

Unemployment in India: A Constitutional Perspective

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Abstract

Unemployment remains one of the most persistent socio-economic challenges facing India. Despite rapid economic growth in certain sectors, a significant proportion of the population continues to struggle with joblessness, underemployment, and informal employment. The Indian Constitution does not explicitly guarantee the right to employment as a fundamental right, yet it places a moral and policy obligation upon the State through the Directive Principles of State Policy, particularly Article 41, to ensure the right to work and public assistance in cases of unemployment. This paper critically examines unemployment in India from a constitutional perspective by analysing the relevant constitutional provisions, judicial interpretations, and employment-related policies. Using both secondary data (PLFS reports, government documents, and published studies) and a conceptual primary data framework, the study highlights the gap between constitutional ideals and labour-market realities. The paper argues that strengthening employment policies and giving greater constitutional force to the right to livelihood is essential for inclusive and sustainable development.

Keywords: Unemployment, Indian Constitution, Article 41, Directive Principles, Right to Work, Labour Market.

Introduction

Unemployment is not merely an economic issue; it is a social, political, and constitutional concern that directly affects human dignity and social justice. In a developing country like India, employment plays a crucial role in poverty reduction, social inclusion, and economic stability. However, India continues to face challenges such as open unemployment, disguised unemployment, seasonal unemployment, and educated unemployment, especially among youth and women.

From a constitutional viewpoint, unemployment raises fundamental questions about the responsibility of the State towards its citizens. The framers of the Indian Constitution were deeply influenced by the ideals of social justice and welfare state principles. Although the Constitution does not recognize employment as a justiciable fundamental right, it envisages a socio-economic order in which the State actively works towards securing livelihoods for all. This paper explores how constitutional provisions address unemployment and evaluates the effectiveness of State policies in fulfilling these commitments.

Concept and Types of Unemployment in India

Unemployment refers to a situation in which individuals who are willing and able to work at prevailing wage rates are unable to find employment. In the Indian context, unemployment takes several forms:

Open Unemployment: Persons willing to work but unable to find any job.

Disguised Unemployment: More workers are engaged in an activity than required, commonly seen in agriculture.

Seasonal Unemployment: Employment available only during certain seasons, especially in agriculture and allied activities.

Educated Unemployment: Increasing unemployment among educated youth due to skill mismatch and limited job opportunities.

Underemployment: Individuals working below their capacity or skill level.

These forms of unemployment highlight structural weaknesses in India's labour market and underline the importance of constitutional and policy interventions.

Constitutional Framework Related to Unemployment Directive Principles of State Policy

The Directive Principles of State Policy (DPSP) form the backbone of India's welfare-oriented constitutional philosophy. Article 41 of the Constitution explicitly states that the State shall, within its economic capacity and development, make effective provision for securing the right to work, education, and public assistance in cases of unemployment, old age, sickness, and disablement.

Although DPSPs are non-justiciable, they are fundamental in the governance of the country. They serve as guiding principles for policy formulation and legislative action. Article 39 further directs the State to ensure that citizens have adequate means of livelihood and that economic resources are distributed to serve the common good.

Fundamental Rights and Right to Livelihood

While unemployment is not directly addressed under Fundamental Rights, the judiciary has expanded the interpretation of Article 21 (Right to Life and Personal Liberty) to include the right to livelihood. The Supreme Court has held that the right to life is meaningless without the means of livelihood, thereby indirectly linking employment with fundamental rights.

This judicial interpretation bridges the gap between non-justiciable directives and enforceable rights, strengthening the constitutional basis for addressing unemployment.

Judicial Interpretation and Case Laws

Indian courts have played a significant role in interpreting constitutional provisions related to employment and livelihood. In several landmark judgments, the Supreme Court emphasized that the State has a responsibility to create conditions for meaningful employment.

The judiciary has consistently held that although the right to employment cannot be claimed as a fundamental right, the State cannot adopt policies that arbitrarily deprive individuals of their livelihood. Public employment schemes and welfare measures have often been upheld as legitimate tools for achieving constitutional goals.

These interpretations reinforce the idea that unemployment is not solely an economic failure but also a governance and constitutional concern.

Employment Policies and Constitutional Obligations

Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA)

MGNREGA is one of the most significant policy initiatives aimed at operationalizing Article 41. It provides a legal guarantee of at least 100 days of wage employment to rural households. The Act reflects

the constitutional commitment to social justice and the right to work.

MGNREGA has contributed to income security, reduction in distress migration, and rural asset creation. However, challenges such as delayed wage payments, insufficient work availability, and administrative hurdles limit its effectiveness.

Skill Development and Employment Schemes

Various skill development programmes aim to address educated unemployment and skill mismatch. While these initiatives align with constitutional objectives, their impact has been uneven due to issues such as quality of training and lack of linkage with market demand.

Trends in Unemployment: Secondary Data Analysis

Secondary data from Periodic Labour Force Survey (PLFS) reports indicate that unemployment rates in India show variations across regions, gender, and age groups. Urban unemployment tends to be higher than rural unemployment, while female labour force participation remains relatively low.

Youth unemployment is a growing concern, reflecting structural changes in the economy and inadequate job creation. These trends highlight the gap between constitutional aspirations and actual labour-market outcomes.

Primary Data Framework

To complement secondary data, a primary survey framework can be designed to study unemployment at the grassroots level. Such a survey may include:

Household employment status

Access to public employment schemes

Awareness of constitutional provisions related to employment

Perceived barriers to employment

Primary data can provide valuable insights into how constitutional commitments are experienced by citizens in their daily lives.

Challenges in Realizing Constitutional Goals

Several factors hinder the realization of constitutional commitments to employment:

Non-justiciable nature of DPSPs

Fiscal and administrative constraints

Rapid population growth and demographic pressure

Skill mismatch and technological change

Informalization of labour

These challenges necessitate stronger policy coordination and institutional reforms.

Policy Recommendations

Strengthen employment-intensive growth strategies.

Improve implementation and funding of public employment programmes.

Enhance skill development aligned with market needs.

Increase female labour force participation through supportive policies.

Consider giving greater legal backing to the right to livelihood.

Conclusion

Unemployment in India poses a serious challenge to the constitutional vision of social justice and economic democracy. While the Constitution does not guarantee employment as a fundamental right, it places a clear responsibility on the State to strive towards full employment through policy measures. The gap between constitutional ideals and labour-market realities underscores the need for stronger institutional commitment, effective policy implementation, and inclusive growth strategies. Addressing unemployment is essential not only for economic development but also for upholding the constitutional promise of dignity and equality for all citizens.

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