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Q15

Is the National Commission for Women able to strategize and tackle the problems that women face at both public and private spheres? Give reasons in support of your answer. (250 words).

UPSC Civil Services Mains 2017 · GS II · 15 marks · Governance and Policy

Government policies and interventions for development in various sectors and issues arising out of their design and implementation.

Core demand of the question

- Is the **National Commission** for Women able to strategize and tackle the problems that women face at both public and private spheres? Give reasons in support of your answer

Revision summary

NCW is a statutory Commission under the 1990 Act, not a constitutional court.

It can investigate, recommend, inspect custodial places, and support important litigation.

Public-sphere tools (POSH, police, local-body reservation) do the heavy tackling; NCW watches.

Private-sphere harm needs the **Domestic Violence Act**, economic rights and local officers, which NCW cannot command.

It can strategise in both spheres; it cannot adequately tackle either without the executive.

Introduction

The **National Commission** for Women is a statutory body under the **National Commission for Women Act, 1990**. It can inquire, advise, litigate in a limited way, and run awareness. Public-sphere harms are workplaces, streets, police stations and political office. Private-sphere harms are the household, personal law, and unpaid care. The Commission can strategise on both; it cannot, by itself, tackle either with the power of a court or a ministry.

Body**What the Commission can do**

- **Section 10** of the 1990 Act lets it investigate deprivation of women's rights, inspect jails and remand homes, fund litigation of a typical importance, and recommend on law and policy.
- It can summon, call for documents, and receive complaints of violence, dowry, workplace harassment, and denial of property or maintenance, which is a national letterbox for both spheres.
- It has used public hearings, research, and draft Bills (for example on trafficking, sexual harassment before the 2013 Act, and parts of criminal law) to set an agenda the government may pick up.
- As a specialised body it can coordinate with **State Commissions** for Women, the police, and the National Legal Services Authority, which is strategy by network, not by command.

Public sphere: partial reach

- Street violence, trafficking, political under-representation, and workplace harassment are public problems. The Commission can shame, recommend POSH compliance, and ask for more women in the force and in tickets.
- It cannot prosecute, cannot pass a budget, and cannot post a Superintendent of Police. Those remain with the criminal system and the executive.
- After Vishaka (1997) and the Sexual Harassment of Women at Workplace Act, 2013, the legal tools in the public workplace are stronger than the Commission's own teeth; NCW is a watchdog, not the **Internal Committee**.
- Reservation in local bodies (**Articles 243D and 243T**) did more for public political presence than any NCW circular. The Commission can support that presence; it did not create it.

Private sphere: structural limits

- The family is where most unpaid labour, domestic violence, and personal-law inequality sit. The **Protection of Women from Domestic Violence Act, 2005**, and criminal provisions are the tackling instruments; NCW is a referral and monitoring voice.
- Personal law and the household are politically sensitive. A recommendatory Commission will hesitate, or will be ignored, when reform touches marriage, divorce, guardianship, or the marital home.
- Privacy of the home, social stigma, and economic dependence mean many women never reach a Commission office. Strategy that does not include local protection officers, shelters, and independent income will fail the private sphere.
- NCW has no all-India field army. **State Commissions** are uneven. A Delhi-centred body cannot casework every private harm.

Reasons for a balanced answer

- **Able to strategise:** yes, because statute, visibility, and a complaint mandate let it name problems in both spheres and push model laws.
- **Able to tackle:** only in a weak sense - inquiry, recommendation, and occasional court intervention. Tackling needs police, prosecutors, labour inspectors, and fiscal rights (land, wages, pensions).
- The body is not constitutional, unlike the **National Commission** for Scheduled Castes. Governments can starve it of members, money, and independence, which is why performance swings with political will.
- A honest answer is therefore "strategise, yes; tackle, not adequately, unless the executive and courts carry the load."

Flow diagram

NCW Act 1990 -> Inquire advise recommend
 Inquire advise recommend -> Public sphere work street politics
 Inquire advise recommend -> Private sphere family personal law
 Public sphere work street politics -> Needs police labour law
 Private sphere family personal law -> Needs DV Act shelters property rights

Conclusion

The **National Commission** for Women can strategise on public and private harms through inquiry, draft law, and complaint handling under the 1990 Act. It cannot tackle those harms by itself because it lacks prosecution power, field staff, and control of personal-law or budget reform. It is a necessary watchdog; it is not a substitute for a gender-just State.

Facts & figures

National Commission for Women Act, 1990

Creates NCW as a statutory body; **section 10** lists inquiry, inspection, research and recommendatory functions.

Not a constitutional body

Unlike NCSC or the **Election Commission**, NCW's strength depends on statute, budget and appointments.

POSH Act, 2013

Workplace harassment is tackled through **Internal Committees** and **Local Committees**; NCW is not that forum.

Protection of Women from Domestic Violence Act, 2005

Main civil-criminal hybrid tool for private-sphere violence, implemented through protection officers and courts.

Articles 243D and 243T

Women's reservation in panchayats and municipalities: a public-sphere gain the Commission supports but does not administer.

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