



THE WHISTLE BLOWERS PROTECTION (AMENDMENT) BILL, 2015: EFFICACIOUS OR TOOTHLESS PIECE OF LAW*

ABSTRACT

Honesty and transparency are the hallmarks of good governance. Unfortunately in India corruption has spread its tentacles in all walks of life. Every government that comes to power talks about rooting out corruption but gets embroiled in scams. Corruption is rampant in all fields, be it politics, bureaucracy, corporate governance, medical practices, education and sports. Values have deteriorated and greed has goose-stepped people into misery. No wonder, India scores poorly in Transparency International's Corruption Perception Index. An attempt to arrest corruption in public life is being made by means of whistle blowing. Whistle blowers are the righteous heroes who cannot turn a blind eye to wrongdoings. Consequently, they are victimized for treading on the path of righteousness. But some feel that all whistle blowers are not samaritans and they want to garner media attention. They 'shoot and skoot' and generate ripples by high profile exposes. As a result, people lose faith in democratic process. Taking into consideration all these factors, The Whistle blowers Protection (Amendment) bill, 2015 has been proposed which is expected to develop a culture of transparency and accountability.

This article discusses the process of whistle blowing, the famous whistle blowers and the pros and cons of the bill.

KEYWORDS: Whistle blowers, Corruption, Information, Vigilance Commission

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I. INTRODUCTION

“In a room where people unanimously maintain a conspiracy of silence one word of truth sounds like a pistol shot”

- Czeslaw Milosz¹

Man is a rational animal. He lives in a civilized society. He tends to follow certain norms of behaviour. He ought to conduct himself in such a manner that is not inimical to the interests of others. Despite striving to be good, he knowingly or unknowingly indulges in nefarious activities to which others are a witness. Out of these witnesses, very few people take a stand against unethical practices. They refuse to be passive spectators. They blow the whistle. They are the ones who call a spade a spade. They spill the beans about the misdeeds of others. Whistle blowers can be compared to the Hindu mythological character named ‘Vibhishana’ who refrained from being hand-in-glove with Ravana and eventually disclosed the whereabouts of Sita. Thus, the saying ‘*Ghar ka bhedi lanka dhaaye*’ which means ‘*Beware of the insider, for he can divulge the secret and bring down the biggest setup.*’

The word whistle blowing is thought to have its roots in the practice of policemen and referees who blow their whistle when attempting to stop an activity that is illegal or foul.² According to Trautman, N (2009), the term whistle blower is not an old word. To him the term is a direct professional abuse to those who do whistle blowing because they are determined persons with courage to bring corruption to an end. The term he argues refers to a person(s) who exposes secrets in the workplace in order to bring out professional malpractices such as assaults, corruption and negligence among others.³

Whistle blower is also referred to as ‘*snitch*’ or ‘*informer*’. The term of whistle blowing has many facets. It can be an act of free speech, an anti-corruption tool, and an internal management tool mechanism.⁴ In simple words, Whistle blowing is an alternative to silence.

Example: You are working in a private bank and you observe tax fraud or money laundering activities taking place. Your conscience pricks you and you raise an alarm, not bothering about the ramifications. When you inform the top management, it is called internal reporting or internal whistle blowing. But when you inform the press or competent authority it is called

¹ Polish Poet and Prose writer.

² Dasguptas & Kesharwani A, *Whistle blowing: A survey of literature*, The IUP Journal of Corporate Governance , 9(4), 1-15 (2010) .

³ Humanities Press Trautman ,N, *Cop whistle blowers: Despicable Traitors?* (2009) <http://www.commuterssourc.jjglu/discussions/messages>, (Retrieved on April 4th)

⁴ David Banisar ,2006.

external whistle blowing. You should not suffer any pernicious treatment for doing so, as long as you follow the correct procedure.

Thus, whistle blowers cry foul in the face of corruption or unethical practice.

II. ELEMENTS OF WHISTLE BLOWING

There are four elements of whistle blowing:

The whistle blower: Could be current or former employee of an organization, Non-governmental organizations, competitors, public interest groups, professional organizations, RTI activists, legal experts, auditors, common man.

