

SIXTH ANNUAL MEETING



**Asia Pacific Forum of National Human Rights
Institutions**

"A Partnership For Human Rights In Our Region"

Report of Working Group

**ii) Proposed Amendments (National Human
Rights Commission of India)**

24th – 27th September 2001
Colombo, Sri Lanka

Justice J S Verma
Chairperson
Former Chief Justice of India



URGENT
19 September 2001

Dear Mr. Lawrence,

I should like to thank you for your letter of 16 August 2001, forwarding a copy of the Business Plan 2001-2004 of the Asia Pacific Forum, together with the Draft Constitution of the Forum, an Explanatory Memorandum on the latter and a set of Draft Resolutions.

We have studied these papers carefully and feel that they provide an excellent basis for consolidating the work of the Forum and putting it on a sound basis for the future.

However, in respect of the Draft Constitution, based on expert legal advice, we would like to propose certain minimal amendments which, in our view, are essential to preserving the independence of our Commission and ensuring that the membership of the National Human Rights Commission of India in the Asia Pacific Forum is consistent with the Statute of our Commission, as contained in the Protection of Human Rights Act, 1993 adopted by our Parliament. These proposed amendments are annexed to this letter.

We do hope that the proposals will meet with the agreement of all members of the Asia Pacific Forum.

I am copying this letter, with its annexure, to Professor Alice Fay as well, with whom we have also been in touch in regard to this matter.

With regards,

Yours sincerely,

J.S. Verma

Mr. Chris Lawrence
Proceedings Commissioner
New Zealand Human Rights Commission; and
Regional Coordinator
Asia Pacific Forum of National Human Rights Institutions
On behalf of the Forum's Working Group on Legal Governance

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AMENDMENTS PROPOSED BY NHRC.

Clause 3 should be renumbered as 3.1

3.2 Notwithstanding what is herein contained, the independence, authority and national status of each of the initial members and their powers, duties and functions shall in no way be affected by the establishment of this Forum and its incorporation, or its functioning.

13.7 (a) Decisions at general meetings should, as far as possible, be arrived at by consensus.

Present 13.7(a) should be changed to 13.7 (a-1)

13.7 (a-1) Add at the beginning: "Where there is no consensus,"

Add at the end: "However, when such a decision pertains to the policy or principles governing a human rights issue, any full member who disagrees wholly or partly with such a policy and /or principle may record its dissent/reservation specifying the area of dissent or reservation."