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Examining India's National Regional Employment Guarantee Act: its impact and women's participation

Ratna M. Sudarshan¹

The National Rural Employment Guarantee Act (NREGA) was part of the commitments made by the United Progressive Alliance (UPA) government in its Common Minimum programme and came into force in February 2006 – initially in 200 selected districts, at least one in each state. It has been hailed as a landmark and has attracted national and international attention. It has diverse objectives. On the one hand it is a social protection measure and builds on the experience of previous public works programmes, especially the Employment Guarantee Scheme (EGS) in Maharashtra. On the other hand, through providing guaranteed employment in rural areas, it also seeks to improve labour market outcomes.

This paper reviews India's approach to social protection since independence and places the NREGA within the broader social protection discourse. It looks at how gender concerns have been addressed within public works, and specifically in the NREGA guidelines. The last section of the paper presents some preliminary findings from fieldwork in Kerala. It suggests that the level of women's participation has been strongly influenced on the demand side by male-female wage differences in the market, and between market wages and minimum wages. On the supply side, it has been influenced by the commitment of the Kerala state government and efficient management by the *Kudumbashree* (the state poverty eradication mission). The net impact has extended beyond the transfer of income to: enhanced savings; an upward movement of female market wages; and an increase in men's contribution to household management. Challenges remain, and these are noted.

1. Social protection

The term 'social protection' and the debates and discussions around it – the what, for whom, and how – have gained momentum since the mid-1990s. Internationally, social protection gained greater attention after the Asian financial crisis, which resulted in huge job losses, and as more evidence came in to suggest that globalisation and its economic and financial repercussions have adverse consequences for certain groups and sectors. The national context has been set, on the one hand, by changes in the macro policy framework and internal pressures for labour market reform, and on the

¹ This paper is based on a study being carried out in three states by a team of researchers at the Institute of Social Studies Trust (ISST). I would like to acknowledge the research assistance of Madhuri Karak. Field work in Kerala was carried out by Grace Fernandes assisted by Geraldine Fernandes.

other by continuing high levels of poverty and vulnerability. This paper briefly reviews the experience with social protection policies and programmes in India in recent years, as a backdrop for a study of the NREGA.

The early 1990s marked a watershed in both the economic policy framework and the social protection discourse in India. Regarding the economic policy framework, the period after 1990 is associated with economic liberalisation, reflected in changes in key macro indicators. Since 1991, the share of trade in the GDP, a summary indicator of an economy's openness, has shown a steady increase. In 1990–1, the trade (goods) to GDP ratio stood at 14.6 per cent and went up to 34.9 per cent in 2006–7. The ratio of exports to GDP has gone up from 5.8 in 1990–1 to 10.4 in 2003–4 and 14 in 2006–7. In the case of imports to GDP, the ratio has increased from 8.8 in 1990–1 to 13.2 in 2003–4 and 20.9 in 2006–7.²

Prior to 1990, the policy approach and programmes included under the rubric of 'social protection' were narrowly defined and their outreach very limited. Post 1990, there have been efforts to expand both concept and outreach, although actual achievements may fall short of intentions. The change in thinking owes much to concerns that a higher economic growth rate will be difficult to sustain without also simultaneously improving workers' productivity, their working conditions, and fall-back positions/ safety nets. The often divergent concerns of those primarily focused on growth, and those seeking to ensure workers' rights, have found common ground in contestations over social security.

The design and implementation of social protection programmes is also strongly associated with the 1993 decentralisation of government through the creation of *panchayati raj* (village government) institutions.

1.1. Social protection in India

The idea that governments have a responsibility to initiate public action to ameliorate the poverty and vulnerability of individual citizens is an old one, yet it is only in the last decade that social protection has emerged as an important component of development planning in Asian countries. In the past, the more commonly used terms have been social security and social assistance, or social welfare and social insurance. These terms include the concept of protection, but in different ways. Perhaps the most specific and clearly defined of these terms is social security.

In India, social security is mandated by Article 32 of the Constitution, and supports the idea of universal coverage for specified situations:

² Source: RBI Annual Report, various issues

The State shall, within the limit of its economic capacity and development, make effective provision for securing the right to work, to education, and public assistance in case of unemployment, old age, sickness, disablement and other cases of undeserved want.

A two-pronged approach was taken in implementing this mandate, through the provision of 'social security' on the one hand and 'social welfare' on the other. Social security was designed for workers employed on a regular basis in the organised sector. It included an employees' insurance scheme, and a provident fund scheme. The coverage of these schemes has been gradually expanded over the years. Social welfare was seen as a set of interventions to assist the destitute, classified in the first plan as categories of women, children, youth, family, Scheduled Castes (SCs), Scheduled Tribes (STs), other 'backward' classes, the physically disabled and others. While originally designed as a welfare approach, this gradually gave way to a development-oriented and then an empowerment approach.

The Government's Fifth Plan sought to change the concept of social welfare from being primarily redistributive to one that incorporated a more explicit developmental goal: 'an organised function designed to enable families, groups and communities to cope with social problems arising out of changing social conditions, particularly in regard to the structure of the family and its functions. The new approach would aim at a proper integration of welfare and developmental services.' (GOI 1974: 278) The seventh plan (1985) said that 'Programmes of social welfare as envisaged in the Plans are designed essentially to supplement the larger effort at human resource development.' (GOI 1985: 306)

Both social security and social welfare are available to a small group of people – social security to workers in the organised sector and social welfare to a percentage of those in extraordinary difficulties and without other means of support.

For workers in the unorganised sector, the main approach has been the setting up of sector-specific welfare funds (usually tripartite in nature, with contributions from the government, employer and worker). Welfare funds include both contributory- and tax-based schemes. Tax-based schemes have been set up by the Government of India for beedi workers, mine workers, workers associated with the cinema and construction workers. A cess (or tax) is levied on the production or export of goods. Through the welfare fund, workers have access to medical care, education for their children and other specified forms of assistance. The only requirement to access the fund is registration as a worker in the sector, which requires validation by the Labour Commissioner.

The Government of Kerala has set up several contributory welfare funds for different groups of workers, but these have been assessed as having lower coverage. As it is often difficult to get all the contributions, tax-based schemes may be better. Welfare funds have been used mostly to cover healthcare, education and housing, so are not available for conventional social security benefits such as maternity, invalidity and occupational injury. However, they have been an important way of reaching out to unorganised workers (Subrahmanya 2000: 67).

