

From Army and BSF to RAW, Spyware Threat Touched National Security Field Too - The Wire

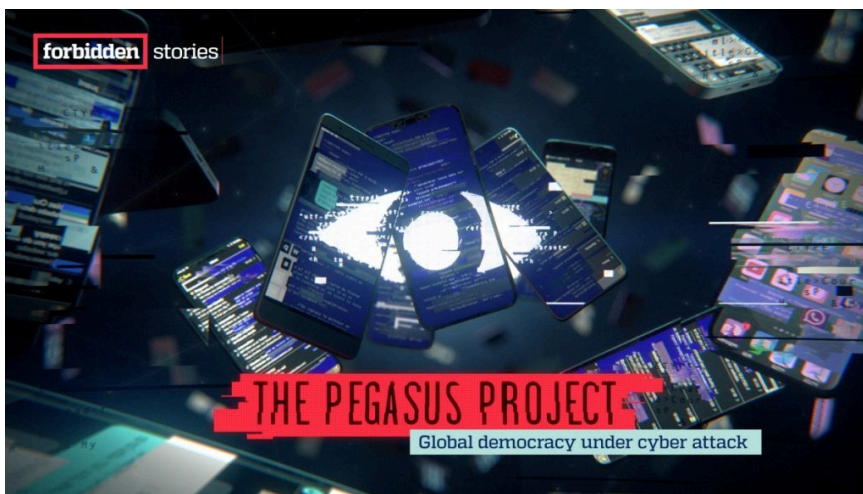
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New Delhi: On February 11, 2018, K.K. Sharma, who was head of the Border Security Force (BSF) at the time, made [headlines](#) for attending – in uniform – a conference on border issues organised by a little-known affiliate of the Rashtriya Swayamsevak Sangh (RSS) in Kolkata.

Media reports noted that Sharma shared the stage with the right-wing outfit's national coordinator Krishna Gopal, its joint national coordinator Murlidhar, a member of the ruling BJP's intellectual cell Mohit Roy, and a former journalist and trustee of several NGOs associated with the RSS, Rantideb Sengupta.

The news of a serving chief of a central paramilitary force attending an RSS-affiliate's event raised eyebrows in political circles. The ruling Trinamool Congress (TMC) in West Bengal objected to Sharma – an IPS officer from the 1982 batch – attending the event in his official capacity, with party MP Derek O'Brien tweeting that his party would take up the matter with the Union home ministry.



Barely a month after Sharma attended that event, his telephone numbers were added to a list of numbers containing several hundred from India marked as probable targets for surveillance. These numbers are part of a leaked database containing 50,000 numbers worldwide that an international consortium of media organisations has analysed as part of its Pegasus Project reporting initiative. The numbers are concentrated in countries that the independent research group Citizen Lab has identified as having an active Pegasus operator capable of delivering the deadly spyware to the smartphones of targets.

The data from the leak was shared with *The Wire* and 15 other news organisations across the world by the Paris-based media non-profit Forbidden Stories, and Amnesty International's Security Lab as part of a collaborative investigation and reporting project spanning weeks.

NSO, the company which sells Pegasus, denies the data has anything to do with its spyware.

In the absence of digital forensics, it is not possible to establish whether Sharma was subjected to an attempted hack or infection. But the fact that the leaked records include three phone numbers used by him, two of which he still uses after his retirement in 2018, indicate he was very much a person of interest to the Indian client of the NSO Group during the time he was in service as BSF chief.

It is not clear what the purpose of any potential surveillance might have been. Serving officers are not meant to be politically aligned, but if the Indian agency in question was interested in studying the extent to which Sharma actually sympathised with the RSS, whatever it learned about his leanings clearly did not disqualify him from a key post-retirement assignment.

Soon after Sharma retired, the Election Commission (EC) appointed him special central police observer for the impending Lok Sabha elections in West Bengal and Jharkhand. As [per](#) that order Sharma “would oversee the deployment and other security related issues in the said states.”

In those polls, the Bharatiya Janata Party and its ideological fount, the RSS, were trying to wrest as many parliamentary seats as possible from the TMC in Bengal, and also ensure a good haul from Jharkhand, where its state government was facing strong anti-incumbency.

A day after Sharma’s appointment, the TMC objected to his deployment in the state. Showing a photo of Sharma attending the RSS event in Kolkata in 2018 to local media, West Bengal chief minister Mamata Banerjee said that her party would write to the EC. “This is the picture of K.K. Sharma in uniform with BJP and RSS leaders. Sitting beside him is Rantideb Sengupta (who was by then a BJP candidate in the 2019 parliamentary polls from the state). Is it democracy? My humble submission to the EC is that the (Union) home ministry is misleading it. How can an RSS man be appointed as the central police observer? Moreover, he is retired. How can a retired officer command police officers on duty,” [asked](#) Banerjee. The CPI(M) [stood](#) with Banerjee in opposing Sharma’s election assignment.

Two days later, the EC [replaced](#) Sharma with Vivek Dube, another retired IPS officer.

The Wire reached out to Sharma for a comment, but he declined to participate in this story.

BSF commandant in Assam as person of interest

The leaked database also shows that a BSF inspector general of police, Jagdish Maithani, was selected as a potential target for surveillance around the same time as Sharma.

