

Justice Lokur & Justice Bhattacharya Commission of Inquiry

NKDA Building at 001, Major Arterial Road,
New Town, Kolkata: - 700 156

PUBLIC NOTICE

Dated : 3rd August, 2021

In exercise of powers conferred by sub-sections (1) and (2) of Section 3 of the Commissions of Inquiry Act, 1952 (60 of 1952), the Government of West Bengal through notification No. 91- COI/PL/O/44C-7/21 dated 26th July, 2021 published in **The Kolkata Gazette** Extraordinary dated Monday, July 26th, 2021 has appointed a Commission of Inquiry (hereinafter referred to as the "Commission") comprising the Hon'ble Justice Madan Bhimarao Lokur, former Judge of the Supreme Court of India, and the Hon'ble Justice Jyotirmay Bhattacharya, former Chief Justice of the High Court at Calcutta, to inquire into the facts and circumstances related to reports that the mobile telephones of various police officials, politicians, Members of the Legislative Assembly, journalists, activists, members of the judiciary, members associated with judicial services, and other eminent personalities in the State of West Bengal have been illegally hacked into and/or monitored and/or put under surveillance and/or tracked and/or spied on and/or traced and/or snooped and/or accessed and/or recorded and/or hooked (hereinafter referred to as "Interception").

The Terms of Reference of the Commission with respect to the above are as follows:

- (a) To enquire into whether any incidences of reported interception have occurred;
- (b) To enquire into the State and non-State actors who were involved in such reported interception;
- (c) To enquire into mechanism and/or spyware and/or malware that were being used to effectuate such reported interception;
- (d) To enquire into whether any software such as Pegasus of NSO Group Technologies located at Herzliya, Israel, and/or any spyware and/or malware of any other organization had been in use and/or currently being used to conduct such reported interception;**
- (e) To enquire into the events leading to the occurrence of the incidences of interception of the aforesaid category of individuals or public at large, and the information that has been collected, altered, stored, or used and the possession, storage and further collection and use, of such information pertaining to such interception in the hands of State actors and non-State actors;
- (f) To investigate into the circumstances including provocations, instigations from any persons/ group of persons, if any, leading to the reported interception;
- (g) To enquire into the details of the victims and/or persons affected;
- (h) To enquire into the role of other authorities and/or State and/or non-state actors in such interception;
- (i) If such reported interception is found to be true, to enquire into whether State/ non-State actors can, without any express legal provision and/or judicial oversight, carry out the reported interception;
- (j) If such reported interception is found to be true, to enquire into the reasons and/or legality and/or authority and/or *raison d'être* provided by such State and/or non-state actors for such reported interception;
- (k) If such reported interception is found to be true whether such right to privacy of the category of individuals has been affected;
- (l) To examine any other matter or facts relevant to, ancillary, incidental, or connected with its subject of inquiry including the above questions which the Commission may deem fit and proper to investigate.

Notice is hereby given that all individuals, group of persons, associations, institutions, and organisations acquainted with or having knowledge, directly or indirectly, of the facts and circumstances relating to the matters referred to the Commission in its Terms of Reference and having interest in the proceedings before the Commission or desirous of assisting the Commission in making an inquiry into the matters referred to the Commission, may furnish their statement relating and relevant to the aforesaid matters to the Commission personally or through registered speed post or courier or electronic mail (lokur,jb-coi@bangla.gov.in) at the address of the Commission as mentioned below, **within 30 (thirty) days** of the publication of this notice.

It is made clear that since the inquiry is time-bound, any statement received by the Commission after the expiry of 30 (thirty) days will not be accepted, except in exceptional circumstances.

Address of the Commission is as follows:-

Justice Lokur & Justice Bhattacharya Commission of Inquiry
Located at NKDA Building at 001, Major Arterial Road, New Town, Kolkata: - 700 156

Every statement shall be accompanied by an Affidavit sworn in support of the averments made in the statement by the person furnishing the statement before a Metropolitan Magistrate or a Judicial Magistrate 1st Class or a Commissioner of Oath or any other person authorised by law to administer oaths.

Every statement shall also specifically indicate the Term of Reference of the Commission to which the information contained in the statement is related.

Every statement shall also include a declaration as to the source of the information contained therein including where necessary the name and contact information of any person or organisation from whom such information has been received. Wherever such information is privileged or protected by law the exact nature of the privilege and/or protection shall be stated.

Every person furnishing a statement as mentioned above shall also furnish to the Commission along with the statement an indexed list of documents, if any, on which such person proposes to rely and forward to the Commission, wherever practicable, the originals or true copies of such of the documents as may be in their possession or powers and shall state the name and address of the person from whom the remaining documents may be obtained.

Every affidavit as stated above shall be verified in the following manner:

"Verified that the statements made in paragraphs of the above affidavit are true to my personal knowledge and those in paragraphs..... from information received and believed to be true by me and those in paragraphs..... are based on records."

The Magistrate or Commissioner of Oath or Authority legally empowered to confer oath before whom the affidavit is sworn shall make endorsements therein in the following manner:

"Sworn before me by the deponent who is identified to my satisfaction by or is personally known to me. The affidavit has been read out in full to the deponent who has signed it after understanding its contents and admitting it to be correct, on this the _____ day of _____ 2021 at (place) _____"

(Signature of the Magistrate/ Commissioner of Oath/
Authority)"

The affidavit must state the occupation and the ordinary place of residence of the deponent and contact address through email (if any) and telephone number.

If the affidavit is in a language other than English, it shall be accompanied by a translation thereof in English duly authenticated by an advocate or a Magistrate.

It may be noted that the proceedings before the Commission are judicial proceedings within the meaning of Sections 193 & 228 of the Indian Penal Code, 1860.

Physical copies of all statements accompanied by affidavits, furnished in the manner stated above and within the time prescribed, may be addressed to:

Secretary
Justice Lokur & Justice Bhattacharya Commission of Inquiry
Located at NKDA Building at 001, Major Arterial Road, New Town, Kolkata: - 700 156
Scanned copies of the signed statements should be sent to:
lokur,jb-coi@bangla.gov.in

BY ORDER OF THE COMMISSION OF INQUIRY

Sd/ Dipankar Chowdhury

Secretary, Justice Lokur & Justice Bhattacharya Commission of Inquiry
NKDA Building at 001, Major Arterial Road,
New Town, Kolkata: - 700 156