# Polity & Governance · GS - II

**Which steps are required for constitutionalization of a commission? Do you think imparting constitutionality to the National Commission for Women would ensure greater gender justice and empowerment in India? Give reasons.**

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| MARKS | WORD LIMIT |
|---|---|
| 15 | ~250 words |

## Answer Hint

**Constitutional amendment; independent status; appointment process; tenure and funding; investigative powers; National Commission for Women Act, 1990; gender justice; accountability; institutional limitations**

## Model Answer

### Introduction

Constitutionalisation means granting a body explicit constitutional status, thereby strengthening its institutional position and defining its mandate. The National Commission for Women (NCW), established under the National Commission for Women Act, 1990, is currently a statutory body.

### Steps required for constitutionalisation

- **Constitutional amendment:** Parliament would need to amend the Constitution under Article 368, subject to applicable constitutional requirements.
- **Clear mandate:** The Constitution should specify the commission's objectives, jurisdiction and relationship with other institutions.

- **Independent appointments:** Transparent, merit-based appointments can reduce political influence.
- **Secure tenure and service conditions:** Protection against arbitrary removal can strengthen independence.
- **Financial autonomy:** Adequate, predictable funding is necessary for investigations, research and outreach.
- **Defined powers:** The commission's investigative, advisory and reporting powers should be clearly established.
- **Accountability:** Reporting to Parliament, transparent procedures and judicial review can help prevent misuse of authority.

**Would constitutional status ensure greater gender justice?**

**Potential benefits**

- Greater institutional credibility and visibility.
- Stronger protection against arbitrary executive interference.
- More consistent attention to women's rights and gender-related policy concerns.
- Improved capacity to monitor implementation of legal safeguards.

**Limitations**

Constitutional status alone cannot guarantee gender justice. Effectiveness also depends on timely appointments, professional staffing, adequate funding, accessible complaint mechanisms and implementation of recommendations. The NCW's powers would still need careful definition to avoid overlap with courts, police and other commissions.

**Conclusion**

Constitutionalisation could strengthen the NCW's independence and stature, but it is not a sufficient solution by itself. Meaningful gender justice requires institutional autonomy combined with enforceable laws, responsive administration and wider social change.