A review of social security legislation and programmes shows that many initiatives have been started recently. Table 1 (see Appendix) summarises social protection initiatives in broad groups and chronologically, arranged according to whether they were started prior to 1990 or after.

Lack of consensus among state governments has prevented passing of comprehensive legislation for agricultural workers, which has been under consideration since 1975. The Tenth Plan envisaged a simplified labour law to promote the growth of organised employment. Changes in some labour laws are being pursued, but a system that fosters substantial expansion in organised employment is yet to take shape.

Labour laws influence working conditions and the benefits workers can access and, hence, the overall levels of protection available in society. In the case of labour laws, there is no particular 'break' evident after 1990. In contrast, social insurance seems very much a product of the post-1980 period, in fact largely post 1990. This is also true of micro credit and the National Social Assistance Programme, which seeks to cover maternity, old age and health. While the Public Distribution System (PDS) is one of the oldest initiatives, the more targeted interventions (mid-day meals for all primary schoolchildren, and the targeted PDS) are post-2000. Housing schemes have also been started post 1980. Wage employment programmes too have a long history, but nothing as ambitious as the NREGA had been attempted earlier. In the case of state-level initiatives, it is possible to see acceleration after 1980, and more so after 1990. It seems clear that the experience of the 1990s has stimulated such initiatives.

Pre-1990, efforts appear to have been focused on regulating conditions of work and alleviating poverty. However, post 1990 – in addition to these types of interventions – a number of interventions designed more from a risk and vulnerability analysis have appeared, reflecting the understanding that people have to deal with specific risks beyond low or inadequate incomes (such as lack of credit or the need for insurance). Similarly, an explicit focus on trying to develop programmes for informal workers is seen in the 1990s, especially in state-level welfare funds, as in Kerala and West Bengal. Although the largest welfare fund (for beedi workers) was set up earlier, the expansion to other workers took place mainly in the 1990s.

The current outreach of government social protection is limited. The report of the National Commission for Enterprises in the Unorganised Sector (NCEUS) estimates that only 5–6 per cent of workers are covered by existing social security schemes (NCEUS 2006). This means that, in practice, people cope with contingencies and chronic problems by relying on traditional mechanisms of support, including borrowing from neighbours, contractors, moneylenders, employers and relatives. It also means that unorganised workers are largely excluded. Hence, the terms of reference of the NCEUS, set up in September 2004, include to ‘Review the social security system available for labour in the informal sector, and make recommendations for expanding their coverage’.

The Commission’s 2006 report on social security provides an analysis of the situation along with a specific recommendation for a system of social security.

The approach taken by the Commission is as follows:

The social security problems of workers in the unorganised/informal sector may be divided into two sets of problems. The first one arises out of deficiency or capability deprivation in terms of inadequate employment, low earnings, low health and educational status and so on that are related to the generalized deprivation of poorer sections of the population. The second arises out of adversity in the sense of absence of adequate fallback mechanisms (safety nets) to meet such contingencies as ill health, accident, death, and old age. The fact that majority of workers from socially backward communities find themselves in the unorganised/informal sector imparts a certain social dimension to the characteristics of these workers. A measure of social security in that sense should also be seen as a form of social upliftment. (NCEUS May 2006: 2.12)

According to the Commission, it has chosen to focus on ‘protective’ social security, thus distinguishing its recommendations from what it describes as promotional programmes – for example, the Integrated Child Development Services (ICDS), Mid-day Meal and NREGA. In particular, it seeks to be seen as complementary to the NREGA. (NCEUS May 2006: 2.14). Guhan (1994) distinguished between protective, preventive and promotional social security. Protective measures seek to provide relief from deprivation; preventive to avert deprivation; and promotional to improve real incomes and capabilities. Reducing household insecurity through public works programmes can be seen as ‘preventive or protective, depending on how it is designed’ (Kabeer 2003: 151). The NCEUS has interpreted protective measures as being directed against specific contingencies, and promotional as addressing deficiency. For this reason, it sees the public works of the NREGA as promotional rather than protective. (NCEUS May 2006: 7.14).

The NCEUS has proposed an Unorganised Workers Social Security Bill to provide national minimum social security covering: health benefits (including health insurance, sickness allowance and maternity benefits), life insurance and old age benefits. This would be a contributory scheme with worker, employer and government each paying 1 Rupee per day per worker, with the Central Government making the payment on behalf of workers below the poverty line. It has recommended implementation via a federal structure, with a National Social Security Board at the centre, a State Social Security Board at state level, and workers' facilitation centres (WFCs) at the base. The Boards are proposed to be representative bodies with participation of various stakeholders. It is proposed that trade unions, non-governmental organisations (NGOs), and local bodies will be involved with the WFCs.

A complementarity between growth and social protection has been noted by the NCEUS.

A measure of social security helps to develop a healthy and contented workforce capable of enhancing their contribution to national income and thus enhance the capacity of the economy to grow. A workforce with higher capability and security could contribute to higher growth, which in turn, would enhance the aggregate demand in the economy through higher purchasing power of this vast mass of workforce. The mutually reinforcing nature of this relationship needs to be recognised and capitalised. (Kannan, Srivastava, Sengupta 2006: 3478).

It can also be noted that the conservative nature of social protection programmes reflects the perception of the government's 'ability to pay'. The willingness to plan for enhanced expenditures and larger outreach through universal programmes such as the NREGA also shows indirectly the gains from globalisation, enhanced revenues and the expected high rates of growth in the future.

1.2. Public works as a social protection mechanism

Within the social protection umbrella, public works have probably had the largest outreach.

Public works schemes have been an important measure of poverty alleviation worldwide. In India, large scale public works were instituted as drought/famine relief under the aegis of the British. The Famine Commission Report of 1880 established 'famine codes'. These 'scarcity manuals' explicitly stated that it was the responsibility of the state in the event of natural calamities to provide employment to all at a reasonable distance from home, and gratuitous relief for those unable to work (Khera 2006). Post-independence, rural wage employment programmes have been popular as a way of providing relief at times of crisis, and preventing costly adjustments such as the sale of land and livestock, and/or distress migration. Where durable assets are created, there is

a contribution to rural infrastructure. These programmes can put an upward pressure on market wage rates by attracting people to public works programmes. While public works programmes to provide employment in times of distress have a long history, there was only a major thrust to wage employment programmes after self-sufficiency in food grains was attained in the 1970s (Subbarao 2003).

