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# Flip Side of Mobile Court: How Wheel of Mobile Court Smashes Right to Fair Trial in Bangladesh

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## Abstract

‘Justice should not only be done, but should manifestly and undoubtedly be seen to be done’— a famous quotation by English Chief Justice Lord Hewart, refers that mere appearance of any lack of fairness is enough to overturn any judicial decision. To avoid lack of fairness some principles have been developed. These principles secure fair trial and it becomes a universally recognized right. Therefore, most of the countries including Bangladesh incorporated this right in their domestic law so that this right can’t be taken away. Generally, people go to the doorstep of the court to seek justice but mobile court is a newborn court which reverses that genre and itself goes to the doorstep of the people. This court has reduced the time and cost and brought dynamism to the existing judiciary. But a deep look on the trial procedure of mobile courts shows that mobile courts lack important components of fair trial principles and thus violate fundamental human rights. This study will show how trials by mobile courts in Bangladesh deny right to fair trial and how this is inconsistent with the constitution of Bangladesh itself. It will also show how mobile court denies doctrine of separation of power, independence of judiciary and rule of law enshrined in the constitution. The study has kept an eye on analytical approach and examined mainly parliamentary enactments, cases, books, journal and newspaper articles. It finally concludes recommending some measures for Bangladesh in which right to fair trial can be upheld.

**Keywords:** Mobile Court, Human Rights, Fair Trial, Executive Magistrate, Judicial Magistrate.

## 1.0 Introduction

In every trial system there exist some recognized principles which pave the way of justice. If any trial follows those principles that particular trial can be called fair trial. Those principles of justice are followed so that

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any kind of practical injustice can be avoided.<sup>2</sup> It is a general practice that people go to the court for seeking justice. As the world is growing, many new types of offences are revealing and the growing number of crimes creates new challenges too. To meet those new challenges mobile court was created which travel to the door of the accused and takes action. Section 4 of the Mobile Court Act 2009 stated that mobile court is the court which gives immediate judgment of any crime by going to the place of occurrence of that particular crime to prevent any kind of crime and to maintain law and order.

Though the creation of mobile court raises the mercury of hope and brings dynamism primarily, it failed to provide justice in its real sense. In giving justice it denies basic principles of fair trial. Since it follows separate procedure which is different from the axiomatic principles of trial, it ignores all the principles of fair trial. Instead of giving justice it becomes a conspicuous tool to violate the right to fair trial. That's why this article wants to trace all possible reasons behind mobile court's failure to give proper justice and to examine these so that sustainable solutions can be found.

The study has followed analytical approach as methodology and is based both on the primary and secondary sources. The main sources of this paper have been drawn from parliamentary enactments, cases, books, journal and newspaper articles.

## 2.0 Right to Fair Trial in Bangladesh

Right to fair trial got its universal recognition in article 10 of UDHR and later in section 9 and 14 of the ICCPR. After that, other human rights instruments also incorporated it. Bangladesh as a member of United Nations and as a signatory state of ICCPR has codified this right. Article 27 of the constitution of Bangladesh (hereinafter simply referred to as the 'constitution') inscribed the main provision of right to fair trial, it says— 'All citizens are equal before law and are entitled to equal protection of law'. All the same offences must be tried by the same law and same tribunal. On the other hand, article 35 of the constitution incorporates some principles of fair trial notion which says that:

- (1) No person shall be convicted to any offence except for violation of al law in force at the time of the commission of the act charged as

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<sup>2</sup> Assistant Commissioner *Michael James Condon v Pompano Pty Ltd* [2013] 252 CLR 38 <[www.alrc.gov.au/publication/traditional-rights-and-freedoms-encroachments-by-commonwealth-laws-alrc-interim-report-127/10-fair-trial/attributes-of-a-fair-trial/](http://www.alrc.gov.au/publication/traditional-rights-and-freedoms-encroachments-by-commonwealth-laws-alrc-interim-report-127/10-fair-trial/attributes-of-a-fair-trial/)> accessed 16 June 2020.

an offence, nor be subjected to a penalty greater than, or different from that which might have been inflicted under the law in force at the time of the commission of the offence.

- (2) No person shall be prosecuted and punished for the same offence more than once.
- (3) Every person accused of a criminal offence shall have the right to a speedy and public trial by an independent and impartial court or tribunal established by law.
- (4) No person accused of any offence shall be compelled to be a witness against himself.
- (5) No person shall be subjected to torture or to cruel, inhuman, or degrading punishment or treatment.

