laws few most practiced Laws/ Acts are described in the study.

4.3 Bangladesh Pure Food (Amendment) Act, 2005

The Bangladesh Pure Food (Amendment) Act, 2005 is, in fact, the amendment of the original act named the Pure Food Ordinance, 1959. In 2005 few of the sections of the act were amended. In section 3 of the Ordinance the word “radiation” and the meaning of “catering establishment”, “container”, “court”, “cultural practices” and so on were included. In section 4, the National Food Safety Advisory Council was formed and its activities were described. In section 6, the prohibition was amended. In section 40, the area of Pouroshova; in section 41, establishment of Pure Food Court- its Power and Jurisdiction are included and finally, in section 44, the penalty level is amended. Hence it was a major amendment of the Pure Food Ordinance, 1959.

4.4 Bangladesh Standards and Testing Institution (BSTI) Ordinance, 1985, amended as BSTI Act, 2003

In 1985 it was an Ordinance to establish Bangladesh Institution for Standardization, Testing, Metrology, Quality Control, Grading and Marking of Goods. The ordinance was amended as BSTI Act, 2003. In the act the functions of the institution are specified in the following way-

i) to promote and adopt standards of materials and commodities, ii) to provide facilities for examination of commodities, iii) to certify the quality of materials and iv) to allow a license for the use of standard mark.

The act is further revised as BSTI Act, 2018 including high level of penalty to make it more up to date.

4.5 Fish and Fish Products (Inspection and Control) Ordinance, 1983

This Ordinance was made to provide a guideline for inspection and quality control of fish and fish products. With this Ordinance government or the ministry is provided power to make rules to prescribe grades, quality and standard of fish and fish products, to regulate catching, handling and marketing of fish and fish products, to regulate inspection, packaging and transporting of fish and fish products. It also requires registration and licensing of fish processing, packing and preservation, export and handling of fish and fish products. The penalty level is remarkably low here which is six months' imprisonment or Taka 5000 as fine or both.

4.6 Marine Fisheries Ordinance, 1983

This Ordinance of 1983 was made to manage, conserve and develop marine fisheries of Bangladesh. The director of Marine Fisheries office provided the power to issue license to local marine fishing vessels. The holders of the license are directed to keep detailed information of catches and their sales. The Director can specify the area of fishing, the species, size and quantity of fish, the methods of fishing and the fishing gear of the vessel. With this Ordinance the director is given power to suspend or cancel the license of a fishing vessel to catch fish. The director has the power to fine the person who carries explosive, poison or other noxious substance or prohibited fishing gear. The fine is Taka one lac or fifteen times the value of the fish. Hence, the Ordinance controls the fishing vessels and the catching of fishes in the sea.

4.7 Fish and Animal Feed Ordinance, 2008

This Ordinance was made into act in 2010. The act was made to regulate the production of animal and fish feed. According to this act no person will be able to produce, process, import, export and sell any fish or animal feed without the license issued from Department of Fish or Department of Livestock. For that license few conditions are provided from those departments. The license will be renewed once in a year with a fixed fee as declared in the gazette. Again, a fixed standard of the feed is fixed from the departments and the sample will be collected from market to check its standard. If the standard is found below the fixed standard in the lab test, the producer's license will be cancelled. Use of antibiotic, growth hormone, steroid and pesticide is another offence. The penalty for the offence is a fine of Taka 50,000/ or one year imprisonment or both.

4.8 The Pesticide (Amendment) Act, 2009

This Act is an amendment of the Pesticide Ordinance, 1971. The Ordinance was to regulate the import, manufacture, formulation, sale, distribution and use of pesticides. As per the Ordinance, no person will import or manufacture any pesticide brand without registration but the condition is that it is not detrimental to vegetation, except weeds, or human health. Government may cancel the registration also if it thinks that the pesticide is injurious to health or vegetation. Government may prohibit import of any pesticide if thinks necessary and may fix price of it in the market. The ordinance directs for an Agriculture Pesticide Technical Advisory committee that will advice government on technical matters relating to it. The Ordinance says about setting of a laboratory also to test the quality of pesticides. The penalty of the offence is fine of Taka fifty thousand and for repeated offence the fine is seventy five thousand to one lac Taka and imprisonment for two years. In the amendment of the Ordinance few words related to penalty are amended, i.e.- instead of two thousand five hundred, it will be replaced as one lac.

4.9 Consumer's Right Protection Act, 2009

This Act was formed to protect the consumer's right. In this act a National Consumers' Right Protection Council, consisting of the Minister in charge of the Ministry of Commerce, the Secretary of the same ministry, the DG of National Security Intelligent Department (NSI) and others, has been formed. The Council will monitor the rights of the consumers, determine preventive measures and take necessary actions. They are empowered to monitor whether standard quality of goods and services by the seller is being maintained; whether any fraud is committed about weight or quantity of goods; whether any fake goods are being made; whether any adulterated goods or medicines are sold; whether any expired goods or medicines are sold and so on. This act gives the officer of this department the power of investigation of an offence as an Officer-in-Charge in Police. It gives the power to issue warrant to arrest the offender or the power of seizure or arrest in open place. This act provides guideline of seizure or confiscation of goods or medicines also. The punishment for not showing pricelist, not using cover on goods, selling goods at higher price is imprisonment not more than one year or fine of Taka not more than 50,000 or both. The punishment for selling any adulterated goods or medicines or any other goods that are detrimental to health is imprisonment not more than three years or fine not more than two lacs or both. The act gives the power of DG of the department to District Magistrate also. Civil people are also directed to make any complaint to DC or DG or to make a suit in court. Hence, the act seems much important for controlling adulteration of goods or for controlling fake goods.

4.10 Local Government, (City Corporation) Act, 2009

This is basically an act to provide a guideline about all activities of City Corporation. In the act the areas of the biggest city corporations are also specified. The section 11 of the act provides a guideline about the foods and drinks related items in City Corporation. The section says that City Corporation can prohibit production, import, sale or distribution of any food or drink in any place or home without license. Under this section City Corporation can issue, cancel or determine the fees of license of food or drink productions. The Corporation can also seize or destroy any diseased animal, poultry, fishes or any poisonous foods and drinks that are brought to prepare food. Hence the act deals with some related issues.

4.11 The Pure Food Ordinance, 1959 and the Food Safety Act, 2013

The Pure Food Ordinance, 1959 was formulated before the independence of Bangladesh. The Ordinance was made to control the manufacture and sale of foods for human consumption. In the law there was prohibition of few activities like- prohibition of manufacture or sale of foods which is adulterated or which is not of proper nature, prohibition of using formalin or intoxicated food color, of foods not of proper standard. The law also prohibited sale of diseased animal and unwholesome foods, use of false label, publication of false advertisement, giving of false warranty, using unregistered premises, manufacturing, selling or touching food when suffering from notified diseases. The law kept provision of penalty for those who refused to give sample of food for analysis and examination and who refused to sign a declaration. The punishment of offences in this act was maximum fine of taka 50,000/ or rigorous imprisonment for one year or both. For second time offence the punishment was maximum fine of Taka 2,00,000/ and rigorous imprisonment for three years along with forfeiture of shop and machineries.

The Food Safety Act, 2013 is the improved version of the Pure Food Ordinance, 1959. By the passage of time the level of crime has increased and has become diversified. The value of money also changed. Thus, there emerged necessity of amending the old law.

When an act was modified in maximum areas, the question of new law arrived. The Food Safety Act, 2013 emerged for this reason repealing the old one. The prohibition level of this Act is much more than the earlier one. The sections and descriptions of everything is much specified in this recent Act. The penalty level has also increased. The lowest penalty for the same offence is "imprisonment 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 with both" and for second time offence the penalty is "imprisonment for five years or a fine of taka twenty lac or with both". In the following section the comparison of these two acts is provided.

4.12 Comparison of the Pure Food Ordinance, 1959 and the Food Safety Act, 2013

In the introduction of the Pure Food Ordinance it is said that the Ordinance is provided for the better control of the manufacture and sale of food for human consumption, whereas the introduction of the Food Safety Act, 2013 says that the Act is made with the provisions of establishment of 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 of safe food through appropriate application of scientific process,". Thus the recent Act is scientific and covers more areas than the earlier one.

The Ordinance defined about food adulteration that if the food contains or is mixed or diluted with any substance or it contains any poisonous or deleterious ingredients, then it may be termed as adulterated food. On the other hand, the recent act describes food "contaminant" and "adulterated food" in two different ways. "Contaminant" is a substance which may be present in a food as any reason but 'adulterated food" may be the food that is mixed with such amount of ingredients that is harmful to public health or diminishes the food value. This is one example of why the recent Act is termed as scientific.

The recent Act is different Act as it started with the provision of an organization in Section 5 of the Act to control and monitor the food safety of the country. In the following sections of the Act the qualifications, resignation, termination of Chairman and its four members are also specified. The duties and functions of BFSA are described in Section 13 of the Act. In the subsections of Section 13, it says about collecting food samples and conducting analysis of food to identify adulteration of foods. The subsections basically indicate a laboratory to examine the quality of foods. Even, the Organogram, the appointment of a secretary and staff are also described here. The formation of a central Food Safety Management Coordination Committee is also prescribed in the Act to carry out the purposes of the Act. The Chairman of Bangladesh Food Safety Authority (BFSA) is made the Chairperson of the committee, officers not below the rank of Joint Secretaries from concerned ministries, Director Generals from different concerned departments are the members of the committee and the Secretary of BFSA is the Member Secretary of the Committee. It is mentioned that the Coordination Committee will arrange meetings three times a year. In addition, a Technical Committee is formulated. Fund of the authority, annual budget, accounts and audit are described in the Sections 17 to 22. All these matters were absent in the Pure Food Ordinance, 1959. Moreover, the Ordinance of 1959 was not able to control the food contamination as there was lack of coordination among different ministries and shortage of sufficient human resources made a weak implementation. With the BFSA the Act was thought as an umbrella Act to employ more people and monitor contamination of foods independently.

The National Food Safety Management Advisory Council was reformed keeping the Minister in charge of the Ministry of Food in the position of The President, Cabinet Secretary as Vice-The President and Secretary Ministry of food as Member Secretary. The Ordinance kept the Minister of Ministry of Local Government, Rural Development and Co-operatives in the position of Chairman of the council and a Joint Secretary of the Ministry of Local Government, Rural Development and Co-operatives as Member Secretary.

Now, if we look at the food safety management system we find that in the ordinance all the prohibited practices are mentioned in Chapter II with title 'Manufacture and Sale of Food". On the contrary, these practices are prohibited in Chapter V in the Food Safety Act, 2013 and the title of that chapter is "Prohibitions Related to Food Safety Management System". Thus the recent Act specifies the prohibitions more clearly than the earlier one. The Sections 23 to 42 of this chapter are presented in a descriptive way. The prohibitions are presented very shortly in the earlier Act. In the same way, Analysis of Food and Inspection and Seizure of Food are presented in chapter III and IV of the ordinance, whereas those things are presented with title 'Special Responsibilities of Food Business Operators' (Chapter VI) and 'Food Analysis and Testing' (Chapter VII), 'Inspection and Seizure of Food' (Chapter VIII). The penalty is described in chapter V, title 'Miscellaneous' which is described in Chapter IX of the recent Act with the title- 'Offences, Penalty, etc' and in Chapter X with the title- 'Food court, Complaint, Trial, etc.' Additionally the Food Safety act, 2013 provides chapters on 'Civil Remedies' (Chapter XI), 'Administrative Inquiry and Fine' (Chapter XII), and Miscellaneous (Chapter XIII).

The penalty level of the recent Act is found increased when compared with the earlier act. In the Pure Food Ordinance, 1959 the lowest penalty of producing or selling adulterated or sub-standard foods was six months imprisonment or a fine of taka five thousand or both and the highest was one year imprisonment or a fine of fifty thousand taka or both. The lowest penalty for second time offence was three years imprisonment or a fine of taka fifty thousand or both and the highest was three years imprisonment or a fine of two lac taka and croaking the shops. On the contrary, the lowest penalty for the same offence is "imprisonment 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 with both" and for second time offence the penalty is "imprisonment for five years or a fine of taka twenty lac or with both". Hence, the Food Safety Act, 2013 has made the penalty of offences up to date. The comparison of both the Acts is provided in the following table:

Table 4.1 Comparison between Two Acts

Serial no	The Pure Food Ordinance, 1959	The Food Safety Act, 2013
1	Did not tell anything about establishment of any authority.	The act is made with the provisions of establishment of an efficient and effective authority and it describes the qualifications, termination and other regulations of the employees of the authority.
2	The act was for better control of the manufacture and sale of food.	The act is for regulating through coordination, the activities relating to food production , import, processing etc.
3	Did not differentiate 'contamination' from 'adulteration' in specific way.	The words 'adulteration' and 'contamination' are defined specifically in different ways.
4	The act not being able to control the food contamination as there was lack of coordination between different ministries and shortage of sufficient human resources.	With the BFSA the act was thought as a scientific umbrella act to employ more people and monitor contamination of food independently.
5	In the act the Minister of LGRD was in charge of NFSAC.	In the act the Minister of Food is in charge of NFSAC.
6	Prohibitions are described in Chapter II with title "Manufacture and Sale of Food".	Prohibitions are described in Chapter V with title "Prohibitions Related to Food Safety Management System".
7	The prohibitions were written in short.	The recent act specifies the prohibitions more clearly and in descriptive way.
8	The penalty is described in chapter V, title 'Miscellaneous'.	The penalty is described in Chapter IX of the recent act with the title- 'Offences, Penalty, etc'. It provides more sections also on 'Food court, Complaint, Trial, etc.', 'Civil Remedies', 'Administrative Inquiry and Fine'.
9	The penalty level was low.	The penalty level has been increased to make it up to date or of international standard.

Now, it is obvious that the recent Act modified many of the directions of the old law. The full schedule of penalty is also modified. As maximum part of the old Ordinance is modified, it gave pace for the emergence of a new Act named the Food Safety Act, 2013.

4.13 Summary

Thus, in this chapter it is shown that there are several laws related to Food Safety. All the Acts were made to regulate the quality of food. Among them, the Pure Food Ordinance, 1959, Bangladesh Pure Food (Amendment) Act, 2005 and the Food Safety Act, 2013 are related. The Pure Food Ordinance, 1959 was modified as Bangladesh Pure Food (Amendment) Act, 2005, but it did not encompass all sides related to food safety. It was the Food Safety Act, 2013 which emerged as an Act of international standard. The recent Act ensured prohibition on all kinds of bad practices, related to food, and gave space for setting up an independent authority named - Bangladesh Food Safety Authority.

In the next portion of the study the data have been presented and analyzed.

Chapter 5

Data Presentation and Analysis

5.1 Introduction

A research ends with discovering the truth that hides behind the raw data and the present research is to find out the factors that contributed to the formulation of the Food Safety Act, 2013 in Bangladesh. The study also aims to discover the actors and their role in the formulation and finally the process of formulation of the Act. As the actors and factors contribute to the whole process of formulation, they are shown as independent variables, whereas the policy itself is the dependent variable as it is the outcome of those variables. It is described in the earlier chapter that the data were collected through interview of key respondents and from documents available in the Ministry of Food, in FPMU and BFSA. To reveal the contribution of the actors and factors this chapter will present and analyze the data collected from field work.

5.2 Formulation Process in the Ministry

All official activities of the formulation of Food Safety Act, 2013 took place in the Ministry of Food, in Cabinet Division, in Ministry of Law and in Finance Ministry. Yet, the documents from Ministry of Food and Cabinet Division were most crucial to find out the formulation process of the Act.

