

Two ministers fined for contempt

SC refuses their apology; 2 told to pay Tk 50,000 each; debate over their staying in cabinet

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The Supreme Court yesterday convicted Food Minister Qamrul Islam and Liberation War Affairs Minister AKM Mozammel Huq and fined them Tk 50,000 each for committing contempt of court by making contemptuous and derogatory comments about Chief Justice Surendra Kumar Sinha.

The apex court ordered the ministers to

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Qamrul Islam



Mozammel Huq

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pay the money to Islamia Eye Hospital and National Liver Foundation of Bangladesh within seven days. In case of failure, they will have to serve seven days in jail.

This is the first time that the SC has sentenced two sitting ministers for contempt.

Qamrul's counsel *Syed Mamun Mahbub and Mozammel Huq himself said they would seek a review of the verdict.

Following the judgment, various quarters called on the two ministers to resign on moral grounds, although legal experts are divided on whether they can hold office after conviction.

Soon after the verdict, Mozammel met Prime Minister Sheikh Hasina at her office. Later in the evening, Qamrul met Mozammel at the latter's house, said a reliable source.

The topic of discussion in either of the meetings could not be known. However, both the ministers are expected to attend today's cabinet meeting, added the source, asking not to be named.

Qamrul and Mozammel made headlines early this month, by coming down hard on the chief justice for two days in a row. They criticised the CJ, after the top judge of the country expressed dissatisfaction over the "poor performance" of the prosecutors and investigators of the war crimes tribunal in dealing with the war crimes case against Mir Quasem Ali.

Qamrul demanded formation of a new bench, keeping the chief justice out of it, for hearing Quasem's appeal afresh. Mozammel went on to say that the CJ should not be delivering the verdict in the appeal.

The verdict in Quasem's case was pending when they made the comments and the SC on March 8 sentenced the Jamaat leader to death.

Yesterday, an eight-member SC bench headed by the chief justice gave the verdict, after refusing to accept the unconditional apologies offered by the ministers, who were present at the court.

The court said it could not accept their apologies as their comments had maligned and undermined the office of the chief justice and interfered with the administration of justice. Also, there statements were highly derogatory, and contemptuous.

Before delivering the judgment, the CJ said they did not bring the contempt proceedings against all the persons whose names were mentioned in the report of the daily Janakantha to

have spoken at the March 5 roundtable where the two ministers made derogatory comments.

"We have brought the contempt proceeding against only the two ministers to give a message to the whole nation," he added.

Earlier, Attorney General Mahbubey Alam, instructed by the court, read out the Janakantha report involving the two ministers' comments.

Following the verdict, the AG told reporters at his office that the constitution does not detail the fate of a minister convicted by the SC for contempt of court.

The cabinet may decide about them, as it is a question of morality, he said.

The SC judgement gave a message that the dignity of the court should not be damaged in any manner, he added.

Former law minister Shafique Ahmed told The Daily Star that there was no legal bar for the two ministers to continue to hold office.

Under article 58 of the constitution, the office of a minister will become vacant, if he or she resigns from the office by placing his resignation in the hands of the prime minister for submission to the president, he said.

The membership of a lawmaker might be vacant if he or she is convicted and sentenced to more than two years, Deputy Speaker Fazle Rabbi Miah told a private TV channel.

However, eminent jurist Shahdeen Malik said the two lost their moral rights to join cabinet meetings or to hold the office of minister as they have been convicted by the highest court.

Khurshid Alam Khan, an SC lawyer and editor of Dhaka Law Reports, told this correspondent that Qamrul and Mozammel should resign immediately, because they have been found guilty and their apologies have been refused by the Appellate Division.

Terming the SC verdict historic, the BNP demanded that the two ministers quit.

"After this verdict, the two ministers have no moral rights to hold the portfolio or to be in the government," said BNP acting secretary general Mirza Fakhrul Islam Alamgir at a press conference at the party headquarters.

Khandker Mahbub Hossain, a BNP leader and also the outgoing president of the Supreme Court Bar Association, made a similar call for their resignation.

"If they don't, the prime minister should take steps to remove them immediately to set an example to the people," he said.