

# Representation of Corrupt and biased Judiciary in a Passage to India by E.M. Forster

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**Abstract – The objective of the present paper is to expose the biased judiciary system during the British Raj in India in A Passage to India (1924) by E.M. Forster. The novel ostensibly shows that the British government had done everything to satisfy its own vested interest so as to raise the economic and social condition of England on the cost of India. The present paper is limited to just one aspect of British Raj named biased judiciary system. The novel presents how the judiciary system is used to dominate and control the native system of justice system of India. Getting the right on the time in British judiciary is far from the reach of common Indian. The British judges use all the means whether they are right or wrong to subjugate the common masses.**

**Key-words:-Biased Justice System, Dominance, Manipulate, Oppressive strategies, Imperialism and Colonialism.**

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## INTRODUCTION

*A Passage to India* (1924) is one of those remarkable novels, which outlines the process of colonialism as well as imperialism of the imperialist country named England. Colonialism is a process of subjugation, domination, and control of people of foreign land with or without the help of military power to expand and establish the rule of foreign country on the targeted country. The novel is a seminal work by E.M. Foster which shows various clandestine and oppressive strategies used by the British ruler to colonize Indians in terms of political, cultural, economic, and social and etc. The major characters of the novel are Dr. Aziz, Ronny Heaslop, Mrs. Moore, Miss Adela, Cyril Fielding, Hamidulla, Mahmoud Ali and Amritrao

The novelist unequivocally presents how the British rulers use every means whether they are right or wrong and justified or unjustified to dominate the cultural, economic and political sphere of India. The suppressive as well manipulative policies of British rulers have nothing to do with social and economic development of India but have vested interests in developing their own country on the cost of Indian people. If any developmental project such as establishment of infrastructure of railway, introduction of judiciary system, police machinery, education system, cultural development, elimination of social evils such 'sathi-partha' and child marriage and etc. carried out by them, they have merely been executed to just satisfy and meet their own need so as to sustain their dominance on the people of India.

The novel is praised for its impartial representation of methods and strategies of the colonizer which were usually ignored in the field of literature during the time of British Rule. It is accepted truth that to control and colonize any country, it is mandatory to plan strategies and implement them in the targeted country. The novel unequivocally shows that on the account of being advance in technologies and in making strategies, the British people easily colonizes the Indian subcontinent. The various strategies and techniques for colonization range from controlling cultural life of Indian people, establishment of biased judiciary system, costly justice for Indian, abuse of police machinery, less representation of Indian people in justice system, nominal representation of Indian in jobs, creating secondary and derogatory images of Indian people and etc.

Another significant method of the colonizer is the establishment of biased judiciary in India. British judicial system in India was established with the enactment of Regulating Act of 1773. The Act established the Supreme Court with four judges including Chief Justice in Calcutta, India. With the establishment of the court, the colonizer began replacing Indian traditional system of justice, which was affordable and accessible to common men. The British justice system was contrary to what the British rulers promised to provide for. They promised to provide fair and partial system in which no one would be treated unfair. Everyone would enjoy the right to equality and accessibility to court. But contrary to their promise, they used the judiciary to repress

Indian people who were oblivious of this unfair system. Bipan Chandra, a famous historian, divulges the hidden propaganda in the judiciary by saying that "All this meant that Indians were now to live increasingly under man-made laws, which might be good or bad but which had to be obeyed blindly and which could be questioned as they were supposed to be divine and therefore sacred" (Chandra 84). The impartial system can unequivocally be felt and observed in the case of Dr. Aziz. The novel shows that Dr. Aziz is a staunch believer in policies of British people. He thinks that the rule of British people is necessary for the development and harmony among people belonging to diverse culture and religions in India. His perception as well as his life get changed when he himself becomes the victim of the biased judiciary entrenched by the British rule. Even he is not given equal say in the court because he is believed to have committed the crime of molesting the fiancé of a magistrate in Chandrapore. It is irony that his trial takes place in the court on just a suspicion on molesting Miss Adela. Moreover his views are not considered for the conviction. Moreover the statement of major witness named Mrs Moore is not taken regarding the case because she is present near the area where the incident takes place but she does not watch what is happening in the cave but watches what happens when Miss Adela runs from the case. When the trial goes on in the court, Mahmood Ali presents the real and hidden face of justice system when he says that "She was kept from until too late- I learn to late- this is English justice, here is your British Raj. Give us back Mrs. Moore for five minutes only, and she will save my friend" (Foster 218). But he is lucky enough to have witness in the form of Miss Adela who lodges and withdraws her appeal against Dr. Aziz and his innocence is finally proven in the court and is released. There is no doubt that Dr. Aziz is just a fictional character in the novel but he symbolizes millions of people who became victim of repressive judiciary system of the British rule.

