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A Study of biased judiciary system in E.M. Forster's *A Passage to India*

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Abstract

The focus of the present research paper is to highlight the issue of biased and partisan system of judiciary in British rule in the *A Passage to India* (1924) written by E.M. Forster. The novel shows how British ruler had knowingly and intentionally established a corrupt system of judiciary to establish British Empire in India. The British used judiciary as a tool or mechanism to manipulate and control the cognitive capability of native people. They knew the fact that before colonizing the country economically and politically, they had to take Indians in confidence towards their establishments. And finally they got succeeded in their attempt to colonise the country.

Keywords: Colonialism, Biased System, Civil Rights, Unavailability of Investing Agency, Costly Justice System

Introduction

British rule has undoubtedly played a significant role in establishing various manipulating mechanisms to control native people of India so as to establish British Empire. The institutions entrenched by British ruler includes police mechanism, judiciary system, railway line, postal department, telephone line, western education and etc. There is no doubt that all these establishments were built to fulfil their own vested interests. In order to colonize any foreign country, such institutions need to be established to control and curb native people mentally and physically. The police mechanism helped the British ruler to physically circumscribe and infringe upon the fundamental rights of common people. On the other hand, they foisted the biased system of judiciary upon the native people to establish the civilization. The indigenous people were made to believe that the British judiciary system was entrenched to improve lives of common masses so that they could live life of dignity and self-respect.

A Passage to India, written by E.M. Forster, occupies a significant place for unbiased and fair representation of partisan judiciary system of British rule. The story of the novel revolves around important characters including Dr. Aziz, Miss Adela Quested, Cyril Fielding, Ronny Heaslop, Mr. Turton, Professor Godbole, and Ralph Moore. The novel starts with the presentation of Chandrapore during the British rule. Miss Adela and Mrs. Moore appear in the novel. Miss Adela comes to India to get married with Ronny Heaslop, a judge in Chandrapore court. With the passage of time, Mrs. Moore meets Dr. Aziz and they both become close friends. Being curious to know India, they plan to visit Marabar Hills. To some extent the expedition remains a successful journey but during the last hour of journey, a mysterious event takes place in the cave of Marabar. This mysterious happening impacted not only Dr. Aziz but also the lives of all the important characters. Dr Aziz, being accused of molesting and raping Miss Adela in the Chandrapore court, gets released with the statement of Miss Adela who sues him in the court. Dr. Aziz completely changes his attitude and thinking towards British ruler.

Spurious Image of Judiciary

The novel presents a biased judiciary mechanism of which Dr. Aziz becomes a victim. The novel gets rid of the spurious image of judiciary built by colonizer. It is believed that the British judiciary system would provide fair and unbiased justice to common people. This situation can be felt in the statement of Ronny when he says: "I am out here to work, mind,

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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..." (Foster 50). Its primary objective is to establish a state with no crime and fair trial for everyone. But the fake ideology is scattered by the unfair trial of Dr. Aziz. Although Dr. Aziz does not commit any crime, yet he is entangled in the fake case of molesting and attempting rape. It is a different thing that he is released on the withdrawal of case by Miss Adela. It is not difficult to think of the life of Dr. Aziz unless Adela withdraws the case.

Unavailability of Investing Agency

Any judiciary can attain the high level of equal and fair justice if it has an impartial investing agency to conduct any kind of case. Without the presence of any effective investing agency, justice can be achieved in any form. It becomes more difficult to get justice when a foreign country is ruling another country. The absence of an impartial investing agency can be observed in the case of Dr. Aziz. The case of Dr. Aziz is not looked into by any investing body. To prove Dr. Aziz as a guilty, the only statement of Miss Adela is recorded. Her statement is only proof for his crime. Even the judge does not try to form any particular body consisting of British officer and Indian to investigate the matter. It is very easy to think that no justice can be achieved in this kind of horrible and uncertain situation especially for any Indian.

Costly Justice System

E.M. Forster shows in *A Passage to India* that during the British rule, getting justice through the judiciary system is very costly. It is not possible for common native people of India to knock at the door of court for justice due to the costly procedure of court. The fee of any famous lawyer is too high to afford for any Indian. Even there is not availability of Indian lawyer to manage their cases. However, the case of Dr. Aziz is accepted by a famous Indian lawyer because there is a wave of freedom struggle against the British rule. Even no famous and acknowledged lawyer resides in Chandrapore. The Indian lawyer accepts his case without any cost because he considers this case a freedom fight against the British Raj.

Manipulation of Eyewitness

Eyewitness plays a significant role in justice process. In the case of Dr. Aziz, Mrs. Moore may play an important role to acquit Aziz through her statements. She is sent back to England by her son named Ronny Heaslop who is also a judge in the court in which the case of Dr. Aziz is undergoing. Mrs. Moore knows very well the fact that Dr. Aziz did not try to molest and rape Miss Adela. She is persuaded to give statement against Dr. Aziz so as to prove him guilty but she does not yield before his decide to leave the county. Ronny Heaslop indicts Mrs. Moore to help them to convict Dr. Aziz and says : "Quite so, but meantime a trail is coming on and the notion of most of us is that we'd better pull together and help one another through, instead of being disagreeable. Are you going to talk like that in the witness box?" (Foster 196). Besides Mrs. Moore, Miss Adela is also induced to say that Dr. Aziz is the real man who tries to molest and rape her. But it is her consciousness and integrity which prevents her from giving a false statement against him. Other English characters in the novel

are in favour of proving Dr. Aziz as a culprit. This process of manipulation of witness shows how witnesses are controlled and manipulated to reverse the real situation so that the victim cannot get justice. This particular case of Dr. Aziz is not about individual but represents the thousands of Indians who are entangled in the biased judiciary system.

Violation of Civil Rights

A Passage to India is also an embodiment of the absence of civil rights of Indians. The novel ostensibly shows that Indians are partially provided with the fair justice system but their civil rights are also violated by the police machinery. When Dr. Aziz reaches railway station, he is arrested by the police without any arrest warrant. Dr. Aziz's close friend, Cyril Fielding, asks the police about the reason of arrest, the police deny answering the question and put Dr. Aziz behind bars. During the arrest of Dr. Aziz, the Inspector of police says: "Sir, excuse me, no warrant is required under these particular circumstances. Refer to Mr. McBryde" (Foster 159). Moreover, Dr. Aziz is also not given the right to bail when a request is sent to magistrate. This incident makes situation clear that his trial is not going to be fair in the British court. It is difficult, to some extent impossible, to expect a fair and impartial trial of Dr. Aziz from the British court when his basic civil rights are restricted by the police as well as the court. With the passage of time, during the trial of Dr. Aziz, all these corrupt practices become evident in the novel.

In conclusion, it can be clearly said that *A Passage to India* by E.M. Forster is a monumental literary work which is always hailed all over the world for its impartial presentation of various aspects of colonial history. The novel shows that judicial machinery is not for the justice for the native people of India but a tool for the British to establish their colonial power over Indian subcontinent. The judiciary system is out and out a corrupt and unfair system where justice is not granted on right or wrong deed but based on power. It proves that might is right.

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