

**Gender Mainstreaming in the National Rural Employment Guarantee
Act**

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1. The National Rural Employment Guarantee Act

The National Rural Employment Guarantee Act (NREGA) was passed in 2005, following which state level National Rural Employment Guarantee Schemes (NREGS) were initiated to implement the provisions of the Act in February 2006. The Act provides that employment on public works is to be provided to every rural household whose adult members volunteer to do unskilled manual work. 'Household' is to be interpreted as a nuclear family comprising mother, father, and their children, and may include any person wholly or substantially dependent on the head of the family. A household may also comprise a single member family. Work is to be provided for up to 100 days in the year, upon demand.

Wages are to be as prescribed under the Minimum Wages Act, 1948 for agricultural labourers in the state, against the completion of stipulated tasks.

The Act requires that all persons seeking such employment are to be registered by the *Gram Panchayat* after due verification and the household is to be provided a Job Card. Employment is to be given within 15 days of application for work by an employment seeker, failing which, unemployment allowance is to be given.

The Act seeks the 'creation of durable assets and strengthening the livelihood resource base of the rural poor'. Among the outcomes expected, the following are listed:

- o an increase in employment and purchasing power
- o participation of women workforce
- o strengthening of rural infrastructure through creation of durable assets
- o regeneration of natural resources that provide the livelihood resource base of local rural economy
- o increase in productivity
- o reduction in distress migration.

2. Gender Mainstreaming

UNDP envisions gender mainstreaming as “Taking account of gender equality concerns in all policy, programme, administrative and financial activities, and in organisational procedures, thereby contributing to organisational transformation”.

2.1 Gender Mainstreaming and the NREGA

Within the policy and programmatic sphere, gender mainstreaming is seen as a process through which the legitimacy of gender equality as a fundamental value should be acknowledged and reflected in development choices and institutional practices at the country level. . Hence, gender equality goals should influence mainstream economic and social policies that deliver major resources ¹ . The mainstreaming agenda aims to influence government level programmes and thus the NREGA assumes immense significance, being a large scale initiative taken up by the Indian government.

The NREGA portrays women as significant stakeholders in its objective. As the operational guidelines state

“This work guarantee can also serve other objectives: generating productive assets, protecting the environment, **empowering rural women**, reducing rural urban migration and fostering social equity, among others”.

2.2. Significance of Mainstreaming: Feminization of Agriculture

The operational guidelines for the act have special relevance for women in light of the feminisation of agriculture. Agriculture is increasingly dependent on women farmers due to the changing demographics of the sector. There is a growing feminization of agriculture. While women have always played a key role in agricultural production (crop cultivation, animal husbandry, fisheries, forestry), their importance both as workers and as managers of farms has been growing, as an increasing number of men move to non-

¹ Menon-Sen, Kalyani, Moving from Policy to Practice: A Mainstreaming Strategy for UNDP India. UNDP, October 1998.

The full text of this document is available on-line: <http://www.undp.org.in/Report/Gstrat/>

farm jobs. Today 53% of all male workers but 75% of all female workers, and 85% of all *rural* female workers, are in agriculture. Women constitute 40% of the agricultural work force and this percentage is rising. Also an estimated 20 percent 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.²

The extent to which men have been able to move out of agriculture far exceeds that of women; such a programme which seeks to fill in some of the deficit in the income earned from agriculture and the minimum needed for basic needs, has direct well being implications for women.

3. Gender Issues in the NREGA

Gender relations in India reflect and perpetuate institutional hierarchies whereby women are rendered subordinate to men. Such subordination is reflected in two forms of inequality and differences between women and men—those which can be measured in terms of material outcomes and are immediately visible and those which require further investigation within the family and community, as well as in all socio-economic, cultural and political interactions and relationships between people. The latter variables which influence women's voice, participation and autonomy are difficult to measure.