A major criticism of wage employment programmes has been that they generate relief-type employment rather than employment through the creation of productive assets, without which they cannot contribute to the generation of sustainable and productive employment (Hirway and Terhal 1997; Dev 2004).

Within the many public works schemes that have been experimented with in India, the Employment Guarantee Scheme in Maharashtra has a special place.

Employment Guarantee Scheme in Maharashtra

The Employment Guarantee Scheme (EGS) in Maharashtra is the longest surviving programme of its kind. It is unique because its design and execution exhibit unusually clear goals and a consistent approach (Bagchee 2005).

The scheme grew out of the pilot experiment – known as the Page scheme after V.S. Page – in Sangli, Maharashtra in 1965. In 1970, it was extended to cover 11 districts and in 1972 to the entire state. Employment was guaranteed to all able-bodied adults who came forward for it. It was implemented by the existing administrative system in the state at very little additional cost. It was largest state-sponsored public works programme focused on the poverty alleviation, and guaranteed gainful employment to all adults above 18 years of age in rural areas and ‘C’ class municipal councils. Selection for employment was based on willingness to undertake unskilled manual work on a piece-rate basis and self-targeting. The important short-term objective was to add to household income based on employment and, in the long term, to contribute to the development of rural infrastructure and create sustained employment opportunities. There were provisions like an unemployment allowance, shelter and first aid, and there was to be no discrimination on the basis of gender or caste. The benefits of EGS were many: employment and income earning opportunities, food security for the poor, income stabilisation and parity of wages between men and women (Krishnaraj *et al* 2003).

Some of the lacunae identified are:

- the gap between commencing work and getting paid
- non-availability of continuous employment
- leakage due to under-utilisation of the fund

- no unemployment allowance or compensation for anyone involved in the scheme
- low awareness of entitlements
- an absence of linkages between works and larger plans for the district.

In addition, the upgrading of skills provided for under the Act was not achieved, so people remained dependent on the EGS for employment. Workers on a particular site could often not be found after the 15 days it took to pay wages and calculation of wages was subjective. As work is done by a group of men and women, calculating each individual's share of wages – especially women's – is subjective and depends on the team leader who is usually male, as well as on co-workers. Expected benefits in the form of equalisation of wages and increased access to income did not materialise. Women were unable to claim maternity benefit because they have to prove 75 days of work, and shifting work sites and inadequate records made this difficult. As work sites are temporary, shelter and crèches were not provided and there were no toilets near or on the EGS sites. EGS funds were under-utilised, and EGS expenditure failed to keep pace with the receipts (Krishnaraj 2003). The inability of the programme to break the connection between contractors and labourers meant that the EGS did not replace on-going established work patterns, migration and debt bondage, but rather allowed those without work – primarily women – to earn something to supplement household income (Ghosh 2005; Gopal 2005; Hirway 2005; Pellissery 2006).

The Maharashtra experience is often cited for non-payment of minimum wages. This perhaps explains to an extent the absence of a perceptible impact on rural poverty in Maharashtra. Despite increases in capital formation, which now includes farmers' private land, real wages for agricultural labourers in Maharashtra with the highest (or second highest) per capita income have remained among the lowest in the country (Kannan 2005). Despite having implemented the EGS for such a long time, rural poverty in Maharashtra was higher than the national average until 1993–4. Kannan argues that the reason could be that the wages were fixed at such low rates that they made very little difference from the prevailing market rates. Further, he suggests that the percentage of poor women seeking work under the EGS has been on the rise, presumably due to the unwillingness of men to work at such low wages.

The impact of EGS on women

In a seminal study of the Maharashtra EGS and women's participation (Jain D./ISST 1979), it is reported that a higher percentage of women than men were seen on the sites, that more women came to work than were registered, that the majority were between 30–50 years of age, and that they were principally landless or small or

marginal farmers lacking any other work. The women reported an improvement in family food/ nutrition as a result of the EGS work.

Female employment under the scheme as a percentage of total employment in person days was reported as 38 per cent in 1995–6. It increased to 73 per cent in 1998–9, but declined to 57 per cent in 1999–2000 (Krishnaraj *et al* 2004). Studies have also shown that in terms of family coping strategies, men are the first to use migration or alternative employment to improve the family's economic status, while women are responsible for basic survival strategies (Krishnaraj and Pandey 1990; Ranadive 2002).

Another study (Dattar 1990) found that EGS supplies core income to many women and that this economic power accorded them higher status within the family. Concentrating a large number of women in one place can increase interaction, break down social taboos, expand social awareness and instill confidence in women (Dattar 1987).

Micro studies have shown that wealth in the form of total assets was very strongly and inversely related to participation in EGS for women. More women from households with low or no assets participated in the scheme than from land-owning households (Krishnaraj, 2003).

While all studies report that more women are seen on work sites than men, women have not been able to influence the actual choice of work.

1.3. The National Rural Employment Guarantee Act (NREGA) 2006

All previous programmes of wage employment through public works are now merged into the NREGA. The NREGA builds upon earlier public works programmes, including the National Rural Employment Programme 1980–9; Rural Landless Employment Guarantee Programme 1983–9; Jawahar Rozgar Yojna 1989-99; Employment Assurance Scheme 1993–9; Jawahar Gram Samridhi Yojna 1999-2002; Sampoorna Grameen Rozgar Yojna since September 2001; National Food For Work Programme 2004 (a precursor of the NREGA), and the Maharashtra Employment Guarantee Scheme.

The NREGA has a multiplicity of objectives, and is seen as an intervention to stimulate local development as much as a means of social protection. Expected outcomes include:

- an increase in employment and purchasing power
- women's participation in the workforce
- the strengthening of rural infrastructure through the creation of durable assets

- regeneration of natural resources that provide the livelihood resource base of the local rural economy
- an increase in productivity
- a reduction in distress migration.³

The Act was initially implemented in 200 of the country's poorest and least developed districts, and has now been extended to the entire country. The Employment Guarantee Act 2005 guarantees 100 days' paid work each year for every rural household whose adult members volunteer to do unskilled manual work. In this way, it envisages improving the livelihood security of rural households..