The whistle blowing act: It is always advisable to follow persuasive method within the organization to dissuade the wrong doers from misconduct. Even an anonymous letter can be written to the top management to look into the matter. If it does not work then the wrongdoers can be threatened that their misconduct would be exposed. As far as possible, one must try resolving the differences amicably and honestly within the organization. For example, *Sherron Watkins*⁵, took the stand against 'accounting improprieties' in the company in 2001, prompting her to send an anonymous letter to Enron founder Kenneth Lay warning him that the company "had a hole in the ship and we're going to sink."⁶ She did not alert the public.

Cases wherein the wrong doers have refused to mend their ways or where corrective measures have not been taken, the whistle blowers have resorted to other methods like reporting to competent authority or statutory body, going to the press, filing public interest litigation, raising alarm through social networking sites and so on.

The party or entity to whom complaint is made: Managers of an organization, competent authority like central or state vigilance commission, Anti-corruption bureau, law enforcement agency.

The body/organization /authority against whom complaint is made:

Politicians, bureaucrats, local bodies, medical practitioners, educational institutions, public sector organizations, private sector organizations, multinational companies.

⁵ Enron's Vice President.

⁶ Shaheen Pasha, *Enron whistle blower details sinking ship*, March 16, 2006, CNNMoney.com/staffwriter.

III. WHEN TO BLOW THE WHISTLE

A whistle blower is not playing the tiny flute, he is actually bringing to the surface relevant information pertaining to cases wherein;

- Company's policies have been violated
- Laws of the country are thrown to wind
- Public interest is endangered
- Illegal land deals, illegal construction or mining activities
- Environmental threats posed by companies
- Financial scams
- Consumption / Usage of food products, drugs, cosmetics involving considerable health risks or side effects.

IV. WHISTLE BLOWER: TO BE OR NOT TO BE

Newton's second law states ; '*For every action, there is an equal and opposite reaction*'. This implies that once you blow the whistle, you are at the receiving end .

Whistle blowers throw caution to the winds and sound an alarm. They are seldom rewarded. In the United States, they receive reward depending on how much money the government recovers as a result of the whistle blower suit. Qualified whistle blowers who are represented by experienced attorneys can receive substantial monetary rewards, sometimes many millions of dollars, for a successful claim.⁷ In India, only a few have been given prestigious awards. In most of the cases, tables are turned on the whistle blowers if the wrongdoer belongs to a powerful lobby. The wrong doers have the audacity to file defamation suit.

Individuals reporting incidents of bribery, corruption or malpractices have to go through hoops including verbal threats, physical violence, brickbats, bullying, reprisal, dismissal and ostracism. They are subject to workplace harassment. The backlash escalates to death threats and even death in some cases.

Thus, the whistle blowers are in "*Catch 22 situation*" whether to go ahead with the disclosure or hush up the silence, thereby allowing stakeholders to suffer.

⁷ Pate and Johnson *Trials and appeals*, <https://www.pagepate.com/question> .

V. BRAVEHEART(S) WHO BLEW OFF THE LID AND WENT HOME IN A BOX

1) *Satyendra Dubey*

A project engineer of the National Highways Authority of India (NHAI) who had exposed several cases of large scale flouting of rules and corrupt practices in the construction project was gunned down in the early hours of November 27,2003 in Gaya . He had exposed the financial irregularities in handling of Golden Quadrilateral project.He had even written directly to the then Prime Minister detailing the financial and contractual irregularities in the construction project.⁸

2) *Shanmugam Manjunath*

He was a marketing manager (grade A officer) for the Indian Oil Corporation (IOC).He had stumbled upon the selling of adulterated fuel taking place in two petrol pumps at Lakhimpur Kheri, Uttar Pradesh -a known hotbed of petroleum adulteration -and ordered them sealed.When dealers started operating them again ,he conducted a surprise raid and was shot.He came back with six bullets,dead.⁹This incident inspired several students at IIM, IIT and other institutes culminating with the IIM students setting up the "*The Manjunath Shanmugam Trust*".

3) *Lalit Mehta*

An RTI activist, civil engineer by qualification, Lalit, 36, blew the lid off widespread corruption in NREGS in Palamu.He had become a threat to the contractor lobby and corrupt government officials.Social audit of NREGA he undertook under economist Jean Dreze's supervision was proving to be the final nail in the coffin of the contractor lobby. But he was killed just a day before that.¹⁰

4) *Shehla Masood*

She was the secretary of NGO Udai that was created in 2004.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 co-founded RTI

⁸ *Three get life in Satyendra Dubey murder case*,The Hindu , March 27, 2010.

