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# **RIGHT TO INFORMATION AND PROTECTION OF WHISTLE BLOWER**

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## **ABSTRACT**

Information is a term that has its origin in the Latin word ‘formation’ and ‘forma’ which denotes providing shape to something and forming pattern, respectively. Information enhances and adds on a person’s awareness and eliminates the vagueness of certain ideas. Information being a power aims at empowering the largest subjects including the weakest. It enables an individual to enjoy fundamental rights of free speech and expression that has been enshrined under Article 19(1)(a) of the Indian Constitution. The absence of authentic and reliable information on the matters involving public interest and governing policies will frustrate the purpose of the same constitutional right. Moreover it will encourage wild rumours, speculations and avoidable allegations against individuals and institutions as well. Hence there was need for the enactment of a concrete legislation which facilitates active participation of people in democratic government process and also promotes openness, transparency and accountability of governing bodies. Eventually, Right to Information Act, 2005 came into light, replacing the culture of concealment and control with honesty and involvement. Right to Information is a process to secure access to information and setting out unacceptable means. The Act became a pioneer tool in the hands of citizens of India for promoting, protecting and defending their right to know. Such knowledge becomes the strength of individuals which helps them raising voice against any illegal activity or violations of public trust. The individuals become whistle blowers who pass the information about

malpractices and misdeeds that have been occurring in their surrounding environment. They usually expose the fraud, corruption, willful wrongdoing or similar unethical acts those may be non-permissible under law. Such exposures often make the whistle blowers to face unanticipated consequences and they should be protected against such odds. Thus whistle blower protection is essential to encourage the reporting of misconduct, fraud and corruption and for making the system more transparent and accountable.

**KEYWORDS:** Right to information, RTI Act, 2005, RTI Activists, Protection of Whistle Blowers

## 1. INTRODUCTION

*“A government which functions in secrecy not only acts against democratic decency, but also buries itself with its own burial.”*

Justice V.R Krishna Iyer

Until 2005 India witnessed an opaque system of governance, vindicated by colonized Official Secrets Act, 1923. The enactment of Right to Information Act, 2005 brought a transition from secret system to one in which every citizen has a privilege to seek information. The Right to Information Act (RTI) is an Act of the Parliament of India "to provide for setting up the practical regime of right to information for citizens". It aims to promote transparency and accountability in the working of every public authority.<sup>1</sup>

The right to information at all levels is a necessary condition to bring about the accountability necessary for reducing inefficiency and corruption. The role of RTI activists in bringing out the illegal activities at public offices is of immense importance. The efforts of RTI activists have exposed many scams exploiting the public at large in the hands of government. In doing their duty and protecting ordinary citizens, RTI activists have suffered and even laid down their lives. They have to face harassment, assault and even murder. Hence there is a need for the empowerment of such people with stronger safeguards.

The Whistle-Blower Protection Act is one of such attempts that have been made for the persons who dare to raise voice against any illegal or wrong doing. The Act, came into force in the year

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<sup>1</sup> MLA Thiyagarajan, *Normative values of Right To Information act 2005 a critical study* (2015), available at [http://shodhganga.inflibnet.ac.in/bitstream/10603/76718/09\\_chapter2.pdf](http://shodhganga.inflibnet.ac.in/bitstream/10603/76718/09_chapter2.pdf)

2014, provides for protection to the people who are blowing the whistle against corruption in public sector. An important objective of a whistleblower law is to provide a safe alternative to silence.<sup>2</sup> It is a legislation to establish a mechanism to receive complaints relating to disclosure, to inquire into such disclosure and to provide adequate safeguards against victimisation of the person making such complaint. The disclosures may be an instance of corruption or willful misuse of power. The Act lays down who may make disclosure, about what they may make disclosure, to which they may make disclosures, inquiry into the disclosures, powers of the competent authority, protection of the persons making disclosure, offences and penalties and other provisions.