The NREGA provides some explicit entitlements for women which attempt to tackle visible outcomes such as female participation at the worksites and wages. Other sections of the guidelines provide entry points for eliciting greater female participation through provisions which cater to women's reproductive work. However, while analyzing the impact of the NREGS on women or the gendered implications for the NREGS success at the state level, focus shall also need to be on research which can cull out the intra household and community level variables mediating women's experience in term of access and outcomes pertaining to the EGS works.

3.1 Wages and Participation

The guidelines spell out clear instructions for equal payment of wages for men and women.

² Bina Agarwal, in her submission to the Committee of Feminist Economists, has articulated the extent of feminization of agriculture and its policy implications.

“Equal wages shall be paid to both men and women workers and the provisions of the Equal Remuneration Act, 1976 shall be complied with.” (pp 26)

Differences in payments made to men and women may arise because the NREGA and Schemes prescribe task rates which link productivity with wages and men and women may be allocated to work with different earning expectations. Prima facie, there is no gender bias in this. However, in the detail, there is room for making it more gender-friendly, e.g. in work that requires muscular strength (such as digging in hard strata), productivity norms may be set too high, resulting in women getting wages lower than the minimum. There is considerable discussion in policy circles on productivity norms and the task rate system. UNDP supports MoRD on works manual and rates. Information on the average wages earned is available from the NREGA website and is reproduced below for the seven UNDAF states, along with the share of women given employment on the NREGA schemes.

Table 1: Wage Data for the NREGA 2006-7

State (1)	Total Individuals given employment (2) ³	Women given employment (3) ⁴	Share (2/3* %) (4)	Unskilled wage cost per person ⁵	Total Wage cost per person ⁶	Unskilled Wage cost per person day ⁷	Total wage cost per person day ⁸
Bihar	1951800	467126	24	2144.68	2369.17	70.13	77.47
Chattisgarh	1048383	398276	38	4116.48	4298.17	61.63	64.35
Jharkhand	735057	202620	28	5616.75	6138.03	79.32	86.68
MP	2102229	979095	47	5582.19	6026.56	59.51	64.25
Orissa	799104	279517	35	5280.62	5810.78	52.79	58.09
UP	467580	212543	45	9882.64	10535.25	56.15	59.86
Rajasthan	500065	355271	71	10143.98	10554.06	50.78	52.83

³ State Wise Monitoring Formats for Monthly Progress Report Under NREGA , Part –I

⁴ State Wise Monitoring Formats for Monthly Progress Report Under NREGA , Part –I

⁵ Calculated from State Wise Monitoring Formats for Monthly Progress Report Under NREGA , Part III, Financial Progress Report for 2006-07 and State Wise Monitoring Formats for Monthly Progress Report Under NREGA , Part II, Implementation Report Part II

⁶ Ibid

⁷ Ibid

⁸ Ibid

(Source: Calculated from State Implementation Reports and Financial Progress Reports for period of 2006-07 available at <http://nrega.nic.in/>, accessed in January 2008)

3.2 Participation and Voice

The guidelines also stress on ensuring 33% female participation in the allocation of work.

The act maintains that one-third of the beneficiaries should 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).”
(pp 19)

Thus far, the national data suggests that female participation has been above the mandated 33% for the implementation year 2006-07. 16 out of the implementing 26 states report the number of female beneficiaries being more than one third . While the national estimate of the female percentage share of the total days of work created by the NREGS amounts to 41% in the year 2006-07, there are major inter state variations with states such as Tamil Nadu, Tripura and Rajasthan reporting female participation between 80-70% ; while states such as Bihar, West Bengal , Uttar Pradesh and Himachal Pradesh not even registering 20% female participation.

Table 2: Women and the NREGA (2006-7)

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	37.6	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	3794.17
7	KARNATAKA	222.01	112.24	51	4554.357
8	MANIPUR	18.57	9.45	51	10908.55
9	MADHYA PRADESH	1971.77	852.53	44	6498.463
10	CHHATTISGARH	700.21	275.29	40	5321.89
11	JHARKHAND	520.47	205.46	40	-
12	MAHARASHTRA	159.28	59.05	38	4520.53
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	0.6	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)

As the table shows, expenditure per household varies considerably across states. This is a function of both number of workdays per household and wage per workday. In Tamil Nadu, in 2006-7, the number of days provided per household was very low. Consequently the expenditure per household is also low. As there is a ceiling on the number of days of work that is to be provided, that is at 100 days, in states where the expenditure per household is higher than average (Manipur, Punjab) it may be that higher wages are being paid.