Thus article 35 of the constitution provided protection for the trial and punishment for any accused. It includes rule against double jeopardy, trial by impartial tribunal, right to a speedy trial. It also includes that no person shall be compelled to give witness against himself and protection against cruel and inhuman punishment unless determined by law. Article 31 of the constitution stated that 'no action detrimental to the life, liberty, body, reputation or property of any person shall be taken except in accordance with law'. Article 22 assured right to be tried by independent court which is free from any kind of external influences. It is one of the principles of fair trial that no man can be a judge in his own case and this rule is also incorporated in section 38 of Civil Courts Act 1887 and section 556 of the Code of Criminal Procedure (hereinafter simply referred to as the 'code'). It is clear that though the term 'fair trial' is not directly inscribed but Bangladesh have recognized all the principles of fair trial through different legislation.

Giving a concrete list of fair trial principles is impossible but from different conventions, statutes, constitutional provisions these following common components are found.

1. Independent, impartial and competent tribunal
2. Public and expeditious trial
3. Presumption of innocence and burden of proof
4. Right to have legal representation
5. Knowledge of accusation and adequate opportunity
6. Protection against self-incrimination
7. Evidence to be taken in presence of accused
8. Cross-examination of prosecution witnesses
9. Prohibition of double jeopardy
10. Right to appeal and review against both conviction and sentence

The attributes of a fair trial cannot, however, be conclusively and exhaustively defined. In *Jago v District Court (NSW)*<sup>3</sup> case, Deane J said:

The general notion of fairness which has inspired much of the traditional criminal law of this country defies analytical definition. Nor is it possible to catalogue in the abstract the occurrences outside or within the actual trial which will or may affect the overall trial to an extent that it can no longer properly be regarded as a fair one. The identification of what does and what does not remove the quality of fairness from an overall trial must proceed on a case by case basis. The best that one can do is to formulate relevant general propositions and examples derived from past experience.

### 3.0 How Mobile Courts Disregard the Principles of Fair Trial

Mobile court is administered by Mobile Court Act 2009. From the appointment of judge to the declaration of judgment mobile court follows its own rules. In following this Act, mobile court disregards the following principles of fair trial.

#### 3.1 Independent, Impartial and Competent Tribunal

It is one of the most important principles of rule of law that every accused must be tried by a free, fair and impartial tribunal. Every tribunal must be free from any kind of interruption either from executive or from superior officer. It is the right of the accused to be tried by an impartial and independent tribunal.<sup>4</sup> All persons shall be equal before any court of law and shall have the right to be tried fairly by an independent court.<sup>5</sup> Article 22 of constitution assured the practical independence of judiciary in Bangladesh. Constitution of Bangladesh even provided that the Supreme Court and the subordinate courts of Bangladesh shall be independent in discharging their judicial functions.<sup>6</sup> Since the promotion, transfer, allowance of the judge of the mobile court depend on the government directly, it is not impossible that the decisions of the mobile court shall be motivated by the want of the government which is against the principle of independence of judiciary. Durga Das Basu once observed that:

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<sup>3</sup> *Jago v District Court (NSW)* [1989] 168 CLR 23 <[www.alrc.gov.au/publication/traditional-rights-and-freedoms-encroachments-by-commonwealth-laws-alrc-interim-report-127/10-fair-trial/attributes-of-a-fair-trial/](http://www.alrc.gov.au/publication/traditional-rights-and-freedoms-encroachments-by-commonwealth-laws-alrc-interim-report-127/10-fair-trial/attributes-of-a-fair-trial/)> accessed 25 June 2020.

<sup>4</sup> Universal Declaration of Human Rights (adopted 10 December 1948 UNGA Res 217 A(III) (UDHR) art 10.

<sup>5</sup> International Covenant on Civil and Political Rights (adopted 16 December 1966 and entered into force 23 March 1976) 999 UNTS 171 (ICCPR) art 9(5).

<sup>6</sup> Constitution of Peoples Republic of Bangladesh 1972, arts 94(4), (116A).