⁹ Hari Narayan, *The extra ordinary tale of an ordinary man*, The Hindu , January 05, 2013.

¹⁰ A K Gupta, *NREGA activists who paid with their lives:Lalit Mehta*, Down to earth , June 30,2008.

Anonymous, a service for whistle blowers for filing anonymous. On August 16, 2011 she was shot by an unidentified assailant from point blank range. According to Police, the motive of the killing remains unknown. However, as per media, the possible cause could be her RTI activities and for protesting illegal diamond mining done by Rio Tinto in connivance with government officers and fighting to save tigers, leopards and forests, who were killed for their skins in connivance with forest officers.

5) **Roy Mathew**

An Army jawan, who featured in a sting operation video exposing the Army's 'Sahayak' system, was found dead under mysterious circumstances. His body was found in an abandoned barrack in Deolali Cantonment in Maharashtra. The decomposed body of Roy Mathew, was found hanging from the ceiling, with doctors saying he possibly died three days ago. Distraught family of dead 'whistle blower' jawan have demanded justice.¹¹

VI. FORTUNE FAVOURS THE BRAVE

1) **Dinesh Thakur**

He exposed how one of India's largest drug maker and his former employer, Ranbaxy Laboratories, failed to conduct proper safety and quality tests on drugs and lied to regulators about its procedures. He was rewarded 48 million dollars as a whistle blower from United states, when U.S. regulators fined Ranbaxy 500 million dollars for violating federal drug safety laws.¹²

2) **Nisha Yadav**

She was a teacher at the government school has been awarded Godfrey Phillips Bravery Award 2012 for blowing the whistle on child abuse racket at NGO orphanage "Suparaana Ka Aangan".¹³

3) **Sunita Narain**

The fiery director of the Centre for Science and Environment campaigned against pesticide levels higher than permissible levels in India's soft drinks. Her pesticide charges spurred some

¹¹ Soldier featuring in 'sahayak' sting video found dead, Army blames media, EXPRESS WEB DESK, NEW DELHI, March 3, 2017.

¹² Pharma crusader Dinesh Thakur takes India's drug regulators to court, March 7, 2016, www.reuters.com/article.

¹³ Sanjay Yadav, Whistleblower Nisha wins bravery award, TNN, January 29, 2013.

Indian states to ban the sale of Coke and Pepsi few years back. Now she 's taking on river polluters¹⁴

4) V K Pandey

High level of lead and MSG were found in the sample of Maggi noodles that was picked by Uttar Pradesh Food Safety and Drug Administration (FSDA) officer V K Pandey. A routine check up of samples from Barabanki turned into a full blown controversy.¹⁵

VII. NEED TO PROTECT WHISTLE BLOWERS

With Whistle blowers Protection law still pending in Parliament for years and in the absence of any effective administrative set up to deal with the issue, a bench of *Chief Justice T S Thakur*¹⁶ and *Justices A K Sikri*¹⁷ and *R Bhanumathi*¹⁸ said there was “*absolute ‘vacuum’ which could not be allowed to go on.*” “*Take a firm stand on the time frame within which you will bring administrative set-up to protect whistle blowers. This is part of the evolution of system to meet the need of people. The concept of whistle blower is a global phenomenon and has become a reality. They will be there and the government cannot wish it away*”, the bench said. The court was hearing a PIL filed by *NGO -Parivartan*¹⁹ after Satyendra Dubey was killed.²⁰

A report released by an Australian non-government organization ‘*Blueprint*’ for Free Speech, Transparency International Australia, Griffith University and Melbourne University rates India as one of the countries that does “*the least to ensure that whistle blowers can speak out without fear of retribution.*”²¹

Whistle blowers are taking tremendous risks at personal level. The disadvantages of whistle blowing outweigh the advantages. Yet the whistle blowers want to stand up and be counted. It's a matter of individual choices and in built values.

The degree of risks intensifies if the disclosure is pertaining to top brass politicians. It's like staying in Rome and fighting the Pope. A whistle blower is considered disloyal or ‘*black sheep*’ if he exposes the malfeasance in his organization. He does not have strong support system. His

¹⁴ Simon Robinson, *India's most influential*, content.time.com/time/specials/article

¹⁵ UP FSDA officer VK PANDEY first to have exposed that Maggi is unsafe, June 4, 2015, www.news18.com.

