

**The Viksit Bharat Guarantee for Rozgar and Ajeevika Mission
(Gramin) Act, 2025: Legislative Design, Constitutional Architecture
and the Evolving Framework of Rural Livelihood Guarantees**

Dr. Bharat¹

Abstract

The Viksit Bharat Guarantee for Rozgar and Ajeevika Mission Gramin Act, 2025, constitutes a decisive reorganization of the statutory framework governing rural employment and livelihood security in India. Against the backdrop of changing development paradigms and falling demand under the Mahatma Gandhi National Rural Employment Guarantee Act 2005; the 2025 Act endeavors to reconstitute rural employment as a mission integrating employment, skill generation and sustainable rural livelihoods. This research paper undertakes a comprehensive legal and policy analysis of the VB-G RAM G Act through five interrelated frames: legislative history and policy rationale; constitutional foundations within the Directive Principles of State Policy and Fundamental Rights jurisprudence; comparative perspectives from domestic and international employment-guarantee regimes; implementation challenges and economic implications; and the scope of judicial review in enforcing socio-economic guarantees. The paper contends that the new law represents a paradigmatic shift in terms of outcome-oriented rural development and fiscal rationalisation. It simultaneously evokes critical constitutional and justiciability challenges. Specifically, the re-calibration of the mechanisms of enforceability, the decentralised mechanisms of planning and the conditionality of entitlements warrant a re-examination under the guarantees of Articles 14, 21 and 23 of the Constitution of India. A comparative analysis of the VB-G RAM G Act with the MGNREGA and other global similar schemes such as the Jefes y Jefas system in Argentina and the Expanded Public Works Programme in South Africa will plot the relative framework of the argument to substantiate the role such legislation assumes in terms of the efficacy of the legal standing of the right to work. Adopting doctrinal method of research, it concludes that the long-term efficacy of the VB-G RAM G Act is dependent upon the judiciary's willingness to enforce

¹ Professor of Law, University Institute of Legal Studies, Panjab University, Chandigarh.

the constitutional guarantee to dignified livelihoods as a fundamental component of substantive equality.

Keywords: Rural Employment Guarantee; VB-G RAM G; Right to Livelihood; Directive Principles of State Policy; Judicial Review; Comparative Employment Law; Socio-Economic Rights.

I. INTRODUCTION

The Constitution does not merely confer power; it imposes a solemn obligation upon the state to secure conditions in which every human being can live with dignity, free from want and fear.²

The guarantee of employment and the security of a livelihood have occupied a central place in the Indian constitutional and developmental imaginary. From the early post-Independence emphasis on the importance of planned economic development to the judicial expansion of the notion of the right to a livelihood under Article 21 of the Indian Constitution, the Indian State has repeatedly sought to endorse the importance of the lack of concern with the question of material well-being as a conditionality of citizenship itself.³ The passing of the Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (*hereinafter* referred to as the MGNREGA) marks an important turning point in the evolution of the notion of the right to a guaranteed job.⁴

Two decades post that, the Viksit Bharat Guarantee for Rozgar and Aajeevika Mission (Gramin) Act, 2025 (*hereinafter* referred to as the VB-G RAM G) is the most substantial legislation in the sphere of rural employment policies after the MGNREGA. Under the 2025 Act, the existing legislation is repealed and replaced by the new legislation, not only by enhancing the rural intervention contours but also by reorganizing the nature of the guarantees provided.⁵ As a

²*Olga Tellis v. Bombay Mun. Corp.*, (1985) 3 S.C.C 545, 573 (India) (holding that the right to livelihood is an integral component of the right to life under Article 21 and that deprivation of livelihood strikes at the core of human dignity).

³ *Olga Tellis v. Bombay Mun. Corp.*, (1985) 3 S.C.C 545, 573 (India).

⁴ The Mahatma Gandhi National Rural Employment Guarantee Act, No. 42 of 2005, § 3, Acts of Parliament, 2005 (India).

⁵ The Viksit Bharat Guarantee for Rozgar and Aajeevika Mission (Gramin) Act, No. 36 of 2025, § 1(3), Acts of Parliament, 2005 (India).

part of the overarching idea of creating a “Viksit Bharat”, the new law aims to bring about a synergy between wage-based employment and the creation of a livelihood, skillset and asset creation in villages.⁶

This legislative change is subject to pertinent legal and policy implications. Does the VB-G RAM G Act strengthen or erode the legal right to employment? How does the VB-G RAM G Act align the mission mode governance paradigm with the constitutional obligation to deliver social and economic justice? To what extent can the legal right to employment be legally enforced in a reformed statutory system that prioritizes planning flexibility over the actualization of employment guarantees?

The present paper argues that the VB-G RAM G Act should be understood to be operating not merely as an administrative reform, but as a constitutional event that fundamentally reconfigures the State’s responsibility towards Rural Citizens. Accordingly, this paper has been divided into six sections. Part I, *i.e.*, this part, essentially laid the foundational framework of the present research paper, while Part II will discuss the legislative intervention and policy background underlying the introduction of the new law, Part III will look at the constitutional underpinnings of the VB-G RAM G Act, Part IV will contextualize it with domestic and international law, Part V will attempt to evaluate the challenges and economic ramifications and finally, Part VI will discuss the judicial review and enforceability aspects, with the conclusion seeking to assess whether the law salutary or deleteriously impacts the constitutional conundrum of offering Rural Citizens a life with dignity.

II. Legislative History and Policy Rationale

A. From Employment Guarantee to Livelihood Mission

The legislative roots of the VB-G RAM G Act may be traced to several policy interventions on the design and results of the MGNREGA. Although the MGNREGA has been hailed as a landmark that established the justiciable “Right to Work”, the government has increasingly assessed it as a “safety-net program” that is “not aligned with the needs of long-term development in the villages.”⁷ There has been much discussion about the “declining demand for work, delays

⁶ *Id.* pmb1.