Independence of judges is a condition under which judge may keep their oath to uphold the constitution and the laws without fear or favor.....it is futile to expect an impartial judgment from a judge who is not immune from extraneous influences of any kind whatever.<sup>7</sup>

Right to be tried by independent court is a rhetoric in case of mobile court. Since judiciary of Bangladesh is separated from executive organ, all the judges must be appointed by Judicial Service Commission<sup>8</sup>. But district magistrates and executive magistrates are presided over as mobile court judge.<sup>9</sup> They are the part of executive organ of the state. So, trial by mobile court is to trial by the executive organ of the state where the constitution of Bangladesh provides provision for separate judiciary. Separate judiciary is the basic structure of the constitution of Bangladesh and the basic structure can't be altered.<sup>10</sup> So, it will not be an exaggeration to say that trial by mobile court *ultra vires* the constitution. In Masdar Hossain case, it was said that Bangladesh Civil Service hereinafter 'BCS' (admin) cadre, is not a part of judiciary and allowing it will *ultra vires* the constitution.<sup>11</sup> Recently High Court Division of Bangladesh Supreme Court has observed that:

Empowering executive magistrates with judicial powers is a frontal attack on the independence of the judiciary and is violative of the theory of separation of powers and declared that sections 5, 6(1), 6(2), 6(4), 7, 8(1), 9, 10, 11, 13 and 15 of the [Mobile Court] Ain [Act] No 59 of 2009 are *ultra vires* the constitution and violative of two basic structures of the constitution, namely, independence of the judiciary and separation of powers.<sup>12</sup>

A court which's judges are appointed violating constitution have no competency to try any case. In *Rupali Bank v Tafazal Hossain*<sup>13</sup> case it was held that 'jurisdiction of a court goes to the very root of a matter brought before it and if the court gets no jurisdiction, everything shall fall through'. Profound look in the trial procedure of mobile court shows that mobile court does not fulfill these requirements. When a court failed to be

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<sup>7</sup> *Limited government and judicial Review* (S. C. Sarkar & Sons (Private) Ltd. 1972) 27.

<sup>8</sup> Judicial Service Commission is a body established to control all the functions such as appointment, transfer, promotion of judges.

<sup>9</sup> Mobile Court Act 2009, s 4.

<sup>10</sup> *Anwar Hossain Chowdhury v Bangladesh* 41 DLR 165 AD.

<sup>11</sup> *Secretary of Ministry of Finance v Masdar Hossain* 52 DLR 82 AD.

<sup>12</sup> Ashutush Sarker, 'Executive magistrate-led mobile court illegal' *The Daily Star* (Dhaka, 13 May 2017) <[www.thedailystar.net/frontpage/executive-magistrate-led-mobile-court-illegal-hc-1404433](http://www.thedailystar.net/frontpage/executive-magistrate-led-mobile-court-illegal-hc-1404433)> accessed 20 June 2020.

<sup>13</sup> 44 DLR 260.

an impartial, independent and competent court trial by it means violation of fair trial right *ab initio*.

### 3.2 Presumption of Innocence and Burden of Proof

It is a cardinal principle of justice that a person accused of any penal offence will be presumed to be innocent. It is inscribed in article 11 of UDHR, article 14 of ICCPR. It is on the person to prove the allegation who drags another to the court. The presumption of innocence is available to the accused under the fundamental principle of criminal jurisprudence that every person should be presumed to be innocent unless proved guilty by the competent court of law in a criminal trial.<sup>14</sup> It is the duty of the prosecution to prove the accused guilty of which he has been charged. Section 102 of Evidence Act 1872, stated that the burden of proof lies on that person who would fail if no evidences are given. This principle emanates from the apprehension that if the burden lies on the accused there will be thousands of suits against an accused as he has to prove that he is not guilty. But in mobile court, burden of proof rests upon the accused. Trial starts presuming the accused guilty and if the accused fails to convince his innocence he will be awarded punishment. It is hard for general people to prove their innocence before a well-equipped magistrate without any help of lawyer. Thus, mobile court convicts accused person and violates his fair trial right.

### 3.3 Right to Have Legal Representation

Any accused have the right to have a counsel of his choice. Justice cannot be served, if any person by reason of poverty or any other excuse can't get assistance of lawyer. It would be ridiculous to talk about equality without giving the accused chance to get represented by legal counsel. It is a recognized principle of justice.<sup>15</sup> Article 33 of the constitution inscribed right to have counsel for an accused. The arrested person must be given a reasonable opportunity to appoint a lawyer and that lawyer must be given an opportunity to prepare himself so that he can defend the accused.<sup>16</sup> In *Khatiri v State of Bihar*,<sup>17</sup> it was held that the accused is entitled to free legal counsel not only at the stage of trial but also when he is first produced before the Magistrate and also when remanded. This principle is from the fear that general people are ignorant of law and without the

<sup>14</sup> *State of U.P. v. Naresh and others.* <<https://indiankanoon.org/doc/197643/>> accessed 30 June 2020.