¹⁶ 43rd Chief Justice of India.

¹⁷ Judge of Supreme Court of India; Former Chief Justice of Punjab and Haryana High Court.

¹⁸ Former Chief Justice of Jharkhand High Court.

¹⁹ An NGO headed by Arvind Kejriwal that demanded whistle blower's protection.

²⁰ Amit Anand Chaudhary, ‘Set up system to protect whistleblowers: SC to government’, TOI, January 7, 2016.

²¹ Arunabh Shukla, *Who is the Whistle Blowers Protection Act trying to protect*, August 7, 2015, www.newslaundry.com.

well wishers abandon him like rats on a sinking ship. He can be framed if he can neither produce enough evidence nor hire a legal counsel for his defense. So the law has to come to his rescue.

The *UN Convention Against Corruption*, which India signed long ago but ratified only in 2011, requires each state (signatory country) to incorporate into its domestic legal system appropriate measures to protect persons who report corruption in good faith and on reasonable grounds. Besides Indian domestic law, companies in India accessing US capital markets are subject to the *US Securities and Exchange Commission's whistle blower provisions* under the *Dodd-Frank Act*²², which provide for a bounty (cash reward) to be paid to the whistle blower. In addition to “external” whistle blower laws, companies in India are required to have similar internal reporting mechanisms.

The *Companies Act, 2013* which came into effect in 2014 requires companies to establish a “vigilance mechanism” to report genuine concerns and provide for “adequate safeguards against victimization” of people who report misconduct.²³

VIII. BACKGROUND OF WHISTLE BLOWER'S PROTECTION ACT IN INDIA

The *Law Commission of India* in 2001 had drafted a Bill on this issue. In 2004, in response to a petition filed after the infamous murder of *Satyendra Dubey*,²⁴ the Supreme Court directed that machinery be put in place for acting on complaints from whistle blowers till a law is enacted. The government notified a resolution in 2004 that gave the *Central Vigilance Commission (CVC)* the power to act on complaints from whistle blowers. Till the enactment of the law, the CVC was receiving and acting upon complaints. In order to give statutory protection to whistle blowers in the country, the *Public Interest Disclosures and Protection to Persons making the Disclosures Bill, 2011* was introduced in the Lok Sabha on August 26, 2010. The bill was passed by Lok Sabha on December 11, 2011 and by Rajya Sabha on February 21, 2014.²⁵ On May 9, 2014, the Whistle blowers Protection Act, 2011 received the President's assent.

The Whistle blower Protection Law gives the *Central Vigilance Commission (CVC)* the task of receiving complaints, assessing public disclosure requests, and safeguarding complainants. The CVC has the power to order that whistle blowers who suffered employment retaliation be

²² It is a United States federal law that contains a whistle blowing provision to encourage those with original information about security violations in financial industry to report them to the government.

²³ Anand S. Dayal, *How are Whistle blowers treated in India?*

²⁴ National Highways Authority of India, whistle blower.

²⁵ *Whistle blowers Protection Act gets President's nod*, Press Trust of India, May 13, 2014.

restored to their prior positions.²⁶ *‘If any person is being victimised or likely to be victimised on the ground that he had filed a complaint or made disclosure or rendered assistance in inquiry under this Act, he may file an application before the Competent Authority seeking redress in the matter, and such authority shall take such action, as deemed fit and may give suitable directions to the concerned public servant or the public authority, as the case may be, to protect such person being victimised or avoid his victimisation.’*²⁷ *‘Any person who negligently or malafidely reveals the identity of a complainant shall without prejudice to the other provisions of this Act, be punishable with imprisonment for a term which may extend up to three years and also to fine which may extend up to fifty thousand rupees.’*²⁸

Additional penalties apply to organizations and individuals that fail to comply with CVC requests for information, or that knowingly provide incomplete, incorrect, or misleading information.

The law also places various limitations on complainants. *‘No action shall be taken on public interest disclosure by the competent authority if the disclosure does not include the identity of the complainant or public servant making public interest disclosures.’*²⁹

The whistle blower law is a juggling act—it protects the complainant. It also prevents the targeting of public officials and minimizes superficial claims.

IX. LACUNAE IN THE LAW

- 1) ***Criminal penalties not specified*** : The law is silent about criminal penalties for physical attacks on whistle blowers
- 2) ***No provision for civil penalties***: There is no adequate protection for workplace retaliation.
- 3) ***Certain concepts not defined***: The Act does not define “victimization” and has a restrictive definition for “disclosure.”
- 4) ***Whistle blowers cannot retain anonymity***: Under Section 4 of The Whistle blowers Protection Act , a complaint cannot be filed anonymously. While the whistle blower cannot

²⁶ Christine Liu, *‘India’s whistle blower Protection Act -An important step, but not enough,’* June 5, 2014.

²⁷ The Whistle Blowers Protection Act, 2011, Sec 11(2).

²⁸ The Whistle Blowers Protection Act, 2011, Sec 16 .

²⁹ The Whistle Blowers Protection Act, 2011, Sec 4(6).

remain anonymous, the receiving competent authority is required to conceal the identity of the complainants.³⁰

5) ***Powers of Competent Authority are limited:*** As per Section 7 of The Whistle blowers Protection Act, after receiving the complaint , if the Competent Authority feels that such comments reveals either abuse of power or charges of corruption, it shall recommend to the public authority to take appropriate corrective measures. Thus,the competent authority can only recommend but cannot impose penalty.

6) ***Courts not having jurisdiction to take a suo-moto action:***As per Section 21 & 22 of The Whistle blowers Protection Act, Courts do not have the jurisdiction over any matter which the Competent Authority is empowered under this Act to determine and no injunction can be granted by any court.

X. WHISTLE BLOWERS PROTECTION (AMENDMENT) BILL

In October 2014, activist *Venkatesh Nayak* from the *Commonwealth Human Rights Initiative* sought information through an RTI query on the delay in enforcing the Act and on plans for amending it.In response, the central government declined to provide any information on the grounds that an amendment to the bill was being prepared.

On 13 May 2015, the Lok Sabha (the lower house) passed a Bill to amend the Whistle blowers Protection Act 2011 (passed by Parliament in 2014),despite strong opposition. Views were expressed that the Bill is being used to dilute the effect of the Act.The Act states that any person, including a public servant or an NGO, may make a public interest disclosure before a Competent Authority.This would apply, irrespective of the provisions of the Official Secrets Act, 1923.

Section 8 of the Act provided that certain matters were exempt from disclosure, such as:

i)information likely to prejudicially affect the interest of the sovereignty and integrity of India, the security ,strategic,scientific or economic interests of the state,relations with foreign state,or lead to incitement of an offence

ii)as might involve the disclosure of proceedings of the Cabinet of the Union Government or any Committee of the Cabinet;

³⁰ Anand S. Dayal, *How are Whistle blowers treated in India?*.

iii) as might involve the disclosure of proceedings of the Cabinet of the State Government or any Committee of that Cabinet.

The amendment bill adds other grounds on which information is exempt from disclosure, such as:

i) information relating to commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless such information has been disclosed to the complainant under the provisions of the Right to Information Act, 2005;

ii) information which is available to a person in his fiduciary capacity or relationship, unless such information has been disclosed to the complainant under the provisions of the Right to Information Act, 2005;

iii) information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes;

iv) information, which would impede the process of investigation or apprehension or prosecution of offenders;

v) personal information, the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual, unless such information has been disclosed to the complainant under the provisions of the Right to Information Act, 2005.³¹

XI. SHORTCOMINGS OF WHISTLE BLOWER PROTECTION (AMENDMENT) BILL

Though the Whistle blowers Protection Act has been amended, it has the following drawbacks:

1) **Restrictions on disclosures** : Whistle blowers will not be allowed to reveal any documents classified under the Official Secrets Act of 1923, even if the purpose is to disclose acts of corruption, misuse of power or criminal activities. This is in addition to any information that could “prejudicially affect the interest of the sovereignty and integrity of India, the security of the State, friendly relations with foreign State” – information that is already off-limits in the existing Whistle blowers Protection Act.

³¹ Michelle Solomon Le Page Solomom & Co, *India: The Whistleblowers Protection (Amendment) Bill, 2015*, 9 October, 2015.