5.2.1 The Documents from Ministry of Food

The documents available in the Ministry of Food are the best evidence of how the Act originated and continued to be finalized. The ministry is situated in the secretariat where without entry pass it is not possible to enter. Looking through the file is another difficult work as according to The Official Secrets Act, 1923 no officer wants to share the information of the written notes. However, with the permission of senior officer it was possible to read the written notes from the files. The files were preserved in the section that is recently created to work on only Food Safety and BFSA. Yet, the limitation was that the note started with the Summary of the proposal of creation of Food Safety Act

and BFSA. The Summary was prepared to be sent to the Prime Minister. Few of the important information are already mentioned in the Summary which is presented below:

5.2.2 The Summaries as Documents

There were two Summaries prepared for approval from Prime Minister. The approval of making a new Act and creating an independent authority, named Bangladesh Food Safety Authority, was sought in the first Summary[1].

It was said in the first Summary that every human being had the basic right to get safe food for healthy life. It also said that after the present government came into power, the production and delivery of food and people's purchase power had increased in a remarkable rate. The development in the area of nutrition level was not remarkable in comparison to the indicators of the economic and social development. According to the specialists, among many of the reasons increase of adulterated and unsafe foods in the markets was one of the main reasons. For this reason this matter was being discussed among the decision makers of the government and other societies. The Summary also said that making the natural and processed foods adulterated became a disease in our society. Consequently people were suffering from many food borne diseases. In one statistics it was found that in recent time the death rate by diarrhea was about 5% in the country. According to Food and Agricultural Organization one forth people of the country were getting infected by any food borne diseases. The Summary focused on weakness of coordination among ministries and departments regarding safe food. It focused on weakness of the law, insufficient food standard, insufficient technology and human resources. As the government wanted to meet the challenges of food safety government was thinking of giving the responsibility to a suitable ministry. The ministry would responsible for coordination, implementation, control, increasing the ability of laboratory, increasing the number of scientists, setting a standard, controlling the standard and for implementation of law and coordination of it.

[1] The Summaries are written proposals to PM. The Summaries and other documents are provided on the basis of information from relevant files in the Ministry of Food.

The Summary also mentioned that according to Pure Food Act, 2005, the National Food Safety Advisory Council, NFSAC was created with the chair of the Minister of LGRD and since then the LGRD ministry was leading the implementation of food safety of the country. Before that the law making and the enforcement matter was imposed on the Ministry of Health. But from the inauguration of the Pure Food Ordinance, 1959 to 2005 this act was not amended ever. Under the ordinance the Rules were created in 1967 in which 107 food items had the adulteration standard. Though the Pure Food Act, 2005 was made, new rules related to it were not made. The BSTI Act was created to ensure quality of food. Safety was not the main concern here. In the BSTI act the mandatory standard of only 59 food items were there which was contradictory to the Pure Food Act. Though there were voluntary standards of few food items, they are not applicable mandatorily. For this reason, it was necessary to create an Umbrella Law by coordinating prevailing food related laws, to create mandatory standard for all foods of the country. In addition, the ability of food laboratory and the ability of concerned human resources needed to be increased.

It was described in the Summary that the LGRD ministry did not have enough arrangement to provide technical support to NAFSAC. For this reason, the Local Government Division requested the Cabinet Division to hand over the leadership of NAFSAC to the Ministry of Health, which, if implemented, might bring instability about food safety again. The summary pointed that one inter-ministerial technical committee gave opinion to formulate a national council like NAFSAC under the leadership of Minister of Food. The Summary also mentioned that Ministry of Agriculture, Food, Health, Fisheries and Livestock, Industries and Local Government would work with their own laws but the leadership and coordination would be done with a single ministry and single authority so that formulation, amendment and implementation of laws would become easier.

While describing the logic behind the formulation of the Act, it was said that in Bangladesh, the ministries which had the experience of coordinating food safety, who

could assist in providing rules related to food safety, who had the experience of controlling food standard, had necessary human resources in the field level, had lab facilities/ experience, and according to the Rules of Business of the Government, only those who had these types of responsibility could have the responsibility of the Umbrella Law. Comparatively Ministry of Food or the Department of Food had that kind of ability and experience. As the main focus of the Ministry of Health was curing people and as the Ministry of Local Government had insufficient ability, and considering the recommendation of the above mentioned committee, the Ministry of Food might be assigned with the responsibility of coordinating the food safety. Moreover, the Ministry of Food had sufficient number of inspectors, technical officers and other experienced human resources in the upazilas who with little training would be able to work effeciently. Besides, the food department had food laboratory in the local level which could be extended to district level. Moreover, according to the Rules of Business the responsibility of food safety is assigned to the Ministry of Food.

The Summary made four proposals- a) the proposal of reforming National Food Safety Advisory Council under the leadership of the Minister of Food, b) the proposal of establishing Bangladesh Food Safety and Quality Control Authority, c) the proposal of amending the Pure Food Act, 2005, and d) the proposal of establishing "Food Safety and Quality Control Cell" to begin the work.

The Summary was signed by the Secretary on 22/10/2012, by the minister on 24/10/2012 and by The Prime Minister on 29/10/2012. Hence, the Summary itself is an important document to describe the factors that led to the formulation of the act. The summary describes about rampant adulteration in food, about peoples' suffering, about conscious peoples' concern on it, about weaknesses of implementation of the Pure Food Act, 2005 and about why the Ministry of food was assigned with the leadership of NFSAC, the amendment of Pure Food Act, 2005 and the establishment of Bangladesh Food Safety and Quality Control Authority. The main points of the first Summary are shown in the following table:

5.1 The Summaries in Short

Serial No	What is Found
1	Development of nutrition level was not remarkable in comparison to the indicators of the economic and social development
2	Increase of adulterated and unsafe foods in the markets was being discussed among the decision makers of the government and other societies
3	According to FAO one forth people of the country were getting infected by any food borne disease.
4	Ensuring safe food was a multidimensional work and there prevailed weakness of coordination regarding it - the weakness of the law, insufficient food standard, insufficient technology and human resources
5	It was necessary to create an Umbrella Law by coordinating prevailing food related laws, to create mandatory standard for all foods
6	The LGRD had requested the Cabinet Division to hand over the leadership of NAFSAC to the Ministry of Health
7	The leadership and coordination should be done with a single ministry and single authority
8	Comparatively Ministry of Food or the Department of Food had that kind of ability and experience to make an umbrella law
9	Finally the summary sought permission for giving leadership to Food Ministry and to establish BFS&QCA

Most interesting thing is that another Summary was signed by the PM on the same date about food safety that described almost same thing of the first summary. The difference is that the second one gives reference of the first one telling that the honorable PM has given the permission of “Food Safety and Quality Control Cell”. Then it describes that the Secretary of Ministry of Food has discussed about it with the Cabinet Secretary and the Cabinet Secretary has advised to hold a meeting with Secretaries of related ministries where the Minister of Food will chair the meeting. The Summary, finally, seeks the permission of the PM to arrange an inter-ministerial meeting.

5.2.3 The Minutes of the Meetings

The minutes of the meetings are other documents that focused on the opinions and decisions of stakeholders. From the minutes it is found that almost everyone supported the formulation of the act. They talked about revising few sections and few words to make it more up to date. The attendance list of the meetings provides information about list of people who were present in the meetings of the formulation. Some of them

were active actors. One example is that on 11/03/2013 total 26 members were present in the inter-ministerial meeting to discuss on the draft of the Food Safety Act. Again, on 23/01/2013 in the first meeting of the Cabinet, including Cabinet Secretary, Secretary of Agriculture, Secretary of Commerce, Secretary of Fisheries and Livestock, Secretary of LGRD, Secretary of Disaster Management, Secretary of Food, total 29 members were present. The meeting was chaired by the Minister of Food. Another example is that from the attendance of the workshop in CIRDAP on 18/04/2013, it is found that total 106 people were present. Among them the journalist group, the bureaucrat group, the expert group, intellectual group, the civil society group and the businessmen were present. From these categories the interviewees were selected.

Going through the minutes of the meetings it is found that some gave counsels on some points while some provided information. Hence, all members supported the formulation of the new act. After reading the minutes of the 1st meeting in the cabinet, it is found that the initial draft of the law to amend the Pure Food Ordinance, 1959 was presented before the members of the meeting. Thus, it can be assumed that after the Summary approval from the Prime Minister the draft was made in between the time of meeting which is more than two and a half months. The 2nd agenda of the notice of the meeting, which was served on 20/01/2013, was to discuss on the draft of law that was to amend the Pure Food Ordinance, 1959 which was named as Bangladesh Pure Food (Amendment) Act, 2005 after amendment. At the beginning of the meeting the Minister described to the members that the reason of the meeting was to amend more on the Bangladesh Pure Food (Amendment) Act, 2005 and to establish a single authority. The draft was served to the members and they were asked to make comments on it.

In the meeting the Secretary of Ministry of agriculture said that the definition of food must be of international standard in the proposed act because we import and export food. He opined to pay special importance on the labeling of food materials and pesticides at the time of amendment of the act. He supported the idea that the

responsibility of ensuring safe food should be assigned to a single ministry and it could be the Ministry of Food.

The Secretary of the Ministry of commerce said that in the Consumer's Right Protection Act, 2009, the definition of food, adulteration of food, manufacturers etc. are provided. He drew attention to keep the definitions of these things similar in the proposed act. Besides, he requested to keep the penalties of the Consumer's Right Protection Act, 2009 similar to the proposed act.

The Secretary of the Ministry of Fisheries and Livestock said that the initiative of making Bangladesh Pure Food Ordinance, 1959 more amended and more effective was very compatible to time. He proposed to keep the notable parts of Acts, related to production, processing and marketing of fish and meat, in the proposed act. Besides, he offered to keep all offences, related to food adulteration, under Mobile Court.

Another important opinion was of the Secretary of LGRD. He supported that all laws related to pure food and food adulteration should be brought together and a single act should be made. He thanked the Ministry of Food for taking initiative in the right time. He confessed that though the Local Government Division was assigned with the work, it was not possible to reach in expected level of service with the available infrastructure. He said that by establishing a powerful single authority, it would be possible to ensure contamination free foods for people. He opined to identify contamination of foods as severe offence and he suggested for severe punishment for this. He offered that all human resources of Local Government Division would be assigned to the proposed authority, if necessary.

At this point, the additional secretary of Ministry of Health and Family Welfare said that there is a circular in the Ministry of Law that if the ratio of amendment of any act is more than 25%, then a new act should be created.

In this connection, the Cabinet Secretary appreciated the initiative and desire of the Ministry of Food. He said that there were many scattered laws related to food

production, processing and marketing and it was the right time to take initiative to bring all of the laws and all human resources together under a single authority and to create a new law in Bengali under it. He suggested changing the Allocation of Business as the Pure Food Ordinance, 1959 was kept under the Ministry of LGRD and Health. He appreciated the way every member supported the initiative. He suggested thinking about inclusion of water, juice and other drinks in the definition of food.

The Professor of Chemistry Department of Dhaka University also appreciated the initiative. He gave importance on monitoring system, on ensuring quality of food items, on involving honest and efficient persons. Lastly, it was decided that the Ministry of Food would make the draft of a new act named "The Food Safety Act" in the shortest possible time.

Another important meeting was held on 11 March, 2013 to discuss on the draft of the act. The meeting was chaired by the Secretary of the Ministry of Food. In the meeting the Director General of Consumer's Right Protection Department opined that the "Bangladesh Food Safety Act, 2013" would be considered as a principal act which would be implementable. He requested to remain aware so that the act did not clash with other acts. Then the minutes describes about few corrections of words in the sections that were suggested during the meeting. The following corrections are there : a) in Section 2 (5)(Kha) it will be "Food item" instead of "produced item", b) in Section 2 (11) it will be "imprisonment, fine or both", c) in Section 2 (19) it will be "nutrition" instead of "energy", d) in Section 5 (1) the word "Gazette" will be placed in front of "Notice", e) in Section 56 (3) the word "Executive" will replace the word "First Class", f) Section 65 will be cancelled etc. Lastly, it was decided in the meeting that following the discussion and opinions of members the above mentioned corrections would be included. Still the members were requested to send their written opinions within 10 (ten) working days. It was mentioned earlier that total 26 members were present in the meeting among whom representatives of concerned ministries, FBCCI, BSTI, ADM, National Consumer's

Right Protection Department, BARC and Professor of Dhaka University were present. The decisions of the meetings are presented in the following table:

5.2 The Minutes in Short

Serial no	What is Found
1	The responsibility of ensuring safe food should be assigned to a single ministry and the Ministry of Food was most appropriate
2	A new, umbrella law of international standard named The Food Safety Act should be created under a powerful single authority to ensure safe food
3	Definitions and penalties of all laws should be in congruent to the proposed law
4	Members, present in the meetings, supported the formulation by giving opinions on the draft

5.2.4 Written Opinions

After this meeting different agencies provided their written opinions on the draft of the act. Most notable are the opinions of Oxfam and of Bangladesh Agro-Processors Association (BAPA). In the written opinion Oxfam proposed to use the term 'food safety' instead of 'food security'. In Section 2(4) [in final draft that is in Section 2(5)] they suggested to clarify the definition of 'food production', which was included in the final draft. In Section 2(14) they suggested including the insect fragments and rodent hairs as a substance of contaminant, but in the final draft they are not found as included. It may happen that after discussion with others it was not included. In Section 2(26) [in final draft it is 2(28)] they suggested to include everyone as 'person' who is involved from food production to food management for the consumers. But, this suggestion was not included in the final draft. There 'person' is defined in the following way – "'person' includes, whether incorporated or not, any company, organization, commercial entity, partnership business, society, club or association". It may happen that after discussion it was not included in the final draft. Again, in Section 2(19) they have suggested not to mention any specific disease name which was not ultimately placed in the definition part. It is described in Section 36 where it says the following:

"36. Manufacture of food by a person suffering from any contagious disease – No person, by himself or by any other person acting on his behalf, shall cause any article of food or food ingredient to be prepared, stored or sold by a person who is suffering from any contagious disease."

Oxfam also said that in Section 44 there was a chance of compromise and so they requested to make a rigid law, but in the final draft nothing like this is found in Section 44. Other organizations like - MoPA (Ministry of Public Administration), Department of Food, Bangladesh Fruits, Vegetables & Agro Products Exporters Association, BCSIR, LGRD ministry, FBCCI, BAPA etc. Among them, the opinions of FBCCI and BAPA are noteworthy. In the penalty section, more specifically in Section 45 FBCCI suggested to warn for the first time and give time for correction in case of unwilling mistake. The suggested penalty for the second time was fine and for the third time was imprisonment or closure of the business institution or shop. Basically this thing is described in Section 63 where it says the following:

"63. Cooperation in identifying the actual offender, etc. – (1)If it appears beyond doubt that the food seller is not involved knowingly in any act of violation of any provision of this Act, and if the food seller is ready, if necessary, to cooperate with the Authority to identify the violator of the provision of this Act, necessary steps may be initiated to identify the actual violator instead of prosecuting the food seller under this Act."

The opinion of BAPA regarding penalty is important. They wrote –

In Section 45 of the proposed act a list of penalty is provided for different types of offences. The penalties are Capital Punishment, 14 years of imprisonment, 10 years of imprisonment and croaking machineries. These penalties are severe for an offender and may be opposite to justice. It can be said that the countries that follow the common law do not have capital punishment and the countries who have limited range of capital punishment are criticized severely. Hence, the act with capital punishment

will bear a negative message among the countries that follow the common law.

Suggestion: The capital punishment, lifetime imprisonment and croaking machineries should be cancelled from Section 45."