<sup>15</sup> *ibid* (n 5) art 14(3)d.

<sup>16</sup> *Moslemuddin Sikder v. Chief Secretary* [1956] 8 DLR 526.

<sup>17</sup> <<https://indiankanoon.org/doc/1122133/>> accessed 24 June 2020.

assistance of legal counsel they may be deprived of their right to fair trial. But this court gives instant punishment without giving any chance to take any help of legal counsel. It ignores all the international and domestic laws about legal counsel. Since the accused do not have legal counsel, he can't be able to defend himself strongly. What a legal counsel can say to defend an accused can't be said by the accused solely. So, his all possible grounds of defense remained unheard as he can't express these without the help of a legal representation. It is a violation of natural justice. It violates the doctrine of *audi alteram partem*.

### 3.4 Protection against Self-Incrimination

Rule against self-incrimination is one of the finest principles of fair trial. ICCPR and article 35(4) of the constitution of Bangladesh clearly stated this principle of fair trial.<sup>18</sup> It is important principle in common law that the prosecution must prove the case beyond any shadow of reasonable doubt. And the accused cannot be compelled to give any statement against his will. The reason behind this rule is described in *Selvi v Karnataka*<sup>19</sup> case, where it was held that 'right against self-incrimination is a vital safeguard against torture and other third-degree methods that could be used to illicit information'. And any kind of torture and degrading punishment are strictly prohibited by law. Article 5 of UDHR, article 7 of ICCPR, article 35(5) of the constitution of Bangladesh prohibited any kind of torture. Even section 25, 26 of Evidence Act 1872 stated the inadmissibility of confession which is during the custody of police, the moment of greatest possibility to be tortured.

But the mobile court punishes offenders only on the basis of confession<sup>20</sup> of the accused without any proper investigation. Here magistrates are in a dominant position and any confession taken by him in the midst of fear of police torture and criminal case is unlawful. Section 6(4) of that Act provided that if the executive magistrate or district magistrate thinks reasonable that the alleged offence is so grievous that it would be unwise to try it by themselves then they shall file a case against that accused as a regular criminal case. In Bangladesh an average time to finally adjudicate a case is five to eight years.<sup>21</sup> It is an easy task for any person to confess his guilt though it is possible that he actually did not commit the alleged crime for escaping from threat of prolong criminal case, because it will

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<sup>18</sup> *ibid* (n 5) art 14(3)g.

<sup>19</sup> [2010] 7 SCC 263. *See also* Mahmudul Islam, *Constitutional Law of Bangladesh* (3<sup>rd</sup> edn, Mullick Brothers 2016) 300.

<sup>20</sup> *ibid* (n 9) s 6.

<sup>21</sup> Akber ali Khan, *Obak Bangladesh Bichitro Cholonajalee rajneeti* (2<sup>nd</sup> edn, Prothoma Prokasoni 2017) 217.

take five to eight years to prove his innocence. But giving punishment solely on the basis of confession in the absence of other reliable evidence is a violation of fair trial rights by mobile court.

### 3.5 Cross-Examination of Witnesses

Cross-examination of witnesses is beyond doubt the greatest legal engine ever invented for discovery of truth.<sup>22</sup> The purpose of cross-examination is to assist the court in bringing the truth to the light by disclosing or clarifying matters which witnesses may wish to conceal or confuse from motives of partisanship.<sup>23</sup> Examining the witnesses of the opposite party is an established principle of fair trial. Otherwise justice wouldn't be served and would remain as a rhetoric. The Evidence Act 1872 has also provided provision for cross-examination. Section 137 of that said Act stated about cross-examination. It also guaranteed that any question can be asked to test the veracity of the witness, to find the truth out of the statement given by any witness.<sup>24</sup> Mobile Court doesn't follow the general rules of justice as to investigation, examination of witness, cross-examination of witness. Since general rule as to examining witness are not followed by mobile court there remains a possibility of giving verdict on false evidence. Where it gives judgment over mobile phone without going to the place<sup>25</sup> saying about examining witness would be exaggeration. This short of lacunae hinders the way of justice violating right to fair trial.

