

ABSTRACT

WELFARE, RESOURCE OR CAPABILITY A CASE OF AFFIRMATIVE ACTIONS IN INDIA

****RITABRATA ROY & TRIMAN GOEL¹**

This research concerns the issue of affirmative action scheme enshrined within Part III of the Constitution of India with respect to the theories of distributive justice proposed by Ronald Dworkin, Michael Otsuka and Amartya Sen. The researchers are keen to find out to what extent has the affirmative action framework in India abide by the corridors of the distributive egalitarianism of the aforementioned scholars. The research begins with Dworkin's 'imaginary island' example and reflect upon various scholarly criticisms that Dworkin's model has attracted over the years. Adhering to a doctrinal method of analysis throughout the present study, the authors hypothesize that the Indian scheme of affirmative actions is best manifested through the 'capability approach' of Amartya Sen.

Keywords:

Distributive justice, reservation, affirmative action, philosophy, law, Ronald Dworkin, Amartya Sen.

¹ 1. Ritabrata Roy, PhD Research Scholar, University of Sussex, United Kingdom, email – rr339@sussex.ac.uk (corresponding author) Co-author – Trimman Goel, Student, Lloyd Law College, India, email - trimangofficial@gmail.com.