The NREGA places a major part of the responsibility for its implementation on the *panchayats* (village councils). For example, whereas the district collector and his/her team are expected to monitor and supervise other public works, in the case of the NREGA, these are the responsibility of the *panchayat*. The Act works through the decentralised system of governance that has been in place since the early 1990s and the local community can create projects to meet local needs through the the *gram sabha* (a permanent body of people on the local electoral roll that monitors panchayat plans). Each *panchayat* is expected to prepare a list of projects (technically approved and economically viable) so that the NREGA works reflect village priorities.

All adults living in rural areas are free to apply for a job card. After verification, the *panchayat* issues one card to each household. Anyone with a job card can apply to the *panchayat* for work when needed, and work has to be provided within 15 days, within a 5 km radius. Over the course of a year, 100 days of work is guaranteed to each household.

The Act aims to provide wages equivalent to the rural minimum wage in each area or Rs. 60 per day, whichever is greater. However, in contrast to earlier public works, payment is based on how much work is completed by the group of workers on a site. The total amount due is calculated, and distributed equally between all. Obviously, the output will be influenced by whether or not there are any 'free riders', the age composition of the group and the climate, quality of soil, etc.

Despite any observed shortcomings in implementation, the importance of the NREGA lies in its implications for the development process, giving emphasis to domestic markets and to full participation of poor people in economic processes (Bhaduri 2005).

³ NREGA operational guidelines

2. Gender concerns

2.1. *Gender issues in social protection*

In India, the majority of the approximately 260.3 million people living below the poverty line are women (Social Watch India Report 2005). Globalisation has ensured that women's labour is further casualised – women have lesser means, education and skills, and fewer productive assets than men. Given their additional responsibilities within the household, their range of employment options are severely limited (Grown 2006; Chari 2006). This feminisation of poverty is associated with a concentration of women in the informal sector and in agriculture, putting them beyond the reach of traditional social security measures. Women thus find themselves vulnerable, caught between unorganised work and household responsibilities, and lacking access to support in the event of seasonal or life cycle contingencies.

Women as workers are concentrated in agriculture (85 % of all women workers) informal work and, in particular, home-based work (over 50 % of non-agricultural workers). As agricultural workers, women have a strong connection with the land and are heavily influenced by fluctuations in agricultural output. As informal/ home-based workers, women are often invisible, dependent on informal arrangements and contracts and, as some research suggests, most dependent on local and domestic markets.⁴ Their lower mobility into new areas is dependent on several factors, including household and care responsibilities, traditional social norms, and a lack of information and skills.

Understanding gendered roles is a key factor. In a context where the large majority of women are dependent on agriculture and where household access to water and fuel relies heavily on common property, local resources are clearly a major source of well-being – or risk.

Given the dismal lack of gender sensitivity in public policy in general, it is not surprising that public works in particular have not been explicitly concerned with women. Rural employment schemes have, on occasion, even displaced women – for example afforestation on agricultural lands under the Jawahar Rozgar Yojana (Krishnaraj 2000). In India, small-scale interventions are deemed suitable for tackling women's poverty, when what is needed is a redesign of existing works (UNDP Poverty Report 2000). Reducing the distance between work site and home, providing crèche facilities, paying a ratio of food and cash (given that women would have greater control over the use of grain) and equal wages are core programme features that have a marked impact on women's participation in public works (Grown 2006).

⁴As seen for example in studies of women home-based workers (ISST-HNSA 2006; ISST-HNI 2007).

Public works schemes have traditionally concentrated on roads, forestry, housing, irrigation and soil conservation. They may also be used to produce services and assets specific to women, such as food kitchens, domestic violence shelters and health clinics – a development that will only come about with women’s increased participation in decision-making. Gender biases in public employment are manifested in the lower wages paid to women. While this is ostensibly because women are excluded from physically more difficult tasks, it also carries deeper resonances of inequality.

Combating gender inequality is not the same as combating poverty. In attempting to ‘mainstream’ their issues, poverty programmes and gender programmes have often neglected the intersection between them, i.e., poor women (UNDP Poverty Report 2000). Since the 1970s, the Indian Government has made poverty reduction a priority in its development planning. Policies have ranged from ensuring food security and promoting self-employment through greater access to assets to increasing wage employment and improving access to basic social services. *Policies’ effects on poor women could differ from those on poor men* – thus requiring greater attention to designing poverty programmes with poor women in mind.⁵

2.2. Mainstreaming gender

When asked to account for the consistent sidelining of women’s issues in policy, governments the world over cite lack of resources as the primary reason. The 1995 Beijing Platform for Action outlined a non-negotiable demand for making ‘specific resource commitments’ which would require a gender perspective to be incorporated into budgetary decisions as a matter of course (Menon-Sen and Prabhu 2001), including the so-called ‘hard’ ministries of Finance, Agriculture, Environment and Forests, Science and Technology, and Rural Development.

The political commitment to making women self-sufficient is not balanced by any real attempt to build and bolster their capabilities. This is the biggest critique of the Maharashtra EGS, the blueprint for the present NREGA.⁶ The EGS drew very high female participation because work was close to the village and did not require special skills, and women are predominantly casual unskilled workers (Vatsa 2006). It is the absence of facilities to upgrade skills within the public works rubric that Chari (2006) has critiqued.

Three decades after the creation of the EGS, women are as dependent on it as ever. The ‘the high visible presence of women as labourers on EGS work has contributed to

⁵ For example, ensuring safe drinking water is a public investment that has high returns for women. They no longer need to travel long distances carrying water home.

⁶ Its focus encompassed not only employment, poverty and income, but risk and vulnerabilities. Vatsa (2006) describes this as an attempt to ‘negotiate between the role of a social safety net and the ambition of a flagship poverty alleviation programme’. (448)

render women as unskilled workers in the labour market' (Chari 2006:5141).⁷ Krishnaraj *et al* (2004) have argued that the gender sensitivity of the EGS lies in its harnessing of unskilled women's labour (since by law, unskilled labour has to form 60% of the labour cost). However, the high visibility of women on EGS worksites itself does not make the programme a woman-friendly one; it can also be indicative of a feminisation of poverty. Because women have lesser means, skills, assets, education and employment options than men (who generally opt for migration⁸), the range of available income generating options is severely limited. Most women in agriculture are marginal, subsidiary workers and forced to take part in EGS schemes as a supplementary income during the off season. Perhaps this high visibility has more to do with a *gender insensitive development process* than a gender sensitive scheme (Chari 2006).