### 3.6 Rule Against Double Jeopardy

This concept of double jeopardy is based on the doctrine of *autrefois acquit and autrefois convict* which means that if a person is tried and acquitted or convicted of an offence he cannot be tried again for the same offence or on the same facts for any other offence.<sup>26</sup> It is a fundamental principle of fair trial that if any person gets punished once, whatever small it is, he shouldn't be vexed twice for the same offence. Article 14(7) of ICCPR and article 35(2) inscribed this principle of law. Incorporation of that principle in the constitution as a fundamental right guaranteed the protection of rule against double jeopardy. It is firmly written in section 403 of Code of Criminal Procedure 1898. Section 26 of General Clauses Act 1897 also incorporated rule against double jeopardy. But any person

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<sup>22</sup> *Abdul Hamid v Malik Karam dad* 18 DLR WP 3.

<sup>23</sup> *Mohammad Shafiq v State* 19 DLR 216.

<sup>24</sup> Evidence Act 1872, s 146.

<sup>25</sup> Kurigram Correspondent, 'Mobile court verdict over mobile phone in Bangladesh' *BD News24.com* (Dhaka, 12 October 2016) < <https://bdnews24.com/bangladesh/2016/10/12/mobile-court-verdict-over-mobile-phone-in-bangladesh> > accessed 4 July 2020.

<sup>26</sup> *Mostofa Kamal and Others v Salahuddin Ahmed and others* 14 MLR 412 AD.



who is acquitted under the mobile court can be tried again<sup>27</sup> by other general court which is the gross violation of fundamental human right.

### 3.7 The General Rule as to Bail

Some may argue that bail is not a right but sometime bail is a mandatory provision even for a grievous offence. Mobile Court gives no right to get bail. In fact, it is absurd for a court to grant bail which ignores all the norms of fair trial. Mobile court tries pity cases mentioned in the schedule of the Mobile Court Act, which generally are bailable under section 496 of the code but that right to get bail is taken away by mobile court.

### 3.8 Right to Protection against Inhuman Punishment

Another important factor to be taken into consideration that mobile court punishes the offender in more humiliating way. Section 53 of the Penal Code 1860 provides five types of punishment such as death penalty, life time imprisonment, imprisonment, forfeiture and fine. Section 8 of Mobile Court Act provides two types of punishment namely imprisonment and fine. But recent case study shows a different picture where it is found that mobile court is completely whimsical in giving punishment. It assaults on person before crowd,<sup>28</sup> slaps aged person publicly, beats general people even before they admit their guilt or for vindictive motive,<sup>29</sup> asks to seek forgiveness before mobile court which are strictly prohibited by article 35(5) of constitution of Bangladesh. Any kind of derogatory gesture, cruel and inhuman punishment are violation of one's right to life; the most important human right. But mobile court violates that right every now and then.

Besides all these above mentioned discrepancy by mobile court it violates principle of natural justice. Since executive magistrate, who are the judge of mobile court, represents executive organ of the state where the fine imposed by mobile court are deposited, they have a pecuniary interest over any trial. In Halsbury's laws of England, it is stated that 'there is a presumption that any financial interest, however small, in the matter in dispute disqualifies a person from adjudicating'.<sup>30</sup>

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<sup>27</sup> *ibid* (n 9) s 10.

<sup>28</sup> Tauhid-uz-Zaman, 'Mobile court punishment draws flak as elderly men humiliated' *Dhaka Tribune* (Dhaka, 28 March 2020) <[www.dhakatribune.com/bangladesh/court/2020/03/28/mobile-court-punishment-draws-flak-as-elderly-men-humiliated](http://www.dhakatribune.com/bangladesh/court/2020/03/28/mobile-court-punishment-draws-flak-as-elderly-men-humiliated)> accessed 4 July 2020.

<sup>29</sup> Likot Ali Badol, 'Dhaka Tribune journalist latest victim of custodial torture, abuse of power' *Dhaka Tribune* (Dhaka, 14 March 2020) <[www.dhakatribune.com/bangladesh/nation/2020/03/14/journalist-ariful-picked-up-by-mobile-court-in-kurigram](http://www.dhakatribune.com/bangladesh/nation/2020/03/14/journalist-ariful-picked-up-by-mobile-court-in-kurigram)> accessed 4 July 2020.

