International Journal of Scientific Research in Engineering and Management (IJSREM)
Volume: 10 Issue: 05 | May - 2026 SJIF Rating: 8.659 ISSN: 2582-3930

A CRITICAL EVALUATION OF THE WHISTLE BLOWERS PROTECTION ACT, 2014: LESSONS FROM INTERNATIONAL FRAMEWORKS

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ABSTRACT

The act of whistle blowing understood as the disclosure of institutional wrongdoing to a person or body capable of taking corrective action occupies a peculiarly contested position in the architecture of democratic accountability. Those who expose corruption from the inside serve a vital public interest, yet they frequently bear disproportionate personal costs for doing so, ranging from professional marginalisation to physical harm. India's primary legislative response to this challenge, the Whistle Blowers Protection Act, 2014 (WBPA), arrived after more than a decade of civic pressure and parliamentary deliberation, catalysed in no small part by the murders of two serving government officers who had spoken out against corruption. Yet the Act has attracted sustained scholarly criticism for its restricted scope, structural inefficiencies, and the insufficiency of its safeguards against retaliation.

This article undertakes a doctrinal and comparative evaluation of the WBPA, 2014, situating it within international frameworks including the United Nations Convention Against Corruption (UNCAC), the OECD Anti-Bribery Convention, the European Union Whistle blowing Directive (2019/1937), and the domestic whistle-blower protection regimes of the United States, the United Kingdom, South Africa, and Australia. Through this comparative lens, the study identifies critical legislative gaps, examines the judiciary's normative contribution in filling them, and advances evidence-based reform proposals. The article concludes that the WBPA, while marking a necessary advance in India's anti-corruption architecture, falls materially short of what best international practice requires, and sets out a prioritised agenda for legislative modernisation.[1]

I. INTRODUCTION

Corruption is widely acknowledged as one of the most corrosive forces in democratic governance, distorting the allocation of public resources, undermining institutional trust, and deepening the structural disadvantages of those who are least able to protect themselves. Among the instruments deployed to combat it, public interest

[1]Keywords: Whistle blower Protection, WBPA 2014, Comparative Law, Anti-Corruption, UNCAC, Judicial Review, Public Interest Disclosure, Accountability.

disclosure the reporting of wrongdoing by insiders who possess direct knowledge of it stands out for its unique combination of specificity, credibility, and potential consequences for those who use it.[2]

In India, the political salience of whistle blower protection was dramatically heightened in the early 2000s by a series of high-profile cases in which individuals who had reported corruption were subjected to violent reprisals. The murders of Satyendra Kumar Dubey and Shanmugam Manjunath became national causes célèbres, generating civil society pressure that eventually produced the Whistle Blowers Protection Act, 2014.[3]

The Act establishes, for the first time in Indian statutory law, a mechanism for receiving and investigating complaints from public servants about corruption and the wilful misuse of discretion, while promising protective measures for those who disclose. Yet the decade since its enactment has made clear that the Act's promise has not been matched by its performance. India's ranking on Transparency International's Corruption Perceptions Index has shown only modest improvement, and the legislative framework itself has attracted sustained critique for its failure to cover the private sector, its prohibition on anonymous complaints, and its continued dependence on institutions whose independence from the executive is imperfect.[4]

The international normative environment has also moved significantly since 2014. The European Union's Whistle blowing Directive of 2019, in particular, has established a new baseline of comprehensive protection that renders the WBPA's limitations more visible by contrast.[5]

This article engages with these developments through a doctrinal and comparative legal analysis. It begins with the objects and scope of the study, proceeds through a delineation of the research problem and questions, states the working hypothesis, explains the methodology, and then presents the literature review, drawing on the existing scholarship that informs the analysis. Subsequent sections address the legal framework, international standards, judicial contributions, comparative insights, and reform recommendations.[6]

II. OBJECTS AND SCOPE OF STUDY

A. OBJECTIVES

This study pursues four primary objectives. First, it aims to undertake a systematic doctrinal analysis of the WBPA, 2014 examining its constitutional foundations, substantive provisions, procedural mechanisms, and identified weaknesses. Second, it seeks to evaluate the Indian framework against the benchmarks established by international instruments and the domestic regimes of selected comparator jurisdictions. Third, the study

[2] Transparency International India, 'Killed for Blowing the Whistle' (2007); Godbole, M., Public Accountability and Transparency: The Imperatives of Good Governance (Orient Blackswan, New Delhi, 2003).
[3] Whistle Blowers Protection Act, 2014 (Act No. 17 of 2014). Gazette of India, Extraordinary, