

Women Need More Protection through MGNREGA: Role of Gram Sabha and PRIs

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Abstract

Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) is the central government scheme in response to the constitutional provision of Directive principles of state policy (DPSP) and specially manifested right to work and means to promote livelihood security in India's rural areas by providing 100 days work in a financial year. By generating employment for women at fair wages in the village, NREGA plays a substantial role in economically empowering women and laying the basis for greater independence and self-esteem. The most distinguishing feature of MGNREGA is its approach towards empowering women citizen to play an active role in the implementation of the scheme, through gram sabha, panchayat raj institution and participatory planning. But the MGNREGA can't turn out to be a major instrument for galvanizing panchayati raj institution in India due to lack of mobilization of disadvantaged group like women, cultural non-acceptance of female participation in the labour force, non-parity of wages, non-availability of worksite facility, non-involvement of self help group & civil society organisation and non-implementation of an indispensable tool like Right to Information Act 2005 which are highlighted in the paper. The paper concludes with some policy suggestions by which women should be kept in forefront for planning, implementing and evaluation of the MGNREGA programme.

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Keywords: MGNREGA, women, gram sabha and panchayati raj

Introduction

Women empowerment is the inevitable factor for the growth and development of a nation like India without which the nation becomes handicap. In India women constitute a major share of population, so their contribution to the GDP is a major indicator for growth. Women vulnerabilities like gender discrimination has been seen starting from foetus in the mother's womb towards their education, employment, control over property and resources, involvement in decision making process in public, political and household domain. The federal government with the flagship of United Progressive Alliance (UPA) has framed the NREGA programme to uplift the landless people, labourer especially poor women from poverty and vulnerability of rural life. Consequently, this programme was named after Mahatma Gandhi and

now it is known as Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) 2005. This is a right-based and demand driven governmental programme¹. It is a paradigm shift from all other wage employment programmes which were supply led. MGNREGA essentially guarantees employment for the unemployed in the rural areas for 100 days in a year. Under this act if work is not provided within 15 day time frame then the applicant is eligible for unemployment allowance.

The unique objectives of MGNREGA for women

While providing employment, priority will 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 2005, Schedule II, 6). In case of every employment under the scheme, there shall be no discrimination solely on the ground of gender and the provisions of the Equal Remuneration Act, 1976 (25 of 1976), shall be compiled with (NREGA 2005, Schedule II, 34). In case the numbers of children below the age of six years are accompanying the women working at any site are five or more, then provisions shall be made to depute one of such women working to look after the children (NREGA 2005, Schedule II, 28). Not less than one third of the total number of non- official members of the central council shall be women (NREGA 2005, Part II, sec-3i). The average out-turn of work put by men and women workers working in a group will be the basis for fixing task based schedule of rates so there is no gender based discrimination in the schedule of rates (NREGA 2005, Part II, Sec-3ii).

Employment as a Right and key stakeholders

Employment programmes in India targeted at the poor people are generally identified with poverty alleviation. According to the Directive Principles of State Policy (DPSP) MGNREGA Act 2005 goes beyond poverty alleviation and recognizes employment as a universal legal right. As it is viewed as a right, providing employment to all those who demand it, become an end in itself. The instrumental role of employment programmes in alleviating poverty and generating social and productive assets is then only secondary. Practically, however, implementation would take some time and the right to employment can be achieved only through progressive realisation over a few years². National Rural Employment Guarantee Act (NREGA) was passed on 25th August 2005, and renamed Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) in 2009 with the objectives: provide work at remunerative wages of landless labourers and marginal farmers; and create assets for raising agricultural productivity. The act became effective at the state level in February 2006 in 200 districts, guaranteeing employment up to 100 days a year to

¹Shah M. (2007) "Employment Guarantee, Civil Society and Indian Democracy", *Economic Political Weekly*, November 17, P-46.

²Ganesh K. A., Mishra S. & Panda M. (2004) "Employment Guarantee for Rural India", *Economic Political Weekly*, December 18, p-5359

poor rural households on demand. By March 2008, MGNREGA was expanded to cover all rural districts in the country. Over a period of three years, its implementation has provided 4.48 billion days of employment, and Rs. 34,600 crore has been spent on wages³.

Significantly, MGNREGA is a right-based programme, unlike earlier employment schemes. The rights of MGNREGA workers include employment on demand, minimum wages, gender parity of wages, and payment of wages within 15 days, as well as the provision of basic worksite facilities. There is a legal guarantee of 100 days employment in a financial year to a registered household⁴. That the government is legally bound to provide employment within 15 days of the application for work by a job seeker; in case of delay or failure to provide employment to the job seeker, there is provision of unemployment allowance. That a person seeking such employment is to be registered with the Gram Panchayat (village administration council); after due verification, the household is to be provided a job card.

Though women employment was not the soul objectives of the scheme but with its developmental goals it comes automatically. NREGA, 'with its guarantee of 100 days of unskilled work for every household, has been envisaged as gender sensitive scheme'⁵ (Das 2012). The design features of this scheme make this scheme gender sensitive.

Implementation of the Mahatma Gandhi NREGA involves roles and responsibilities of a large number of stakeholders from the village to the national level. The key stakeholders are Wage seekers, Gram Sabha, PRIs, specially the Gram Panchayat, Programme Officer at the Block level, District Programme Coordinator, State Government, Ministry of Rural Development, Civil Society and Other stakeholders. Among all the stake holders the paper highlights the role of Wage seekers, Gram Sabha, PRIs, specially the Gram Panchayat, Programme Officer at the Block level for women protection, their smooth facilitation in the MGNREGA programme.

Wage Seekers

The wage seekers are the primary stakeholders of the Act. Their exercise of rights and demand for work are the main trigger of key processes. The rights of the wage seekers are: Application for registration, Obtaining a Job Card, Application for work, Choice of time and duration of the work applied for, Getting work within fifteen days of application, Facilities of creche, drinking water, first aid etc on work site, Right to check their Muster Rolls and to get all the information regarding their

³Das D. (2012). Examining India's Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA): Its Impact and Women's Participation, *International Journal of Social Science Tomorrow*, Vol. 1 No.8.p-3.

⁴MGNREGA Operational Guidelines 2012

⁵Das D. (2012). Examining India's Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA): Its Impact and Women's Participation, *International Journal of Social Science Tomorrow* Vol. 1 No.8.p-3.

employment entered in their job cards, Receipt of wages within fifteen days of work done, Right to get unemployment allowance in case employment is not provided within 15 days of submitting the application or from the date when work is sought (Shah, 2012).

Role Gram Sabha and PRIs in Women empowerment through MGNREGA

In the Post-73rd amendment act 1992, UPA government came with the programme NREGA in 2005 in which Gram Sabha became the principal forum for wage seekers to raise their voices and make demands⁶. The Gram Sabha recommends works to be taken up and is the final authority to determine the order of priority in which works will be initiated under Mahatma Gandhi NREGA. It is the primary forum for conduct of social audits. In addition, it is suggested that the Gram Sabha will proactively disclose following information related with the implementation of the scheme (NREGA) like Names of work both completed and ongoing with wages paid and material component, names of persons, preferably with job card no. who have worked, days worked and wages paid to each of them, Quantity and price of materials purchased for each project along with name of agency which supplied the material.

The most important feature of NREGA is the fact that Gram Panchayats (GPs) have been designated as the chief implementing agency for making the success to MGNREGA or its failure. MGNREGA raises hopes that there will be greater transparency and people's ownership of this scheme due to presence of GPs. Panchayat raj institutions (PRIs) are the enduring face of Indian democracy at the grassroot⁷ level. With all their teething problems like corruption inflicted by entrenched vested interests upon their functioning, it is these Panchayatraj Institutions of local self-governance that need to be empowered if democracy has to grow in India. If the rights of the weakest (women) have to be protected and fortified, then MGNREGA should be implemented through Gram Panchayats. Thus far, a major weakness of PRIs in India has stemmed from inadequate financial devolution.