Eliciting female participation for government and non government initiatives proves to be a difficult task in India. This holds true for certain states where public and market spaces are considered specifically for male engagement. Hence, the EGA guidelines also discuss the role local collectives such as SHG' can play in implementation and monitoring of projects as per the the norms set by the NREGS.

As per the guidelines, each work shall be monitored by a local Vigilance and Monitoring Committee which shall be composed of members from the immediate locality or village where the work is undertaken, to monitor the progress and quality of work. Female participation at this level has been decreed a must.

“The Gram Sabha will elect the members of this Committee and ensure that SC/STs and **women are represented on it**” (pp 44)

Further the process of social audits has been entrusted to ensure proper implementation of the guidelines and create space for transparency through EGS workers and local village residents voicing concerns and redressals. The guidelines mention a social audit forum which are periodic assemblies convened by the Gram Sabha every 6 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. Certain procedural sections of the guidelines stress on eliciting female participation in the process.

“The **timing** of the forum must be such that it is convenient for people to attend—that it is **convenient in particular for REGS workers, women and marginalized communities.**” (pp 56)

Finally, the monthly progress reports to be delivered by implementing agencies are meant to maintain certain gender related indicators related to the EGS such as the number of mandays of work/ allocations.

3.3 Child Care

The guidelines tailor the scheme to cater to women’s reproductive work through mentioning the need for a crèche at the work site. Further, the guidelines also stress on allowing for women to be at closer distance to their home to ensure they can manage their wage and household oriented activities.

“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 worksites nearer to their residence**” (pp 18)

“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 worksite.**” (pp 18)

3.4 Female Headed Households

Finally through recognizing single persons as a ‘household’, the act thus makes it possible for widows and other single women to access this work. However, recent studies have suggested that work is only provided for married couples and female headed households face discrimination. This is an area of concern.

4. Guidance for ensuring gender sensitivity in implementation of the NREGA

There are certain critical points at which timely intervention will help in ensuring that the NREGA is implemented in a gender sensitive manner. These critical points and possible inadequacies in implementation can be enumerated as follows:

4.1 Women’s participation: conditions of work, wages paid

The first requirement of participation is adequate information. NREGA stands out among government development programmes in terms of the amount and quality of

information that it generates and places in the public domain. Further, there is considerable discussion on the pros and cons and numerous CSOs, journalists and researchers are looking at the programme. UNDP supports MoRd in this in diverse ways (by commissioning studies, create print and film material to disseminate information, improve the MIS and programme website.)

It has been seen that women often learn about the programme through the men of the household. Finding ways of reaching information directly to women needs to be explored.

Women's effective participation in the NREGS requires that they should have knowledge of what the NREGA is, what is the process of asking for work, what are their entitlements, and what are the processes for implementation and monitoring. Such information is expected to be shared by the Panchayats. Studies have shown that it is often the men who get the first access to this information, and women learn about it from men. Moreover given high levels of illiteracy, reliance on written forms of communication will be very inadequate. Therefore it is advisable to ensure that, in addition to the panchayat's information dissemination, other local groups including trade unions, women's groups, etc, are able to access the details about the programmes. Radio broadcasts may be considered as well.

An innovative way of sharing information about the programme was used in Dungarpur. The District Collector in Dungarpur, Rajasthan, asked the Sarpanch of each village to visit the BPL families and invite them for registration after handing over a handful of yellow rice. By visiting families, men and women were made aware of this new scheme simultaneously. This is a local custom and invitations for a wedding or other joyous occasions is accompanied by yellow rice grains, obliging the invitee to attend. The effort paid off: 60% of the total registration was done on the first day itself.

Two states which report high participation by women are Rajasthan and Kerala.