2.3. Gender and the NREGA

The NREGA, with its guarantee of 100 days of unskilled work for every household, has been envisaged as a gender sensitive scheme. It allows for crèche facilities on work sites, insists that one-third of all participants are women, and wages do not discriminate between the sexes. However, a gendered analysis of the programme is necessary to make rural asset generation an inclusive process and address the crises underlying an increasing feminisation of poverty in India.

The main way in which social protection seeks to be 'gender sensitive' – and this is true also of the NREGA – is to suggest that a certain percentage of beneficiaries must be women.

While providing employment, priority shall be given to women in such a way that at least one-third of the beneficiaries shall be women who have registered and requested for work under the Scheme. (NREGA, Schedule II, Section 6: 19)

Given that agriculture is increasingly dependent on women cultivators as more men move out of agriculture, the availability of NREGA work is expected to be especially beneficial to women. Today 53 per cent of all male workers but 75 per cent of all female workers, and 85 per cent of all rural female workers, are in agriculture. Women constitute 40 per cent of the agricultural workforce and this percentage is rising. Also an estimated 20 per cent of rural households are *de facto* female-headed, due to widowhood, desertion, or male out-migration. These women are often managing agriculture and providing family subsistence with little male assistance.

⁷ Encouraging female entrepreneurship (the SGSY for example, has a 40% reserved component for women) is never accompanied by an emphasis on secondary education that will equip them to become serious competitors in the present economic environment. Cash transfers, subsidies and technological support can never be at the expense of empowerment.

⁸ In the lean season, between the kharif and rabi harvests, many agriculturists prefer to take up contract labour in tin mines because EGS schemes are not reliable sources of income (Vatsa 2006).

The NREGA provides some explicit entitlements for women to facilitate their full participation. These include:

- equal wages for men and women. The guidelines spell out clear instructions for equal payment of wages for men and women. 'Equal wages shall be paid to both men and women workers and the provisions of the Equal Remuneration Act, 1976 shall be complied with.' (p. 26)
- participation in management and monitoring of the programme. As per the guidelines, a local Vigilance and Monitoring Committee is to be appointed with members from the immediate locality or village where the work is undertaken, to monitor the progress and quality of work. 'The gram sabha will elect the members of this Committee and ensure that SC/STs and *women are represented on it.*' (p. 44)
- participation in social audit. The guidelines mention a social audit forum, convened by the *gram sabha* every six months as part of the continuous auditing process. There is stress on the quorum of these meetings maintaining female participants alongside those from other disadvantaged groups. 'The *timing* of the forum must be such that it is convenient for people to attend – that it is *convenient in particular for REGS [Rural Employment Guarantee Scheme] workers, women and marginalised communities.*' (p. 56)
- providing support for child care, and convenience to households. The guidelines mention the need for a crèche at the work site, and for the works to be convenient for families: 'If some applicants have to be directed to report for work beyond 5 km of their residence, women (especially single women) and older persons should be given preference to work on the work sites nearer to their residence.' (p. 18) Also, 'If several members of a household who share the same job card are employed simultaneously under the Scheme, they should be allowed to work on the same work site.' (p. 18)
- ensuring that single women are eligible. Finally, through recognising a single person as a 'household', the Act makes it possible for widows and other single women to access this work.

3. Women's participation and preliminary findings from Kerala

One of the striking features of the NREGA as evidenced in the data available is the high and varying levels of women's participation on the EGA work sites. The range is illustrated in Table 2 below. The implications of taking part in the scheme at the household level – in the context of the general feminisation of agriculture – can include savings and the smoothing of consumption. At a community level, the impact depends considerably on the nature of the works. There are also wider impacts, which might include an upward shift in market wages; organising and collective action; and strengthening of local administrative capacities.

While one of the provisions of the Act is that one-third of those given employment should be women, there is great variation across states (Table 2). At the national level 42.87 per cent of the total person workdays were provided to women.⁹ Out of 26 states, ten states have between 25 and 38 per cent female work days as a share of the total. Five states have less than 25 per cent, and 11 have over 40 per cent. At the two extremes, we find Jammu and Kashmir with 5 per cent and Himachal with 13 per cent, and at the other extreme, Tamil Nadu (82 %), Tripura (76 %), Rajasthan (68 %) and Kerala (66 %).

The field study seeks to understand the reasons behind the varying levels of women's participation by studying the situation in selected areas of three states – Kerala, Himachal Pradesh and Rajasthan – and the implications at the household and wider levels (see Table 2 in the Appendix).

The intent of the field study is to understand what the main factors are that influence women's ability and willingness to participate in the public works created under the NREGA. We expect the analysis to contribute to better understanding and also to yield insights for policy design and implementation. We do not intend a direct comparison across areas, since the underlying context is bound to be very different. The question we are attempting to answer through the study is simply that: 'given the context, the underlying opportunities and constraints, what initiatives could improve women's levels of participation and/ or the impact of such participation on their well-being?'

3.1. Preliminary findings from fieldwork: the example of Kerala

In its first phase of implementation in Kerala, the National Rural Employment Guarantee Scheme (NREGS) was introduced in Palakkad and Wayanad, followed by Kasargod and Idukki. Out of the four districts, Palakkad has the highest proportion of rural families living below the poverty line (BPL) and female-headed rural BPL families (see Table 3 in

⁹ <http://nrega.nic.in/>

the Appendix). Compared to the state as a whole, the index of deprivation (a measure of non-income poverty) is higher; the percentage of the SC population is above state average (Palakkad's share of the state's total SC and ST population is the third highest at 10.9% after Wayanad and Idukki¹⁰), as is the women's work participation rate; and a higher percentage of rural families are below the poverty line. Table 4 (see Appendix) presents the basic facts on women's participation in the NREGS in the four districts.