## 2. RIGHT TO INFORMATION ACT, 2005

Looking at the concept from historical perspective, it can be inferred that the concept of search for truth is not alien to the Indian political thinkers and philosophers. They have expressed concern to secure knowledge since the very early time of Vedic age. In this context the great Upanishad philosophy says "Tamsa ma Jyotigramaya" means "Oh Lord! Lead me from darkness to light i.e. from ignorance to knowledge."<sup>3</sup> Keeping this in consideration and recognising a new facet of freedom of speech and expression the Hon'ble Supreme Court in one of the landmark case<sup>4</sup> held that "In a government of responsibility like ours where the agents of the public must be responsible for the conduct there can be but a few secrets. The people of this country have a right to know every public act, everything that is done in a public way by their public functionaries. They are entitled to know the particulars of every public transaction in all its bearings." Thus, the journey of this right which derived its birth from Article 19(1)(a) started which eventually led to enactment of Right to Information Act, 2005, the history, constitutional perspective, salient features and development has been traced in following paragraphs.

### 2.1 Historical Background

Time and again there have been many efforts being initiated and taken on the part of government, private institutions and individuals to empower the citizens of India with right to information. In the life of Indian Republic, the first political commitment to the citizen's right to information came

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<sup>2</sup> Anshul Agnihotri and Sankul Kabra, "Whistleblower Legislation in India: Comparison with International Standards", Vol. 1, *Indian Journal of Law and Policy Review*, (2016).

<sup>3</sup>"Concept and Genesis of Right to Information" available at [file:///C:/Users/gg/Downloads/09\\_chapter%202.pdf](file:///C:/Users/gg/Downloads/09_chapter%202.pdf)

<sup>4</sup>State of U.P. v. Raj Narain , AIR 1975 SC 865.

up on the eve of the Lok Sabha Elections in 1977 as a corollary to public resentment against suppression of information, press censorship and abuse of authority during the Internal Emergency of 1975-77. In its election manifesto of the 1977, the Janata Party promised "an open government," and declared that it would not 'misuse the intelligence services and governmental authority for personal and partisan ends." Pursuant to this commitment, the Janata government headed by Morarji Desai constituted in 1977 a working group to ascertain if the Official Secrets Act, 1923, could be modified so as to facilitate if the Official Secrets Act, 1923 could be modified so as to facilitate greater flow of information to the public. The working group comprising officials from the cabinet Secretariat and the Ministries of Home Affairs, Finance and Defence laboured for months to recommend that the Act of 1923 should be retained without change.<sup>5</sup> In its 1989 Lok Sabha Election Manifesto, the National Front Committed itself to "open government", and declared unequivocally that "people's right to information shall be guaranteed through Constitutional provisions".<sup>6</sup> A special emphasis and commitment was laid down by the then Prime Minister V.P. Singh, however sadly, despite such strong commitment, there was actually no headway towards transparency and openness in governmental functioning due to the early falls of the National Front Government. The actual Right to Information campaign, began in the early 1990s in rural Rajasthan through the struggles of peasants and workers of the MazdoorKisan Shakti Sangathan, a non-party political organization fighting on issues of land, minimum wages and delivery of basic services to the poor.<sup>7</sup> In 1994 the Mazdoor Kisan Shakti Sangathan (MKSS) spearheaded the right to information movement in Rajasthan and subsequently, throughout India. This movement grew and the campaign resulted in the government of Rajasthan enacting a law on Right to Information in 2000. In 1996, National Campaign for People's Right to Information (NCPRI), one among several civil society groups, was founded with the objective of getting legislation on RTI passed.<sup>8</sup> In 1997, the Government of India, appointed a working Group under the chairmanship of H.D. Shourie, which drafted the Freedom of Information Bill, 1997.<sup>9</sup> In 2002, Freedom of Information Bill, 2000 was introduced in Parliament, and was referred to a Select Committee of Parliament. It was passed in both houses of Parliament in December 2002 and received the assent of the President of India on 6th January, 2003, and became law, known as

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<sup>5</sup> Chandi Ram, *Right to information law and its implementation* (2013), available at [http://shodhganga.inflibnet.ac.in/bitstream/10603/32397/7/07\\_chapter%201.pdf](http://shodhganga.inflibnet.ac.in/bitstream/10603/32397/7/07_chapter%201.pdf).