The contributions of those opinions are presented in the following table in short:

5.3 The Key Points of Written Opinions

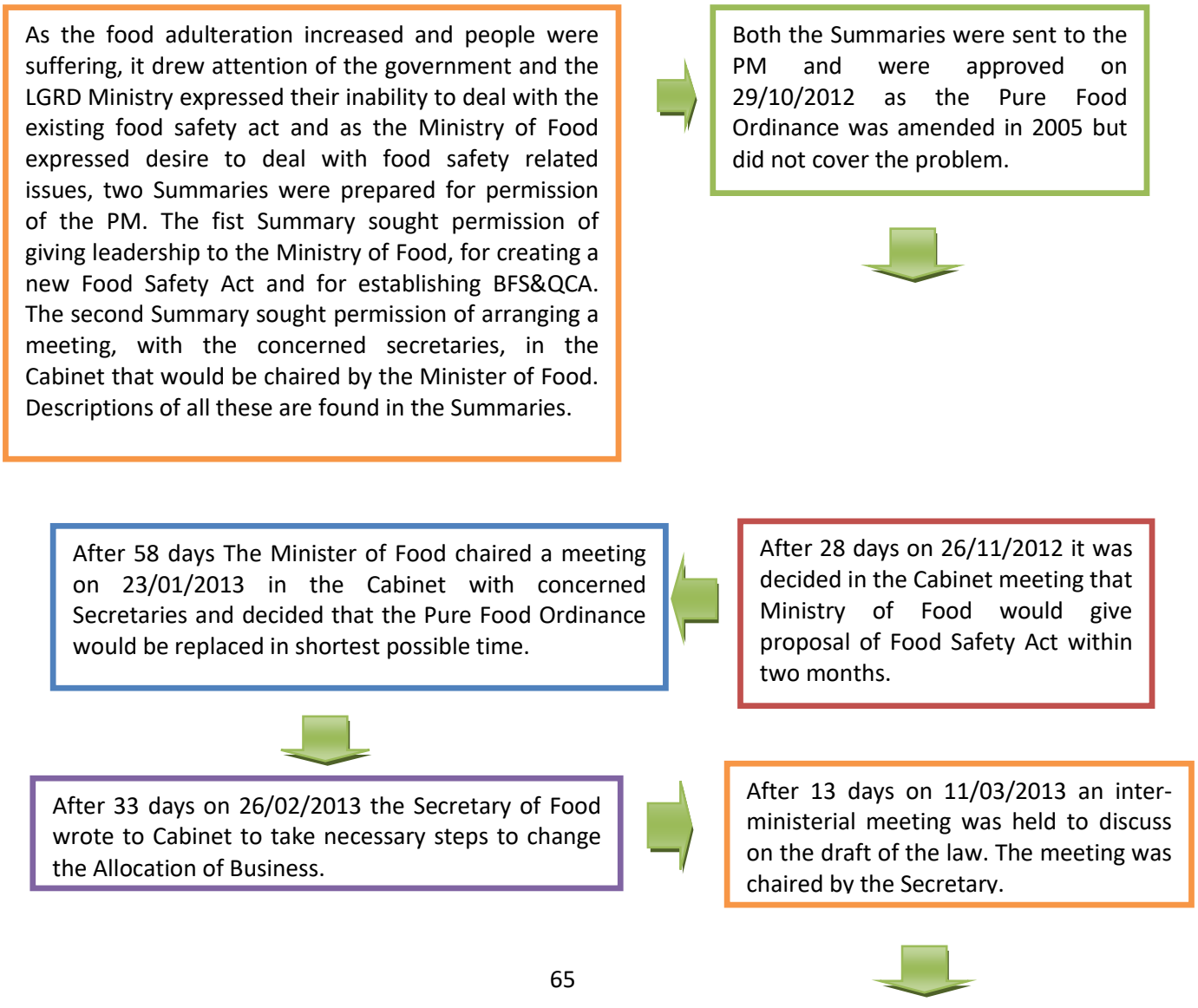
Serial No	What is Found
1	Oxfam and other agencies opined about clarifying some definitions, modifying some sections of the proposed act of which some were included and some were neglected- may be after discussion.
2	Oxfam opined for rigid law. If rigid law means capital punishment or lifetime imprisonment - it was not followed in the final draft
3	FBCCI opined for a bit less penalty for those who do wrong not knowing the matter and it was accepted in section 63 of final act
4	BAPA suggested that the capital punishment, lifetime imprisonment and croaking machineries should be cancelled from Section 45 and they were accepted. There is no capital punishment in the final schedule of the act.

Hence, it is discovered from the documents that the contamination of food was identified as a problem through Medias. Many people were suffering from different food borne diseases which drew attention of the government. There existed coordination problem in the implementation of food related laws. The LGRD Ministry wrote about their inability in handling the amended act named Bangladesh Pure Food (Amendment) Act, 2005. Then the initiative to amend more on the existing Bangladesh Pure Food (Amendment) Act, 2005 was taken from the Ministry of Food which was ultimately supported by Prime Minister, different ministries and departments. In the Cabinet meeting after discussion it was decided that a new umbrella act named the "Food Safety Act" will be formulated and as the Ministry of Food has experience and human resources to deal with food, they were assigned with the leadership of ensuring safe food for the country. The Minister of the Ministry of Food showed interest to deal with the act which the Ministry of LGRD denied. All members of the meetings or all actors supported the formulation of the act. They contributed in different ways like- by

giving opinions, by suggesting reform of few sections, by clarifying terms and definitions etc. in the formulation process. The formulation took place through negotiation of different actors. The example of Oxfam, FBCCI and BAPA is already provided earlier to clarify the statement. Ultimately, the businessmen group won in the negotiation about the penalty of offences.

5.3 The Process Analysis from the Documents of the Ministry of Food

The notes and letters that are preserved in the files depict which action followed which in the formulation process. The specific file of the act begins with the Summary that has been described earlier. The in-depth formulation process is depicted in the following chart:



After 18 days on 31/03/2013 a letter came from the Ministry of Health and Family Welfare that lawyer Manjil Morshed gave a legal notice to remind about High Court's order to take action to ensure safe food and on the same date an in-house meeting was held in Additional Secretary's room about the correction of Allocation of Business.

After 2 days on 13/03/2013 a letter came from Cabinet that according to the Rule 10 of Rules of Business a concrete proposal need to be sent to Secretary Committee of Administrative Development.

After 9 days on 09/04/2013 it was decided that a workshop with the stakeholder would be held on 18/04/2013 in CIRDAP conference hall.

After 6 days on 15/04/2013 it was decided that the draft of Allocation of Business would be sent to concerned ministries to have their opinions according to Rule 10 of Rules of Business, 1996. It was advised by Cabinet Division.

Allocation of Business was prepared. The subjects to be included to the Ministry of Food were: adulteration of food stuffs, standardization and quality control of food, control of milk food, objectionable advertisements, food and nutrition research planning, research, training and monitoring.

The Ministry of Health and Family Welfare gave written objection on the change of Allocation of Business.

After 26 days on 05/05/2013 BAPA gave opinion, on 08/05/2013 FBCCI gave opinion and on 17/06/2013 Oxfam Bangladesh gave its opinion on the draft of the Act.

After 4 days on 12/05/13 an in-house meeting was held in Additional Secretary's room about the punishment level of the law.

After 3 days on 04/07/2013 the Act was sent to the Legislative and Parliament Division of the Ministry of Law for vetting.

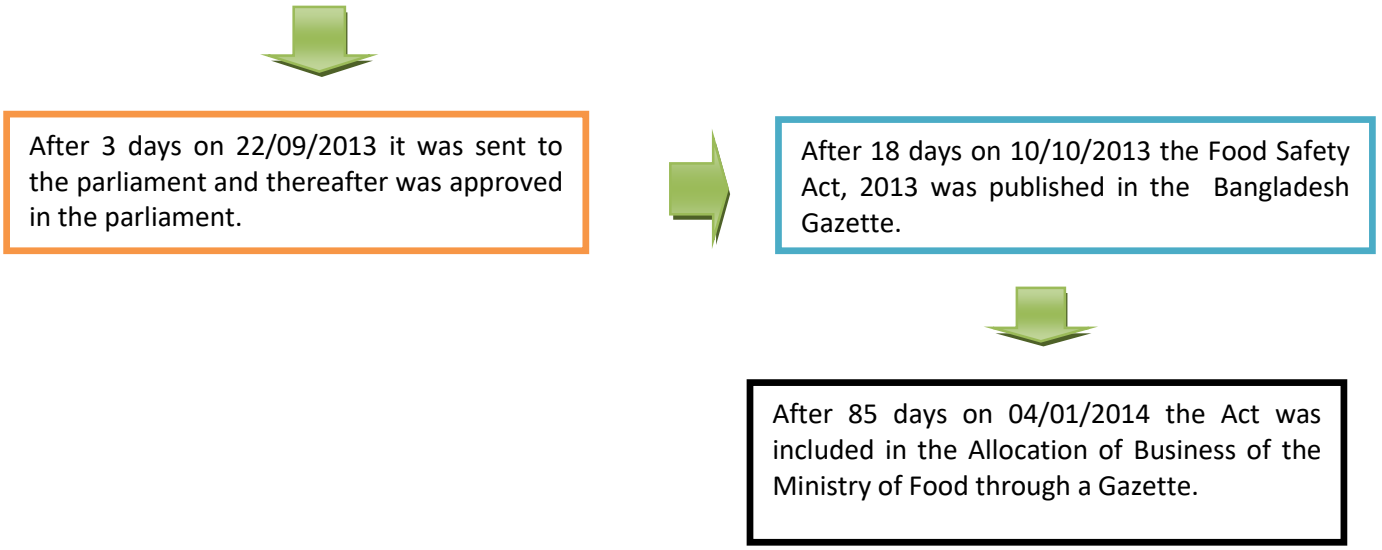
After 56 days on 01/07/2013 the Act got approval in the Cabinet meeting with some directions of modification.

After 45 days on 19/08/2013 the draft of Allocation of Business was sent to the Secretary Committee of Administrative Development for approval.

After 20 days on 08/09/2013 the Act got final approval from Legislative and Parliament related division of the Ministry of Law.

After 2 days on 11/09/2013 a Summary was sent to the Ministry of Finance and was signed by the Secretary of Finance on 16/09/2013, by the Honorable Prime Minister on 18/09/2013 and by the Honorable President on 19/09/2013.

After 1 day on 09/09/2013 the draft act was finally approved in the Cabinet meeting.



Again, the written notes in file-works are important documents to study the formulation process. One example of written notes on the issue of Allocation of Business and on the draft of the act was that on 24.02.2013 a note was initiated by the Deputy Secretary of Ministry of Food saying that according to the decision of inter- ministerial meeting on 23/01/2013 the Bengali draft of the new act named 'Food Safety Act', in the hope of ensuring safe food and updating the Pure Food Ordinance, 1959, had been prepared. On this point, to take decision on next activities, regarding the draft of the Act, a discussion meeting was held in the office of the respected Secretary with the Additional Secretary, DG, Department of Food, DG, FPMU and all Joint Secretaries. The Joint Secretary of Law Ministry was present in the meeting on oral invitation. At the time of discussion, the Joint Secretary gave her opinion that according to the Allocation of Business, the Pure Food Ordinance, 1959 was given to the Ministry of Local Government and Ministry of Health. In this case, the Ministry of Food did not have the authority to formulate a new act without changing the allocation of Business. As the official permission to formulate the act was given to the Ministry of Food, it would be wise to make the law after

changing the Allocation of Business. Finally, two proposals were given in the note. They were-

a) The Cabinet Division might be requested to change the Allocation of Business and

b) A meeting including concerned Secretaries might be held about the draft of the law.

The note was duly signed by Deputy Secretary, Additional Secretary, Secretary and Minister.

Hence, it is found that the process of the formulation of the Food Safety Act, 2013 started with the approval of Summary from the Prime Minister and then followed all formal procedures. Two Summaries, which were sent to the Prime Minister, indicate the importance of the matter. Both the Summaries were approved on the same date. We know that the formal procedures are meetings, workshops, letters, opinions, drafts and finally getting approved from the Prime Minister and the President and from the Parliament. The formulation process of the act followed all those processes and ended with the gazette notification. It took one year for formulation and total 11 meetings were held for it.

5.4 Feedback from Different Actors

As it is mentioned earlier that different actors took part in the formulation. All supported the law in different ways. To find out the role of actors and the reasons of the formulation total 13 questions were asked to them. All were asked the same questions. Their views about the formulation of the act are described below:

5.4.1 Views of Bureaucracy

Among the bureaucrats the former Secretary of Ministry of Food, the former Section Officer of the Ministry of Food, the former Administrative Officer of the Ministry of Food, the former Legal Advisor of Department of Food, the former DG of National Consumer's Rights Protection Directorate, the former Additional Deputy Magistrate of

Dhaka were interviewed. They opined that the problem of contamination of food got attention of government through media. There were continuous publications in different newspapers about people's sufferings with the contaminated or adulterated foods, about food borne diseases and about mobile courts and destruction of many different food items including formalin mixed fruits. The media criticized government's inability to control the situation. Moreover, the Pure Food Ordinance was under the Ministry of Health and the Ministry of LGRD. There existed lack of coordination among different agencies regarding food safety activities. The LGRD Ministry expressed their written opinion that they were unable to deal with the existing act that was Bangladesh Pure Food (Amendment) Act, 2013. The combination of all these clicked to draw attention of the government to do something related to food safety for social benefit. Then the government thought of making a strict law to stop the bad practices of food production and sale. The intention was social benefit. When they were asked about who were involved in the overall process of formulation of policy, from the government and outside the government, they answered that the political decision, the bureaucrats, the media and experts, civil society and businessmen were involved in the formulation of the policy. Among them political decision was most influential as without the approval from the Prime Minister it was not possible to start the work. It followed all steps of policy making- Summary, meetings, seminars, file works, networking, drafting, vetting, revising, finalization, legislative approval and circular. They gave the credit of drafting of the law to the bureaucrats and said that bureaucrats approved the feasibility of making of the law in the initial stage of the formulation. They showed that the Ministry of Food has more experienced human resources in the fields of the country and so this ministry deserved the responsibility of formulation of the new act. Hence, they gave the leadership of food safety to the Ministry of Food. Bureaucrats made all letters for official communications too. Every actor had a common interest which was social benefit.

When the respondents were asked to describe how the actors played their role and how the interest groups influenced the policy formulation, they answered that the bureaucrats were helping to fulfill the political mandate and their role was in the whole

formulation process as they followed all steps of the formulation, they communicated through letters, they made the draft and revised and arranged for vetting, sent for Summary approval and lastly made the gazette notification. The media played role from the beginning. Different news in newspapers and television channels identified food adulteration as a problem. Media helped to expose people's opinions and dissatisfactions. The experts assisted the formulation by sharing their knowledge on food safety, the ways and results of adulteration, the ways to prevent food adulteration and the best practices of the world. The civil society also had a notable role. They made a network among themselves and raised awareness among people. They gave their opinions on the draft of the act. They monitored the formulation too. Finally, businessmen were playing their role by supporting the formulation of the new law. They also gave opinion in the meetings of the draft. They also thought of the safety of themselves. They were identified as the influential group. Both the civil society and business group were trying to put their influence on the act. The civil society wanted to increase the punishment level but the business group pursued for low punishment. They opposed the capital punishment that was included in the first draft. Finally, the business group's request prevailed in the final draft.

While answering the question if there was any challenge in the process of formulation, the bureaucrats said that making an umbrella law by compiling and adjusting other food related laws was the most challenge to face. About this the Secretary said the following words:

> *"The ministry officers had to take all responsibility to formulate the umbrella law by encompassing all laws. Due to fund crisis no expert was hired. Time was short also. Arranging fund for experts would take more time. The seminar funds were arranged from FPMU. The pure food ordinance was under the Ministry of Health, so they objected the formulation of act under the Ministry of Food. To do the act the Allocation*

of Business was changed through the coordination of the Cabinet Division. So these were the challenges. "

The challenges were solved with negotiations and meetings.

