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NATIONAL HUMAN RIGHTS COMMISSION AND THE BATLA HOUSE ENCOUNTER

~ Sneha Kumari

Introduction

“Human rights are the bedrock of any democracy.¹” In this world, it’s human rights which gives guarantee to each and every single individual within our society, our nation, our world a life with dignity, equality, and freedom². When talking about a country which is as diverse and as complex as India, to ensure that these rights are protected requires not only a strong set of laws but also an independent institution or institutions which could come forward and ensure that it is applied and seen that the breach of such rights could not be ignored or overlooked. The National Human Rights Commission (NHRC), which as we know, was established in the year 1993, plays this very role, the role of the guardian of human dignity in India³. The National Human Rights Commission works in various matters, like exposing custodial deaths, advising on rights-based policies, etc., it serves as a rather crucial checker on the abuse of power in regards with humans and their basic rights.

Historical Background

¹ Kitty S. Jones, *Aktion Arbeitsscheu Reich: Human Rights and Infrahumanisation*, POLITICS AND INSIGHTS (Oct. 25, 2014), <https://politicsandinsights.org/2014/10/25/aktion-arbeitsscheu-reich-human-rights-and-infrahumanisation/>.

² G.A. Res. 217 (III) A, Universal Declaration of Human Rights, art. 18 (Dec. 10, 1948), <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

³ National Human Rights Commission, *About the Organisation*, NHRC INDIA, <https://nhrc.nic.in/about-us/about-the-Organisation>.

“The National Human Rights Commission was established on 12th October 1993⁴” under a statute known as the Protection of Human Rights Act, 1993⁵. Its formation was inspired by various developments occurring throughout the world that we live in and especially considering the activities which occurred during, and around the world wars, after which India's growing awareness regarding the need to safeguard human rights. The establishment also has elements fitted to the needs of the Indian society of the Paris Principles⁶, which was adopted by the United Nations in the year of 1991, it outlined standards for National Human Rights Institutions. And as we have seen, India has ratified various key international covenants like the International Covenant on Civil and Political Rights⁷ and International Covenant on Economic, Social and Cultural Rights⁸, the National Human Rights Commission became the institutional mechanism which ensures not just compliance but also promotes accountability within the society and within the minds of the people which makes the society.

What Happened During the Batla House Encounter?

It was on the day of September 19, 2008⁹, when the special cell of our Delhi Police launched a raid at a flat in Batla House which was located at Jamia Nagar, Delhi. The operation had aimed to get hold of the terrorists who were allegedly linked to a series of bomb blasts that had caused Delhi and its people, alongside those of our nation, to be shaken by their occurrence just days prior. The encounter had turned violent and resulted in the deaths of two of the alleged terrorists and one inspector, whom we came to know from the records as Inspector Mohan Chand Sharma, who is considered to be a rather highly respected officer. One of the suspects had unfortunately escaped while others were thankfully arrested. This very incident had sparked a nationwide debate alongside quite a media scrutiny, where many people were questioning whether or not the operation had respected the rights of the accused, who, despite their deeds, were human, living,

⁴ *Id.*

⁵ *Id.*

⁶ UNICEF, *The Paris Principles: Principles and Guidelines on Children Associated with Armed Forces or Armed Groups* (Feb. 2007), <https://www.unicef.org/mali/media/1561/file/parisprinciples.pdf>.

⁷ International Covenant on Civil and Political Rights, Dec. 16, 1966, 999 U.N.T.S. 171, <https://treaties.un.org/doc/publication/unts/volume%20999/volume-999-i-14668-english.pdf>.

⁸ International Covenant on Civil and Political Rights, Dec. 16, 1966, 999 U.N.T.S. 171, <https://treaties.un.org/doc/publication/unts/volume%20999/volume-999-i-14668-english.pdf>.

⁹ National Human Rights Commission, *Proceedings on Batla House Encounter*, NHRC INDIA (last updated May 2, 2025), <https://nhrc.nic.in/complaints/proceedings-on-batla-house-encounter>.

breathing humans who, despite their acts, still had their basic rights. Various critics had alleged that the incident may have been staged, and on that basis, it was said that the whole thing was a staged encounter, which raised rather deep and concerning questions about the due process shown, the police's accountability, and on top of that, the protection of fundamental human rights even in the face of extreme and serious situations such as terrorism.

NHRC's Involvement and Its Key Findings:

After facing intense public pressure and various levels of scepticism regarding the narrative given by the police, the Delhi High Court handed the National Human Rights Commission the task of investigating the legality and also the fairness of the Batla House encounter. The National Human Rights Commission's primary mandate was to assess whether or not the fundamental rights of the individuals involved, especially the right to life and protection against arbitrary action, had been upheld or not. This showed the essential role of human rights bodies in ensuring transparency and accountability, even when matters were to be involving important elements that we consider in regards with the nation, like national security and counter-terrorism.

Then, the National Human Rights Commission conducted a rather extensive review which included a rather detailed report by the police alongside findings by the forensic team, a post-mortem report and an injury report of the deceased, apart from that, there was ballistic analysis of weapons which were used and photographs taken of the scene and not to forget physical evidence, all of which were used by them so that they could thoroughly examine the materials and at the end of their examination, they concluded that not only did the police acted in self-defence, and there was no evidence that the encounter was fake alongside that the injuries and evidence all aligned with the account provided by the police and thus concluded that there was no violation of human rights.

Finally, it was decided by the National Human Rights Commission that there were no reason to recommend any further investigation, and this is what they submitted to the Delhi High Court¹⁰.

Conclusion

¹⁰ National Human Rights Commission, *Proceedings on Batla House Encounter*, NHRC INDIA (last updated May 2, 2025), <https://nhrc.nic.in/complaints/proceedings-on-batla-house-encounter>.

The National Human Rights Commission's inquiry into the Batla House encounter shows an extremely crucial role of the independent institutions in the matters regarding upholding the rule of law, where it was ensured that human rights are not only respected but also enforced properly and that the people are aware of it and its limits. While the investigation had ultimately upheld the actions of the Delhi police, with the transparency and accountability brought to the process by the police reassured the public about the integrity of law enforcement practices. This case clearly explained the significance of balancing national security concerns and the protection of human rights, even when talking about high-stakes counter-terrorism operations.