<sup>6</sup> Ibid.

<sup>7</sup> "The Invisible History of People's Movement" available at [https://www.telegraphindia.com/1140313/jsp/opinion/story\\_18068459.jsp](https://www.telegraphindia.com/1140313/jsp/opinion/story_18068459.jsp)

<sup>8</sup> "History of Right to Information in India: Evolution and Challenges" available at <http://rtiact2005.com/history-of-rti-act-2005-in-india-evolution-and-challenges/>

<sup>9</sup> Dr. S.S.Srivastava, *Right to Information* (Central Law Agency, Allahabad, First Edition, 2012)

Freedom of Information Act, 2002 to which certain amendments, were suggested to be made, by National Campaign for People's Right to Information.<sup>10</sup> Finally in 2004 RTI Bill 2004; applicable only to Union Government was presented. After heavy lobbying by NCPRI and other organizations the Right to Information Act, 2005 was passed with 150 amendments along with application to States also. It received assent of President of India on 15th June 2005, and was published in the Gazette of India on 21st June 2005. RTI Act, 2005 came into force with effect from 12th October 2005, and known as Right to Information Act, 2005 (Act No. 22 of 2005).

## **2.2 Constitutional Perspective and Judicial Trend before Enactment of Right to Information, 2005**

In India, Right to Information is a fundamental right under the Constitution of India and is an integral part of right to freedom of speech and expression under Article 19(1)(a) and right to life and personal liberty under Article 21. Although Article 19 does not specifically mention the Right to Information, the Apex Court has held in endless cases that the right to know is a part of the right to speech and expression due to the following reasons:

- a. To speak and express freely, we must have information on any subject;
- b. In a democracy we must know what the government is doing in order to express opinions on it. Expressing opinions includes the right to dissent.<sup>11</sup>

In *Bennett Coleman and Co. v. Union of India*<sup>12</sup> for the first time right to information was recognized as a fundamental right under Article 19 (1) (a). In *Indian Express Newspaper Bombay Ltd. And others v. Union of India*<sup>13</sup> it was observed that right to impart and receive information is a species of the Right of Freedom of speech and expression guaranteed under Article 19(1)(a) of the Constitution. Again, in *People's Republic for Civil Liberties v. Union of India*<sup>14</sup> right to information has been held to be part of Article 19 (1) (a).

## **2.3 Right to Information Act, 2005: Salient Features of the Act**

The Right to Information Act, 2005 is a codification of this important right of citizens. The right existed since the time India became a republic, but was difficult to enforce without going to

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<sup>10</sup> Supra Note 8

<sup>11</sup>Dr. Jyoti Rattan, *Right to Information Act, 2005* (Bharat Law Publishers, New Delhi, 6th Edition, 2022)

<sup>12</sup>AIR 1973 SC 106.

<sup>13</sup>AIR 1989 SC 190.

<sup>14</sup>AIR 2004 SC 1442.

court.<sup>15</sup> The salient features of this Act are:

1. *Right to Information*: Section 3 gives right to information to all citizens, but not to non-citizens. Right to information as defined in Section 2(j), means the right to information accessible under this Act which is held by or under the control of any public authority.
2. *Specified time-period and format for requisitioning information*: An application in a prescribed format can be made to seek information from public authority which must be provided within 30 days.
3. *Public Information Officers and Assistant Public Information Officers*: At each sub-divisional level or other sub-district level, the public authority shall designate an officer as Assistant Public Information Officer. Public Information Officer shall deal with the request for information and shall render reasonable assistance to the person seeking information. It is the duty of the Assistant public Information Officer to receive the applications or appeals under the Act. He shall forward forthwith the applications for information to the Public information Officer and applications for appeals to Senior Officer of the Information Commission.