Thus, the views of the respondents quite match with the information of summary and other documents.

5.4.2 The Opinions of Experts and Academicians

The experts' role in the formulation is valuable as they contribute to the process with their knowledge. Among the experts the former Director of BSTI, the former Member of BCSIR, the Former Professor of Dhaka University and former Director of INFS, the former Director General of FPMU, and Nutrition Advisor of FAO were interviewed. They said that adulteration of food prevailed from the past in the country and so the Pure Food Ordinance, 1959 existed. But, the situation of 1959 and 2010 to 2012 was not the same. As population increased, by these years, the food production increased and global trade increased. To export food and to promote food trade globally we needed to have an act of international standard. At this time, the toxic or chemical items were being used in the food items by the greedy food sellers. As a result, food borne diseases were extreme and people were suffering. The diseases had economic impact on the nation. In connection with it, media started to write, people were getting aware, businessmen and DCCI talked about a new act. The media wrote on the food contamination problem that drew the attention of the ruling and the opposition parties of the political system. By the time from 2000 to 2001 FAO took the regional food safety strategy in South East Asia. They started to work with the Ministry of Health and, consequently with the donation of Netherlands, established a modern laboratory to test food items in Mohakhali. There was knowledge gap among the officials. With the support of FAO the government came to know about the best practices on food safety in other countries and the international pressure also increased. Then, the government thought to make the new law. Especially, the newspaper writings prompted the government to take action. So, after 42 years the question of updating the Pure Food Ordinance, 1959 came.

When the Nutrition Advisor of FAO was asked to describe what prompted the government to take action on it, he answered-

> *"There were many laws about safe food but none was performing properly. There was no coordination. The LGRD Ministry took the responsibility of coordination before 2000. The Pure Food Ordinance of 1959 was not science based. The Act of 2013 is science based. In the ordinance the food standard was mentioned according to international standard but it did not follow the country context. Now the Act follows BSTI standard. Till 2012 the Food and Relief and Rehabilitation Ministries were together. When they separated the Ministry of Food became small. When the minister became the Minister of Food only, after separation, he wanted to expand his activities. He observed the writings of the newspapers and other Medias. The Pure Food Ordinance, 1959 was amended several times by the leadership of IPH (Institute of Public Health). It did not draw attention of interest groups. Few donors like FAO, WHO provoked the government to make a law in many discussions and showed that the food condition of Bangladesh was not good. Then Netherlands donated to set up a lab at Mohakhali. Then the minister talked to the PM to give importance on food safety issue. Then the PM agreed to it and gave assignment to the minister. The minister called the then DG of FPMU to formulate the policy. DG compared laws of different countries and helped to formulate it."*

While describing the role of the actors he said that besides the bureaucrats, the donor agencies, the media, the experts and academicians contributed to the formulation. The media wrote about the problem, donors supported with their knowledge and experts shared their knowledge.

Again while describing how the issue got attention of the government after 42 years, the then DG of FPMU (at present he is advisor in FAO) said –

"From 2003-2004 it was being felt that the Pure Food Ordinance of 1959 should be amended. It was limited. It covered only urban used foods, not all items. In 2004 the Ministry of Food and Disaster Management asked for assistance from FAO. In 2007 FAO came to help. The proposal for Food Safety project from FAO was sent to the Ministry of Health by the Advisor of the Caretaker Government. The name of the project was Improvement of Food Safety in Bangladesh. The project focused on sanitation, awareness, hygiene with a modern food safety lab. The Ordinance of 1959 talked about adulteration, but the act of 2013 talked about contamination. So second one is much more scientific. Media also identified it as a problem. The contamination practices among businessmen were extreme. In 2012 at the end of September the then opposition party leader rebuked the then Food Minister for the contamination in foods. The minister then shared with the PM that he wanted to make an act. The PM told to forward a summary to her. The summary was approved. Then the minister called me to discuss about making a law. I found that around eighteen agencies and city corporation work for safe food. My first work was to amend the Ordinance of 1959 with inclusion of science. In 2006 the Ministry of Health raised the issue of amendment to the cabinet. After amendment it was sent to the Ministry of Local Government. The Ministry of Local government could not work as it could not maintain the science. The Local Government surrendered through a letter in 2012 to Cabinet Division. Then Ministry of Health came to amend it again in 2012 to take it for them. By this time the Food Minister pursued to take it. The Cabinet also decided to give the Act to the Ministry of Food and two months time was given to them to prepare it. By January 23, 2013, I gave it to the Cabinet Secretary with 2/3rd amendment. As the 1959 ordinance was amended more than 60%, so it was decided to make a new law. Then I took three months more and on

14 April I submitted the draft. On July 1, 2013 Cabinet approved it. The umbrella law with umbrella authority (BFSA) was my innovation."

The experts opined that political parties had the most important role. The ruling political party pressurized the bureaucrats to do it in short time. So they had important role. It was discussed in the parliament. The opposition party leaders participated in the parliament and they discussed on it. They said that the bureaucrats played roles in the way that they made the draft and did all communications to do the Act. The Secretary of Law and the Cabinet Secretary had a great role. Besides the Civil Society like TIB, Action Aid, BAPA, CAB were making seminars and demonstrations and were giving observations on the draft of the Act. In this way everybody contributed to the formulation for social benefit. In this point former Director and Professor of Dhaka University said,

"The Ministry of Food, BSTI, FAO, WHO, Civil society, FPMU, political parties, academicians, and businessmen were involved in making of the law as everybody had professional interest. Bureaucrats followed government order, and the others had the desire to address the problem timely to assure people that it was done by them. Moreover, Constitution was the main force to do it and for social benefit they did it. INFS had the interest to ensure nutrition for people and for creating job for nutritionists in BFSA. As expert he checked the drafts. Bureaucrats did the draft with combination of acts of other countries."

The formulation followed the regular process like- making draft, meetings, taking opinions, revising the draft, vetting, approval from the Cabinet, sending to the PM and the President for permission and approval from the Parliament and finally, the gazette notification. The FBCCI and the DCCI tried to influence the law by opposing the capital punishment. The civil society tried to increase the strict punishment. As the business group emerged stronger, capital punishment was omitted from the final draft. The

balance was made by the bureaucrats through discussions. While describing the challenges of the formulation the DG said,

> *"The inclusion of the ideas of science in the Act, to make 18 agencies and more than 30 laws under one umbrella- act was a great challenge. Many criticized it as over ambitious. In fact it followed CODEX (the international food law and regulations)".*

Again, the Nutrition Advisor of FAO said,

> *"The Ministry of Health was a big challenge. They said that Ministry of Food does not have adequate human resources. Then it was assured to them that it will be coordinated and Sanitary inspectors will be provided with delegation of power."*

About the interest of different ministries they said that after the LGRD ministry told to give the assignment of food to the Ministry of Health or to other ministry, the Ministry of Health was interested to take it but the Minister of Food took the responsibility. The top level officers and the Sanitary Inspectors of the Ministry of Health wanted to have the law under them. Again, the Sanitary Inspectors of City Corporation were also interested to take it towards their ministry but could not as the top level officers and ministers of LGRD did not show interest to take it. Thus, it can be assumed that those who wanted to have the law under them basically wanted to have power related to food monitoring under them. They all agreed that the political parties had the most influential role and all challenges were mitigated through discussions in the meetings.

5.4.3 The Opinions of Civil Society

Civil society's role in the formulation is remarkable as they helped to raise awareness among the journalists and among conscious people. The Program Coordinator of Consumer's Association, Bangladesh gave valuable information about the formulation of the act. Regarding the question how the issue got attention of the government he said,

"The problem with food safety remained from the beginning. For this reason the Pure Food Ordinance, 1959 came. Since 1985 CAB worked to raise awareness about safe food. There was much writing about food contamination in media. In 2009/2010 FAO came with a project named Food Safety Project. In 2010 CAB created a network with the assistance of FAO. FAO assigned CAB the responsibility to bring out those organizations that worked with food safety. In the network the organizations were CAB, Be Safe Foundation, UBINIG, Hunger Free World, Shisuk. FAO funded CAB as a core member of the network to organize awareness building workshops at divisional and district levels. They arranged workshops with journalists also in Dhaka and Chottogram. From 2010 to 2013 CAB did awareness programs in schools also. The network had a demand for an act like FDA to control food contamination. With all these programs the policy makers got attention. CAB and the network also wanted a strong authority to ensure safe food."

He informed that the media coverage about adulteration and contamination prompted the government to make the new act. Contamination also hampered the food export. To improve the situation the actors contributed. The actors were bureaucrats, media, civil society, experts, FAO, political parties and businessmen . The bureaucrats assisted from the willingness for social benefit and to obey the political mandate. FAO gave fund for awareness; media covered for social benefit, business group supported but might have influence on punishment. He described the influence of business group in the following way.

"Civil society wanted capital punishment but their demand was not fulfilled. The business groups' interest got preference. Government made negotiations and the policy was formulated to do people's good".

The respondent opined in the same way, as the experts did, about the formulation process, about influence of political parties and about challenges.

5.4.4 Views of Media

It was described earlier that one television journalist and two newspaper journalists who were present in the meeting were interviewed. They described how the problem got attention of the government in the following way-

> *"Several organizations had several laws but they were not being implemented properly. Media coverage, the activities of CAB and several political parties focused on it. The communist parties made 'Human Bondage' to protest food adulteration".*

Their opinions about the formulation process, about bureaucrats' role, about the political will, about interest of all actors, their influence and challenges quiet match with the descriptions of bureaucrats and experts. The extra information they provided was that the businessmen were not firstly interested to make a new law as they were in fear of harassment. They came forward when the government assured that the law was being made not to harass them but to ensure human health.

5.4.5 Views of Businessmen

For the research former Director of DCCI who was interviewed said that with media the problem came into attention of the government and the minister of food drew the attention of the PM.

> *"Media's series reports were there in The Daily Star, the CABB focused on it with seminar. Public awareness also arose. So, it came into attention of the government".*

He agreed that political will had the most influential role. About bureaucrats he said *"They did the drafting, they communicated among different people."* Everybody participated in the formulation as everybody had a common interest in social benefit. He could not say anything about the formulation process and

about the challenges. Yet, the other information on the formulation did not deviate from the bureaucrats' and experts' opinions. The total findings of interviews are shown in the following table:

5.4 The Key Points from Interviews

Serial no	What is Found
1	Media drew attention about food adulteration.
2	The Communist Parties made human bondage, the then Opposition Leader criticized the Food Minister. The PM and the Minister of Food from ruling party decided to work for food safety.
3	CAB, Oxfam and other NGOs worked for people's awareness and provided suggestions for the formulation.
4	LGRD Ministry expressed inability regarding dealing with the law and the Minister of Food expressed his willingness to work with it and the PM agreed to it.
5	With two Summary approvals about it in the same day, 29/10/2012 the formulation started.
6	The Cabinet Secretary and other concerned Secretaries supported the formulation.
7	The Minister of Food had special interest as he wanted to extend his power.
8	All the actors in the process had a common interest of social benefit.
9	The civil society wanted strict punishment but business group did not want capital punishment. Lastly, business group won in the bargain.
10	The act started differently with a summary. Then other formal processes were followed.
11	The formulation process followed a network. The letters, the group relations, seminar, attendance, informal relations, all worked here for communication.

5.5 Focus on the Issue in the National Media

The media plays a key role on focusing attention of the government on key policy issues or policy related problems. This was also the case in context of the Food Safety Act, 2013 in Bangladesh.

Now, to verify the opinion of the respondents, that media focused on the food related problems, the researcher has searched for publications on food adulteration or people's sufferings. Few of which are presented in the following parts. When searched in the newspapers of 2012 to 2013 it is found that many news and opinions were published at that time.

In The Daily Star on August, 28, 2012 Quazi Salimuddin wrote about food contamination in a title *"Defeat Enemy No. 1". He said – "Poisons are freely and deliberately used in all types of foods, be they agricultural, dairy, poultry, fishery, bottled, canned, imported products. Imported food items like fresh fruit, processed food, milk also contain deadly poisons in much higher than safe level. Even some baby food and medicines are not free of poison. The deadly effects of these poisons are slow but definite. The whole nation, without any exception of age, gender, caste, political affiliation, religion etc., is the victim of this slow poisoning…….We shall have to destroy the devil before it destroys the nation. This poisoning is not only causing human suffering of very high magnitude, but is also making Bangladesh a nation of imbeciles and mentally and physically challenged inhabitants. ……. It is the foremost duty of the government to make poison-free food available to the people. It has to motivate, educate, monitor, supervise, regulate, implement, formulate rules and regulations, and make laws to save people from this all-encompassing slow poisoning."*

On October 14, 2012 a news was published in The Daily Star about food borne diseases. The news title was "4.5 Crore Contact Food Borne Diseases a Year". It said – *" Around 4.5 crore people of Bangladesh get infected with food borne diseases at least once a year mainly due to consuming contaminated food, claimed a paper of a food and nutrition expert. Food borne illness causes long-lasting damage to health, including death and disability, huge economic loss and affects physiological development of children, it said. Shymol Kanti Barman, also Director of Sustainable Development Associates, presented the paper yesterday at a discussion on "Safe Food", marking the occasion of World Food Day (October 16) organized by Progotishil Krishibid Kendra at Dhaka Reporters Unity. Using of pesticides, growth promoters, components of packaging materials, enzymes in food processing, artificial ripening, food and colour additives, formalin are the main reasons for food contamination, he said. Addressing the discussion, agriculture experts stressed the need for political commitment, social movement and stronger government bodies to check food adulteration. …….. All political parties should unanimously launch a combat against food adulteration, said Dr. Jahangir*

Alam, former Director General of Bangladesh Livestock Research Institute. He also demanded inclusion of topics on food adulteration in school text books, featuring its adverse impacts. Cultural and media personality Abdun Noor Tushar opined for strengthening Bangladesh Standards and Testing Institution (BSTI) to check contaminated food and for discussing the issue in the parliament."

On 17th October 2012 in The daily Star it was written in the topic "Sue Food adulterators". It said, *"Law Minister Shafiqul Ahmed yesterday asked the victims of adulterated foods to sue the adulterators to help the government enforce the existing laws and protect people from health hazards.*
This was not the duty of the government alone, the citizens and the victims also had the moral obligation to file cases against the adulterators, said the law minister, adding that nobody happened to come forward to do so.
He was addressing a seminar styled "The Way of Ensuring Safe Food Free from Chemical and Adulteration". Anti-Poverty Platform organized the seminar at Jatiya Press Club marking the World Food Day

…….

The government should approve import of formalin fixing specific requirements and formulating specific laws, said Prof Faruque, adding that the government also had to ban the sale of formalin in open markets.
"Chemical soaked food and fruit intake can cause diseases like cancer, kidney failure and lung and liver damages," he said.
Qazi Faruque, the President of consumers association of Bangladesh, said due to the lack of proper action and exemplary punishment food adulteration was spreading widely."

On November 17, 2012 in The Daily Star in the topic 'No to Formalin" it was written that –

"Traders in the capital yesterday announced DCC-North Kitchen market at Gulshan -2 formalin and carbide- free in efforts to promote the market where people can buy unadulterated fish, fruits and vegetables.

It is the fourth kitchen market to be announced in the capital after Malibagh, Shantinagar and Mohakhali markets.

The Federation of Bangladesh Chambers of Commerce and Industry (FBCCI) organized a programme at the market to make the announcement.

Commerce Minister GM Quader inaugurated the formalin-free market by handing over a sophisticated formalin detector machine to the market committee.