In Palakkad, 86.38 per cent of the total population is rural, underlining the dependence on agriculture and, consequently, the need for off-seasonal employment. Fieldwork was carried out in Malampuzha block of Palakkad taluk in August – September 2008, and in Atapaddy block of Mannarghat taluk (subdivision) in March 2009. In Malampuzha block, a large percentage of the population are agricultural labourers and rice is the main crop. In the last decade, there has been a proliferation of small-scale industries. Fieldwork was carried out in Elapully, Polpully, Marutarode and Malampuzha *gram panchayats* (village governments). Attappady is one of the largest tribal settlements in the state, inhabited by the Irulas, Mudugas and Kurumbas.¹¹ Although agriculture is the main activity, only 12 per cent of the total land is sown.¹² Rural connectivity is poor. Recurrent drought and poor productivity characterise these tribal areas. Three *gram panchayats* fall under this block, and fieldwork was carried out in all – Pudur, Sholayur and Agali.

The Kerala state government has entrusted management and implementation of the NREGS on the ground to *Kudumbashree* (the state poverty eradication mission).

The *Kudumbashree* programme started in urban areas in 1998, and was later extended to rural areas. The first step is to bring together families into neighbourhood groups of between 15 and 40 families, which are then federated at higher levels of administration. Women's self-help groups are formed and micro enterprises organised to increase incomes. In the urban areas, *Kudumbashree* groups are made up of families assessed as being below the poverty line. In rural areas, however, anyone in the *gram panchayat* can be a member of the neighbourhood group, although care is taken that a majority of office bearers are from families living below the poverty line. At present there are around 60,200 neighbourhood groups in the state.

¹⁰ Kerala Human Development Report 2005

¹¹ The Kurumba tribes are the earliest tribal inhabitants of Attappady. Nomadic across the catchment area of Bhavani river, the Kurumba practice shifting cultivation. Their main occupations however are hunting and gathering. In addition, they depend on the collection of non-timber forest produce for generating cash income. Their intricate knowledge of the forest has also been manipulated by outsiders to cultivate cannabis, leading to social unrest. The Mudugas are dry land farmers, with higher rates of literacy and contact with settlers from the plains. The Irula are the numerically dominant tribe and relatively advanced among the three tribal groups in Attappady, practising plough cultivation. A major source of income for the Irula is wage labour. An Attappady Hills Area Development Society (AHADS) Hamlet Study in 2002 put the Irula population at 84 per cent, followed by the Muduga at 10 per cent and the Kurumba at 6 per cent.

¹² www.kerala.gov.in/district_handbook/Palakkad.pdf

The Area Development Society of the *Kudumbashree*, representing 30 to 40 neighbourhood groups at Ward level, provides a volunteer area development supervisor (ADS) who helps to organise the NREGS work and ensures proper maintenance of muster rolls and provision of work-site facilities. The ADS is usually the head of an existing self-help group, and an emergent village leader. She looks after two to three sites, depending on the size of the village. Typically a woman between 32 and 45 years, the ADS is educated, and has been associated with Kudumbashree for a few years.¹³ Sources of income for the ADS include earnings as a NREGS supervisor and Kudumbashree enterprises.

Given the distinctive geography of Kerala and the close proximity of rural and urban settlements, workers in Palakkad are able to access work in agriculture, small local factories and services spanning rural and urban areas. Workers who access NREGS sites are thus part of the rural labour market as well as the informal urban labour market. Additionally, women have been organised into various micro enterprises through their Kudumbashree groups.

Based on preliminary observations, it seems that the regular implementation of the NREGS has led to some upward movement of female unskilled wages. The rural unskilled minimum wage in Kerala is Rs. 125. However, women reported earning only Rs. 70–80, while men earned well over Rs. 200. (This accords with the National Sample Survey Organisation (NSSO) findings on wage rates in Kerala.¹⁴)

Given the higher wages on NREGS sites, there is a shortage of workers for agricultural work. The response to this shortage has taken two forms. In some places, NREGS works are kept open only when agricultural work is not available. Thus, the *pradhan* [leader] of Elapully *gram panchayat* in Malampuzha block has developed a work calendar. Six months are set aside for NREGS works (March–June and November–December) and six months for agricultural work (July–October and January–February). This prevents clashes and consequent labour shortages and wage fluctuations, and ensures year-round employment (ISST Interview August–September 2007). On the other hand, in ward numbers 1 (Valiyakaadu), 2 (Anakkal) and 3 (Ayyappan patta) of Malampuzha Gram Panchayat, rubber and coconut plantation owners were forced to raise the daily agricultural wage to Rs.130 to lure labourers away from NREGS work sites after a request to the panchayat to cease works during the harvesting season went unheeded.

¹³ An ADS should belong to a BPL family. Her term is for three years. Only registered Kudumbashree volunteers can stand for ADS election. Members nominate their contestant and during the election only members are allowed inside the hall, with some high-level officers on election duty. The last election in Malampuzha block was on 1 December 2008 (Telephone interview with Malampuzha BDO, 2009).

¹⁴ In 2004, as per the NSS, the actual wage for men in Kerala was Rs. 238.71 against Rs. 100.13 for women. At that time the minimum wage was reported as Rs. 100. See Chavan and Bedamatta, Table 11: 4049.

The president of *Agali gram panchayat*, Attappady block, pointed out that women's wages for coolie, agricultural and forest work were Rs. 70–80 even two years ago. This has now risen to Rs. 110–125 (ISST 2009). Therefore, the bargaining power of female labour has increased alongside increases in the supply of labour following implementation of the NREGS. In Malampuzha, many women were sitting idle at home, but the scheme has encouraged even widows and the elderly to participate. Women do not find NREGS work an additional burden because they complete household work in the morning and then come to the work site. In Pudur *panchayat*, Attappady block, however, there was no work – neither forest nor agricultural – available for tribal women.

There is a felt need for building linkages with agricultural activities, and a demand for using the NREGS to subsidise farm labour on poor and marginal farmers land. In fact, the state government made such a proposal to the Government of India, but the Ministry of Rural Development rejected the suggestion. If agricultural work is brought under the rubric of the NREGA, unused land can be made cultivable leading to an increase in overall production.

The stark gender disparity in market wages ensures that NREGS work, with its guaranteed minimum wage, holds little attraction for men and is a great pull for women. For men, the market wage rate is well above the minimum wage of Rs. 125. In plantations, construction work, and coconut cultivation, men are able to earn Rs. 200–225. Skilled workers like masons are paid up to Rs. 262 per day for pond, well and tank construction.