2) **Conditional Protection** : The proposed amendments allow whistle blowers to disclose some kinds of information only if it has been obtained through a Right To Information query. This includes intellectual property, trade secrets and even information that can be considered the “*unwanted invasion of privacy*” of an individual. Whistle blowers would be entitled to official protection only if all of these conditions are met, could face action if they are not. As the new bill prohibits a whistle blower from making a complaint against a public servant if the evidence is not obtained under RTI, it will scramble internal complaints. Under the fiduciary exemption, a lawyer who leaks confidential information about his client that could be of immense public interest is not entitled to protection.

3) **Many exemptions**: “*This amendment bill is creating a huge area of exemptions for the state authorities to stay out of reach of whistle blowers,*” said Anjali Bhardwaj.³² The RTI Act, already makes a lot of information unprocurable to the public under various pretexts.

4) **Less scope for exposing scams**: By making it imperative for tipsters to prove they have obtained information through RTI, the amendment bill leaves very little scope for actually weeding out corruption in the system. Whistle blowers will not be able to point out the irregularities in defence deals or corporate lobbying

5) **Amendments without public consultation** : Activists have been claiming that the proposed changes were drafted without any transparent consultation with the public.

6) **Heightened fuss over national security**: Activists believe that the amendment bill’s concern for protecting “*national security*” and exempting information under the Official Secrets Act is meant to dilute the Whistle blowers Protection Act and eventually turn the law into a defunct piece of writing.

7) **Protecting whistle blowers is a must**: The government’s concerns over national security is genuine but if there is a sensitive information pertaining to it, whistle blowers will have to keep it to themselves. Specific mechanisms should be devised to obtain such information without compromising on the whistle blower’s safety.

XII. ANALYSIS OF THE SURVEY

An online survey was conducted by the researcher. A sample size of 30 respondents comprising of *retired RTI commissioner, socio-political activist, professors, students and businessmen* answered the questionnaire posted to them.

³² The co-convenor of the *National Campaign for People’s Right to Information*, a non-profit forum.

Following are the responses :

- 1) 70% of the respondents are aware of fodder scam, Vyapam scam, Tehelka tapes, Nira Radia tapes, 2G, 3G scam that took place in the country. Only 6.3% have no knowledge about it.
- 2) 51.7% of the respondents describe whistle blower as a watch dog of democracy. 31% feel they are merely informers. 10.3% consider them opportunist. 6.9% consider them villains.
- 3) 48.3% of the respondents feel that whistle blowers are assaulted and killed. 27.6% feel they are either assaulted, killed or rewarded and honoured. 20.7% are of the opinion that whistle blowers are criticised or ridiculed. A very small percentage of respondents feel that they are aptly rewarded.
- 4) 37.9% of the respondents feel that a whistle blower should alert the public if he/she detects a political scam. 31% opine that they should inform the competent authority. 20.7% feel that they should draw media attention. 10.3% feel that they should file a suit in the court of law.
- 5) 66.7% of the respondents are of the opinion that social activists, whistle blowers, media and citizens -all of them can act as vigilants of corruption. 16.7% opine that media can keep a vigil on corruption. 13.3% feel that citizens alone can perform this task well
- 6) 75.9% of the respondents opine those government departments, educational institutions, sports and health care -all these areas are under the influence of corruption. 13.8% find government departments most corrupt. 6.9% feel that educational institutions are centers of corruption
- 7) 50% of the respondents feel that government should frame stringent laws, punish and penalize the wrong doers in order to encourage genuine whistle blowing. 25% of the respondents opine that whistle blowers should be honoured with prestigious awards.
17.9% of the respondents feel that providing police protection to whistle blowers is enough. 7.1% feel that monetary rewards to whistle blowers will serve the purpose.
- 8) 51.7% of the respondents will inform the top management if they come across fraudulent practices in their organization. 31% of the respondents will take the matter to social networking sites. 10.3% of the respondents will prefer to remain silent. 6.9% would warn the wrong doer.

9) 69% of the respondents dream of corruption free India whereas 31% want violence free India. None of the respondent felt that currency free India or pollution free India could have been wiser options.

