

Whistleblowers' Protection Bill passed

A Bill to set up a regular mechanism to encourage persons to disclose information on corruption or willful misuse of power by public servants, including Ministers, was passed by the Rajya Sabha on 28th February.

The Whistleblowers' Protection Bill also seeks to provide for “adequate protection to persons reporting corruption or willful misuse of discretion which causes a demonstrable loss to the government, or commission of a criminal offence by a public servant.”

The Bill sets forth the procedure for inquiring into the disclosures and provides for safeguards against victimisation. At the same time, it provides punishment for false or frivolous complaints.

The Bill was passed by the Lok Sabha in 2011 and was taken up by the Rajya Sabha in 2012. However, it could not be passed because of the death of Union Minister Vilasrao Deshmukh.

The Minister of State for Personnel V. Narayanasamy has said that the law would supplement the RTI Act in checking corruption.

Responding to a suggestion that steps be taken to protect those who had blown the whistle on corruption prior to the passage of the Bill, Mr. Narayanasamy said the government had already brought a resolution in 2004, empowering the Central Vigilance Commission to protect the whistleblowers.

The definition of ‘disclosure’ has also been amended to include willful misuse of power or discretion, which leads to a demonstrable loss to the government or a demonstrable gain to a public servant or any third party. The definition of competent authority to which a complaint can be made has also been expanded.

The Bill provides for adequate safeguards against victimization of the person making disclosure on any allegation of corruption or willful misuse of power or willful misuse of discretion against any public servant. It is also provided that if the Competent Authority is of the opinion that either the complainant or public servant or the witnesses, etc. need protection, the Competent Authority shall issue appropriate directions to the concerned Government authorities (including police) which shall take necessary steps, through its agencies, to protect such complainant or public servant or persons concerned.

**(Source: Compilation
from different agencies)**