Typically, workers on NREGS sites are women aged 33–45 years. In a household with a single earner, wage work with daily payment is preferred. Where there are two earners, one – and given the disparity in market wages it is usually the woman – can go for NREGS work. Since NREGS wages are paid into a bank account, women are able to save part of their NREGA earnings and many men are taking responsibility for daily expenses. Women's earnings are often saved for a specific purpose.¹⁵

In Attapady, the *Kudumbashree* is the first point of contact through which villagers learn about and participate in the programme. When neighbourhood groups were formed, it was found that members of STs were not comfortable in mixed groups. Their illiteracy was exploited and mutual mistrust led to the groups' dissolution.¹⁶ Tribal illiteracy also impairs the spread of awareness about the scheme. Some tribal ADSs remain unclear about procedures, even after orientation programmes and trainings, and leave records

¹⁵ Thus Parvathy, who worked for 100 days, saved all her earnings in the bank and used the money to construct a kitchen for herself. Her husband's earnings paid for daily necessities. Daughters' marriages, investments in gold, livestock and property, debt clearance, children's education and healthcare are other common expenses. (ISST 2008, 2009)

¹⁶ Mrs. Uma Maheshwari, ADS in Ward 8 of Agali GP; Ms. Usha, Deputy Director, AHADS (ISST 2009)

incomplete.¹⁷ According to one analysis, NREGA governance within tribal communities has been characterised by insensitive staff, faulty targeting, ignorance of tribal life and administration difficulties (Chathukulam and Gireesan 2008). About 100 purely adivasi [indigenous] *Kudumbashree* groups have been created in the last three months to ease this process of assimilation.

Conclusion

A review of social protection approaches in India shows that until the 1990s, most schemes were contributory and applicable to workers in the organised sector. The dominant majority of workers in the informal economy were excluded from social security provision. Anti-poverty programmes provided some measure of relief, and welfare funds covered a few groups of unorganised workers in parts of the country.

Since the early 1990s, the better growth performance, as well as stronger political commitment, has led to many more social protection programmes being started. Among these, the NREGA stands out for the fact that it is demand driven, has greater permanence than other schemes, covers the whole country, and has the potential both to provide a minimum income and stimulate local development.

Public policy and public works in India have generally tried to include women as a percentage of beneficiaries, but have not paid enough attention to gender sensitive design. The NREGA in its design has attempted some gender sensitivity.

Preliminary findings suggest that in Kerala there has been some shift out of agriculture into the NREGS, mainly with respect to female workers. Since the minimum wage paid under the NREGS is far greater than the market agricultural wage for female workers, women who were not working previously have started to do so on NREGS sites. There seems to have been some 'smoothing' of income or consumption. The fact that NREGS wages are paid through banks encourages saving and, reportedly, some percentage is left in the account as savings.

The actual performance of the NREGS in Kerala owes much to state government commitment and the managerial role of the *Kudumbashree* and area development supervisors in particular. Overall, preliminary findings confirm that the NREGS has the potential to stimulate local development, if the management and delivery are good; and that women's weak position in the labour market has been greatly helped. The evidence

¹⁷ Mrs Paapa Madhavan, a ST ADS in Sholayur GP is an exception: she is illiterate, but her popularity and boldness catapulted her to public office.

further suggests these benefits are due to a strong state apparatus (which includes the *Kudumbashree*) and not to the demand of citizens per se.

Appendix: Tables

Table 1: Social protection initiatives in India

List of initiatives relevant to social protection objectives		
Subject	Pre-1990	Post-1990
Labour laws	<p>Employer's Liability Act</p> <p>Fatal Accident Act (1855)</p> <p>Workmen's Compensation Act 1923</p> <p>Payment of Wages Act 1936</p> <p>Industrial Disputes Act 1947</p> <p>Minimum Wages Act 1948</p> <p>Employees State Insurance Act 1948</p> <p>Employees Provident Funds and Miscellaneous Provisions Act 1952</p> <p>Assam Plantation Employees Welfare Fund Act 1959</p> <p>Maternity Benefit Act 1961</p> <p>Beedi and Cigar Workers (Conditions of Employment) Act 1966</p> <p>Contract Labour (Regulation and Abolition) Act 1970</p> <p>Payment of Gratuity Act 1972</p> <p>Bonded Labour System (Abolition) Act 1976</p> <p>Equal Remuneration Act 1976</p> <p>Beedi Workers Welfare Fund Act 1976</p> <p>Inter State Migrant Workmen (Regulation of Employment and Conditions of Service) Act 1979</p>	<p>Building and other Construction Workers (RCES) Act 1996</p> <p>Building and other Construction Workers Welfare Cess Act 1996</p>
Insurance	<p>Public Liability Insurance Act 1971</p> <p>Comprehensive Crop Insurance Schemes, GIC, 1985 (replaced by National Agricultural Insurance Scheme in 1999)</p>	<p>Jan Arogya 1996</p> <p>Janashree Bima Yojana, LIC 2000</p> <p>Krishi Shramik Samajik Suraksha Yojana LIC</p>

		<p>2001</p> <p>(agricultural workers)</p> <p>Khetihar Mazdoor Bima Yojana May 2001</p> <p>(landless agricultural laboureres)</p> <p>(targeted at low income groups, subsidized by GOI)</p> <p>Varishta Pension Bima LIC 2003</p> <p>Universal health insurance Scheme 2003</p>
Micro Credit		<p>Rashtriya Mahila Kosh 1993</p> <p>Kisan Credit Cards 1998–99</p> <p>(formulated by NABARD for agricultural inputs and cash for production needs)</p>
Combined (old age, maternity, health)		National Social Assistance Programme 1995
Food security	<p>Public distribution of cereals through rationing (1939–45); re-introduced 1950</p> <p>Integrated Child Development Services 1975</p>	<p>Targeted Public Distribution System 1997</p> <p>Antyodaya Anna Yojana 2000</p> <p>Mid-day meals 2001</p>
Housing	Indira Awaas Yojana (rural) 1985	Scheme for EWS (urban) 1997
Employment/ Public Works	<p>Rural manpower Programme (1960–9)</p> <p>Crash Scheme for Rural Employment (1971–74)</p> <p>Drought Prone Area programme (1971–73)</p> <p>Desert Development Programme (1977–78)</p> <p>Food for Work (1977–80)</p> <p>National Rural Employment Programme (NREP) (1980–89)</p> <p>Rural Landless Employment Guarantee Programme (RLEGP) (1983–89)</p> <p>Jawahar Rozgar Yojana (1989–99)</p>	<p>Prime Minister's Rozgar Yojana, Swarnajayanti Shahri Rozgar Yojana</p> <p>Employment Assurance Scheme (1993 –99)</p> <p>Food for Work II (2000–02)</p> <p>Swarnajayanti Gram Swarozgar Yojana 1999 (combining IRDP, TRYSEM, DWCRA and others)</p> <p>Sampoorna Gram Rojgar Yojana (SGRY) 2001–05</p> <p>Jawahar Gram Samridhhi Yojana (replacing JRY) 2000</p> <p>NREGA 2005</p>