⁷ Ministry of Rural Dev., Gov’t of India, Annual Report 2023-24, at 112-15.

in payment of wages, shorter asset lifespan”, indicative of “structural fatigue in the program.”⁸

In the above context, the Statement of Objects and Reasons prevailing in the VB-G RAM G Bill, 2025 indicated the shift from “short-term wage relief” to “sustainable livelihood enhancement.”⁹ The legislative changes explicitly redefine rural employment as part of the overall livelihoods system, which covers agriculture-related activities, skill-based employment and infrastructure development.¹⁰

B. Parliamentary Debates and Political Contestation

The Parliamentary debates on the Bill show a marked ideological divide in opinion. Speakers who argued in favor emphasized the need to be flexible on the issues of decentralised planning and fiscal discipline, to the extent that strict legislative provisions hampered innovation in the grassroots sector.¹¹ The opposition, on the other hand, cautioned that by changing the framework from the unconditional to the conditional, the hard-won right to employment guaranteed by the MGNREGA would be undermined.¹² A few Members of Parliament even quoted the Supreme Court decisions on the right to livelihood being an integral part of the right to life.¹³

Nevertheless, the Bill was enacted with a majority vote. This shows that the Government was committed to adjusting rural welfare within a development context.¹⁴ It was given Presidential Assent in December 2025 to make it a law.¹⁵

⁸ Comptroller & Auditor Gen. of India, Performance Audit of MGNREGS, Rep. No. 6 of 2023, ¶¶ 3.1-3.4.

⁹ The Viksit Bharat Guarantee for Rozgar and Ajeevika Mission (Gramin) Bill, 2025, Statement of Objects and Reasons.

¹⁰ VB-G RAM G Act, §§4-6.

¹¹ Lok Sabha Debates, Dec. 12, 2025, col. 234-36.

¹² *Id.* col. 248-50.

¹³ *Id.* col. 252 (referencing *Olga Tellis*, (1985) 3 S.C.C. 545).

¹⁴ Rajya Sabha Debates, Dec. 18, 2025, col. 118-20.

¹⁵ Gazette of India, Extraordinary, Dec. 24, 2025.

C. Policy Objectives Embedded in the Act

There are three interlinked policy objectives that the VB-G RAM G Act specifically seeks to address. First, the Act appears to improve rural employment through an enhancement in the statutory upper limit of the guaranteed workdays, combined with the diversification of the types of work undertaken.¹⁶ Second, the law aims to bring labor and skill enhancement together with the creation of assets. This is necessary in response to the charge of “dig-and-fill” work that the former system encouraged.¹⁷ Third, the law places emphasis on the use of technology to monitor and improve fiscal accountability.¹⁸

These objectives, while normatively appealing, generate complex legal questions regarding entitlement, enforceability and constitutional accountability questions that this paper now turns to examine.

III. Constitutional Foundations of the Act, 2025

Socio-economic rights are not merely aspirations; they are demands for a society in which human dignity is taken seriously.¹⁹

A. Directive Principles of State Policy and the Constitutional Vision of Employment

The constitutional legitimacy of the VB-G RAM G Act essentially needs to be situated under Part IV of the Constitution of India. The Directive Principles of State Policy (DPSPs) spell out a normative framework binding upon the State to strive for social and economic justice, even in cases where such obligations are not per se enforceable in courts.²⁰ Amongst these, Articles 38, 39, 41 and 43 enjoin employment, livelihood and decent conditions of work as constitutional objectives rather than discretionary policy choices.²¹

Article 41 assumes particular relevance in this context. It binds the government to “make effective provision for securing the right to work” within the bounds of

¹⁶ VB-G RAM G Act, §7.

¹⁷ *Id.* §9.

¹⁸ *Id.* §§ 21-23.

¹⁹ Sandra Liebenberg, *Socio- Economic Rights: Adjudication under a Transformative Constitution* 25 (2010).

²⁰ INDIA CONST. pt. IV

²¹ *Id.* arts. 38, 39, 41, 43.

its economic capabilities and development.²² While traditionally considered non-justiciable, Article 41 has been interpreted as providing a constitutional basis for legislative measures providing for employment from as early as a century ago.²³ The MGNREGA, 2005 was considered the most specific manifestation of Article 41, which empowered a legal right from a directive obligation.²⁴

The reference to this constitutional lineage is evident in the name itself- “VB-G RAM G Act.” Its Preamble clearly underscores this goal of the State to provide greater employment and livelihood options in the rural area as a constituent part of the development objective of creating a “Viksit Bharat”.²⁵ The difference, however, is that whereas MGNREGA is limited to a narrow employment guarantee, it is only a mission mode approach under the 2025 law that provides employment, livelihood, skill and assets.²⁶ The question, however, that has to be asked is whether a right-based approach is converted into a mission mode while legislating a constitutional obligation under Article 41: does it not open up the right to work to a debasement?

It is true that the judiciary in India, over a long period, has taken a view that while DPSPs cannot be enforced by themselves, yet they remain fundamental to the governance of this country.²⁷ In the case of *State of Kerala v. N.M. Thomas*, it was emphasized by the Supreme Court that Fundamental Rights and Directive Principles taken together form the conscience of our Constitution.²⁸ As such, it would not be proper to look at the VB-G RAM G Act in terms of administrative efficiency only; it would be proper to look at it in terms of its conformity to the overall ethos of Part IV.

B. Right to Livelihood under Article 21: From Judicial Expansion to Legislative Retrenchment?

The most significant constitutional development relevant to rural employment guarantees lies in the judicial expansion of Article 21. Beginning in the late 1970s

²² *Id.* art. 41.

²³ *Minerva Mills Ltd. v. Union of India*, (1980) 3 S.C.C. 625, 647 (India).

²⁴ Jean Dreze & Amartya Sen, *An Uncertain Glory: India and Its Contradictions* 212-15 (2013).

²⁵ VB-G RAM G Act, pmbi.

²⁶ *Id.* §§ 4-6.

²⁷ *State of Madras v. Champakam Dorairajan*, A.I.R. 1951 S.C. 226, 228 (India).

²⁸ *State of Kerala v. N.M. Thomas*, (1976) 2 S.C.C. 310, 343 (India).

and culminating in *Olga Tellis v. Bombay Municipal Corporation*, the Supreme Court emphatically recognized the right to livelihood as an integral component of the right to life.²⁹ The Court reasoned that it will be impossible to deprive a person of his livelihood except as a consequence of some other concomitant depletion of his life, thus making such a deprivational incidence covered within the inhibition of Article 21.³⁰

Subsequent rulings strengthened this jurisprudence to hold that Article 21 would include a right to live with dignity, adequate means of subsistence and humane conditions of work.³¹ Although the Court resisted proclaiming an absolute right to employment, it nevertheless began to lay down quite consistently that what the State cannot do is implement policies that arbitrarily demolish livelihood security.³²

The enactment of the MGNREGA was seen as a legislative embodiment of this jurisprudence as the translation of the abstract right to livelihood as a concrete guarantee of right.³³ The VB-G RAM G Act, on the other hand, stands in a much vaguer constitutional space; though it still speaks of guarantee, discretion becomes much wider in matters of employment and livelihood of varying types and durations.³⁴

Such a development attracts the test of Article 21, especially in the context of the doctrine of non-regression in socio-economic rights. While such a qualitative preventative test of regression has not found explicit articulation in the context of Indian constitutional law jurisprudence, it is accepted within the realm of comparative constitutional law and international human rights law.³⁵

²⁹ *Olga Tellis v. Bombay Mun. Corp.*, (1985) 3 S.C.C 545, 573 (India).

³⁰ *Id.*

³¹ *Francis Coralie Mullin v. Adm'r, Union Territory of Delhi*, (1981) 1 S.C.C. 608, 618 (India).

³² *Olga Tellis v. Bombay Mun. Corp.*, (1985) 3 S.C.C. 545, 573 (India).

³³ Upendra Baxi, *The Right to Work and the Indian Constitution*, 2 J. INDIAN L. INST. 1, 18–20 (2006).

³⁴ VB-G RAM G Act §§ 7–9.

³⁵ Int'l Covenant on Econ., Soc. & Cultural Rights art. 2(1), Dec. 16, 1966, 993 U.N.T.S. 3.

C. Equality, Non-Arbitrariness and Article 14

Article 14 of the Constitution acts as a lens for judging the rationale for both the content and implementation of the VB -G RAM G Act. The Supreme Court has consistently referred Article 14 by pronouncing arbitrariness incompatible with equality and that state action must measure up to norms of reasonability and non-discrimination.³⁶ Welfare legislation attracts some deference but it is not entirely beyond the reach of constitutional scrutiny if unreasonable classifications are fashioned and executive discretion is unfettered.³⁷

The decentralization at the village level under the VB-G RAM G Act could be seen as having a bearing on the overall implication of Article 14 since, to a certain degree, such decentralization can be said to be compliant with the provisions under Part IX, which incorporates Panchayati Raj in the Constitution.³⁸ However, such decentralization would be fraught with risks of differing levels of implementation in various States and districts; and accordingly, access to such opportunities could be differential.³⁹

Further, the use of technology-driven mechanisms stipulated under the law would possess equality implications.⁴⁰ Indeed, prior experience with the MGNREGA underlines the possibility of technological exclusion affecting marginalized sections such as migrant workers, women and those suffering from disabilities.⁴¹ Any proposal that would lead to exclusion on an overarching scale would be at risk of being struck down on the basis of Articles 14 of the Constitution on the account of being indirect discrimination.

D. Forced Labour, Dignity and Article 23

Article 23 prohibits the traffic in human beings and forced labour. This article has been widely construed by the Supreme Court to characterize labour that is extracted without just and humane conditions.⁴² In the case of People's Union for

³⁶ E.P. Royappa v. State of Tamil Nadu, (1974) 4 S.C.C. 3, 38 (India).

³⁷ Subramanian Swamy v. Dir., C.B.I., (2014) 8 S.C.C. 682, 706 (India).

³⁸ INDIA CONST. pt. IX.

³⁹ Planning Comm'n, Gov't of India, *Decentralised Planning in India* 45–47 (2014).

⁴⁰ VB-G RAM G Act §§ 21–23.

⁴¹ ReetikaKhera, Aadhaar and Welfare: A Case of Exclusion, 52 ECON. & POL. WKLY. 38, 41–43 (2017).

⁴² INDIA CONST. Art. 23.

Democratic Rights v. Union of India, the Supreme Court held that non-payment or delay in payment of statutory minimum wages amounted to forced labour.⁴³

Employment guarantee schemes operate, by their very nature, at the intersection of poverty and compulsion. Thus, the constitutional legitimacy of such schemes necessarily turns on ensuring work conditions are dignified, wages timely and participation genuinely voluntary.⁴⁴ The VB-G RAM G Act retains statutory safeguards relating to wage payments and work conditions, but its success in complying with Article 23 will rest upon effective enforcement mechanisms.⁴⁵

Any systemic failure in assuring wages in time or safe working conditions may constitute not only statutory violations but also rise to the level of constitutional infirmity under Article 23, inviting judicial intervention.

