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Q3

(a) Analyse John Rawls's concept of social justice in the Indian Context. (150 word) (b) Discuss the Public Services Code as recommended by the 2nd Administrative Reforms Commission.

UPSC Civil Services Mains 2016 · GS IV · 12 marks · Moral Thinkers and Philosophers

Contributions of moral thinkers and philosophers from India and the world.

Core demand of the question

- (a) Analyse **John Rawls's** concept of social justice in the Indian context
- (b) Discuss the Public Services Code as recommended by the **2nd Administrative Reforms Commission**

Revision summary

- **Rawls chooses justice from behind a veil of ignorance:** equal liberties first, then fair opportunity and the difference principle.

Indian constitutional justice, abolition of untouchability, reservations and welfare laws are local cousins of that design.

Group caste realities and informal labour stretch **Rawls's** original picture but do not cancel the least-advantaged test.

The **Second ARC** wanted a Public Services Code of constitutional allegiance, neutrality, impartiality, integrity, accountability, transparency and courtesy.

Conduct Rules are the floor; the Code was meant as a statutory ethic linked to Lokpal, whistle-blowing and stable tenure.

Introduction

Part (a) takes **Rawls's** design of a fair society and sets it against the Indian Constitution and its inequalities. Part (b) takes the **Second Administrative Reforms Commission's** proposed Public Services Code as the civil-service translation of that fairness.

Body

(a) Rawls's social justice in the Indian context

- **John Rawls**, in A Theory of Justice, asks what principles people would choose in an "original position" behind a "veil of ignorance", not knowing their caste, class, gender or talent.
- **First principle:** each person is to have an equal right to the most extensive scheme of equal basic liberties compatible with the same liberties for others.
- **Second principle:** social and economic inequalities are allowed only if offices are open under fair equality of opportunity, and if they most benefit the least advantaged (the difference principle).
- In India the Preamble's justice - social, economic and political - and **Articles 14** to 18 already speak **Rawls's** first language: equal liberty and the attack on status hierarchy.

- **Directive Principles push the difference principle:** living wage, nutrition, education, and the weaker sections in **Article 46**.
- Reservations in education, jobs and legislatures are an Indian tool for fair equality of opportunity where caste and historical exclusion blocked the starting line. **Rawls** allows inequalities that help the least advantaged; he would still test a creamy-layer capture.
- Land reform, the **Mahatma Gandhi National Rural Employment Guarantee Act, 2005**, the **National Food Security Act, 2013**, and school entitlements under the Right of Children to **Free and Compulsory Education Act, 2009** are difference-principle cousins: they shift primary goods toward the worst-off.
- **Limits in the Indian context:** **Rawls** assumed a relatively closed, well-ordered society. India has deep group identities, religious personal laws, and informal labour that his two principles do not automatically sort.
- **Group justice versus individual veil:** **Ambedkar**'s emphasis on annihilating caste is close to **Rawls** on status; some Indian debates on group rights go beyond **Rawls**'s individualist frame.
- Judicial review, basic structure, and **Article 21** jurisprudence expand basic liberties in a Rawlsian spirit, while still fighting over property, environment and affirmative action.
- **A Rawlsian civil servant therefore asks:** does this file enlarge equal liberty, keep offices fairly open, and improve the life of the person who would do worst if the policy fails?

(b) Public Services Code, **Second Administrative Reforms Commission**

- The **Second Administrative Reforms Commission**, in *Ethics in Governance* and in the report on *Refurbishing of Personnel Administration*, wanted values written as a Public Services Code, not only as scattered Conduct Rules.
- It distinguished a short code of ethics (values) from a detailed code of conduct (enforceable do's and don'ts).
- Recommended values included allegiance to the Constitution and the law; function in a politically neutral manner; objectivity and impartiality; integrity; accountability for decisions; transparency; and courtesy and responsiveness to the public.
- It sought statutory backing, including through a Civil Services law, so that values were not only academy posters.
- **It linked the code to integrity systems:** a Lokpal, whistle-blower protection, restriction of arbitrary transfer, and ethics training.
- The **Central Civil Services (Conduct) Rules, 1964** and the All India Services (Conduct) Rules, 1968 already punish some breaches; the Commission found them necessary but insufficient as a living ethic.
- A Public Services Code would tell an officer what kind of trustee to be; Conduct Rules tell what will start a charge sheet.
- **In Rawlsian terms the Code is fair equality of opportunity inside the State:** the citizen meets a referee, not a faction.
- **Implementation remains partial:** Conduct Rules and mission karmayogi-type training exist; a single statutory Public Services Code of the ARC's full ambition is still more aspiration than daily booklet.
- **For practice, the ARC list is still the right desk test:** Constitution first, no party work, reasons on file, no private gain, answer to the public, and a civil tongue at the counter.

Flow diagram

Veil of ignorance -> Equal basic liberties

Veil of ignorance -> Fair opportunity and difference principle

Equal basic liberties -> Indian Constitution

Fair opportunity and difference principle -> Indian Constitution

2nd ARC Public Services Code Public Services Code -> Neutrality integrity accountability

Neutrality integrity accountability -> Officer as referee

Conclusion

Rawls's social justice is equal basic liberties plus inequalities that remain fair and that help the least advantaged. India's Constitution, reservations and welfare statutes walk that road with caste and poverty as the local facts. The **Second ARC's** Public Services Code is the officer's version: Constitution, neutrality, integrity, accountability and courtesy, backed by law and not only by a lecture.

Facts & figures

John Rawls, A Theory of Justice, 1971

Sets out the original position, the veil of ignorance, equal basic liberties, fair equality of opportunity and the difference principle.

Preamble, Constitution of India

Promises justice - social, economic and political - which is the Indian heading for social justice.

Second Administrative Reforms Commission

Recommended a Public Services Code of values and a stronger integrity system in Ethics in Governance and personnel-administration reports.

Central Civil Services (Conduct) Rules, 1964

Existing enforceable conduct floor that the ARC judged necessary but not a full code of ethics.

Mahatma Gandhi National Rural Employment Guarantee Act, 2005

A statutory employment floor for rural households; an Indian instrument that can be read through **Rawls's** concern for the least advantaged.

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