



Mains Practice Question

Q. "Procedural integrity is a cornerstone of good governance, yet there are situations where strict compliance with rules may result in outcomes that violate the spirit of justice. In such circumstances, should a civil servant uphold substantive justice even if it means deviating from procedural norms?" Discuss with relevant examples from public administration. (150 words)

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Approach:

- Introduce the answer by giving a reference quote to justify the statement of the question
- Delve into the ethical dilemma between Procedural Integrity vs. Spirit of Justice
- Give Arguments for Upholding Procedural Integrity and Upholding Substantive Justice
- Give a balanced approach in the end and conclude with a quote.

Introduction:

Plato argued that "**Justice is giving everyone his due.**" In governance, this raises a conflict between **procedural justice (adherence to rules and due process)** and **substantive justice (the ethical and fair outcome of an action)**. While procedural integrity ensures transparency and accountability, blind adherence may sometimes contradict the moral essence of justice.

Body:

Procedural Integrity vs. Spirit of Justice: An Ethical Dilemma in Public Service Civil servants function within a **framework of laws and rules**, yet real-world situations often challenge the sufficiency of procedural compliance. Strict adherence may:

- Deny the needy access to welfare, e.g., **due to lack of documents**.
- Delay life-saving interventions during disasters.
- **Systemic exclusion** for marginalized communities due to land acquisition issues.

This leads to a core ethical dilemma: **Should a civil servant uphold the "letter of the law" or act in favor of the "spirit of justice"?**

Arguments for Upholding Procedural Integrity

Merit	Explanation
Rule of Law	Prevents arbitrariness and ensures equal treatment under the law.
Predictability	Builds trust in institutions through standardised procedures.
Accountability	Legal adherence protects officers from personal liability.
Checks Abuse of Power	Prevents misuse of discretion for personal or political gains.

- **Example:** Cancellation of exam results by UPSC due to malpractices, even if it affects some

innocent candidates — ensures **systemic integrity**.

Arguments for Upholding Substantive Justice (Even if Deviating from Procedure)

Concern	Rationale
Ethical Imperative	When rules become unjust in outcome , civil servants must act morally.
Social Justice	Helps include the voiceless and excluded who may not meet rigid criteria.
Situational Necessity	Emergencies demand quick moral judgment , not red tape.
Constitutional Morality	Upholding dignity, equality, and compassion often requires going beyond rules.

- **Example: Jitendra Kumar Soni, IAS**, launched the "**Charan Paduka Abhiyan**" to provide footwear to poor children. His initiative upheld substantive justice by prioritizing dignity over rigid rule-following.
- **Example: In Olga Tellis v. BMC (1985)**, SC held that eviction of pavement dwellers without rehabilitation violated **Right to Livelihood**, even though the eviction was legally valid- an example of **substantive justice trumping procedural correctness**.

While both values are essential, neither can be pursued in **absolutism**. Civil servants should:

- **Use Discretion with Justification:** Any deviation must be recorded with reasons and outcomes, to ensure **auditability**.
- **Follow Proportionality Principle:** Minor procedural deviations may be justified to avoid greater injustice.
- **Apply Ethical Reasoning Tools:**
 - **Rawlsian Justice** (focus on the most disadvantaged)
 - **Code of Conduct & Integrity**

Conclusion:

- Governance must rest on the twin pillars of **procedural integrity and moral reasoning**. Rules are essential scaffolding, but justice is their ultimate aim. As Aristotle said, the law is reason free from passion, but justice often requires compassion. A civil servant must therefore become a moral agent within a legal system, ensuring that no one is denied justice merely because the **process wasn't designed for their reality**.

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