E. Justifiability and the Limits of Judicial Enforcement

One of the enduring tensions in the enforcement of socio-economic rights has been the delicate balance between judicial enforcement and regard for legislative and executive policy decisions. In many instances, the Supreme Court has emphasized the need for the courts to be mindful of and refrain from overstepping in the role of policy-makers, especially in the allocation of fiscal resources.⁴⁶ However, it has also emphasized its obligation to enforce the minimum standards contemplated in the constitution and safeguard vulnerable sections of society from arbitrary executive action.⁴⁷

The VB-G RAM G Act falls squarely within such a sphere. In restructuring employment guarantees under a mission mode framework, the law arguably stretches the scope of discretion while constricting the scope of entitlement.⁴⁸ Whether such entitlements are enforceable or merely aspirational is still to be seen and will significantly determine the growth trajectory of rural livelihood jurisprudence.

⁴³ People's Union for Democratic Rights v. Union of India, (1982) 3 S.C.C. 235, 259 (India).

⁴⁴ *Id.*

⁴⁵ VB-G RAM G Act § 15.

⁴⁶ BALCO Emps.' Union v. Union of India, (2002) 2 S.C.C. 333, 372 (India).

⁴⁷ Paschim Banga Khet Mazdoor Samity v. State of W.B., (1996) 4 S.C.C. 37, 52 (India).

⁴⁸ VB-G RAM G Act §§ 24–27.

IV. Comparative Perspectives: Domestic And International Models of Employment Guarantees

A. From MGNREGA to VB-G RAM G: Continuity and Departure in India's Employment Guarantee Jurisprudence

The MGNREGA has a *sui generis* position amongst Indian social security legislation. It was the first law to convert an economic directive within Article 41 into a liability or legally enforceable right, with provisions for remedial action for breach.⁴⁹ The VB-G RAM G Act, 2025 specifically provides for the repeal of the MGNREGA; at the same time, it also claims continuity with the subjectively applicable determinants of the MGNREGA.⁵⁰ A comparative study would reveal both similarities and differences.

The distinguishing feature of the MGNREGA was its demand-driven character. Employment under the MGNREGA was triggered by an individual household's demand for employment, thereby making it obligatory for the State to provide or generate employment within a specified time-frame, including an unemployment allowance.⁵¹ This design changed administrative failure into actionable tort, thereby making the administration answerable.⁵² Judicial and quasi-judicial bodies frequently employed the MGNREGA design to hold State agencies answerable for delays, wages and non-provision of employment.⁵³

The VB-G RAM G Act, while continuing with the terminology of "guarantee", reconfigures the mechanism by which employment and livelihoods are being provided. Besides enhancing the statutory guarantee, the law is embedded in a larger mission framework and village development plans and livelihood clusters.⁵⁴ While such an approach might be seen to diminish the relevance of individual demand as a trigger for States, it remains to be seen how such demand is subsequently articulated.⁵⁵

⁴⁹ MGNREGA § 3, No. 42 of 2005 (India).

⁵⁰ VB-G RAM G Act § 42 (repeal and savings).

⁵¹ MGNREGA § 3(2).

⁵² *Id.* § 7.

⁵³ See *SwarajAbhiyan v. Union of India*, (2016) 7 S.C.C. 498, 529 (India).

⁵⁴ VB-G RAM G Act §§ 4–6, 9.

⁵⁵ *Id.* § 10.

From the rights perspective, this change is significant. Indeed, there has been an understanding for quite some time that the effectiveness of the MGNREGA has rested not purely upon allocation, but also upon its legal design of enforceability.⁵⁶ In contrast, the focus of the VB-G RAM G Act on outcomes, convergence and flexibility has broader scope for administrative discretion, which may impact the extent of individual rights.⁵⁷

Yet, to say that the new law is regressively framed would be simplistic. Naming the components such as livelihood activities, skill development and the creation of durable assets addresses the challenge to the earlier MGNREGA on economic value addition.⁵⁸ The conundrum with constitutional framing, therefore, lies in the balancing act between innovation and the enforceability of right.

B. Argentina's Jefes y Jefas de Hogar Programme: Emergency Employment as a Rights Response

Globally, Argentina's 'Jefes y Jefas de Hogar Desocupados' intervention can be cited for comparison purposes. It was conceived in 2002 to address a severe economic crisis, providing minimum income support and jobs for the unemployed heads of households.⁵⁹ It was meant to be an emergency measure but became a quasi-right to employment for nearly two million people.⁶⁰

Unlike India's employment guarantee laws, it was implemented largely through executive action rather than an overarching legislation.⁶¹ Nevertheless, it did include features of a right in terms of the framework of identification criteria and the role of judicial oversight in the grievance process.⁶² Unlike in many other jurisdictions, the Argentine judiciary actively used constitutional provisions of

⁵⁶ Jean Drèze, Employment Guarantee and the Right to Work, 43 *ECON. & POL. WKLY.* 33, 35 (2008).

⁵⁷ Reetika Khera & Nikhil Dey, The Architecture of Rights-Based Welfare, 55 *ECON. & POL. WKLY.* 50, 54 (2020).

⁵⁸ Comptroller & Auditor Gen. of India, Rep. No. 6 of 2023, ¶ 4.2.

⁵⁹ Margherita Comola & Juan Ignacio Sánchez, Argentina's Jefes Programme, *WORLD BANK POL'Y RES. WORKING PAPER* No. 5748, at 3 (2011).

⁶⁰ *Id.* at 6.

⁶¹ *Id.* at 9.

⁶² *Id.* at 12.

dignity and protection as grounds for preventing arbitrary exclusion from the programme.⁶³

Such a comparison highlights an important point *i.e.*, despite the fact that employment guarantees may not be strongly enshrined as such through concrete legislation, judicial intervention can nonetheless transform welfare programs into enforceable socio-economic rights. While employment guarantees are present as such in India, the loss of their enforceability mechanisms would signify an important constitutional shift, compared with jurisdictions wherein these guarantees were never well legalized.