But there remains a real issue of the lack of implementation capability among PRIs. The support structure to enable GPs to implement NREGA is utterly inadequate. Most states only provide, if at all, for a gram rozgar sewak. It is highly unlikely that this one functionary can effectively implement such an ambitious programme, with all its demanding requirements without providing him due authority and responsibility. Again, it is in the open assembly of the gram sabha that NREGA plans will have to be presented, explained and approved. As the approved plan goes into implementation, it has to be social-audited by the gram sabha at each stage. In many parts of India, this vital institution is still in its infancy. Elsewhere it has gone into deep decay. Either place, it has to be resuscitated.

⁶Das D. (2012). Examining India's Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA): Its Impact and Women's Participation, *International Journal of Social Science Tomorrow* Vol. 1 No.8.p-3.

⁷Shah Mihir (2007) "Employment Guarantee, Civil Society and Indian Democracy", *Economic Political Weekly*, November 17, P-48.

Gram Rozgar Sahayak

Gram Rozgar Sahayak (GRS) will assist the Gram Panchayat (GP) in conducting MGNREGA works at GP level. The GRS should be engaged exclusively for MGNREGA. The function of Gram Rozgar Sahayak (GRS) and the Panchayat Secretary should be clearly distinguished. GRS is a dedicated staff under Mahatma Gandhi NREGA. The cost of GRS is the first charge on the administrative expenses under MGNREGA. The state will ensure that at least one GRS is deployed in every GP except in semi-urban or other panchayats where demand for work under MGNREGA is almost nonexistent. More than one GRS may be deployed in GPs that have high labour potential and GPs with scattered habitations and tribal areas⁸. The GRS should be adequately trained in work-site management and measurement of works. Appropriate performance incentive-disincentive system has to be worked out for salary of GRS. The salary of GRS can be based on fixed pay or on performance basis.

The responsibilities of the Gram Rozgar Sahayak are to oversee the process of registration, distribution of job cards, provision of dated receipts against job applications, allocation of work to applicants etc.; to ensure that the requisite Gram Sabha meetings and social audit are held; to record attendance of labour every day either himself/ herself or through the mate in the prescribed Muster rolls at worksite; to ensure that Group mark outs are given at work site for every labour group so as to ensure minimum wages every day; to attend all review meeting called upon by Programme Officer; to ensure that all mates attend worksites on time and take roll calls/ attendance in prescribed muster roll at worksite only; to ensure worksite facilities at all worksites by engaging a person for drinking water and a person for Aaya⁹ services wherever required and by arranging a first aid box and shade at work site; to update the job cards regularly; to maintain all MGNREGS-related registers at the Gram Panchayat level, including prescribed accounts, and ensuring that these documents are conveniently available for public scrutiny.

This Annual Plan will be presented by the Gram Panchayat at a Gram Sabha meeting to be held on 15th of August. Annual Plans are currently supposed to be presented for approval only at the Gram Sabha on 2nd October each year. The priority in which the works have to be taken up must also be mentioned in the resolution of the Gram Sabha. At this Gram Sabha, Labour Groups will be provided Work Orders, which would constitute a guarantee of 100 days of work to each family represented in the Labour Group. Social Audit would be conducted in every Gram Panchayat at least once in six months, involving a mandatory review of all aspects.

To ensure due compliance with the statutory requirements of transparency, accountability and proactive disclosure of key documents while implementing

⁸Ibid. P-48

⁹MGNREGA Operational Guidelines 2012

Mahatma Gandhi NREGS, the following information should invariably and proactively be disclosed in the Gram Sabha. The Gram Sabhas should regularly be convened for the effective and efficient implementation of the schemes:

- i. Names of work both completed and on-going with wages paid and material component.
- ii. Names of persons, preferably with Job Card No. who have worked, days worked and wages paid to each of them.
- iii. Quantity and price of materials purchased for each project along with the name of agency which supplied the material¹⁰.