### **3. WHISTLEBLOWERS PROTECTION**

The existing era of globalization leads economic motives over all morals and virtues. Such motives often make the individuals indulge in many corrupt and illegal practices. The act of raising voice against or disclosing such practices is known as whistle blowing. It also implies raising concern against any wrong or misdeed at any working place or public office.

Whistle blowing basically means raising an alarm at the wrong within or outside the organization, where the interest of many people is at stake. One makes noise only with an intention to alert others to a misconduct or misappropriation. The intention to raise alarm should not be to create any kind of panic but only to raise alarm. It is considered very risky sometimes owing to the types of disclosures one makes. It is important for a whistle blower to make sure that certain aspects are taken into consideration before raising alarm. A whistle blower has to make sure that the information that he or she has are the true facts and not any kind of rumours. Otherwise it may create unnecessary tension. However, this will help to deal with the future problems in a much

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<sup>15</sup>N.K. Jain, *Right to Information: Concept, Law and Practice*, (Regal Publications, New Delhi, 2007).

easier way.

### 3.1 Meaning of Whistle Blower

A whistleblower is an individual who comes forward to share his or her knowledge about any misconduct, malpractice, unethical behavior or any wrongdoing which he or she thinks is taking place in the whole organization or in the specific department of the organization. A whistle blower could either be an employee, a supplier, a contractor, or whosoever becomes aware of any illegal activities and discloses information to the public or some higher authority about any wrongdoing, which could be in the form of fraud, corruption, etc.<sup>16</sup>

*According to Bok S (1980)*<sup>17</sup> whistle blowers are those individuals who “sound an alarm from within the very organization in which they work, aiming to spotlight or abuses that threaten the public interests”.

*R.M Green (1994)*<sup>18</sup> defines a whistleblower as “an Employee who, perceiving an organizational practice that he believes to be illegal or unethical, seeks to stop this practice by alerting top management or failing that by notifying authorities outside the organization”.

*According to John A. Grey (2004)*<sup>19</sup>, the term “whistle-blower” refers primarily to an employee who, in good faith, attempts to have the employer stop conduct that the employee reasonably believes to be injurious to the public and a violation of the law either through internal efforts or by disclosing the illegal conduct externally to the press or law enforcement agencies.

*According to Hellriegel, Jackson, Staude and Associates (2001)*<sup>20</sup>, “whistle blower’s as employers to other people or organizations that are capable of their employers to other people or organizations that are capable of taking corrective action”.

*Jubb (1999)*<sup>21</sup> defines, “whistle blowing is a deliberate nonobligatory act of disclosure, which gets onto public record and is made by a person who has or had privileged access to data or information

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<sup>16</sup> Nikita Pasan and Surbhi Jain, “Critical Analysis Of The Whistle Blowers Protection Mechanism In Indian Law”

<sup>17</sup> Bok, S., “Whistleblowing and professional responsibilities”, *Ethics teaching in higher education* 277-295 Springer, Boston, MA, 1980.

<sup>18</sup> *Ibid.*

<sup>19</sup> John A Grey, The Scope of Whistleblower Protection in the State of Maryland: A Comprehensive Statute is needed, *33U BALT.L.REV.*225, (2004).

<sup>20</sup> Hellriegel, D., Jackson, S.E., Slocum, J., Staude, G. & Associates, *Management 4<sup>th</sup> South African Edition*, Cape Town: Oxford University Press, 2001

<sup>21</sup> Peter B Jubb, "Whistle Blowing: a restrictive definition and interpretation", Vol. 21, *Journal of Business ethics*, Issue 1, 1999.

of an organization, about nontrivial illegality or other wrongdoing whether actual, suspected or anticipated which implicates and is under the control of that organization, to an external entity having potential to rectify the wrongdoing”.

*International Labour Organization (ILO)* defines<sup>22</sup> whistle blowing as “the reporting by employees or former employees of illegal, irregular, dangerous or unethical practices by employers”.