<p>State Initiatives (selected)</p>	<p>Gujarat Rural Workers Welfare Board</p> <p>Punjab: old age pension, assistance to widows, destitute, disabled</p> <p>Tamil Nadu old age pension 1962</p> <p>Maharashtra Mathadi Workers Welfare Boards; security guards 1961</p> <p>Kerala Welfare Funds (toddy workers 1970, Labour welfare fund 1977; head load workers 1981; motor transport 1985; advocate clerks 1985; artisans 1986; cashew workers 1988; khadi; 1989; coir 1989; fishermen 1986; handloom 1989); welfare schemes (tree climbers 1980–81; agricultural workers pension 1980; cashew 1983–84);</p>	<p>Gujarat Group insurance (fishermen, forest workers, salt workers, shramik suraksha)</p> <p>Madhya Pradesh legislation for welfare of unorganized workers; Welfare Boards 2003/5</p> <p>Tamil Nadu Social Security and Welfare Scheme 2001; manual workers social security 2004; construction workers 1995</p> <p>Karnataka Social Security Authority – being set up; Labour Welfare 2002</p> <p>Andhra Pradesh Labour Welfare 1998</p> <p>State Assisted Scheme of Provident Fund for Unorganised Workers (Govt of West Bengal) 2000</p> <p>(scheme announced along with incentives for industries)</p> <p>Tripura: unorganised workers; beedi 2001</p> <p>Kerala Welfare Funds akbari (liquor) 1990; construction 1990; agricultural workers 1990; lottery agents 1991; document writers 1991; auto rickshaws 1991; aanganwadi workers 1991; tailors 1995; bamboo 1998; beedi 1996); new welfare schemes (barbers 2004, laundry workers 2004, automobile workers 2004)</p>
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Source: NCEUS (2006) 'Unlocking Human Capital: Entitlements and Governance'. 2nd Administrative Reforms Commission. Gol; <http://planningcommission.nic.in>; <http://rural.nic.in>; <http://nrega.nic.in>; <http://indiabudget.nic.in>

Table 2: Women's participation in the NREGA

Rank	States	Total person days (lakhs)	Total female work days (lakhs)	Female share of total person days (percentage)	Expenditure per household (Rupees)
1	TAMIL NADU	182.79	148.27	82	2218.588
2	TRIPURA	50.13	37.60	76	6064.008
3	RAJASTHAN	998.87	670.68	68	5897.532
4	KERALA	20.48	13.44	66	2814.867
5	ANDHRA PRADESH	678.77	371.93	55	3147.056
6	GUJARAT	100.48	50.44	51	3794.170
7	KARNATAKA	222.01	112.24	51	4554.357
8	MANIPUR	18.57	9.45	51	10908.550
9	MADHYA PRADESH	1971.77	852.53	44	6498.463
10	CHHATTISGARH	700.21	275.29	40	5321.890
11	JHARKHAND	520.47	205.46	40	-
12	MAHARASHTRA	159.28	59.05	38	4520.530
13	PUNJAB	15.57	5.88	38	7900.057
14	ORISSA	799.34	284.58	36	5260.956
15	MIZORAM	7.85	2.62	34	3221.911
16	ASSAM	572.92	181.43	32	7478.881

17	ARUNACHAL PRADESH	4.53	1.36	31	1307.692
18	HARYANA	24.12	7.38	31	7081.001
19	UTTARAKHAND	40.6	12.37	31	
20	NAGALAND	13.08	3.92	30	5227.442
21	SIKKIM	2.42	0.60	25	6376.674
22	WEST BENGAL	440.08	80.46	19	1279.693
23	BIHAR	596.87	103.72	18	4220.274
24	UTTAR PRADESH	822.91	136.21	17	3029.928
25	HIMACHAL PRADESH	29.9	3.66	13	6203.546
26	JAMMU AND KASHMIR	32.3	1.44	5	2847.191
	Total	9050.56	3679	41	

Source: <http://nrega.nic.in/states/nregampr.asp> accessed on Nov 2007

Table 3: Profile of NREGA districts in Kerala

Districts	HDI Rank (for 14 districts)	GDI Rank (for 14 districts)	Index of deprivation	SC (% share of district population)	ST (%share of district population)	Female work participation	Rural BPL Families (as % share of rural families)	Female-headed rural BPL families (% share of rural families)
Idukki	12	11	42.7	14.1	4.5	28.1	16.07	4.5
Kasargod	11	8	37.6	7.5	2.5	20.8	37.59	9.0
Palakkad	10	10	40.4	16.5	1.5	21.1	45.25	10.0
Wayanad	13	12	46.3	4.2	17.3	22.8	42.80	6.0
Kerala	NA	NA	29.5	9.8	1.1	15.4	36.56	7.2

Sources: 1998, BPL Census Results, Commissionerate of Rural Development, GoK; <http://www.crd.kerala.gov.in/bpl98/sheet002.htm>, accessed on 2 May 2008; Kerala Human Development Report 2005.

Table 4: NREGA performance in Kerala (2008–9 ongoing)

S No	Name of District	Year	Total no. of households provided with employment	Total person days (lakhs)	No. of person days claimed by women	Percentage of women's participation
1.	Idukki	2008–09	54,885	13.15	11.88	90.34
2	Kasargod	2008–09	25,346	10.51	8.33	79.25
3	Palakkad	2008–09	83,499	30.30	20.90	68.97
4.	Wayanad	2008–09	53,438	21.95	15.38	70.06
	KERALA	2008–09	5,92,767	115.52	89.21	77.22

Source: <http://nrega.nic.in> as accessed on 27 March 2009.

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