MGNREGA: A Landmark Poverty Alleviation Programme for Rural Women

MGNREGA aims are to end food insecurity, empower village communities, and create useful assets in rural areas through complete participation of Gram Panchayat in choice, selection of employment work, its planning and implementation, complete transparency and Social Audits.

Women involvement in MGNREGA: The MGNREGS offers a household guarantee. The number of earners in the household is an important factor in determining who would go for NREGS work, or if anyone would go. In a household with a single earner, wage work with daily payment is preferred and NREGS is not the first option. The poorest, particularly single women households prefer daily wage payments to NREGS, where payments are made usually after a month. Where there are two or more earners, given the male female disparity in market wages it is usually the woman whose time is allocated for NREGS¹¹

The participation of women is a significant measure of MGNREGA's success, it is important to identify variables that help account for the varying levels of participation of women in MGNREGA among states. The following variables were thought to potentially influence female participation on MGNREGA worksites: female literacy, the rural poverty rate of women, female rural unemployment and female rural labor participation rates, and the ratio of the MGNREGA wage to the state minimum wage. These variables were chosen by virtue of being factors that would induce women to demand work through MGNREGA. Women experiencing poverty and unemployment in rural areas have limited employment options and sources of income, so they stand to benefit the most from participation in MGNREGA. The female rural labor participation rate and the MGNREGA wage are also of interest, since the presence of MGNREGA in a district may create substitution and income effects. Women who already participate in the rural labor market may seek out MGNREGA work if the wages and employment conditions are better than at their current employment¹².

¹⁰Aaya service symbolizes child care service by a special lady.

¹¹MGNREGA Operational Guidelines 2012

¹²A survey carried out by ISST in 2006 in selected sites in four states showed that on average households had 3 eligible members per household.

Women in special situations: A study report finds negligence regarding the care of children. In a study in Viluppuram district, Tamil Nadu, Narayanan found that almost 50% of the women left their children at home; 76% of children below 1 year were left at home¹³. Widowed women, deserted women and destitute women are highly vulnerable and require special attention. The Gram Panchayat with the Gram Rozgar Sahayak should identify such women and ensure that they are provided 100 days of work in priority basis. Pregnant women and lactating mothers (at least up to eight months before delivery and 10 months after delivery) should also be treated as a special category. Special works which require less effort and are close to their house should be identified and implemented for them¹⁴.

Limitations of MGNREGA Act

- **Non-Availability of Child Care Facilities:** One of the major shortcomings of the act is non-availability of crèche facilities at the work site even though the act includes this provision. Different studies show that women remained worried about their children while they are working at MGNREGA worksite even some women do not accept the job facilities of MGNREGA because of non-availability of proper child care facilities.
- **Low Level of Awareness:** In many states women participation is low because of low level of awareness about the process and entitlements of the programme. Eg- cumulative person days created in Assam for women have been only 24.85 percent and in out of sample districts only 17 percent in 2010-11. Many of the male folks have withdrawn from agricultural activities and joined works in MGNREGA. This vacated space in agriculture has been occupied by the womenfolk¹⁵.
- **Delay in Payments:** Delay in payments is also responsible for poor participation of women particularly in case of single women if they are the main earners in the family.
- **Nature of Work:** Most of the studies reveal that nature of work is also not helpful for women workers. Most of the projects selected being related to rural connectivity related to rural connectivity and renovation of local water bodies involving earth work requiring application of physical force, male workers were preferred to women workers¹⁶.
- **Poor Worksite Facilities:** MGNREGA funds have been allocated for the provision of safe drinking water, resting place, changing room, first aid, and

¹³Boner K. & Others (2012). "MGNREGA Implementation: A Cross-State Comparison"

¹⁴Narayanan, Sudha. (2008). Employment Guarantee, Women's Work and Childcare, EPW March 1, 2008, p 10 13.