*According to Hellriegel, Jackson, Staude and Associates (2001)*<sup>23</sup>, “whistle blower’s as employers to other people or organizations that are capable of their employers to other people or organizations that are capable of taking corrective action”.

Similarly, *Judy Nadler and Miriam Schulman*<sup>24</sup> defines, “whistle blowing means calling attention to wrongdoing that is occurring within an organization”.

### 3.2 Types of Whistle Blowing

- *Internal whistle blowing*: It is blowing the whistle inside the organization, for example, raising voice against designated officer, workers or bosses in the same organization. Usually most whistle blowers are internal whistle blowers, who report misconduct of a fellow employee or superior within their company. They are the people who either act on the spot to stop illegal and otherwise unacceptable behavior being followed or report it. Moreover it is often believed that people are more likely to take action with respect to unacceptable behavior, within an organization, if there are complaint systems that offer not just options dictated by the planning and control organization, but a choice of options for absolute confidentiality.
- *External whistle blowing*: External whistle-blowing refers to blowing the whistle to law enforcement agencies or to teams worried with the matters of public interests for example by Lawyers, Mass media, law enforcement. External whistle blowers, however, report misconduct on outside persons or entities. In these cases, depending on the information's severity and nature, whistle blowers may report the misconduct to lawyers, the media, law enforcement or watchdog agencies, or other local, state, or federal agencies. In some cases, external whistle blowing is encouraged by offering monetary reward.

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<sup>22</sup> A. Brown, D. Lewis, R. Moberly, and W. Vandekerckhove, *International Handbook on Whistle-blowing*, Edward Elgar Publishing Limited, 2014.

<sup>23</sup> Supra Note 20

<sup>24</sup> Judy Nadler and Miriam Schulman, “Whistle Blowing in the Public Sector”, available at <http://www.scu.edu>

- *Alumni Whistle-blowing*: When the whistle blowing is done by a person who is no more employed by organization but he is acting on willful wrongdoings he has witnessed during his employment with the same organization. Such ex-employees can unearth such deliberate mismanagements with relevant authorities.
- *Public whistle blowing*: Disclosing information to the media, by means of the Internet, at a public gathering, or in any other manner that information may be made public shall be deemed public whistle blowing. A whistleblower may disclose information to the public at large without having previously disclosed it to an employer or competent authority in the event of an immediate threat to life, public health, and safety, the environment, to causing large-scale damage, or if there is an immediate threat to destroying the evidence. When blowing the whistle to the public at large, a whistleblower shall be required to comply with the principle of presumption of innocence of an accused, the right to personal data protection, as well as not to hinder the conduct of the court proceedings.

### 3.3 Need for the Protection of Whistleblowers

Whistle-blowing in the current global scenario has gained a lot of recognition and has not remained the topic of unsung world. The modern world has witnessed many cases of whistleblowers. But life is not a bed of roses for a person who blows the whistle against corruption going on in an organization. It requires the tremendous courage to expose the wrong doings going on in an organization in which one is working as an employee.<sup>25</sup> It usually happens that the reaction of employees towards illegal and unethical practices within the organization often lead them to risk their job or life. Once the identity of whistleblower is revealed to the wrong doers then it is tough to protect the person from victimization at the hands of employers and top officials.

Whistleblower's protection is imperative to encourage the reporting of misconduct, fraud and corruption. The risk of corruption is heightened in the environment where the reporting is either not supported or protected. This is the requirement in both public and private sector. Providing the effective protection for whistleblowers supports an open organizational culture where employees are not only aware about the procedure to report the corrupted and unfair practices but also have the confidence that they will not be victimized.

In this scenario, if laws also don't give support to the whistleblowers then their efforts will be in

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<sup>25</sup> "Whistleblower Protection", Lawyers Update, Vol. XVIII, Part 5, May 2012.

vain and in future no one will dare to expose the corruption going on in an organization. Hence there is need to formulate concrete legislations for protection of whistle-blowers which should provide mandatory strict provisions.