10) 55.2% of the respondents feel that personal greed, lack of moral values, ineffective regulations, slow judicial process-all of these are causes of corruption in India. 20.7% blame the ineffective regulations and slow judicial process for this menacing situation

11) 65.5% of the respondents opine that smart technology, more transparency and reforms in administration and empowerment of citizens -all of these are the ways to root out corruption

12) 43.3% of the respondents feel that Whistle Blower Protection laws have drawbacks as too many areas are exempted from disclosure. 30% of the respondents hold the view that these laws are not as strong as the laws in U.S. 26.7% could not decide probably because of ignorance. Not a single respondent felt that Whistle blower Protection laws are ideal laws and need no further amendments.

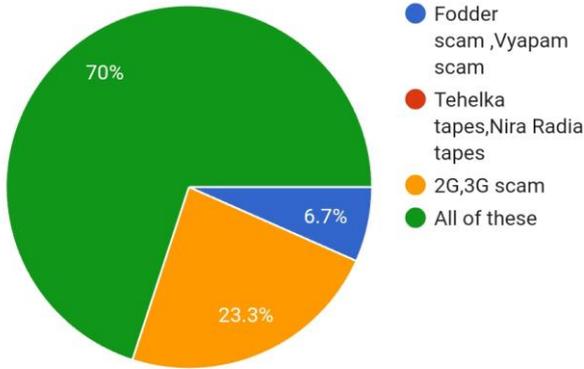
XIV. CONCLUSION

Whistle blowers are the watch dogs of democracy. If they are genuine, they can upset the entire apple cart and change the destiny of the nation. They take a lot of risks while reporting cases of malfeasance, corruption or other abuse of authority. They make statements that can create ripples in the collective consciousness of the nation. But they get neither protection nor gratitude. In this world where hypocrites have a huge head start, whistle blowers feel unsafe. Mere existence of a law in black and white is not enough, some specific mechanisms must be devised to protect whistle blowers from consequences that may range from minor harassment to murder. Critics feel that the Whistle blowers Protection (Amendment) bill is a toothless piece of legislation. But merely harping about it and doubting the efficacy of the laws will not help. Proper enforcement of the law to a tee is a must. People need to be assured that the Whistle blower Protection (Amendment) bill is not a paper tiger. It will really provide the type of protection it promises, provided proper procedures are followed. There is always scope for further amendments to the law in consultation with RTI activists and citizens. The government will have to narrow down the list of exemptions from disclosure. Also anonymity of the complainant must be maintained otherwise nobody will muster the courage to speak up. It is pointless to stay silent regarding abuses of power. People's power can only make things happen.

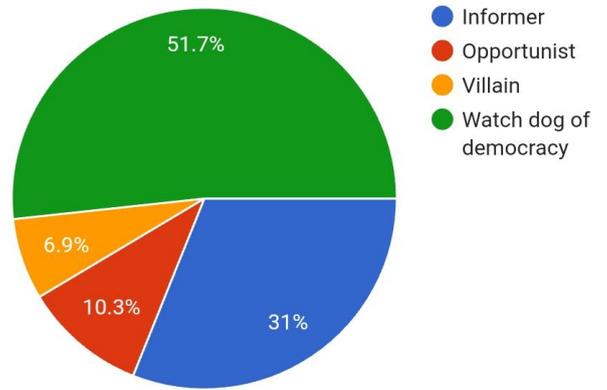
'Let us stand up and be counted, even if it means standing alone.'

APPENDIX

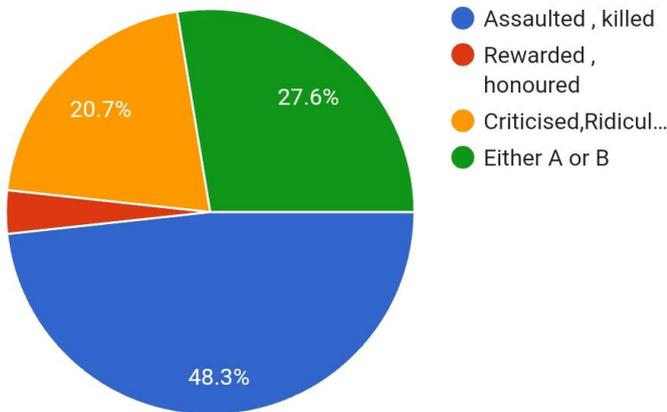
1. Which of the following scams are you aware of?
(30 responses)