¹⁵MGNREGA Operational Guidelines 2012

¹⁶Panda, B. & Umdor, S. (2011) Appraisal and Impact Assessment of MGNREGA in Assam. North-Eastern Hill University. Shillong.

recreational facility for children etc. But most of the studies reported that except drinking water facility all other facilities were generally absent.

- **Illegal Presence of Contractors:** The continued illegal presence of contractors is a significant negative factor affecting the availability of work and its benefit for women¹⁷.
- There are cases of corruption while implementation of the scheme and NREGA corruption has come up which has spoilt the benefits of the scheme. The NREGA corruption has been quiet disappointing for the people and the government both. The NREGA corruption includes the wrong use of the money in different activities and also includes the misuse of the money which was for the scheme and for the employment programs.
- There are also inadequate staff and infrastructure to implement the scheme MGNREGA, for example Gram Rozgar Sahayak (GRS) post is not yet appointed by every state in each and every village in India.
- There is also high level of politicization relating to this scheme in each and every villages due to existence of different political parties interference in state and centre.
- Low Involvement of civil society and absence of nongovernmental organizations creates lack of awareness among the poor and downtrodden labour class people in India relating to MGNREGA scheme.

Policy Implications

MGNREGA works create public assets for poor women at its best and act as a catalyst and set in motion a virtuous cycle of development. It is important for this to happen that the assets being created are embedded in the existing local economic activity and the social framework. It is presumed in this programme design that the central role given to the gram panchayat ensures such embeddedness.

The potential of the programme for allowing women to make some savings was observed everywhere. Facilitating their ability to save toward specific purchases through easily accessible bank accounts is a way of enhancing well being. At present, even when money is deposited in a bank or post office, access is often difficult, making frequent withdrawals inconvenient, and hence encouraging withdrawal of the full amount. Better systems of mobile banking might be able to improve this situation¹⁸

¹⁷Hazarika, P.G. (2009). Promoting Women Empowerment and Gender Equality through the Right to Decent Work: Implementation of National Rural Employment Guarantee Programme (NREGP) in Assam State (India): A Case Study.

¹⁸Khera, R. & Nayak, N. (2009). Woman Workers and Perceptions of the NREGA. *Economic and Political Weekly*, 44, 49-57.

Togetherness among women makes things work in MGNREGA worksites:

The National Rural Employment Guarantee Scheme (NREGS) has turned out to be a ‘ladies only’ affair in Kuttichal panchayat, near Kattakkada in Kerala. Of the 2,500 job cards distributed in the panchayat, as many as 2,152 have been to women. The GP president was worried because the unskilled work under the programme involved hard and heavy labour, which he supposed was beyond the capability of these women who had applied for a job card. “It is the togetherness that makes things work. The hard work is drowned in the fun. They talk a lot, laugh a lot and share secrets. Many of them have said they are doing this for the first time in their lives,” said the chairperson of the area, Sreelatha¹⁹.

Women Collectives and Consolidation of Savings: The participation of women in the workforce in Kerala is 87 percent. Mahatma Gandhi NREGA has catalyzed links with earlier institutions that sought to empower women, for example with Kudumbashree and Self Help Groups (SHGs) of women. Mahatma Gandhi NREGA has also helped in increasing the saving of women. In the year 2008-2009, women’s savings were INR 67.50 crore (approx. US\$ 14.97 million), which has increased to INR 115.52 crore (approx. US\$ 25.61 million)²⁰.

Women Augment Family Income: India’s rural employment guarantee scheme in Tripura is giving women the opportunity to earn. The government scheme has proved to be a breather for the women in a state where two-thirds of the population is still below the poverty line.