C. South Africa's Expanded Public Works Programme and the Limits of Judicial Enforcement

The South African Expanded Public Works Programme (*hereinafter* referred to as the EPWP), which will be referred to as such from this point forward, presents an alternative model. The EPWP was conceived as a large infrastructure public employment program to create both short-term jobs and train the unemployed in new skills.⁶⁴ However, as opposed to India's MGNREGA, EPWP does not grant any legal right to employment.⁶⁵

In South Africa, courts, which operate in accordance with a constitution that specifically acknowledges socio-economic rights, have adopted the deferential standard of judicial review.⁶⁶ In *Government of the Republic of South Africa v. Grootboom*, the Constitutional Court focused upon the question of reasonability, accepting that the duty of the State was to engage upon progressive realisation of socio-economic rights.⁶⁷

It therefore, offers both cautionary and instructive lessons. On the one hand, it serves to show what protection for minimum norms entails without requiring determinate policy outcomes. On the other hand, it serves to show the tenuous

⁶³ See Corte Suprema de Justicia de la Nación [CSJN] [Supreme Court], 18/9/2007, "Defensor del Pueblo v. Estado Nacional" (Arg.).

⁶⁴ S. AFR. DEP'T OF PUB. WORKS, EXPANDED PUBLIC WORKS PROGRAMME REPORT 2022, at 1.

⁶⁵ *Id.* at 4.

⁶⁶ Liebenberg, Socio-Economic Rights Jurisprudence in South Africa, 19 HUM. RTS. Q. 1, 15–17 (1997).

⁶⁷ Gov't of the Republic of S. Afr. v. Grootboom 2001 (1) SA 46 (CC).

nature of socio-economic protection in the absence of statutory entitlements. The shift towards mission-mode under the VB-G RAM G Act potentially recreates an EPWP model where judicial review is only available for assessing reasonableness.⁶⁸

D. International Labour Organization Standards and the Right to Work

The International Labor Organization (ILO) has always acknowledged the right to work as an essential element of decent work and social justice.⁶⁹ Even though there are no such mandates at the international levels guaranteeing jobs, treaties such as the International Covenant on Economic, Social and Cultural Rights (*hereinafter* referred to as the ICESCR) call for full and productive employment.⁷⁰

The ratification of the ICESCR by India adds strength to the argument that national employment legislation should be interpreted favorably.⁷¹ The Committee on Economic, Social and Cultural rights has frequently emphasized that States must refrain from retrogressive measures unless fully justified by compelling reasons.⁷²

Against this background, it can be seen that the compatibility of the VB-G RAM G Act with international obligations would depend on demonstrating concretely that it enhances access to livelihoods without compromising existing protections. Failure to uphold existing guarantees may subject a State to allegations of violating the principle of progressive realization.

E. Comparative Lessons for India's Constitutional Future

The comparative analysis identifies a range of strategies and approaches to employment and livelihood guarantees. On one end, there is the robust model of rights-based guarantees as envisaged by the MGNREGA, while on the other end, discretionary programs reviewed under 'reasonableness' can be found. A middle

⁶⁸ *Id.* ¶¶ 41–44.

⁶⁹ ILO, DECLARATION ON SOCIAL JUSTICE FOR A FAIR GLOBALIZATION (2008).

⁷⁰ ICESCR Art. 6.

⁷¹ *Vishaka v. State of Rajasthan*, (1997) 6 S.C.C. 241, 250 (India).

⁷² Comm. on Econ., Soc. & Cultural Rights, Gen. Comment No. 3, ¶ 9, U.N. Doc. E/1991/23.

position can be recognized in the VB-G RAM G Act, which combines elements of both statutory guarantees and ‘mission mode governance’.

The constitutional question that India faces is how to ensure that such a hybrid model does not weaken the normative commitment to livelihood as a matter of right. The comparative experience seems to be one in which once the enforceability is weakened, the intervention of the judiciary is more deferential and the burden falls on the beneficiary of administrative discretion.⁷³

A further question is whether Indian courts will resist this trend or whether they will adapt the system to the existing jurisprudence on livelihood rights. This question will be addressed in the following analysis on implementation and review.

V. Implementation Challenges and Economic Implications

A. Fiscal Federalism and Cost-Sharing Constraints

One of the most important structural hurdles which the implementation of the VB-G RAM G Act faces pertains to its financial architecture. While the law follows a centrally sponsored pattern similar to its predecessor, with a specific Central-State sharing ratio,⁷⁴ the expansion of the programme to include livelihood activities, skill development and durable assets creates additional pressures on State finances.⁷⁵

In the constitutional framework of India, expenditure on social welfare programmes is mainly a State responsibility even if the initiative for policies primarily lies with the Centre.⁷⁶ While sponsoring policies have traditionally been utilised to shape State policies on priority issues, there have been tendencies towards conflict between autonomy and uniformity of national policies.⁷⁷ During parliamentary as well as post-enactment consultations, various States have voiced grievances that while responsibilities were being translated into a stricter

⁷³ Liebenberg, *supra* note 18, at 29.

⁷⁴ VB-G RAM G Act § 28.

⁷⁵ Ministry of Rural Dev., Gov't of India, Explanatory Memorandum to the VB-G RAM G Bill, 2025, at 7–9.

⁷⁶ INDIA CONST. art. 246 read with sch. VII.

⁷⁷ M. Govinda Rao, Fiscal Federalism in India, 44 *ECON. & POL. WKLY.* 59, 62 (2009).

regime under the VB-G RAM G framework, there was no proportional increase in central assistance.⁷⁸

This is, therefore, not merely a political concern; it assumes constitutional ramifications as well. In the case of *State of Rajasthan v. Union of India*, it was opined by the Supreme Court that financial stress may impair the effective discharge of the constitutional obligation.⁷⁹ Attempts to alleviate financial pressure through delay and unofficial restriction of access can render the statutory guarantee illusory.⁸⁰ These would be in complete contradiction with the purposes and objects of the law and of the directives under Articles 38 and 41 of the Constitution.