Helal Uddin, a director of the apex trade body, said FBCCI had a plan to declare Dhaka a formalin-free city within the next couple of months.

…….

The commerce minister said "the government has recently imposed a restriction on wholesale import of formalin to prevent misuse of toxic chemicals in foodstuff and fish"

On June 28, 2013, in The Daily Star, S.A. Mansoor, Dhaka wrote in the letters to the Editor section *"Your June 14th issue had a proposal by a retired army officer to have a yearly "Safe Food Day" on June 14th, in memory of fourteen children who died from eating litchis sprayed with insecticide in June 14, 2012. On the same page under the comments column, another writer has his opinion about formalin in fruits, which went like this, 'it has been going on, and will go on. We are truly helpless. We are being poisoned by our fellow countrymen. What an irony!"*

The only remedy for this is to enact harsh laws so that persons guilty of such crime will have to suffer at least five or more years of RI. Moreover, the cases against such crime

should be non-bailable. Only such stringent measures, if regularly enforced, will gradually stop such crimes."

On January 28, 2013 Md Musfikur Rahman Jony, Senior Research Officer, Centre for Reproductive Health, ICDDR,B, Mohakhali wrote in The Daily Star. In the title "A Commendable move to ensure food safety" he thanked the Minister of Food for his work. He wrote- *"The recent initiative of food minister to set up Bangladesh Food Safety Authority (BFSA) with a view to preventing food adulteration and ensuring food safety is a very positive move. The widespread use of formalin and chemical preservatives in all types of food stuffs has been posing serious health hazards. Producers and marketers apply this harmful substance to preserve and forcibly ripen fruits. Food adulteration causes cancer, kidney disorder, skin disease and birth defects, etc. we know from newspapers that BFSA will have five divisions ……..Regular meetings and dialogues with the producers and marketers and mass people could be very useful s their involvement in the entire process is really important to make it a success. Finally, I would like to thank the food minister for taking such noble steps to save the people of Bangladesh from this menace."*

Thus, it is proves that the newspapers published much on food adulteration, on the bad effects of it, on people's demand to control food adulteration in seminars, on suggested punishment level, and on people's expression of satisfaction after the formulation of the act. The interviewees rightly said that the publications in newspapers and other medias drew the attention of the government.

5.5 Key Views of the Media

Serial no	What is Found
1	Newspaper published writings on prevailing food contamination and about its effects
2	On how adulterated foods cause different diseases with slow poisoning
3	On 4.5 crore people got food borne diseases in a year
4	On seminars about food adulteration where speakers talked about strict law
5	On the announcement of DCC-North Kitchen market at Gulshan -2 as formalin and carbide- free market as an attempt to ensure better food for people on behalf of the businessmen
6	On common people's demand about strict law and rigorous punishment
7	On people's thanks to the Minister of Food as he took initiative to make a strict law to control food adulteration

However, the compilation of all descriptions from the respondents depicts the real story. As all respondents did not have access to all phases of the formulation of the act, all could not tell the same or full story. It is the researcher's work to bring out the truth.

5.6 Summary

All the documents and views of all respondents provide information on why the issue of Food Safety Act, 2013 came into agenda. It was the media that drew attention of the government on the issue. Then, the political desire and support from bureaucracy brought the agenda-setting of the problem. It is also perceived that all actors supported the law from their point of view. Then, the Act formulated beginning with two Summaries. The actors communicated among themselves regarding the issue.

The next chapter on findings will describe the full story of how the Food Safety Act, 2013 was formulated.

Chapter 6

Findings

6.1 Introduction

This chapter presents the overall findings about the formulation of the Act after interpretation of the data that are presented in the earlier chapter. More elaborately, it explains the factors, actors and process of the formulation of the act named "The Food Safety Act, 2013". It brings the answers of the research questions.

6.2 Factors that Contributed to the Formulation of the Act

The first research question of the study is "What factors contributed to the formulation of Food Safety Act, 2013?" The first and foremost factor was that sharp increase of instances of contamination and adulteration of food increased, which became the focus of reports by media. There was, in fact, an old law named "The Pure Food Ordinance, 1959" which was amended several times even after the independence of Bangladesh. Finally, the old Ordinance was amended and named as "The Bangladesh Pure Food (Amendment) Act, 2005" in the year 2005. Mainly, the law was amended in the penalty section as the penalty level of 1959 did not match with the gravity of the situation of present and with the overall moral decline in the society over time. The National Food Safety advisory Council (NFSAC) was also formed to monitor the food management system the leadership of which was kept to the Ministry of LGRD.

By this time adulteration of food increased in an infamous level. People were suffering due to the bad practices of the food sellers. Every year many people were suffering from water borne diseases like- diarrhea, cholera, typhoid etc. In the statistics it was found that the death rate by diarrhea was about 5% in the country. FAO focused on it to the government. The specialists were telling that if the practice of food adulteration was allowed to continue, it would cause cancer, hepatitis, failure of kidney etc. Accordingly, FAO emerged as an actor of the formulation in the beginning.

Bangladesh achieved a remarkable development in economic sector. The food production also increased by 2012, but the unsafe food for people remained as failure to the country. With the economic growth, population growth and growth in business it emerged as an international demand to take some steps to control bad practices in food business. Moreover, a law of international standard was necessary to regulate the import and export of food items.

Firstly this problem drew the attention of the Media. At that time several news on the sufferings of people and on the bad practices, prevailing in the market, and on the Mobile Courts' activities of destroying unhealthy fruits and other foods were being published. Conscious people were giving opinions in newspapers about their demand of strict law. Few of those publications are presented in Data Presentation chapter, i.e.- on 28 August, 2012, in The Daily Star, it published Quazi Salimuddin's opinion on how food adulteration was causing slow poisoning to the people. The writer invited the government to combat the situation- "*It has to motivate, educate, monitor, supervise, regulate, implement, formulate rules and regulations, and make laws to save people from this all-encompassing slow poisoning."* On October 14, 2012 it was published in The Daily Star that around 4.5 crore people were being infected by food borne diseases. It was said in a paper presentation at Dhaka Reporters Unity. Firstly, it discussed about the ways of contamination of food and then said, "*Addressing the discussion, agriculture experts stressed the need for political commitment, social movement and stronger government bodies to check food adulteration. …….. All political parties should unanimously launch a combat against food adulteration, said Dr Jahangir Alam, former director general of Bangladesh Livestock Research Institute."*On 17th October 2012 in The Daily Star it was published that in a seminar at Jatiya Press Club the Law Minister Shafiqul Ahmed *"asked the victims of adulterated foods to sue the adulterators to help the government enforce the existing laws and protect people from health hazards."* The seminar was held for marking the World Food Day. In the same seminar Qazi Faruque, the President of consumers association of Bangladesh, said*"due to the lack of proper action and exemplary punishment food adulteration was spreading widely."*On

November 17, 2012 in The Daily Star it was published that *"Traders in the capital yesterday announced DCC-North Kitchen market at Gulshan -2 formalin and carbide-free in efforts to promote the market where people can buy unadulterated fish, fruits and vegetables."*On June 28, 2013, in The Daily Star, S.A. Mansoor, Dhaka wrote on the issue that a retired army officer proposed for observing yearly "Safe Food Day" on 14th June in memory of fourteen children who died from eating litchis sprayed with insecticide in June 14, 2012. Then he wrote, "*The only remedy for this is to enact harsh laws so that persons guilty of such crime will have to suffer at least five or more years of RI. Moreover, the cases against such crime should be non-bailable. Only such stringent measures, if regularly enforced, will gradually stop such crimes."*Again, On January 28, 2013 Md Musfikur Rahman Jony, Senior Research Officer, Centre for Reproductive Health, ICDDR,B, Mohakhali wrote in The Daily Star appreciating the initiative of the Minister of Food for setting the BFSA. He wrote, "*Regular meetings and dialogues with the producers and marketers and mass people could be very useful as their involvement in the entire process is really important to make it a success. Finally, I would like to thank the Food Minister for taking such noble steps to save the people of Bangladesh from this menace."* Thus, through the newspapers and media the food adulteration got the attention of all types of people. Media emerged as an important actor in the formulation process.

Other than the media, communist parties made 'Human Bondage" to protest the practices of food adulteration. By this time, FAO came forward to fund CAB for arranging workshops in divisional levels and with journalists to make people aware about the problem of food safety. CAB along with other organizations like- Be Safe Foundation, UBINIG, Hunger Free World, Shisuk made an alliance and arranged the workshops at divisional levels. From 2000 to 2001 FAO took the regional food safety strategy in South East Asia and started assisting Ministry of Health with a project. There was knowledge gap about the best practices of food safety among the officials. With the support of FAO government came to know about the best practices on food safety in other countries and the international pressure also increased. Especially, the newspaper

writings drew the attention of all concerned in the society, including the opposition and the ruling parties. Everybody uttered that the government should do something about it. Then, the government thought to take action and make the new law. So, after 42 years the question of updating the Pure Food Ordinance, 1959 arose. At this point, political parties, FAO and CAB began the role of actor.

There was another problem with the old law which lacked coordination among the ministries. Eighteen agencies with about thirty acts were working on different kinds of food safety. It was difficult to bring all of them together to work under one leadership, meaning under the leadership of LGRD. Before LGRD it was given under the Ministry of Health. After 2005 it came under the Ministry of LGRD. Due to criticism from different levels, including media, about its inability to control the worse situation of food adulteration, the Ministry of LGRD wrote to the Cabinet Division about their inability of dealing with the "Bangladesh Pure Food (Amendment) Act, 2005 and they requested the cabinet to hand over the leadership of NFSAC to the Ministry of Health. Right after that, the Minister of Food talked to the Prime Minister about his interest to deal with the law. The Prime Minister gave consent to the Minister to work with it. Immediately, two Summaries were sent to The Prime Minister for her approval. The first Summary sought permission to deal with the act and to set a single authority to control and coordinate the food related issues. The reason shown here was that the Ministry of Food had more human resources in the district and Upazila levels and they had more experiences. With little training the employees could be made more efficient. In fact, this assessment indicates the feasibility of the formulation of the act by the Ministry of Food. This Summary describes the ineffectiveness of NFSAC also. The second Summary sought permission of arranging a meeting in the cabinet with the Secretaries of concerned ministries which was chaired by the Minister of Food himself. As expected, both the summaries got approval on 29/10/2012.

There was another reason of this initiative from the Minister of Food which was to increase his area of activities. Before 2012 the Ministry of Food and Disaster

Management was a single ministry. In 2012 the government of Bangladesh reorganized it. Then, two separate ministries were created named Ministry of Food and Ministry of Disaster Management. Obviously, with the separation the power and area of work decreased for the Ministry of Food. When the topic of food adulteration was being discussed in every society, when the LGRD Ministry expressed their inability to work with the existing law, then the Minister of Food stepped forward to work with the law to increase his area of work[2]. He expressed his desire to the Prime Minister. She agreed and consequently the Summary went to her and the formulation of the law started. So, the combination of all these clicked to draw attention of government to do something related to food safety after 42 years. Then government thought of making a strict law to stop the bad practices of food production and sale. The intention was social benefit. Thus, the factors of the formulation are shown below:

[2] The information on Minister's desire to increase power is provided as per information from interviewing the Advisor of FAO.

Figure 2 : The Factors in Chart

Predominantly, the letter of LGRD ministry to the cabinet about shifting the responsibility of food safety to the Ministry of Health and, right at that moment, the Food Minister's initiative of taking the responsibility clicked to formulate the new law undre the Ministry of Food after 42 years.

6.3 The Process of Formulation

Thus, from the beginning of the formulation we find the role of two actors- the Prime Minister and the Minister of Food. After 28 days of the Summary approval on 26/11/2012 it was decided in the Cabinet meeting that the Ministry of Food would give proposal of Food Safety Act within two months. As it was said earlier that in the second Summary the approval of holding a meeting in the cabinet was attained, after 58 days of the first cabinet meeting the Minister of Food chaired a meeting on 23/01/2013 in the Cabinet with concerned Secretaries and decided that the Pure Food Ordinance would be replaced in shortest possible time. In fact, on 23/01/2013 the draft of amendment of the Bangladesh Pure food (Amendment) act, 2005 was presented in front of all Secretaries. In the meeting everyone supported the act to be led by the Ministry of Food. After getting the information from the Additional Secretary of the Ministry of Health and Family Welfare that there is a circular in the Ministry of Law that if the ratio of amendment of any act is more than 25% than a new act should be created. The Cabinet Secretary gave decision to make a new umbrella act under the leadership of the Ministry of Food. The feasibility of the act was also discussed in the meeting. Other Secretaries in the meeting supported the formulation of a new act. They suggested for use of definitions of international standard and of adjusting other laws in the new act. Lastly the Cabinet Secretary said that there were many scattered laws related to food production, processing and marketing. It was the right time to take initiative to bring all of the laws and all human resources together under a single authority and to create a new law in Bengali under it. The Pure Food Ordinance, 1959 was kept under the Ministry of LGRD and Health. In this case, he proposed that the Allocation of Business should be

changed. With his speech it is clear that he also supported the new law and a single authority under the Ministry of Food. Hence, with the Summary writing and the draft making the bureaucrats emerged as actor of the formulation. The Secretary of Food and the Cabinet Secretary had vital role in the formulation.

After 33 days of the meeting in the Cabinet on 26/02/2013 the Secretary of Food wrote to the Cabinet to take necessary steps to change the Allocation of Business. On 11 March 2013 another important inter- ministerial meeting was held to discuss on the draft of the act. The Secretary of the Ministry of Food chaired the meeting. Total 26 members were present in the meeting among whom representatives of concerned ministries, FBCCI, BSTI, ADM, National Consumer's Right Protection Department, BARC and Professor of Dhaka University were present. All the members contributed to give some suggestions on modification of some of the sections or definitions. The following corrections were there : a) in Section 2 (5) (Kha) it would be "Food item" instead of "produced item", b) in Section 2 (11) it would be "imprisonment, fine or both", c) in Section 2 (19) it would be "nutrition" instead of "energy", d) in Section 5 (1) the word "Gazette" would be placed in front of "Notice", e) in Section 56 (3) the word "Executive" would replace the word "First Class", f) Section 65 would be cancelled etc. The members were requested to give their written opinions within ten working days. With this meeting the FBCCI and the business group entered as actor in the formulation process.