### **3.4 Whistle-Blower Protection Act, 2014**

Whistle-blowing is a task of great courage as the acts of whistle-blowers often let them face some harsh consequences that can be related to losing their job or sometimes life as well. Hence in order to eliminate the growing cases of harassment, unjust behavior with and even murder of whistle blowers in India and to give them legal protection under the law, the Cabinet of India approved the Whistle blower Protection Act, 2011. The Act was passed by the Lok Sabha on 27th December 2011, by Rajya Sabha on 21st February 2014 and finally received the President's assent on 9th May 2014. The Act replaces the government resolution that empowered the (CVC) Central Vigilance Commission to act on complaints from whistle blowers, and has structured mechanism to receive complaints of willful misuse of power by a public servants or corruption. The Act aims to make the whistle blowers feel protected under the aegis of law while disclosing any such incident. It enables any person who may be a whistleblower to report an act of corruption or to report against those who misuse their power or discretion or to report an act against criminal offence done by a public servant.<sup>26</sup>

With the enactment of this Act any public servant or/and any other person including a non-government organization can make a disclosure to the Central or State Vigilance Commission. As per this Act it is mandatory for the complainant to include his/her identity with the complaint or in other words the disclosure of any wrongdoing. The Central Vigilance Commission has been directed not to disclose the identity of the complainant except to a higher official if he deems it necessary. The Act penalizes any public official who reveals the identity of the complainant, without any proper approval with up to 3 years imprisonment and a fine upto 50,000 Rupees. The Act has also prescribed penalties for deliberately filing any false or frivolous complaints with up to 2 years imprisonment and a fine of up to Rs. 20,000

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<sup>26</sup> Whistle Blower Protection in India, available at <https://www.lawfarm.in/blogs/whistleblowers-protection-in-india>.

### 3.5 Cases relating to whistle blowing

- Three whistle-blowers who unraveled Vyapam Scam: Though the malpractice in Madhya Pradesh Professional Examination Board (MPPEB) known as Vyapam in Hindi has been happening for decades as the first complaint came in 1995 and in 2000 first FIR was filed. Ashish Chaturvedi with his police security, Bharat Coking Coal Limited Vyapam conducts large-scale competitive tests for admission to various professional courses and for recruitment to government jobs. The Vyapam scam involved collusion among exam candidates, government officials and middlemen who helped undeserving candidates get high marks and secure government jobs. In 2013, three men, Prashant Pandey, 36, a digital forensic engineer with a two-year experience working with enforcement agencies in Madhya Pradesh, Dr Anand Rai a medical officer with a government hospital in Indore and 26-year old Ashish Chaturvedi, a student of social work in Gwalior broke a massive scam in July 2013 in which 20 people were arrested from different city hotels. Over 30 people who were somehow related to the scam have died in suspected circumstances and three activists who broke the scam have also faced various threats and have been given security.<sup>27</sup>
- Though Vishvanath Chaturvedi had a political affiliation from Congress, but he fought against all odds to expose Samajwadi Party patriarch Mulayam Singh Yadav's colossal wealth amassed with the help of corruption. In 2005, he had filed a case against Mulayam Singh Yadav, his son Akhilesh Yadav, his wife Dimple Yadav, and his stepbrother Prateek Yadav, for allegedly amassing illegal wealth. Chaturvedi collected information through RTI, and simple back to back calculation of the assets based on the declaration of the assets Yadavs filled for different elections. Taking cognizance of his allegations, the Supreme Court called in the CBI in 2007. A hearing has been completed but the judgment has been lying reserved since 2009. Chaturvedi faced many threats that were real in nature as he was in UP, after all, the bastion of the Yadavs. Therefore, he had to leave UP and started living in Delhi.<sup>28</sup>
- Ashok Khemka- The man who dared to cancel the land deal between DLF and Robert Vadra, the son-in-law of Sonia Gandhi and that too in 2012 when there was a Congress government at centre as well as the state concerned Haryana. This wasn't the first time when Khemka