B. Decentralised Planning and Administrative Capacity

The VB-G RAM G Act puts great emphasis on decentralised planning in the form of development plans prepared at the village level by Gram Panchayats.⁸¹ This is consistent with the spirit of grassroots democracy enshrined in Part IX of the Constitution. This approach has been adopted in response to the perceived disconnect between centrally formulated work lists generated by the MGNREGA.⁸²

Nevertheless, decentralisation is presumed upon the presence of administrative capacities, which is diffusely distributed in rural India. Many researchers have pointed out gaps at the Panchayat level in staffing, technology and financial management.⁸³ If planning powers are enhanced without corresponding investment in building capacities, regional inequality could worsen.⁸⁴

The Supreme Court has earlier issued a caution that though decentralisation is normatively desirable, it cannot be used to abdicate constitutional responsibility at a higher level of governance.⁸⁵ The key issue here is that if local bodies lack

⁷⁸ Rajya Sabha Debates, Dec. 18, 2025, col. 131–34.

⁷⁹ *State of Rajasthan v. Union of India*, (1977) 3 S.C.C. 592, 640 (India).

⁸⁰ Jean Drèze & Reetika Khera, *The Battle for Employment Guarantee*, 51 *ECON. & POL. WKLY.* 38, 41 (2016).

⁸¹ VB-G RAM G Act § 11.

⁸² INDIA CONST. pt. IX.

⁸³ Planning Comm'n, Gov't of India, *Evaluation of Panchayati Raj Institutions* 53–56 (2013).

⁸⁴ *Id.* at 60.

⁸⁵ *Union of India v. Rakesh Kumar*, (2010) 4 S.C.C. 50, 67 (India).

adequate capacity to implement the law in an effective manner, then it continues to remain a responsibility vested in the State. The failure to appreciate this would result in governance failure.

C. Technology, Transparency and the Risk of Exclusion

One of the defining features of the VB-G RAM G Act is the reliance upon technology-driven governance mechanisms. Digital registration, biometric authentication, geo-tagging of assets and real-time dashboards are showcased as tools to enhance transparency and reduce leakages.⁸⁶ The abovementioned mechanisms consolidate similar reforms led under the MGNREGA in the last decade.⁸⁷

While technology certainly has improved monitoring and accountability in some contexts, its deployment in welfare administration has generated new forms of exclusion.⁸⁸ Empirical studies of Aadhaar-linked welfare delivery reveal that authentication failures, data mismatch and connectivity problems affect the poorest and most marginalised beneficiaries disproportionately.⁸⁹

Exclusion brought about by technological design creates serious concern under Articles 14 and 21 from a constitutional perspective. In *Justice K.S. Puttaswamy v. Union of India*, while the Supreme Court had upheld the use of Aadhaar in welfare schemes, the court had also warnings against denial of benefit owing to authentication failure.⁹⁰ If technology acts as a barrier rather than facilitator of access under the VB-G RAM G Act, courts may be forced to intervene and restore substantive equality.

D. Labour Market Effects and Rural Wages

Any employment guarantee scheme would have an impact on the rural labour market at some point. The MGNREGA was said to have successfully resulted in an increase in the floor wage rates and improved the bargaining ability of the

⁸⁶ VB-G RAM G Act §§ 21–23.

⁸⁷ Ministry of Rural Dev., Gov't of India, *MGNREGS Operational Guidelines* 2019, ch. 10.

⁸⁸ ReetikaKhera, Aadhaar Failures, 52 *ECON. & POL. WKLY.* 38, 39–42 (2017).

⁸⁹ *Id.*

⁹⁰ *K.S. Puttaswamy v. Union of India*, (2019) 1 S.C.C. 1, 447 (India).

labour workforce.⁹¹ However, the major criticism was that the policy interfered with the labour market by increasing the labour costs associated with farming and small businesses.⁹²

These effects could be heightened with the broader scope provided by the VB-G RAM G Act. The skill-based work and work that is livelihood-oriented have the potential to result in an improved productivity and income prospects.⁹³ However, in the short term, the priority given to asset creation in the implementation of the law may undermine the income security.⁹⁴

According to economic theory, employment guarantees tend to perform best as counter-cyclical stabilisers, expanding during periods of recession and contracting during periods of expansion.⁹⁵ The ability or rigidity of the VB-G RAM G framework in responding to these macroeconomic changes would be the key determinant of the success of the VB-G RAM G initiative as a stabiliser. A failure to accommodate counter-cyclical demand could compromise the overall economic justification for the law.

E. Gender, Care Work and Inclusive Livelihoods

One of the notable accomplishments of the MGNREGA has been higher female participation in the program, which can be attributed to various provisions providing for equal wage scales and the geographical proximity of work sites.⁹⁶ The VB-G RAM G Act maintains its formal commitment to women's inclusion; however, one of the interesting factors in this move towards skill-linking livelihoods is whether women with parenting responsibilities will be able to access these opportunities.⁹⁷

⁹¹ Ravi Kanbur et al., Employment Guarantee and Rural Wages, 45 *ECON. & POL. WKLY.* 59, 63 (2010).

⁹² Surjit Bhalla, MGNREGA and Labour Markets, 47 *ECON. & POL. WKLY.* 10, 12 (2012).

⁹³ VB-G RAM G Act § 9.

⁹⁴ Dr ze & Sen, *supra* note 5, at 219.

⁹⁵ Martin Ravallion, Employment Guarantees as Safety Nets, 9 *WORLD BANK RES. OBSERVER* 1, 5(1991).

⁹⁶ MGNREGA § 4(6).

⁹⁷ VB-G RAM G Act § 14.

If the activities entail longer hours of engagement, greater mobility, or skill levels, women's active engagement might dwindle.⁹⁸ Clearly, such a scenario not only defeats the cause of gender equity in the country, it is also in stark contrast to the aims of the Constitution under Articles 15(3) and 39(a),⁹⁹ as it pertains to gender equity.