An important step of the formulation was the workshop with the stakeholders held on 18/04/2013 in CIRDAP conference hall. In the workshop total 106 people were present. Among them the journalist group, the bureaucrat group, the expert group, intellectual group, the civil society group and the businessmen were present. The members of the workshop were also requested to give their written opinions about the draft of the act. Consequently, on 05/05/2013 BAPA, on 08/05/2013 FBCCI and on 17/06/2013 Oxfam Bangladesh gave their written opinions on the draft of the Act. At this point a bargain on every actor's demand started. About the bargain Grindle and Thomas (1991) say that

"players' compete over preferred options and use the resources available to them through their positions- hierarchy, control over information, access to key decision makers, for example – to achieve their goals." The bargain of media, civil society and business group rightly reflects the statement. In the written opinion Oxfam proposed to use the term 'food safety' instead of 'food security'. In Section 2(4) [in final draft that is in Section 2(5)] they suggested to clarify the definition of 'food production', which was included in the final draft. In Section 2(14) they suggested for including the insect fragments and rodent hairs as a substance of contaminant, but in the final draft they are not found as included. It may happen that after discussion with others it was not included. In Section 2(26) [in final draft it is 2(28)] they suggested to include everyone who is involved from food production to food management for the consumers. But, this suggestion was not included in the final draft. There 'person' is defined as – ""person" includes, whether incorporated or not, any company, organization, commercial entity, partnership business, society, club or association." It may happen that after discussion it was not included in the final draft. Again, in Section 2(19) they have suggested not to mention any specific disease name which was not ultimately placed in the definition part. It is described in Section 36 where it says the following:

> *"36. Manufacture of food by a person suffering from any contagious disease – No person, by himself or by any other person acting on his behalf, shall cause any article of food or food ingredient to be prepared, stored or sold by a person who is suffering from any contagious disease."*

Oxfam also said that in Section 44 there was a chance of compromise and so they requested to make a rigid law, but in the final draft nothing like this is found in Section 44. Other organizations like, MoPA (Ministry of Public Administration), Department of Food, Bangladesh Fruits, Vegetables & Agro Products Exporters Association, BCSIR, LGRD ministry, FBCCI, BAPA etc. Among them, the opinions of FBCCI and BAPA are noteworthy. It is found that all the suggestions of all groups were not accepted. Few suggestions of Oxfam were accepted and few were not included. It may happen that

after discussion in meetings they were not included. Oxfam suggested for strict law. In the media also the request for strict law is found, but in the long run, there were some compromises. The FBCCI requested to look into the penalty section. More specifically in Section 45 FBCCI suggested warning for the first time and giving time for correction in case of unwilling mistake. The suggested penalty for the second time was fine and for the third time was imprisonment or closure of the business institution or shop. Basically this thing is described in Section 63 where it says the following:

> *"63. Cooperation in identifying the actual offender, etc. – (1) If it appears beyond doubt that the food seller is not involved knowingly in any act of violation of any provision of this Act, and if the food seller is ready, if necessary, to cooperate with the Authority to identify the violator of the provision of this Act, necessary steps may be initiated to identify the actual violator instead of prosecuting the food seller under this Act."*

The opinion of BAPA regarding penalty is important. They wrote –

> *"In Section 45 of the proposed act a list of penalty is provided for different types of offences. The penalties are Capital Punishment, 14 years of imprisonment, 10 years of imprisonment and croaking machineries. These penalties are severe for an offender and may be opposite to justice. It can be said that the countries that follow the common law do not have capital punishment and the countries who have limited range of capital punishment are criticized severely. Hence, the act with capital punishment will bear a negative message among the countries that follow the common law.*
>
> *Suggestion: The capital punishment, lifetime imprisonment and croaking machineries should be cancelled from Section 45."*

Thus, it can be guessed that as the business group was stronger due to economic activities, their demand won in the bargain. After comparing the first draft of penalty

and final draft it became clear that the stronger party could modify the penalty level. In the first draft there was option of Capital Punishment which is absent in the final act. Of course the bureaucrats made the balance between the two groups. Finally the comparatively weaker group, the media and civil society, lost in the bargain and the stronger group, the businessmen , won in the bargain. The policy emerged in the equilibrium.

By this time, the Ministry of Health and Family Welfare gave objection to the change of Allocation of Business but it was ignored and Allocation of Business was prepared for the Ministry of Food including the subjects of adulteration of food stuffs, standardization and quality control of food, control of milk food, objectionable advertisements, food and nutrition research planning, research, training and monitoring. The next step was to finalize the draft after several meetings. On 01/07/2013 the Act got approval in the Cabinet meeting with some directions of modification. On 04/07/2013 the Act was sent to the Legislative and Parliament Division of the Ministry of Law for vetting. On 19/08/2013 the draft of Allocation of Business was sent to the Secretary Committee of Administrative Development for approval. On 08/09/2013 the Act got final approval from the Legislative and Parliament related division of the Ministry of Law. On 09/09/2013 the draft act was finally approved in the Cabinet meeting. On 11/09/2013 a Summary was sent to the ministry of Finance and was signed by the Secretary of Finance on 16/09/2013, by Honorable Prime Minister on 18/09/2013 and by Honorable President on 19/09/2013. After the final approval on 22/09/2013 it was sent to the parliament and, thereafter, was approved in the Parliament. Finally, after one year of the initiative, on 10/10/2013 the Food Safety Act, 2013 was published in the Bangladesh Gazette. After 3 months of the gazette, on 04/01/2014 the Act was included in the Allocation of Business of the Ministry of Food through a Gazette.

In this way, the Act took almost one year for formulation. There were total 11 formal meetings held to formulate the Act. Few informal meetings were also held but did not

keep the documents. The Act started differently. Usually, for any Act formulation, the minister or Cabinet gives decision to begin an Act. Then the meetings and seminars, draft making, revising and all formal procedures take place. Finally, the Summary approval, parliament's approval and gazette notification take place. But, this Act began exceptionally. It began with two Summary approvals. Then, followed the regular process of meetings, seminars, draft making, revising, vetting from the Law Ministry, final approval from the Cabinet, Summary approval from the Secretary of Finance, from The Prime Minister, from The President, parliament's approval and gazette notification.

The process of formulation went through networking of actors. Network consists of set of actors who are connected by some relations. Network may be by formal membership as in a social club, by residence as in a neighborhood, or by attendance in any meeting or market. The structure of any organization also can influence and regulate interaction. Through interaction the actors exchange information, expertise, trust and other resources. Basically the interaction takes place between their allies or groups. The allies were maintained between bureaucracy, media, civil society, experts and donor agencies. The policy brokers may exert control over connections (Howlett, Mukherjee and Koppenjan, 2017). In the case of Food Safety Act, 2013 the Bureaucracy worked as 'policy brokers'. The networking was maintained by bureaucracy through formal letters, through seminar, meetings and official relationships. The other actors maintained network through attendance in meetings, through interactions among allied groups and through their interpersonal relationships.

6.4 The Role of Different Actors

From the above discussion we have already come to know the name of the actors who contributed to the formulation process. The political parties, the Prime Minister, the Minister of Food, the Bureaucrats, the Media, the Civil Society, the NGOs, FAO, WHO and businessmen were the actors of the process. Now, let us see the interest and role of the actors in the formulation process.

6.4.1 Interest of Political Parties

From data it is found that before the formulation of the Act the communist parties were making 'Human Bondage' to protest the rampant food adulteration practices. Then the ruling party decided to take action to stop the bad practice with the amendment of old law and later on with the formulation of new act, named 'Food Safety Act, 2013'. It also came out that the opposition party leader criticized the then Food Minister for not taking any action. Finally, The Prime Minister and minister of the ruling party had the most important role. We know that without consent of the top person of the ruling party it is difficult to create any law. When the Prime Minister was drawn attention on the problem of food contamination, by the Minister of Food, she agreed to support the Minister of Food for the next steps of formulation by the Ministry of Food. She agreed because she also felt that something should be done to check the problem. As the LGRD Ministry expressed their inability to deal with the existing law and as the Minister of Food expressed his desire to work with it, she supported the Minister in the intention of social benefit. It stood as an achievement for the ruling party also to be exposed for the next election.

Again, it was the Minister of Food who drew attention of the PM to make a strict law to control the food adulteration problem. After the LGRD ministry expressed the inability to deal with the existing food law, he came forward to talk to the PM to express his desire to work with the law. He had different interest also. As his area of work squeezed after the separation of the Ministry of Food and Disaster Management, in 2012, the Ministry of Food became a small ministry. The Minister wanted to increase his area of work and power. So, he pursued the PM to take the leadership of NFSAC. He gained in the long run and the Food Safety Act, 2013 and BFSA came under the Ministry of Food. The Minister kept monitoring the progress of the formulation. He directed to send two Summaries to the PM at the beginning of the law. He drove the DG, FPMU and the Secretary of Food to create the draft in shortest possible time. He drove to follow other

processes of the formulation in the shortest possible time. May be, for his monitoring, the Act was formulated in just one year.

However, the primary interest of all political parties was to stop food adulteration for human health, meaning for social benefit.

6.4.2 Role of Bureaucracy

Without bureaucracy the policy cannot be formulated. The Secretary and other officials of the Ministry of Food, the Cabinet Secretary, the Secretary of Law and Finance had great role in the formulation. All of them thought of social benefit. Still the foremost reason of their assistance was to follow the political direction. As the PM supported the formulation under the Ministry of Food and signed the Summaries on 29/10/2012, they did not oppose it. They supported the ministry saying that the ministry has more human resources and experience to deal with the new law. They gave the decision of making a new law in the Cabinet meeting of 23/01/2013, as the old law was being amended more than 25%. The officials in the Ministry of Food contributed to the activities of making the Summaries, drafting of the law, arranging meetings and seminars and communication with all stakeholders. Just one opposition came from the Ministry of Health regarding the change of Allocation of Business. They opposed because they wanted to take the lead of NFSAC and the Act.

6.4.3 Role of Media

To identify contamination of food as a problem the media contributed a great. Continuous news on food contamination, on its bad effects, on people's suffering and on people's reaction drew the attention of the policy makers and of the political parties. Some news on the topic are described in the 'Data Presentation' chapter. The TV channels and newspapers also focused on the actions of Mobile Courts against the businessmen who sold contaminated food. Huge amount of fruits and other foods were being destroyed at that time. Of course, the media had the intention to do social benefit, to make people aware of the bad practices and to draw the attention of the policy makers.

6.4.4 Role of Civil Society and NGOs

The civil society like CAB was active from the beginning. CAB focuses on consumer's rights. As people's health went under threat due to bad practices of food sellers, CAB became concerned about it and began to raise awareness among the common people and among the journalists. By this time, FAO provided funds to CAB to continue with the awareness raising program. CAB made alliance with Be Safe Foundation, UBINIG, Hunger Free World and Shisuk to arrange the workshops at divisional levels. They monitored the draft formulation of the Act also. They participated in the seminar and meetings and provided opinions about the formulation of the Act. They demanded for strict law and rigorous punishment. The overall intention was to do social benefit.

The NGOs like Oxfam were much concerned about the formulation of the Act. After the seminar the stakeholders were requested to give written opinions about the draft of the Act. Hence the Oxfam gave opinions about few definitions and sections. Like Oxfam, other NGOs also gave opinions. They demanded about strict punishment of the offences. They monitored the formulation also. The common interest was to do good for people, meaning controlling of food adulteration.

6.4.5 Donor Agencies

Food and Agriculture Organization was a vital actor since 2000. FAO took the regional food safety strategy in South East Asia and started assisting the Ministry of Health with a project. Since then it started to give knowledge about the best practices of food safety among the officials. With the support of FAO the government came to know about the best practices on food safety in other countries. Even, the FPMU, unit of the Ministry of Food where the draft was made by the DG, was being assisted by FAO. So, it contributed to the draft making by providing advice to the DG. The assistance from FAO was voluntary to provide better food for people. World Health Organization also contributed to the process with their advices. Their involvement was less than the FAO. May be as FAO entered in the process they remained a bit less involved.

6.4.6 Experts

The DG, FPMU, the Advisors of FAO, the officials of BSTI, the officials of BCSIR worked as expert in the formulation process. Though few Professors of Dhaka University were invited, their massive contribution is not seen. No expert was hired due to financial crisis. The officers from BSTI and from BCSIR gave suggestions about sections and definitions. However, the main work was done by DG and other officials of FPMU with the assistance of FAO. FPMU unit became expert through trainings provided by FAO. The DG became so much potential that after his retirement he joined as Advisor in FAO. Yet, it should be mentioned that everybody had contribution, much or less, in the formulation of the Act. The first intention of participation in the process was to do something for ensuring safe food. The DG, FPMU and other officials of FPMU had another obligation which was to follow the order of the Minister.

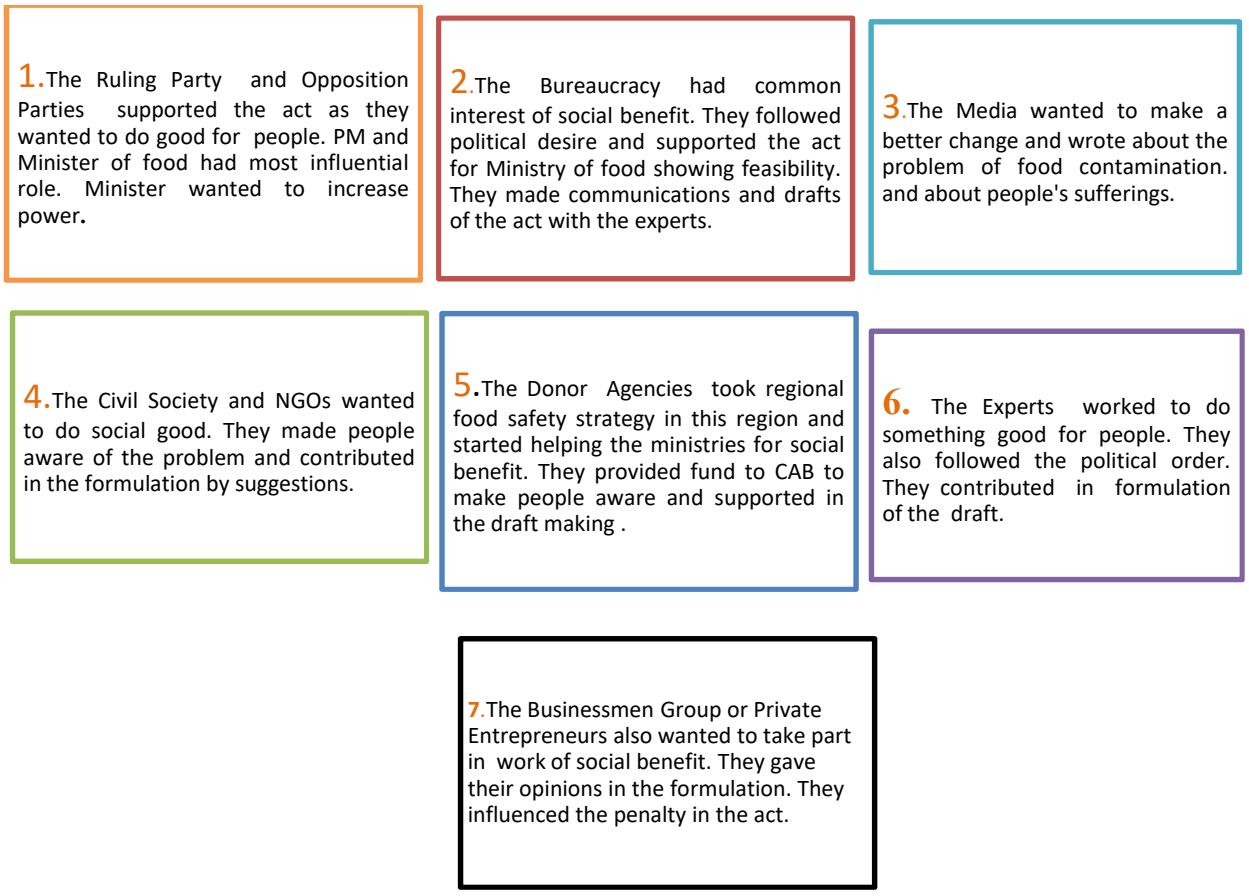
6.4.7 Businessmen / Private Entrepreneurs

The representatives of different business groups were present in the meetings of the formulation of the Act. They gave their opinions on the draft both orally and in written form. They also wanted the new Act to ensure safe food for people, but they had a fear that the act may be too rigid for the businessmen. The written opinions of FBCCI and of BAPA express their implicit fear. They requested the Ministry of Food to keep the penalty in softer level. BAPA wrote not to include capital punishment. They pursued the Minister and may be the PM also not to include the capital punishment. Consequently, it was not included. Though the Civil Society asked for more punishment for offenders, the business group won in the persuasion.