However, since the Mahatma Gandhi NREGA schemes have been implemented in their locality, the women have been able to augment their family incomes. Be it for an increase in the family income or a crucial tool for living, Tripura engages a substantial number of women in Mahatma Gandhi NREGA projects as compared to other north-eastern states. In some pockets like Jirania and Dukli blocks, participation of women in Mahatma Gandhi NREGA works is amazing. Also, the state has moved for multi-cropping agriculture practices instead of traditional single cropping, which also keeps the men busy in fields, giving women more opportunities to avail of Mahatma Gandhi NREGA. Another reason is that women feel safe at the work place in a better socio-economic environment²¹.

India’s job guarantee act emerges as ray of hope during the global meltdown:

In India, home to about 320 million people living on less than one dollar a day, the global economic crisis has affected not only the formal sector, but has also impacted the country’s huge informal economy. Among the newly unemployed are many

¹⁹Sudarshan R.M. (2010). “Women’s participation in the NREGA: the interplay between wage work and care”, For Chronic Poverty Research Centre (CPRC) Conference, Manchester, UK, 5 – 11 September 2010 DRAFT JUNE 2010.

²⁰UNDP (2010) Discussion Paper: Right based legal Guarantee as Development Policy: The MGNREGA.

²¹Vijayanand S.M. and Jithendra V.N. (2009). ‘Implementation of Mahatma Gandhi NREGA-Experience of Kerala’, ‘Mahatma Gandhi NREGA Design Process and Impact’, p- 20.

migrant workers, who earn their daily income through casual jobs. But Madka and his family have found a safety net in the form of the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) of the GoI, popularly known as the job guarantee act. Mahatma Gandhi NREGA is different from previous employment guarantee programmes in that it legally binds the government to provide employment for up to 100 days a year to those who demand it.

Recommendations

The MGNREGA Act, acts as a significant vehicle for strengthening decentralization and deepening processes of democracy by authorising local governance bodies, that is, the Panchayati Raj Institutions. Initiate programmes to train gram panchayat presidents and their staff in the basic skills required to effectively implement MGNREGA, and equip gram panchayats with appropriate infrastructure, material resources, and technical and administrative personnel. To effectively address the issue of poverty alleviation, there is a need to optimize efforts through inter-sectoral approaches. The convergence of different programmes like: Watershed Programmes, National Agriculture Development Programme (Rashtriya Krishi Vikas Yojana), National Horticulture Mission, Scheme of Artificial Recharge of Ground Water through Dug well, BRGF and women related programmes specially with NREGA will enable better planning and effective investments in rural areas specially for women. This convergence will bring in synergies between different government programmes/schemes in terms of planning, process and implementation. This will also facilitate sustainable development. So in its next phase, assist MGNREGA beneficiaries with securing sustainable employment by introducing skill-development programs, perhaps in tandem with current public works. Simultaneously the MoRD should enforce the provision of childcare services on a national level, starting by raising awareness about this particular worker's right.

Conclusion

The concerned ministry (MoRD) is increasing the operational capacity at the gram panchayat level for providing positive impact on gender and women empowerment. Women have benefited both as individual and community through the involvement of Gram Panchayat and Panchayatiraj Institutions. If Panchayatiraj Institutions can provide ample security to the women workers, then women are benefited individually because they are able to earn independently, spend some money for their own needs, contribute in family expenditure etc. The gained benefits of women as community can be understood by increased presence in the gram sabha, increasing number of women in speaking out in the meetings, increasing capacity of interaction etc. MGNREGA's significant potential resides in its ability to be truly demand-driven. While implementation challenges vary widely across states, MGNREGA as a whole could benefit immensely by strengthening capacity at the gram panchayat level.

²²Talukdar R. B. for OneWorld South Asia

Gram panchayats are often too understaffed and under-resourced to operate a programme as comprehensive as MGNREGA, in addition to various other public commitments. A widely acknowledged but challenging first step would be to train all the gram panchayat presidents and their staff in the basic management, planning and budgeting skills required to effectively implement MGNREGA. The benefits of such an effort would extend beyond the programme.

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