F. Economic Sustainability and Long-Term Outcomes

The final rationale supporting the VB-G RAM G Act is the promise of rural sustainable development. By providing a linkage between employment and asset creation, the law aims at achieving the possibility of more than mere consumption smoothing.¹⁰⁰

Yet, it will be achieved through rigorous evaluation and adaptive governance at the same time. Indeed, previous experience with large-scale rural schemes has clearly demonstrated that without such constant evaluation and independent audits, lofty aspirations can easily descend into bureaucratic formalism.¹⁰¹ The success of the law will also depend upon whether outcome measurement is complementary or substitutive to the security of immediate livelihoods.

VI. Judicial Review, Enforceability and the Future of Rural Livelihood Rights

A. Nature of Rights under the VB-G RAM G Act: Entitlement or Expectation?

A pertinent question which will confront judges seeking to construe the scope of the VB-G RAM G Act, 2025 will be the juridical categorization of the "guarantee" which it promises to secure. As has been seen, under Indian constitutional law, tripartite categorization among enforceable rights, statutory rights and legitimate expectations based on policy statements will decisively shape the intensity of judicial review.¹⁰²

Under the MGNREGA regime, the statutory framework was quite clear. Section 3 provided a clear legal entitlement to employment. Moreover, there was a

⁹⁸ Naila Kabeer, Gender, Labour and Public Works, 46 ECON. & POL. WKLY. 49, 52 (2011).

⁹⁹ INDIA CONST. arts. 15(3), 39(a).

¹⁰⁰ VB-G RAM G Act pmbl.

¹⁰¹ Comptroller & Auditor Gen. of India, Rep. No. 6 of 2023, ¶ 6.1.

¹⁰² Union of India v. Hindustan Dev. Corp., (1993) 3 S.C.C. 499, 520 (India).

monetary remedy under Section 7 in the form of unemployment allowance if employment under the scheme was not provided.¹⁰³ The courts treated denial of employment or non-payment of wages as a legal wrong.¹⁰⁴

The re-captioned nature of the VB-G RAM G Act's "guarantee" obligations focuses on planning instruments, convergence mechanisms and outcome measures.¹⁰⁵ The failure to address compensatory remedies also creates the possibility that the judiciary could interpret the value of the benefits as a condition of statutory entitlement rather than an enforceable right.¹⁰⁶ This approach constitutes a shift in doctrine with potentially far-reaching implications for the enforcement of socio-economic rights generally.

B. Standards of Judicial Review: From Strict Enforcement to Reasonableness

Indian courts have traditionally applied diverse standards of review in welfare litigation. Where statutory requirements are fairly explicit, courts have insisted on literal compliance.¹⁰⁷ Where policy discretion is paramount, courts have generally applied the rule of reasonableness, asking simply whether the State action is arbitrary, irrational or mala fide.¹⁰⁸

The MGNREGA litigation often fell into the former category. In *Swaraj Abhiyan v. Union of India*, the Supreme Court treated non-payment of wages and failure to provide work as violations of statutory and constitutional obligations, issuing mandatory directions for compliance.¹⁰⁹ The Court explicitly linked employment guarantees to the right to life under Article 21.¹¹⁰

By contrast, the mission-mode design of the VB-G RAM G Act may invite courts to adopt a deferential posture similar to that which has often characterized socio-economic rights cases involving housing, health, or education.¹¹¹ The approach would entail judicial scrutiny of the reasonableness of implementation rather than

¹⁰³ MGNREGA §§ 3, 7.

¹⁰⁴ *Swaraj Abhiyan v. Union of India*, (2016) 7 S.C.C. 498, 525 (India).

¹⁰⁵ VB-G RAM G Act §§ 4–6, 10.

¹⁰⁶ *Id.* § 19.

¹⁰⁷ *State of Punjab v. Ram Lubhaya Bagga*, (1998) 4 S.C.C. 117, 129 (India).

¹⁰⁸ *Tata Cellular v. Union of India*, (1994) 6 S.C.C. 651, 679 (India).

¹⁰⁹ *Swaraj Abhiyan v. Union of India*, (2016) 7 S.C.C. 498, 525 (India).

¹¹⁰ *Id.* at 531.

¹¹¹ *Paschim Banga Khet Mazdoor Samity v. State of West Bengal*, (1996) 4 S.C.C. 37, 52 (India).

the enforcement of individual claims.¹¹² The risk, as comparative experience suggests, is that reasonableness review may inadequately protect the most vulnerable beneficiaries, particularly where administrative failure is systemic rather than incidental.¹¹³

C. Remedies and Institutional Competence

The availability of appropriate remedies plays a significant role in determining the constitutional importance of any statutory right conferred. This notion was reinforced by the Supreme Court when it asserted that “where there is no remedy, there is no right.”¹¹⁴ The chief remedies provided under the MGNREGA were compensatory and corrective in nature. There was a provision for the payment of unemployment allowances, payment of interest on delayed wages and ordering systemic reforms.¹¹⁵

The remedial structure proposed under the VB-G RAM G Act is not as clear. While it refers to “grievance redressal mechanisms” and administrative supervision, it does not clearly statutorily propose any judicially enforceable remedies with regard to the issue of provision of “livelihood” or “employment.”¹¹⁶

If such situations arise before the court, they might adopt creative approaches to remedial action through the liberal powers vested under Articles 32 and 226.¹¹⁷ However, reluctance on the part of courts to monitor such administrative institutions might impede the remedial process.¹¹⁸ The key is to find appropriate harmony between institutional capacity and the need to avoid constitutional violations.

D. Non-Regression and Constitutional Morality

An important, but under-theorised, aspect of judicial review in the relevant context is the doctrine of non-regression. Although Indian courts do not explicitly appear to have articulated the doctrine of non-regression vis-à-vis socio-

¹¹² *Id.*

¹¹³ Gootboom, 2001 (1) SA 46 (CC) ¶¶ 41-44.