Hence, all actors contributed, from their level, in the formulation of the Act. According to the group theory the actors at any time become influential and subsequently play role. In the space of time, another actor may arise and the acting actor may go behind the scene. Among the actors, in the formulation process of the Act, political decision or Prime Minister's consent was most influential as without the approval from the Prime Minister it was not possible to start the work. Then, the role of Minister of Food was

most influential. Without his monitoring and interest the scenario could become different. His influence continued till the formulation process was complete. In the last stage of the formulation the Business group applied their influence and consequently the penalty level of the Act was affected. The media was also important as it drew the attention of the government. Still, everyone's contribution was vital. They checked each other and maintained a balance. The basic intention was social benefit. The formulation took place through networks among them. The interest and role of actors is shown in the following chart.

Figure3: The Interest and Role of Actors



In the next chapter the total formulation is shown from the analytical framework.

6.5 Summary

In the formulation process of Food Safety Act it is found that through media coverage the problem of adulteration and contamination of food came into attention of government. The civil society, donor agencies and opposition party leaders also became concerned about it. Then government wanted to bring a solution to the problem. When the acting LGRD ministry expressed their inability to deal with the law, the Minister of Food took the initiative to deal with it. PM supported the Minister of Food and the formulation began with sending two Summaries to PM. The Ministry of Food sought approval of PM to bring the Formulation of the Act under Ministry of Food, to amend the existing Act and to create BFSA. Thus, the act started in a different way meaning with Summary approval. Then other formal procedure followed. All the actors, including bureaucracy, supported the Act for social benefit. Few actors like- the PM, the Minister of food, the business group were most influential. The business group tried to influence the Act.

In the next chapter the total formulation is shown through the analytical framework.

Chapter 7

Looking Through the Lenses of Analytical Framework

7.1 Introduction

In this chapter the factors, actors and formulation process of Food Safety Act, 2013 are shown through the lenses of analytical framework. By this time we find that there was a close relationship between the factors and actors in the formulation of the Food Safety Act, 2013. The social context, the political will and feasibility of the policy worked as one independent variable. It is mentioned earlier that various interest groups, another independent variable, worked together in a certain context, related to food safety issue, in the formulation process. The formulation of the Act itself is the dependent variable in the study. The formulation follows a process that can be explained through the 'policy network' theory. The interaction between dependent and independent variables is provided in the analytical framework, where policy is shown as the outcome.

7.2 The Factors

The first research question was to find out the factors that contributed to the formulation of the Food Safety Act, 2013. In 2nd chapter it has been already described that to find out how the issue got into Policy Agenda and grabbed the attention of the Government of Bangladesh the 'Agenda- Setting' model of John Kingdon (2014) has been chosen. In that model Kingdon describes how a problem, policy proposal and political receptivity have combined effect behind an agenda setting. When a social/ public problem or issue is identified as a problem to be solved, and when the alternative solutions are seen as available and when the political parties think it as a matter to be given attention, then the social problem gets access in the Policy Agenda. Consequently, the Policy Agenda moves on to policy formulation stage.

7.3 Identification of a Problem

The crucial issue or problem was that the contamination of food was identified as a public problem or issue to be handled by the government. This was due to the fact that food adulteration had increased to an alarming level and media was focusing on how people were suffering due to it. Even though the Mobile Court activities of destroying unhealthy foods were being exposed regularly, the national media also focused on people's demand of safe food, on the ineffectiveness of the existing laws, on the lower level of punishment in the old law, and on the lack of coordination among the ministries Media projected the dangers of food borne diseases, resulting in permanent damage of human health and the economic losses due to it. Then the problem of food adulteration was being discussed in society. At this time, a donor- FAO came into the scenario and drew further attention of the government towards it. FAO informed the government about the best practices, related to food, in the developed countries and urged government to consider such initiatives. On the other hand, Civil Society organizations were already working on the issue to make people aware about the problem. FAO involved Consumer's Association of Bangladesh (CAB) by providing funds to arrange workshops, with conscious people and journalists, at divisional level to make them aware about the problem. CAB, along with other NGOs, arranged those workshops. In the political arena, the Communist Party had arranged human chains and other opposition parties also became concerned about it and the then leader of opposition party criticized the then Minister of Food for not doing anything about the problem. At this juncture, the Ministry of LGRD expressed their inability to deal with the existing Bangladesh Pure Food (Amendment) Act, 2005. The Act was created after amending the Pure Food Ordinance, 1959. The LGRD Ministry requested the Cabinet Division to hand over the leadership of the National Food Safety Advisory Council (NFSAC) to the Ministry of Health. Moreover, to make food related business accepted to international safety and quality standard an Act of international standard was necessary. The old Act could not cover such issues. Thus, multiple drivers and forces drew attention of the government to the acute problem which was growing more serious with passage of time.

Moreover, according to Kingdon (2014), for formulation of a policy there appear 'policy windows' as opportunities of placing an issue in 'agenda-setting'. These opportunities come rarely and stay for a short time. The major changes in public policy result from the appearance of these opportunities. In the case of Food Safety Act, 2013 the writing from Ministry of LGRD to Cabinet Division, about their inability to work with the Pure Food (Amendment) Act, 2005 and to hand over the Act to Ministry of Health, opened the window for taking the opportunity. Right at that moment, the Minister of Food expressed his interest to work with the Act and it worked as a magic to bring the Act under Ministry of Food. Thus, the 'policy window' placed the issue into the 'agenda – setting' of the Act. Consequently, after 42 years of independence the Food Safety Act, 2013 was formulated.

7.4 Political Receptivity

Just after the expression of inability of the Ministry of LGRD to handle the issue, the then Minister of Food expressed his desire to the Prime Minister that he wanted to work with food safety issue. He expressed that the Ministry of Food had enough human resources in the field level and they have hands on experiences. Through little training the personnel of the field could be made more knowledgeable and could tackle the growing problem related public health. As the ruling party became more and more aware about the problem and as the government was thinking about a solution to the problem, the then Prime Minister agreed to the proposal of the then Minister of Food. The solution to the problem would bring positive recognition to the government. So, then Prime Minister agreed to make the food related strict law which would be of international standard.

7.5 Policy Proposal after Calculation of Feasibility

In the 'Agenda- Setting Model' it is described that if the problem has easier solutions, if it provides more benefit than cost, then it is granted for agenda-setting. From the first Summary of the Ministry of Food, seeking permission of PM to handle the issue, and

from the minutes of the meeting, held in the Cabinet on 23/01/2013, it is found that the proposal of dealing with the food safety was considered positively because the LGRD ministry could not arrange regular meetings with NFSAC. Then the Ministry of Food had enough human resources in the field level and more experience compared to the LGRD Ministry. It was thought that with little training the employees of Food Ministry could become more efficient in handling the issue. Thus it emerged as more feasible to handover the leadership of NFSAC, of Food Safety Act and of BFSA to the Ministry of Food.

Thus, with the identification of problem, with existence of the political will and with the calculation of feasibility the making of Food Safety Act, 2013 entered the stage of agenda- setting.

7.6 The Actors

The second question of the study was- "Who were the actors and how they were involved in the process?" To explain the role of actors in the formulation of the Act the 'Group Theory' of G. David Garson (1978) has been utilized in this study. In the theory it is said that individuals with common interests band together formally or informally to press their demands on the government. The actors, in this case, were the Political Parties, the Prime Minister, the Minister of Food, Experts, Bureaucrats, Media, Civil Society, NGOs, FAO, WHO, and the Business groups. The common interest of all actors was to do something to control the bad practices of food sellers. All of them wanted social benefit. The bureaucrats had other interest too. That was to follow the political decision to prove their efficiency. The Minister of Food had a different interest as well. Since the Ministry of Food and Disaster Management was separated to two parts, the Ministry of Food had become small with little activities. The Minister wanted to increase his area of work and power. So, he pursued the Prime Minister to take over the leadership of NFSAC. He succeeded in the long run and consequently, Food Safety Act, 2013 and BFSA came under the control of Ministry of Food. He was in a haste to make the Summary and draft of the Act so that no one, in the mean time, could change the

decision. He directed officials in the Ministry to send those Summaries to the PM. He also started the formulation of the Act in a different way, starting with approval of Summary, as he did not want to keep any chance of thwarting the scope and seizure of the opportunity by other ministry. The usual way of making an act is that the decision comes from the cabinet and then the ministry makes the draft and then, other processes follow. But this Act started with two Summaries to take approval from PM directly. The Minister of Food took the different step as he knew that if it was approved by the PM, through Summary, no one would try to change it. He also monitored the formulation process to make it come as a full Act within just one year. The lower level officers of the LGRD Ministry wanted to keep the Act with them. However, as the Minister and top level officers of the Ministry did not want it, the Secretary wrote to the Cabinet about their inability and requested the Cabinet to hand over the Act to the Ministry of Health. Again, the Ministry of Health wanted to keep the Act with them. The Ministry even opposed, in writing, the change of Allocation of Business of Government. Since the Prime Minister had agreed to give the responsibility of the Act to the Ministry of Food, all other Secretaries then supported the formulation of the Act under the Ministry of Food.

As the Minister of Food pursued the PM and monitored the formulation of the Act to ensure that the Act came up in the shortest possible time, it can be surmised that his level of interest, level of communication and level of influence were the highest. Again, the PM's decision was most crucial and so her level of interest and influence were most valuable and crucial in the formulation of the Act by the Ministry of Food. Then the Bureaucracy assisted in every step of the formulation with the work of making draft of the Act, writing the Summary and arranging workshops and meetings to seek advice and inputs and gather support for the Act. Thus, the bureaucrats' level of interest, level of communication, and level of influence were also high enough. They assisted as this would prove their loyalty and efficiency to government and would increase their power. The other actors like Media, Civil Society, NGOs, Political Parties and Businessmen group communicated and lobbied strongly in favor of the formulation of the Act both formally

and informally. The formal communication was that they officially communicated their opinions through formal written communication and attended the meetings. The informal communication depended on their personal relationships and informal opinion sharing. In the matter of influence the Business group was on one side and the other actors were on other side. They took part in the negotiations and bargaining on the basis of their interests as they wanted to keep the punishment level low. They thought if there were capital punishment it would create problem for them. The bureaucrats kept the balance by keeping some suggestions of both sides in the draft. In the case of penalty for the offenders the Business group's interest got preference. The expert group followed the directions of the Minister and bureaucracy. They attended meetings, shared their knowledge and helped making the draft of the policy. They also had common interest of doing social benefit. They did not take part in the bargain about the punishment level as they wanted to oblige the final decision of government.

According to group theorists - "public policy at any given time is the equilibrium reached in the group struggle. This equilibrium is determined by the relative influence of any interest groups. Changes in the relative influence of any interest groups can be expected to result in changes in public policy" (Dye, 1998). In this theory the policy makers are viewed as constantly responding to group pressures. The pressure may be of different forms like- bargaining, negotiating and compromising among influential groups. It was definitely seen in the case of formulation of the Food Safety Act, 2013, Bangladesh. The Business group or private entrepreneurs wanted lower level of punishment but the Civil Society, Media, NGOs and other Political Parties wanted capital punishment. As the Business group is stronger financially and carried more clout with the government, they could influence the government to keep their demand and water down the punishment proposed in the draft Act. Thus, the first draft with Capital Punishment for offender was subsequently changed and the word 'imprisonment' was inserted in the Act instead of Capital Punishment for food related offenders. Thus the policy came out in the equilibrium. The bureaucrats made the balance in the negotiation process. In the

beginning the role of Prime Minister was most influential. Then, the Minister of Food played key role in formulation process by monitoring every step of the formulation of the Act. After the first draft was prepared the Business group emerged as influential to check the punishment level. Hence, all actors maintained a check and balance among themselves. They played their crucial role at several stages of the formulation of the Food Safety Act, 2013, Bangladesh.

7.7 The Policy Formulation Process

The last research question was to know the process of formulation of the policy. The process of policy formulation has been analysed with 'Policy Network Theory' of F. Van Waarden (1992). 'Policy Network' is the manner in which the policy communities share their information and power in the formulation of a policy. Considine, Lewis, & Alexander (2009) described 'network' as "a diverse set of relationships, meanings and engagements from loose social clubs to criminal organizations". They say that in networks "actors are connected with; trusting of, obligated to, and dependent upon exchanges with particular others." They described interpersonal relationships, membership of any organization, interaction with different organizations, conference attendance etc. as the indicators of measurement of network. The common way of network was sending letters from ministry to attend meetings. The ministry officials took the role of 'policy broker'. They prepared the Summaries, wrote letters, arranged seminars and meetings and thus maintained liaison among the groups. The interested actors attended the meetings and interacted among themselves to provide suggestions. They shared their knowledge, experience and resources through interaction among themselves. The Business group, the NGOs all had interpersonal relationships as they belonged to same category of organizations. For this reason they banded together to achieve their demands. With the interaction among the actors the Summary was first prepared and approved. Then the draft preparation of the Act and initial meeting in Cabinet was held. Later on other meetings, seminar, revision of the draft, vetting, finalization of the Act and approval from PM and President, approval from Parliament and, lastly, the gazette notification was made. With the networking process the Act was

formulated in a different way. It began with two Summary approvals and then, followed other formal procedures of policy formulation of the government.

7.8 Indicators of the Variables

It is already discussed that 'Agenda- setting' is the independent variable of the policy formulation. The indicators of this variable are – a) perception of the problem, b) calculation of feasibility and c) political benefit. The more the problem gets attention to the actors the more it has the possibility to enter into the policy agenda. Again, if the problem has easier solutions as well as if it is seen as bringing more benefit than the cost and if the political parties think the policy making will bring more outcome to show in election agenda , then the problem gets into the stage of agenda-setting for policy formulation. In case of Food Safety Act, 2013, through Media, through Civil Society, FAO and through Minister the contamination and adulteration of food was identified as a problem to Prime Minister to draw solution. Then, the support of bureaucracy for Food Ministry to take the lead of National Food Safety Advisory Council helped the agenda setting. The reason behind the support was that the Ministry of Food had personnel in the upazillas and district level with little training who could perform better. As Ministry of LGRD expressed inability to work with food safety and as the Minister of Food expressed interest to with it, it was thought by all that giving the leadership of food safety to Ministry of Food would be more feasible. Finally, the ruling party and the minister thought it as a good effort to be shown to people. Thus, the formulation of the Food Safety Act, 2013 came to the 'agenda-setting' of policy formulation.

The second independent variable of the policy formulation is the actors. The interested actors banded together to the formulation process, the contribution of whose is evident in the following indicators- a) the level of network between the actors, b) influence of actors on the making of policy, and c) level of interest of the actors. The intercommunication among the actors contributed in the formulation of the Food Safety Act, 2013. The more interest the more they made intercommunication. Their communication was made through letters, written opinions and informal relationships. Their opinions were given importance in the formulation process. The more powerful

actors attempted to have more influence on the Act. In the Act most influential was political will of ruling party. Minister of Food had monitored all steps of the formulation. Consequently, the Act was formulated in shortest possible time. When the Civil Society and Media were asking for Capital Punishment for the offenders the Business group influenced the penalties in the law to make it more convenient for them. The Business group won as they were financially strong and could maintain strong lobbying. In fact, all the actors had common interest of social benefit. The Minister of Food and Business group had other interests. The Minister wanted to increase his power, whereas the business group wanted to keep the Act a bit soft for them by pursuing to remove Capital Punishment from the Act. The more interest the actors had the more they lobbied and bargained. The Minister reached the Prime Minister to express his interest to deal with the Act. On the other hand, the Business group lobbied to fulfill their demand.

In the formulation process the actors maintain networks to share their information and power. Interpersonal relationships, interaction with different organizations, meeting attendance are few of the indicators of networks. The letters were sent from the Ministry, the groups of actors maintained interpersonal and official relationship. Thus, the Act followed all official procedures including Summary approval and gazette notification to formulate. The Act formulated in a different way as it began with sending two Summaries to Prime Minister.

7.9 The Policy as Outcome

With the agenda setting, with the participation of all interested actors and with the interactions and communication among them the Food Safety Act, 2013 followed a definite and constructive procedure to emerge. Thus, the combination of all these things made the Policy possible as an outcome.

