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Q6(b)

Explain the structure and functions of the National Commission for Women.

UPSC Civil Services Mains 2024 · PSIR GS 1 · 15 marks · Statutory Institutions/Commissions

Statutory Institutions/Commissions: Election Commission, CAG, Finance Commission, UPSC, NCSC, NCST, NCBC, National Human Rights Commission, National Commission for Women and National Commission for Minorities, NITI Aayog.

Core demand of the question

- Explain the legal basis of the **National Commission** for Women (15 marks)
- Describe its structure
- **Describe its functions:** inquiry, advice, litigation support, and limits
- Keep the answer institutional, with a brief evaluation

Revision summary

The **National Commission** for Women is a statutory body under the 1990 Act, constituted in 1992.

- **Structure:** a Chairperson, five members, and a Member-Secretary, with SC/ST representation among members, appointed by the Central Government.

Functions include examining legal safeguards, investigating complaints, studying and promoting women's rights, inspecting custodial institutions, advising on development planning, and supporting litigation.

For inquiries it can use specified **civil-court powers** to summon and record evidence.

It cannot replace courts or social movements; its limits are executive appointment and non-binding recommendations.

Introduction

The **National Commission** for Women is a statutory body created by the **National Commission for Women Act, 1990**, and constituted in 1992. It is the Union's principal specialised public body for investigating and advising on the constitutional and legal safeguards of women. Structure and functions must be stated together, because a commission without powers is only a name.

Body

Structure

The Commission consists of a Chairperson, five members, and a Member-Secretary, appointed by the Central Government. Members are to be drawn from ability and experience in law, trade unionism, management of industry, women's voluntary organisations, administration, economic development, health, education, or social welfare. At least one member is to belong to the Scheduled Castes or Scheduled Tribes. Tenure is as prescribed, ordinarily three years.

The Central Government provides officers and staff. This is a nominated expert-and-activist structure, not an elected house and not a court.

Functions

Section 10 of the Act is the functional core. The Commission examines constitutional and legal safeguards for women and recommends amendments. It looks into complaints of deprivation of rights and of non-implementation of laws, and it takes up cases of violation with the appropriate authorities. It calls for special studies, undertakes promotional research, inspects jails and custodial institutions, and funds litigation in some circumstances. It advises on the planning process of socio-economic development of women and evaluates progress. For inquiry it has, in specified matters, powers of a civil court: summoning persons, requiring documents, and receiving evidence on affidavit.

The Commission therefore sits between a human-rights commission, a policy think tank, and a complaints office. It is not a substitute for the criminal courts or for the **legal remedies in Part III**. Women still use **Article 32** and **Article 226**. The Commission can aid, recommend, and embarrass a department. It cannot finally punish.

Limits

Appointment by the executive raises questions of independence. Recommendations are not self-executing. State commissions vary in strength. The anti-arrack movement showed that women's power can come from the street and the Gram Sabha as well as from a Delhi commission. Evaluation should be sober: the NCW has given a national address to women's grievances and a statutory voice in law reform. It has not, by itself, ended violence or unequal work. Its proper measure is whether inquiries are serious and whether governments are forced to answer, not whether Indian patriarchy has disappeared.

Flow diagram

NCW Act 1990 Act 1990 -> Chairperson members secretary
NCW Act 1990 -> Safeguards complaints research
NCW Act 1990 -> Civil-court inquiry powers
NCW Act 1990 -> Recommend not punish
Part III courts -> Binding remedies

Conclusion

The **National Commission** for Women is a 1990 statutory commission with a chairperson, members, and a member-secretary, appointed by the Centre. Its functions are review of safeguards, complaints, studies, inspection, advice on development planning, and limited **civil-court powers** of inquiry. It is an important but non-final body: it supplements Part III remedies and social movements; it does not replace them.

Facts & figures

NCW Act, 1990

The statute creates the Commission and lists its investigative, advisory, and recommendatory functions.

Section 10

The principal functional clause: safeguards, complaints, research, inspection, planning advice, and related duties.

Civil-court powers

For specified inquiries the Commission may summon persons and documents, which is inquiry power, not a criminal conviction.

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