OFFICE OF THE COMMISSIONER OF POLICE : DELHI

No. /Dated, Delhi the /2012

To

The Editor,
Mail Today,
Delhi.

Sub: News article titled 'Batla awaits a judicial probe' published in Mail Today dated 26th September 2012.

****

Sir,

Apropos the article "Batla awaits judicial probe" published in the Mail Toady of 26th September 2012.

In the said article Shri Najeeb Jung, Vice Chancellor of Jamia Millia Islamia has reiterated the demand for a judicial probe into the shoot-out that took place in the Batla House locality on 19th September 2008 in which an Inspector of Delhi Police Shri Mohan Chand Sharma was killed alongwith two militants of Indian Mujahideen. Regrettably, despite being otherwise a balanced piece, the article has missed taking into account the following facts :-

A Writ Petition No. 7368/08 was filed by "Anahad", an NGO, before the Hon'ble High Court of Delhi, seeking a judicial probe into the incident and certain other directions. The Hon'ble High Court directed the National Human Rights Commission to conduct an enquiry into the incident. The coram that conducted the enquiry included Hon'ble Justice G.P. Mathur, Acting Chairperson, Hon'ble Justice Shri B.C. Patel, Member, Shri Satyabrata Pal, Member and Shri P.C. Sharma, Member. In their report submitted before the Hon'ble High Court of Delhi, they have clearly stated that 'there is ample and sufficient material before us which leads to the irresistible conclusion that there was imminent danger to the life of members of the Police party. In fact, Inspector Mohan Chand Sharma received serious gunshot injuries which proved fatal and HC Balwant Singh also received grievous gunshot injuries. The injuries were caused by persons who were armed with firearms and had resorted to firing. Section 100 of the IPC lays down that the right of private defence extends, under the restrictions mentioned in the last preceding section, to voluntarily causing of death or of any other harm to the assailant, if the offence which occasions the exercise of the right, may reasonably cause the apprehension that death or grievous hurt will otherwise be the consequence of such assault. The police party clearly acted in self defence. In such circumstances, the action taken taken by the police party in which Mohd. Atif Ameen and Mohd. Sajid received fatal injuries and died is

fully protected by law. We are clearly of the opinion that having regard to the material placed before us, it cannot be said that there has been any violation of human rights by the action of the Police party. Since there was no violation of human rights, nothing further is required to be done by this Commission and the case is closed.' The Hon'ble High Court of Delhi, upon being satisfied by the report submitted by the NHRC, declined the prayer for a judicial probe.

"Anahad", the NGO, filed a Special Leave Petition Number 26611/2009 before the Hon'ble Supreme Court of India against the above mentioned order of the Hon'ble High Court of Delhi. The Hon'ble Supreme Court of India was pleased to dismiss the petition.

In Writ Petition No.114/2008, Shri Kamran Siddiqui, General Secretary, Real Cause, Jamia Nagar, Delhi had requested for a CBI enquiry into the Batla House incident before the Hon'ble Supreme Court of India. The Hon'ble Supreme Court was pleased to dismiss the petition.

Shri Kamran Siddiqui filed a review petition Number 34/2009 before the Hon'ble Supreme Court of India. The same was also dismissed by the Hon'ble Supreme Court with the observation that 'we have gone through the review petition and the connected records. We do not find any merit in the same. The review petition is dismissed'.

In view of the fact that the Batla House incident has already undergone thorough and meticulous scrutiny by the NHRC, the Delhi High Court and the Supreme Court of India, the demand for a judicial enquiry, and that too, being made by a person of the eminence of Sh. Jung, V.C. Jamia Millia Islamia, is rather unfortunate. Our regret is further accentuated by the fact that a judicial probe is being sought in an incident in which we lost a brave officer of our force and others killed were members of the Indian Mujahideen, arguably the most deadly and active terror outfit operating in the country

We shall feel grateful if our views are published in your esteemed daily so that your readers get the complete picture on the issue.

Yours faithfully,

(RAJAN BHAGAT)

Public Relations Officer,

Delhi
Police, Delhi