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<sup>27</sup> Ketki Angre, "Meet the Three Whistleblowers of Vyapam Scam", available at <https://www.ndtv.com/india-news/meet-the-three-whistleblowers-of-vyapam-scam-779904>

<sup>28</sup> Shylaja Verma, "What Happened?" Supreme Court On 2007 Mulayam Singh-Akhilesh Yadav Case" available at <https://www.ndtv.com/india-news/in-2007-assets-case-against-mulayam-singh-yadav-akhilesh-yadav-supreme-court-asks-cbi-for-status-rep-2012323>

refused to bow before the corruption. As the sub-divisional magistrate in Sohana in August 1994, he had refused to pay heed to the orders of his deputy commissioner when he asked Khemka to arrangement buses and trucks for the rally of then PM Narasimha Rao and then CM Bhajan Lal. In 2004, he again refused to swallow the pill of corruption when he refused to order the mid-session transfers of schoolteachers and blocked the transfer of 20 acres in Badshahpur, Gurgaon to a private realty firm for a paltry Rs 4 crore. Khemka has arguably got more transfer letters than any other bureaucrat in India. But bureaucrats like him, Sanjeev Chaturvedi, Amitabh Thakur and Pradeep Kasni are examples which prove that bureaucracy in India still has some hopes left.<sup>29</sup>

- Shanmugam Manjunath was a marketing manager (grade A officer) for the Indian Oil Corporation (IOC) posted at Lakhimpur Kheri in UP. He in order to curb the malpractices of petrol pump owners sealed a petrol pump in his jurisdiction area. Hence, he was murdered. The Chhatarpur Police found his body at Kandaghati in Chhatarpur on May 15, 2008. His mutilated body and a belt around his neck suggested he was strangled and his face smashed to deform it beyond recognition. The police buried the body as unidentified the same day.<sup>30</sup>
- Ratna Ala is the 36-year-old son of a shepherd from Rangpar village in the Wankaner taluka of Morvi district in western Gujarat. Ala is blind since birth, but Braille makes him an able. When RTI Act came in 2005 and Ala got to learn about it via radio, he filled an RTI seeking information about a two-kilometre stretch of the road that connected his village to the highway. The road was in shambles, but the reply that he got shocked him. In reply, he learnt that on paper, the road had been repaired twice in the last two years. He handed over the reply to media and soon the road was repaired and relaid. Since then, Ala became an RTI activist and unearthed many scams. For example, in 2007, he prevented officials who were giving 281 acres of the village grazing land to a clock factory without permissions from the state government. In 2011, he exposed 154 bogus names in voting of Sarpanch election in his village

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<sup>29</sup> Prashant Krar, "Whistle blower Ashok Khemka in Robert Vadra-DLF land deal transferred for 44th time", available at [https://economictimes.indiatimes.com/news/politics-and-nation/whistle-blower-ashok-khemka-in-robert-vadra-dlf-land-deal-transferred-for-44th-time/articleshow/19386465.cms?utm\\_source=contentofinterest&utm\\_medium=text&utm\\_campaign=cppst](https://economictimes.indiatimes.com/news/politics-and-nation/whistle-blower-ashok-khemka-in-robert-vadra-dlf-land-deal-transferred-for-44th-time/articleshow/19386465.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst)

<sup>30</sup> "Manjunath Murder Case: SC upholds life imprisonment of all six accused", available at <https://www.moneylife.in/article/manjunath-murder-case-sc-upholds-life-imprisonment-of-all-six-accused/40777.html>

whereas, in 2014, he busted a fledgeling illegal mining racket, withstanding threats to life and refusing bribes.<sup>31</sup>