7.10 Summary

Thus, in this chapter it is shown that the identification of food adulteration as a problem, the calculation of feasibility under Ministry of Food and political will contributed together to 'Agenda-setting' of the Food Safety Act, 2013. The actors played their role according to their interest. The political desire to create the Act had most influential role. Then the interest of Minister played a crucial role in the formulation of the Act within just one year. The Business group influenced the law by minimizing the punishment level. All actors maintained a network to fulfill their demand and had played crucial role at several stages of formulation of the Food Safety Act, 2013, Bangladesh. The Act was formulated in a different way by taking approval from Prime Minister through Summary and then followed the official procedures.

Chapter 8

Conclusion

8.1 Introduction

The ultimate goal of a research is to find out the answers of the research questions. The objective of this study is to explore the factors and actors that contributed to the formulation of Food Safety Act, 2013 and to explore the process of formulation. After close examination of the official documents, like- the files, relevant documents, Summaries from the Ministry of Food and after compiling the information and then comparing information from the key respondents to cross check, validate and to figure out the missing links, the answers of three research questions have been provided in Chapter 6 and 7 of this study. Hence, from the answers we can see how the Food Safety Act, 2013 has been formulated. The dynamics of the Policy formulation are shown in details in the earlier chapters.

8.2 Finding Answers of Research Questions

The first research question was made to know the factors of the formulation of the Act. It was found that the identification of food adulteration as a problem was made initially through media, donor agencies and through civil society. Then, the political interest and will to solve the problem was initiated as both the ruling and opposition parties wanted to stop the bad practices related to adulteration of food and its consequent sufferings of people. Obviously, the ruling party thought it as a benchmark of their success if they could bring out a successful law to curb the situation. In this context, then Minister of Food seized the opportunity to prove his efficiency and also to expand his authority by talking to the PM to show his interest in tackling the issue in the context of the LGRD ministry writing to Cabinet Division to hand over the role of regulation of food adulteration to the Ministry of Health. In fact, these two incidents made it possible to formulate the Act after 42 years. This is what Kingdon calls the “window of

opportunity". The bureaucracy supported the formulation in making the Summaries and putting forward the argument that the Act would be more feasible under the Ministry of Food. All these factors had combined effect on agenda-setting of the policy.

The second question of the research was to know about the interest and role of actors. The common interest for all actors was to add social benefit. The actors banded together to fulfill their interests. The Media focused on the problem to draw the attention of Government. Obviously the intention was providing public service. The opposition political parties supported the act to see the control of the bad practices. The ruling party wanted to create an example of success to the people, along with the social benefit. But the Minister of Food had extra interest of increasing his working area and authority. Bureaucracy also supported this attempt as this would also increase their power and followed the political desire. They helped in every step of formulation by writing summaries, sending letters, arranging seminars, making drafts and so on. The Experts helped in draft making of the Act as it matched their interest and expertise and also for obliging political desire for greater social benefit. The Civil Society and NGOs wanted to give relief to people from the adulteration of food. They helped to make people aware about the problem and contributed to the formulation by giving opinions. The donor agencies also played an important role by making people aware of the problem. They contributed to the draft- making of the Act by providing Government inputs from global experience. The private entrepreneurs supported the Act in formulation thinking of people's good, but they influenced the government to reduce penalty level of the Act to protect their business interests. They also gave opinion in the formulation of the Act. At the initial stage the Prime Minister's role was most influential. The role of Minister of Food comes in the next. He monitored every step of the formulation of the Act. In the pre stage the Media played a good role. Finally, the Business group emerged as influential and they influenced the penalty level of the Act. In a word, all the actors played crucial role at different stages of the formulation of the Food Safety Act, 2013, Bangladesh.

The third question of the research was to know about the formulation process. It was found that the Food Safety Act, 2013 was formulated in a different way than the standard practices followed by Bangladesh government. It began with approval of two summaries. Then it followed other formal procedures. The formulation process took place through networks between the groups. The networking was maintained through letters, workshops, attendance in the meetings and through interpersonal relationships. However, the combination of factors, actors and communication among actors resulted in the formulation of the Act.

8.3 The Concluding Words

Yet, the dynamics, described in the case of this policy formulation, may not be the same in the case of other policies. It was described earlier that the formulation of this policy started in a different way. It started with two Summary approvals from the PM. The regular policy making begins with the approval from the Minister or from the Cabinet. May be, this strategy was followed by the Minister to avoid the opposition from other ministries. It started with the formal approval from the top decision maker. At the end of the formulation, the approval of the Act, through Summary, was taken again before sending for approval by Parliament since it was an Act. The approval in the last phase is regular process. Hence, it can be said the formulation process, that is found here, cannot be generalized for the formulation of other policies. Still, it can be assumed that a developing country like Bangladesh has developed the practices of formulating policies involving the stakeholders and taking opinions from them. It is obviously a good sign. The case of formulation of the Food Safety Act, 2013 is a good example of it. If any researcher wants to make a generalized process of formulation, he needs to take few more acts randomly to examine the formulation process. Here, there is a need for further in depth research to examine other formulation process of other policies of Bangladesh to get a more clear picture of the overall policy scenario of Bangladesh as work on policy process in developing countries are rare. This would definitely add to creation of knowledge and better understanding of policy process of developing and transitional nations.

References:

Ali, A.N.M.A. (2013). Food Safety and Public Health Issues in Bangladesh, A Regulatory Concern. *European Food and Feed Law Review*, 8(1), 31-40.

Aminuzzaman, S. M. (2013). Dynamics of Public Policy: Determinants of Policymaking and Implementation in Bangladesh. *Public Organization Review*, 13: 443-458. Springer.

Boyer, W.W.(1960). Policy Making by Government Agencies. *Midwest Journal of Political Science*, 4(3), 267- 288.

Berg, B. L. (2009). *Qualitative Research Methods for the Social Sciences.* Boston: Allyn and Bacon.

Coleman, W.D. & Perl, A. (1999). International Policy Environments and Policy Network Analysis. *Political Studies*, 47, 691-709.

Considine, M., Lewis, M. J., & Alexander, D. (2009). Networks, Innovation and Public Policy: Politicians, Bureaucrats and the Pathways to Change Inside Government. New York: Palgrave Macmillan.

Cornish, D. B. & Clarke, R. V. (1986). *The Reasoning Criminal: Ratinal Choice Respectives on Offending.* UK: Transaction Publishers.

Creswell, J. W. (2014). *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches* .London: SAGE Publications.

DiMaggio, P. J. & Powell, W. W. (1991). *The New Institutionalism and Organizational Analyssis.* Chicago: University of Chicago Press.

Dye,T.R. (1998). Models of Politics, Some Help in Thinking about Public Policy. *Understanding public policy* (ninth edition). Princeton hall. New Jersey.

Garson, G.D. (1978). *Group Theories of Politics*. California: Sage Publications.

GOB. (1959). The Pure Food Ordinance. Ministry of Food. Bangladesh.

GOB. (1983, a). Fish and Fish Products (Inspection and Control) Ordinance. Ministry of Fisheries and Livestock. Bangladesh.

GOB. (1983,b). Marine Fisheries Ordinance. Ministry of Fisheries and Livestock. Bangladesh.

GOB. (2003). Bangladesh Standards and Testing Institution (BSTI) Act. Ministry of Industries. Bangladesh.

GOB. (2005). The Pure Food (Amendment) Act. Ministry of Food. Bangladesh.

GOB. (2008). Fish and Animal Feed Ordinance**.** Ministry of Fisheries and Livestock. Bangladesh.

GOB. (2009, a). Consumer's Right Protection Act**.** Ministry of Commerce. Bangladesh.

GOB. (2009, b). Local Government, (City Corporation) Act. Ministry of Local Government and Rural Development. Bangladesh.

GOB. (2009, c). The Pesticide (Amendment) Act. Ministry of Agriculture. Bangladesh.

GOB. (2013). The Food Safety Act. Ministry of Food. Bangladesh.

Grindle, M. S. & Thomas, J. W. (1991). *Public Choices and Policy Change: The Political Economy of Reform in Developing Countries*. New York : The John Hopkins University Press.

Hogwood, B. G. & Gunn, L.A. (1984). *Policy Analysis for the Real World* .UK: Oxford University Press.

Howlett, M. , Mukherjee, I. & Koppenjan, J. (2017). Policy Learning and Policy Networks in Theory and Practice: The Role of Policy Brokers in the Indonesian Biodiesel Policy Network. *Policy and Society*, 36(2), 233-250.

Howlett, M. & Ramesh, M. (1995). *Studying Public Policy: Policy Cycles and Policy Subsystems*. UK: Oxford University Press.

Hox, J. J., & Boeije, H. R. (2005). Data Collection, Primary vs Secondary. *Encyclopedia of Social Measurement,* 1, 593- 599.

Islam, et al. (2013). Hygiene Intervention Reduces Contamination of Weaning Food in Bangladesh. *Tropical Medicine and International Health*, 18(3), 250-258.

Islam, M. (2006). *Constitutional Law of Bangladesh.* Dhaka, Bangladesh: Mullick.

Johnston, M. P. (2014). Secondary Data Analysis: A Method of which the Time has Come. *Qualitative and Quantitative Methods in Libraries (QQML),* 3, 619-626.

Kingdon, J. W. (2014). *Agendas, Alternatives and Public Policies*. UK: Pearson Education Limited.

King, G., Keohane, R. O., & Verba, S. (1994) *Designing Social Inquiry: Scientific Inference in Qualitative Research.* Princeton, New Jersey: Princeton University Press.

Khair, R. (2004). *The Dynamics of Policy Making in a Developing Country: The Environmental Sector in Bangladesh*, Unpublished PhD thesis, University of New England, Australia.

Knill, C. , & Tosun, J. (2012). *Public Policy : A New Introduction.* New York, New York: Palgrave Macmillan.

Lasswell, H. D. (1971). *The Policy Orientation of Political Science.* University of Michigan.

Mansoor, S. A. (2013, June 28). *The Daily Star.* Retrieved May 23, 2019, from https://www.thendailystar.net/news/formalin-in-food

Meter, D.S.V. & Horn, C. E. V. (1975). The Policy Implementation Process: A Conceptual Framework. *Administration and Society*, 6(4), 445-488.

Mueez, A. A., Arifah, A. R., Azreena, M. B., Farahana, M. P., Mustafa, A. D., & Juni, M. H. (2018). Agenda Setting and Power in Policy Making: A Case Study of Tobacco Policy in Developing Countries. *International Journal of Public Health and Clinical Sciences , 5* (3).

Neumann, J. V. & Morgenstern, O. (1953). *Theory of Games and Economic Behavior*. USA: Princeton University Press.

Osman, F.A.(2002). Public policy making: Theories and their implications in developing countries.Retrieved2019,fromsemanticscholar.org:https://pdfs.semanticscholar.org/a94c/325b488fd2430c025a8ac0ef21b76524fbb5.pdf

Paarlberg, R.L. (1987). Political Markets for Agricultural Protection: Understanding and Improving their Function. *Paper Prepared for Annual Meeting of the International Agricultural Trade Research Consortium*. Airlie Foundation, Warrenton, Va. (December, 13-16).

Palmary, I., Gruchy, T. d., Ashraf, A. A., Koh, C. Y., Wee, K., Goh, C., et al. (2018). *How Unpopular Policies are Made: Examples from South Africa, Singapore and Bangladesh.* International Organization for Migration.

Rahman, M. M. (2013, January 28). *The Daily Star*. Retrieved May 23, 2019, from https://www.thedailystar.net/news-detail-266773

Rathod, P.B.(2005). *Framework of Public Policy: The Discipline and Its Dimensions.* Delhi: Commonwealth Publishers.

Rose, R.(1969). *Policy Making in Great Britain. London*: MacMillan.

Sahu, R., & Saxena, P. (2014). Antibiotics in Chicken Meat. New Delhi: Centre for Science and Environment.

Salimuddin, Q. (2012, August, 28). *The Daily Star.* Retrieved May, 20, 2019, from https://www.thedailystar.net/news-detail-247291

Shahan, A. M. & Jahan, F. (2017). Opening the Policy Space: The Dynamics of Nutrition Policy Making in Bangladesh. Montpellier, France: Agropolis International, Global Support Facility for the National Information Platforms for Nutrition Initiative.

Shakill, H. I., Noman, A. A., Hridi, A. A., & Sharna, F. K. (2016, November). Retrieved 2019, from Researchgate: https://www.researchgate.net/publication/328802072

Solaiman, S.M. & Ali, A.N.M.A. (2014). Civil Liabilities for Unsafe Foods in Bangladesh and Australia: a Comparative Perspective on Consumer Protection. *Comprehensive Reviews in Food Science and Food Safety,* 13.

The Daily Star. (2012, October 14). Retrieved May 21, 2019, from https://www.thedailystar.net/news-detail-253721

The Daily Star. (2012, October 17). Retrieved May 22, 2019, from https://www.thedailystar.net/news-detail-254143

The Daily Star. (2012, November 17). Retrieved May 22, 2019, from https://www.thedailystar.net/news-detail-257846

Waarden, F. V. (1992). Dimensions and Types of Policy Networks. *European Journal of Political Research,* 21, 29-52.

Yin, R. K. (2003). *Case Study Research: Design and Methods.* Thousand Oaks, London: SAGE Publications.

Annexure A

Letter of Permission from Ministry for Using Data

The Government of the Peoples Republic of Bangladesh
Ministry of Food
Bangladesh Secretarieat, Dhaka.
www.mofood.gov.bd

Memo no 13.00.0000.066.01.004.19.**99** Date: 22.08.2019

Subject: **Permission to use the primary and secondary data for thesis.**

This is to inform that Ms. Nasrin Sultana, Senior Assistant Secretary, Ministry of Public Administration, has applied for using the primary and secondary data from this Ministry for her thesis on **"Dynamics of Policy Formulation: A Case of Food Safety Act, 2013".**

On the basis of her application, she is given permission to collect data from this Ministry for using in her thesis.

22/08/2019
Md. Nurul Islam Sk
Assistant Secretary
Ministry of Food
Phone: 9540027
sknurislam@gmail.com

Nasrin Sultana
Senior Assistant Secretary
Ministry of Public Administration (MOPA)

[Type text]

Annexure B

List of Respondents

Serial No	The Respondents	Number	Data Method
1	Former Secretary of Ministry of Food	1	Interview
2	Nutrition Advisor of FAO	1	Interview
3	Former DG of FPMU	1	Interview
4	Former Director of DCCI	1	Interview
5	Former Director of BSTI	1	Interview
6	Program Coordinator of CAB	1	Interview
7	Former Professor of DU and former Director of INFS	1	Interview
8	Former DG of Consumer Rights Protection Directorate	1	Interview
9	Former Section Officer, Ministry of Food	1	Interview
10	AO, Ministry of Food	1	Interview
11	Television Journalist	1	Interview
12	Newspaper Journalists	2	Interview
13	Former Legal Advisor, Department of Food	1	Interview
14	Former ADM. Dhaka	1	Interview
15	Former Member (Development), BCSIR	1	Interview

Total respondents 16

Annexure C

Questionnaires for Interview

1) How did the problem get attention of the government?
2) Who were involved in the process?
3) Who do you think were involved in the making of the law?
4) Why were they involved in making of the law?
5) What was the process of the law?
6) What was the necessity of the law?
7) What was the role of the political parties?
8) What was the role of the bureaucrats?
9) What were the roles of other actors?
10) What were the challenges of making the law?
11) How were the challenges solved?
12) Who had the most influential role?
13) How did the interest groups influence the policy?

Annexure D

The Food Safety Act, 2013