<sup>30</sup> Halsbury's Laws of England (4<sup>th</sup> edn) vol 1, para 68, pp 82-83.

Since mobile court starts trying cases even before the accused understand the allegation against him, no accused gets enough chance to prepare his defense. In *Charkouvi v Canada*<sup>31</sup> case, the court held that ‘how can one meet a case one doesn’t know?’ In another case Justice Fortescue held that, even God gives chance to Adam for fair opportunity to answer. ‘Have you eaten from the tree which I forbade you?’—God inquired.<sup>32</sup> Thus it denies accused of his right to have ample time to prepare his defense. The appeal from the mobile court is heard by district magistrate, who is also a part of the executive organ of the state, also *ultra vires* the constitution.

Another important fault of this court is that the innocence of the accused depends on the satisfaction<sup>33</sup> of the magistrate of the mobile court. It is absurd that one man’s life depends on the satisfaction of the magistrate instead of concrete facts. Relying on the subjective satisfaction of the person instead of proved facts violates human rights. Besides, the judge of the mobile court is all in all. He is the public prosecutor; he is the witness and he is the judge. Where all the power belongs to one person, it must be abused. Absolute power corrupts absolutely. On the other hand, section 6 of Mobile Court Act provides that executive magistrates and district magistrates can try any case which is triable by judicial magistrate and metropolitan magistrate. Thus, it creates two parallel courts to try same offence which is grossly inconsistent with the spirit of the constitution. Section 8 provides that whatever the highest punishment for the offence triable by mobile court mentioned in other Act, it can’t punish any offender with more than two years of imprisonments which will in the long run inspire the convicted person to commit such offences again and again.

#### 4.0 Sustainable Solutions

The first task to be done is to separate mobile court from executive organ of the state as it is mandatory under article 22 of constitution. Since separation of power is the basic structure of the constitution it can’t be altered.<sup>34</sup> Without judicial independence no court is a court in its real sense. Executive should have nothing to do with mobile court. Removing this lacuna will heal other legal defects too.

*Secondly*, selective trial meaning whatever the magistrates chose they can try, must be stopped. Provision must be incorporated that mobile court

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<sup>31</sup> 2007 SCC 9, (2007) ISCR 350 para 64.

<sup>32</sup> *R v University of Cambridge* [1723] 93 ER 698.

<sup>33</sup> *ibid* (n 47) s 7.

<sup>34</sup> *ibid* (n 10).

cannot try any case without police report as police report at least ensure a layer of investigation which might supply necessary facts. Police officer must not be below the rank of sub-inspector. *Thirdly*, mobile court must have at least the minimum infrastructural facility of a court. Since the object of mobile court is to take justice to the remote area of the country within cheap cost and less time, it would be wise to appoint 1<sup>st</sup> class magistrate as mobile court judge to broaden its jurisdiction to try relatively grievous offences. *Fourthly*, trial by mobile court must be regarded as a regular criminal trial and no instant trial should be allowed anymore. The accused must know his case at least 10 days before the trial starts to let him the opportunity to be prepared. Any judgement whether it is acquittal or punishment must have the weight to prevent further trial on the same subject matter.

*Fifthly*, since any imprisonment given by mobile court curtails the liberty of person of a citizen as enshrined in article 32 read with article 33 of the constitution, it is very essential that the judge of the mobile court must have reports and materials which allow him to imprison any accused. That's why section 7 of Mobile Court Act which allows conviction on confession must be altered. Mobile court cannot give any verdict only on the basis of confession without any corroboration of other substantial evidence. Provision for appointing legal counsel must be adopted as it is mandatory under article 33 of constitution. Since no provision on taking evidence and examining witness is present in the Mobile Court Act, must be incorporated. Rule as to examination and cross examination of witness must be made as without it light may not shed upon the truth.

*Finally*, provision related to appeal must be changed as it is in the Mobile Court Act and instead of district magistrate appeal must be made to the chief judicial magistrate. Since bail is the right of the accused, he must be given the chance to ask for bail even after conviction.

## 5.0 Concluding Remarks

If mobile court follows a procedure which can assure all the rights of the accused, the real object of mobile court can be upheld. Our reach for fair trial must exceed our grasp so that everyone's rights can be protected. Justice on wheel will open a wide prospect for the judiciary if the required changes can be made. 'Justice hurried but not buried' is some amendments away.

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