- Amit Jethwa was an Indian environmentalist and social worker and he worked actively in the Gir Forest area near Junagadh, Gujarat. During his work as a social worker, he found that illegal mining was carried out in protected areas and he charged Bharatiya Janata Party (BJP) Member of Parliament, Dinu Solanki as the main culprit. He was working as the president of the Gir Nature Youth Club and he was the one who highlighted the use of a Chinkara deer in a scene in the movie Lagaan and opposed a Bhuj court decision which put a stay on inquiry against the actor-director Aamir Khan. Not only was this but he also instrumental in the five-year jail term of Bollywood actor Salman Khan for shooting an endangered Chinkara deer. On 20th July, soon after he filed a case against BJP MP, he had gone to meet his lawyer near the Gujarat High court in Ahmedabad. As he was leaving the complex, two assailants on a motorcycle shot him at close range with a country-made pistol. He fought bravely with the assailants but they were able to escape. In the initial days of inquiry, Gujrat police gave a clean chit to Dinu Solanki but this was severely criticized. Later the case was transferred to CBI and in November 2013 Dinu Solanki was arrested by CBI.<sup>32</sup>
- Shehla Masood, She was the secretary of NGO Udai. NGO Udai was created in 2004, it recently ventured into tiger and forest conservation. Masood was an activist working primarily on wildlife conservation, and also supported other causes like good governance, RTI Act, Police reforms, environment, women's rights & issues and transparency. She sat on a fast in support of Anna Hazare's India against Corruption campaign. She was actively involved in raising issues related to the deaths of tigers in the various sanctuaries of M.P. Shehla herself was working for the Shyama Prasad Mukherjee Trust, organizing events for them from Srinagar to Kolkata to Delhi. She had asked for details about Narmada Samagraha, an NGO backed by the BJP Rajya Sabha MP. She was about to leave for Boat Club in Bhopal to join the anti-government protest to bring the Jan-Lokpal Bill when she was killed. She co-founded RTI Anonymous, a service for whistle blowers for filing anonymous Right to Information (RTI) Applications with Indian Government departments without getting victimized, with her friends just a few days before her death. Shehla Masood was posthumously awarded the award

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<sup>31</sup> "This blind man's vision guides his village", available at <https://www.goimonitor.com/story/blind-mans-vision-guides-his-village>

<sup>32</sup> "Crusaders against Corruption: List of Whistleblowers in India", available at <https://knowledgeofindia.com/list-of-whistleblowers-in-india/>

for her relentless effort under the category, 'Crusade against Corruption'. Masood was constantly living under threat, as revealed by her in an interview before she was shot dead. On August 16, 2011 at around 11:19 AM, she was shot by an unidentified assailant from point blank range.<sup>33</sup>

## 4. CONCLUSION

The transparency of information is vital in any society. RTI being social legislation proved to be a tool to impart information to citizens of India regarding working of the government and its corporations, etc. to make them more transparent as a result of which corruption would be checked to a greater extent. RTI provides platform for whistle-blowing which discloses the true picture of any working system. However such the activists i.e. the whistleblowers often have to bear the consequences of their acts. As such the Whistle-blower Protection Act, 2014 is enacted to protect the people who blow whistle against any misdeed or corruption in public sector.

However, the Act has certain limitations as well. The Provisions of Act covers only the government sector and includes only those who are working for Government of India. The bill fails to include the state government and private sector employees within its ambit. The Act has not made any provisions to encourage whistle blowing by ensuring some financial incentives as a reward for making the disclosure about any wrongdoing. Both the Acts i.e RTI Act and Whistle Blower Protection Act seek the identity of applicant and informant as in case of RTI and whistle blowing respectively making it mandatory for the Whistle Blower to disclose his/her name while making any disclosure to the Competent Authority. This lacunae itself dilutes all the other provisions in the Act. Till now, many whistle blowers have been brutally murdered as well as threatened. Moreover, there is no clarity on the kinds of protection that a whistle blower is entitled to receive. But, the law still lacks any specific penalties for the physical attacks on whistle blowers and that makes it a cause of serious concern.

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<sup>33</sup> “The inside story of Shehla Masood's murder”, available at <https://www.indiatoday.in/india/north/story/rti-activist-shehla-masood-murder-zahida-pervez-94932-2012-03-03>