A BSF commandant posted in Assam, Maithani appears to have been of considerable interest to an Indian client of NSO between 2017 and 2019.

Maithani has been associated with the MHA’s comprehensive integrated border management system (CIBMS) project or smart fencing, where physical fencing of the border, including in the riverine areas with Bangladesh, is not possible. According to an *Economic Times* [report](#) from 2018, the CIBMS is a concept developed by Maithani.

When contacted by *The Wire*, Maithani did not comment on the matter, instead saying, “I have no problem answering any of your queries provided all service related matters are routed through the force’s public relations

officer.”

According to a former senior BSF officer, Maithani was “handling trials of surveillance systems during that period while posted in our force HQ, and also in MHA. The Israelis had lots of stakes in it.”

Former officer took RAW to court, ended up on list

Another officer who was marked for probable surveillance was Jitendra Kumar Ojha, a retired senior official from the Research and Analysis Wing (RAW), India’s external spy agency. His number figures in the database as does his wife’s.

Ojha, who was in charge of training Indian spies at RAW’s academy in Delhi between 2013 and 2015 and also served in London, was eased out of the service in January 2018. Aggrieved by his premature ‘retirement’ from service, he moved the Central Administrative Tribunal (CAT) in February 2018, and his matter came up the next month.

[Also read: Presence of Over 60 Women in Leaked List Highlights ‘Bodily Violation’ Posed by Spyware](#)

The leaked database shows that Ojha and his wife were selected as persons of interest around that time.

The CAT dismissed Ojha’s appeal in February 2019, following which he moved the Delhi high court, where the matter is still pending.

According to a [news story by Praveen Swami in Firstpost](#), Ojha’s dismissal “had something to do with Samant Goel, an IPS officer from Punjab”. Goel is presently the RAW chief. Calling Ojha an officer who “in 2010 had won the Uttam Seva Praman Patra – an award which is only given to officers with at least six outstanding appraisals over a decade” – Swamy noted that “he played a role in several important national security cases, including that of Surat-bombing accused Hanif ‘Tiger’ Patel – the only success of its kind, so far, in India’s decades-long campaign to extradite fugitives from the United Kingdom.”

Ojha told *The Wire*, “This is brazenly criminal, particularly to have brought my wife’s phone under surveillance. I suspect this is being done at the behest of criminalised officers, with the objective to bring psychological pressure on me, while I fight my case.”

Army officers who moved courts enter snoop list

The leaked database also contains the numbers of at least two Indian Army officers who took on the government on service-related matters.

Colonel Mukul Dev [shot](#) to prominence in 2017 when he sent a legal notice to the secretary of defence arguing against the government order to scrap free rations for officers who are posted in peace areas. He was posted as deputy judge advocate general in the Jodhpur-based 12 Corps.

Dev’s number was identified as a probable target for surveillance in 2019, according to the leaked data. “I am surprised to know that this may have happened. The only reason I can think of is that they perhaps did not like the fact that I consistently raised my voice for the welfare of the Indian Army,” he told *The Wire*. “Under this government, whoever raises genuine concerns is looked at with suspicion.”

The Wire spoke to him on the number mentioned in the records and he confirmed that this was among the phone numbers he used at the time his number appears in the Pegasus Project database.

[Also read: ‘Somebody Has to Do the Dirty Work’: NSO Founders Defend Pegasus Spyware](#)

Colonel Amit Kumar was also from the legal division within the armed forces and selected for potential surveillance at around the same time as Dev.

Kumar was posted as a legal officer at the corps headquarters in Jammu and Kashmir when in August 2018, a few months prior to his appearance in the database, he filed a petition in the Supreme Court on behalf of 356 Army personnel against what they apprehended was an impending dilution of the Armed Forces (Special Forces) Act (AFSPA).

AFSPA gives protection from prosecution to military personnel serving in areas categorised as disturbed or insurgency hit. Kumar’s plea followed a spate of FIRs against military personnel deployed in parts of the north-east and Jammu and Kashmir where AFSPA applies.

His petition argued that the “garb of protection of human rights should not be taken as a shield to protect the persons involved in the terrorist act.”

The petition was [argued](#) pro-bono by former attorney general of India Mukul Rohatgi.

Kumar said that he was aware that he may have been under surveillance in 2020, but was surprised to learn that it may have begun in 2018. “I am not anti-national. What will they get from my phone? My phone is filled with patriotism. There is nothing else of interest,” he told *The Wire*.

He also said that he can understand if the security establishment conducts surveillance for reasons of national security. “But even then, they should first get the permissions required as per law,” he said. “Or they should not get caught.”

Kumar took premature retirement from the armed forces in March 2021.

The Wire was unable to forensically test any of the phones associated with the persons in this story. While the appearance of a number in the Pegasus Project database is an indication of official interest in the person concerned, only an examination of the phones data can conclusively establish whether or not it was targeted by Pegasus spyware.

During the course of its investigation, *The Wire* found 10 phones with traces of Pegasus, including that of the opposition political strategist Prashant Kishor and several journalists.

The Pegasus Project is a collaborative investigation that involves more than 80 journalists from 17 news organisations in 10 countries coordinated by Forbidden Stories with the technical support of Amnesty International’s Security Lab. Read all our coverage [here](#).