

Gaps in the Whistleblower's Bill

Posted on:31-08-10



Venkatesh Nayak

The *Public Interest Disclosure and Protection of Persons Making Disclosure Bill, 2010* (the Whistleblower Bill) has been tabled in the Lok Sabha (Lower House of India's Parliament) yesterday (26th August 2010).

The Department of Personnel and Training (DoPT), Government of India, which piloted this Bill did very little to consult with people on its contents. They refused to publicise the contents of the Bill while formulating it despite being mandated to do so under Section 4(1)(c) of the *Right to Information Act, 2005*. During a full bench hearing at the Central Information Commission in my complaint case, representatives of the DoPT acknowledged that they had not disclosed anything about this Bill in the public domain. The Commission's decision in this case is awaited.

Meanwhile the text of the Bill as introduced in the Lok Sabha is not available on the DoPT's website, nor does the link to the text of the Bill on the Lok Sabha website work. The attached link for the [Whistleblower Bill](#) has been sourced from the website of PRS-India. Congrats guys, you have proven again that civil society puts information about public documents in the public domain faster than public authorities themselves.

The following issues have been highlighted CHRI's preliminary analysis of the Bill (see attachment):

1. Limited coverage of reportable actions
2. Only one authority prescribed for receiving public interest disclosure
3. CVC permitted to disclose the identity of whistleblowers to the Head of the Department
4. Whistleblower Bill does not apply to the private sector

5. Armed Forces have been left out
6. Vexatious complainants will be imprisoned but no policy for rewarding whistleblowers
7. No clarity on the kinds of protection that a whistleblower is entitled to receive

Advocacy Recommendations:

Given the several major lacunae in the Whistleblower Bill introduced in the Lok Sabha, there is an urgent need to have this Bill referred to the Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice for detailed deliberations and improvement.

The DoPT has recently uploaded the complete text of the Public Interest Disclosure and Protection of Persons Making Disclosure Bill, 2010 (Whistleblower Bill) on its website a short while ago. People have been [invited to make submissions](#) on its contents by 30th September.

It is rare for Governments to table a Bill in Parliament and then invite people to comment on it. Nevertheless this shows that the Government may be willing to consider amendments to the Bill. It is advisable to engage with this process. I request readers to send their analysis of the Whistleblower Bill highlighting other weaknesses. I am sure a more detailed examination will reveal more grey areas which need rectification.

For more email updates from CHRI on the Whistleblower's Bill [click here](#).

Venkatesh Nayak is the RTI Programme Coordinator, Commonwealth Human Rights Initiative