In Rajasthan, women are the majority of those on work sites, although wages vary considerably from one site to another.

Secondly, since the Act provides for a household guarantee, it cannot directly determine the level of participation by women (apart from ensuring that one third of the

beneficiaries are women); the decision depends on the situation of the household. However, when women do participate care needs to be taken that they do not get allocated to activities where the wage-for-work criterion gives them a smaller share of the wage bill.

Finally, the act allows for convergence between pre existing programmes relating to women such as SHGs to garner improved EGA related outcomes.

The Kerala example where Kudumbshree female volunteers supervised the muster roll preparation, issue and collection of tools and work monitoring for women to the NREGS works , provides an interesting case study where SHG's can be used to enable female participation in the NREGA.

In Kerala seventy percent of the work allotted in Palakkad and Wayanad has gone to women. The state rural development department claims that the implementation of the job guarantee scheme has seen positive changes in the crisis-stricken districts, with wages for women increasing in the open market, elimination of middle-men, and poor women taking to banking⁹. Equal wages have been received by men and women.

4.2 Selecting public works that lead to the creation of public assets that help to meet priorities set by women

In theory the Act provides that priorities as set by the Gram Sabha will determine the choice of works. If the gram sabha is unable to articulate clear priorities then the existing shelf of projects will influence choice. For women to be able to influence choice of works it is necessary that they should be present and actively participate in the gram sabha. If they are found not to be doing this, efforts to find out at local level what the priorities are for men and women may need to be taken on as a task by the Programme Officer in charge of the programme.

It is desirable that public works reflect the priorities of local people, and where there is a difference in the priorities accorded by men and women, that both should be adequately reflected in the choice of works. This requires us to supplement the usual process of gram sabha and panchayat selection with special effort to bring women either as individuals or members of a group into these forums.

⁹<http://www.newindpress.com/NewsItems.asp?ID=IEX20070317035303&Page=X&Title=Kochi&Topic=0&>

To date, we do not have much evidence that gendered difference in priorities have been noticed or acted upon, and it is an area in which Programme Officers could encourage more thinking.

4.3 Ensuring that there is support and provision for women in their reproductive roles

Provisions relating to toilets, shade and water also have important gendered outcomes. Ensuring financial allocations for these shall go a long way in boosting female participation, maintaining decent working conditions and improving the outcomes for women from engaging in NREGS.

A survey of worksites in the states of Jharkhand, Madhya Pradesh, Chhattisgarh and Andhra Pradesh revealed that there was no provision for first aid on the sites, no drinking water facilities, and no shade for rest periods.¹⁰ Another study on the role of Panchayati Raj Institution in implementation of NREGA found that drinking water and shade had been provided at the worksite in most places. However, availability of toilets, crèche facilities and medical facilities were not available¹¹. The study was conducted in 16 states with 25 districts in which NREGA was implemented.

Although the Operational guidelines suggest that crèches should be provided at work sites, local situation and decision making structures mediate such resource allocations. The voice of women with very young children may not be strong enough at fora which decide on such issues such as the village panchayat. Thus, ideally, a separate financial allocation should be made for crèches. Until then, the district administration may need to make special efforts to see that this is done.

This aspect of the programme requires special effort by officers in charge. Ideally, a separate financial allocation should be made. Until such time, the decision to have a crèche on the sites needs to be seen as the default option.

The actual situation regarding amenities needs to be verified at each individual location. While seeking to improve this, additional effort to include crèches among the facilities offered may be needed.

¹⁰ *ibid*

¹¹ PRIA(2006) National Study-I: Role of Panchayati Raj Institution in Implementation of NREGA

4.4 Safety and security

Any attempt to appraise the gendered implications of the EGA shall require investigation into the safety and security concerns relating to women. Adequate infrastructure and institutional interfaces must exist to ensure women feel safe to access work in public spaces.

4.5 Monitoring

Finally, the effective implementation of the programme requires sensitivity to gender concerns being built into the effort towards improving the programme overall. Tracking on issues such women's participation during the social audit forum and vigilance committees is a must.