Another drawback of the British judiciary is the absence of affordable justice. The common mass of India is unable to afford the high fees of lawyer in the court. Due to costly justice, no one dares to knock at the door of the court. When justice is based on the money, it is not possible for economically weak people to obtain the fair and timely justice. A renowned historian named Bipan Chandra also accepts this truth and says that "in practice, there emerged another type of legal inequality. Justice became quite expensive as court fees had to be paid, lawyers engaged, and the expenses of witnesses met" (Chandra 85). The same situation of such oppressive and unjustified justice can be observed when Dr. Aziz's trial takes place in the court. If he does not get famous lawyer by chance, it is impossible for him to get justice. It is also important to note that the lawyer who defends the case of him has nothing to do with him but defends him because he considers his case to be a tool or medium to fight against the British rule. The focal point is that the whole process of entangling Aziz in the fake case

raises doubt and question on process of the so-called fair and impartial system of British justice. Contrary to the British's justice process, if anyone endeavours to look into the traditional justice system of India named Panchayat system, he/she would be glad and realize that everyone is given fair and equal right to justice in the Indian traditional justice process. Indian justice system is not costly. Everyone has equal say and opportunity to defend one's case.

The novel also shows the manipulation of the facts and truth behind the closed doors of court. The British people except Miss Adela and Mrs. Moore can go beyond any limit to prove Dr. Aziz guilty in the fake case of molestation. They believe that the case has nothing to do with the wrong or right, justice and injustice and fair and unfair. Their ideology is based on how to control and dominate the native people of India through any means whether they are fair and unfair. Ronny makes the situation clear when he explains his stand to his mother by saying that "I am out here to work, mind, to hold this wretched country by force. I'm not a missionary or a Labour Member or a vague sentimental sympathetic literary man. I'm just a servant of the Government" (Forster 50). While reading the novel, the readers undoubtedly observe that except Mr. Fielding every member of the British community persuades Miss Adela to say what they want to prove. But the fact is that Miss Adela is not sure about who molests her in the cave. But the situation and circumstance are created and presented in such a manner that she accepts their views and gets agreed to lodge FIR against Dr. Aziz who respects her from the deep corner of his heart. It becomes clear from such horrific incident that the British people are not interested in providing truth based judiciary. They use the machinery of judiciary only to colonize Indian people and their psychology.

Equality before the court is the first prerequisite of any justice system in the world. When equality does not prevail, how it is possible to treat anyone equally and without prejudice. There is no concept of right to equality before the court system established by the British Raj. The discrimination can be seen from the very beginning of Dr. Aziz's arrest. When he is arrested, he is not given any reason for his arrest. He is arrested on just order given the senior officer of inspector who arrests him. The incident shows that common people do not enjoy the right to equality and can be arrested any time without any reason. Moreover it is not common for Indian people when they are arrested. If they are arrested, they believe arrest against their reputation. They cannot live with dignity and self-respect when they go to jail. Dignity is a fundamental right and part of human being because life becomes useless and meaningless without the right to dignity especially in the context of Indian society where social relationships are based on the individual's image and status. The same event does happen with Dr. Aziz. He believes that his reputation in the Chandrapore has been destroyed

and maligned by the unjustified arrest banked upon mere suspicion. Moreover when is arrested, the inspector does not show any warrant of his arrest. It is mandatory for any police officer to show warrant of arrest while arresting the accused person. Dr. Aji is not shown any warrant against him. Such kind of biased system is set against only Indian people. The novel directly and indirectly delineates that it is necessary to control and colonize the cultural sphere of the targeted people of a country which are colonized by the colonizer. The very word culture is not limited to just one aspect of life but include every parts of life such , marriage institution, local brotherhood, dancing, eating, schooling, theatre, ways of life, economic system, political system and etc.. If the culture of a country is colonized, it becomes very easy for colonizer to control a country because the culture itself functions as mechanism in the psyche of people. To begin with, the foreign power tries to understand every aspect of the native culture and find the loopholes into the native culture so that they can find out the different ways and tool to play down the image of the cultural activities. The British people are very clever in controlling the psyche of people. They very well know that if they want control people of India, it is firstly obligatory for them to make the native people feel disregard regarding the native culture. They become successful in this strategy. They successfully attract the attention of native people towards their alien culture. The native people of India are made to feel that they belong to a derogatory culture in which they are exploited and misrepresented. For example, the protagonist of the novel, named Aziz, feels that it is necessary to have British people to maintain and sustain the balance between Hindu and Muslim. He believes that their native cultural is inferior in comparison with culture of the British people. Even in the social organizations and functions of British people are not allowed. Indians are like dogs. Dogs and Indians are not strictly prohibited from entering the theatres and other function. Even they not allowed sitting with white people in the rain. There are separate berths for Indian to sit. On one occasion, Aziz tells to Mrs. Moore that he is not allowed to sit in the theatre to watch the on-going play. It can easily be assumed and estimated that controlling and dominating the cultural aspects of targeted country is prerequisite. They are made to feel a sense of inferiority complex in their own culture.

Finally it would not be wrong to say that *A Passage to India* peeps into the every aspects of colonization through which the foreign power succeeds in establishing their rule into the alien country. The novel also shows reasons and circumstances which help them to control the social, economic and political sphere of the Indian subcontinent. The novel clearly shows that judiciary plans a significant role in establishing the British Empire. Without controlling and

manipulating the process of justice system, it would not be possible for the foreign power to rule the country. With the judicial process, they succeed in the establishing and expanding the British Empire. The growing imbalance of judiciary has obviously been presented through the fake and manipulated case of Dr. Aziz who plays the role protagonist in the novel. The novel is a journey of transformation of Dr. Aziz's perception regarding the British Rule in India.

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