¹¹⁴ State of Haryana v. Darshana Devi, (1979) 2 S.C.C. 236, 241 (India).

¹¹⁵ MGNREGA § 7(2).

¹¹⁶ VB-G RAM G Act, §§ 18-20.

¹¹⁷ INDIA CONST. arts. 32, 226.

¹¹⁸ BALCO Emps.’ Union v. Union of India, (2002) 2 S.C.C. 333, 372 (India).

economic rights, it seems that the jurisprudence implicitly suggests a reluctance on the part of Indian courts to allow backsliding by the legislature against fundamental rights.¹¹⁹

In the case of *Navtej Singh Johar v. Union of India*, constitutional morality was applied by the Supreme Court to strike down laws that transgressed the evolving notion of dignity and equality.¹²⁰ Although the case is on a completely different topic, the general idea that the Constitution is a living document with a progressive understanding of rights is relevant to the topic of livelihood rights.

In the event that it is interpreted or implemented in a manner which substantively impugns the “Right to Livelihood” that was established by the crafting of the MGNREGA, it may necessitate judicial intervention to ensure that there is no constitutional regression.¹²¹ This could result in interpretative guidelines that read down the legislative provisions to address the question of enforceability of the legislation while imposing a constitutional floor consistent with Articles 14 and 21.

E. Public Interest Litigation and Structural Remedies

Public Interest Litigation (PIL) has played a very significant role in the evolution of socio-economic rights jurisprudence in India. Employment guarantees have always formed the subject matter of PILs to address systemic failures as opposed to individual claims.¹²² The VB-G RAM G Act is expected to give rise to similar litigation with respect to exclusion, fiscal under-provisioning and arbitrariness.

Structural remedies such as the use of court-appointed committees, reporting requirements and continuous mandamus have enjoyed some degree of success but have come under fire for judicial overreach.¹²³ The Court’s future response will indicate whether the Act is perceived as a rights-protecting statute requiring robust intervention or simply a policy tool deserving deference.

F. Constitutional Futures: Towards a Hybrid Model of Enforcement?

¹¹⁹ *Minerva Mills Ltd. v. Union of India*, (1980) 3 S.C.C. 625, 647 (India).

¹²⁰ *Navtej Singh Johar v. Union of India*, (2018) 10 S.C.C. 1. 160 (India).

¹²¹ *Olga Tellis v. Bombay Mun. Corp.*, (1985) 3 S.C.C 545, 573 (India).

¹²² *People’s Union for Civil Liberties v. Union of India*, (2013) 2 S.C.C. 688.

¹²³ *VineetNarain v. Union of India*, (1998) 1 S.C.C. 226, 253 (India).

Ultimately, the stairway provided by the VB-G RAM G Act may well serve to catalyze hybrid model of the enforceability of socio-economic rights in the country that is Indian, one that is a combination of all three *i.e.*, reasonableness, review and structural oversight.¹²⁴

The extent to which this balance is possible without compromising the normative authority of the right to livelihood is, however, uncertain, particularly because much will depend on the extent to which the judiciary engages critically with the design of the Act so that innovation in the field of development is not achieved at the cost of the

VII. Conclusion

A Constitution is not a mere lawyers' document; it is a vehicle of life and its spirit must be understood in the light of the lived realities of the people.¹²⁵

The VB-G RAM G Act, 2025, is enacted; it marks a significant milestone in India's constitutional as well as developmental history. It is not just a continuation of the MGNREGA, 2005; rather, it is a deliberate attempt to redefine the role of the State vis-à-vis the rural area with a new vocabulary that uses missions, outcomes and convergence. It is a part of a wider phenomenon of governance that has moved beyond rights-based welfare to management-oriented governance.

This research paper underlines that while not necessarily unconstitutional, this shift has profound implications for the enforceability or non-enforceability of the right to livelihood. The MGNREGA's most significant contribution perhaps was to achieve a shift from a Directive Principle to an enforceable right under the law. However, with the VB-G RAM G Act, there may be flexibility and integration but at what cost to enforceability and immediacy. This may be questioned not along any axes of intent but practice.

From a constitutional law perspective, the law has to be construed in contiguity with Articles 38, 39, 41 and 43 of the Constitution, as well as the expansive interpretation of Article 21 as developed by the Supreme Court. Interpretations

¹²⁴ Liebenberg, *Supra* note 18, at 31.

¹²⁵ Keshavananda Bharti v. State of Kerela, (1973) 4 S.C.C. 225, 316 (India) (Sikri, C.J.) (emphasizing that constitutional interpretation must be informed by social realities and the transformative purpose of the Constitution).

permitting the dilution of the security of livelihoods, exclusion through administrative arbitrariness and financial abdication by the State would be difficult to reconcile with the egalitarian mandate of the Constitution. The comparative experience from the emergency employment interventions in Argentina or the reasonableness-based socio-economic rights directives from South Africa reinforce the necessity that with the dilution of the enforceability of rights, their protectability by the Courts would also decay, primarily at the expense of the disadvantaged.

Yet, the stress on sustainable livelihoods, skill formation and long-term asset creation in the VB-G RAM G Act is a response to the lacuna of the old system. Constitutionality is not about policy immobilism; it is about creating space for innovation that is grounded in constitutional minimums like dignity, equality and protection from destitution. The onus on the judiciary is to evaluate the implications of mission mode governance and ensure that the mission of a dignified livelihood is not betrayed.

Ultimately, the constitutional fate of rural employment in India depends not merely on textual statutory content, but upon the complex dialogue of interaction between legislature, executive and court. The VB-G RAM G Act may be revealed as an exemplary case of developmental practice consistent with human rights if its implementation continues to be constrained within constitutional limits and possesses substantive meaning as opposed to merely nominal significance.