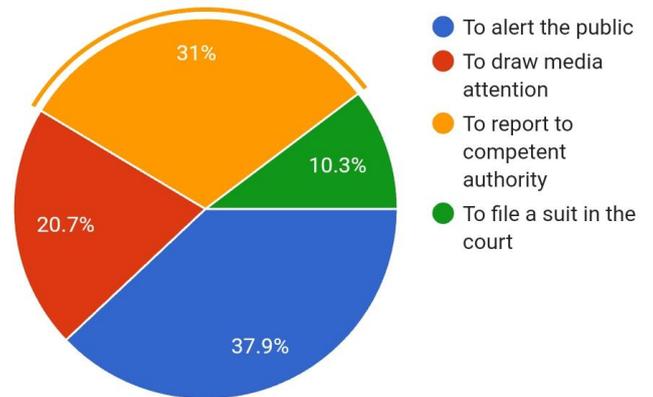
2. Which out of the following best describes a whistle blower?
(29 responses)



3. How are whistle blowers treated in India?
(29 responses)

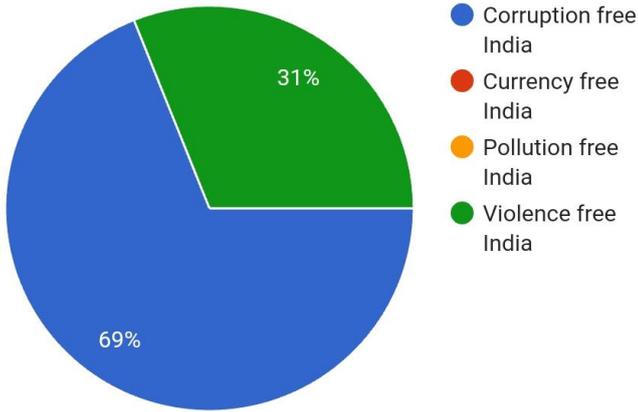


4. What is the duty of a whistle blower if he/ she detects a political scam?
(29 responses)



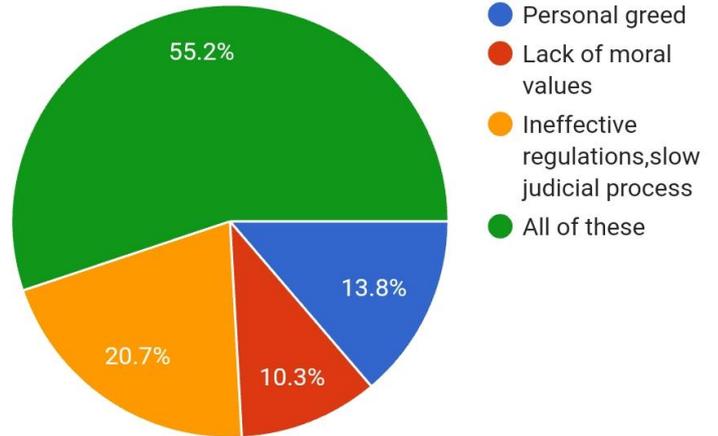
5. Who can play the most

9. What is your ' Mann ki baat ' regarding India of your dreams?
(29 responses)



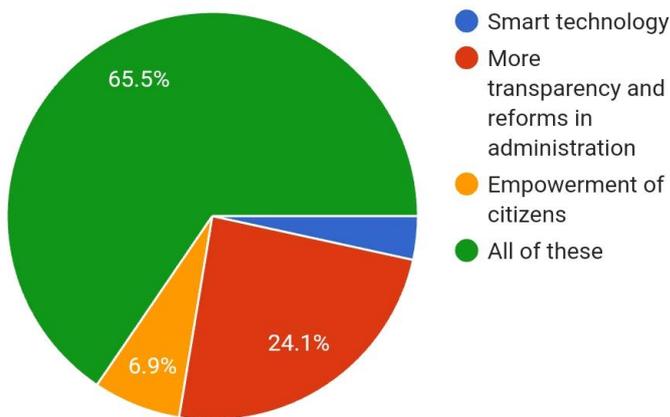
6. Which areas do you feel are

10. What are the causes of corruption in India?
(29 responses)



to encourage genuine whistle blowing?

11. What are the ways to root out corruption?
(29 responses)



would you do?

12. How would you describe the Whistle Blower Protection laws in India?
(30 responses)

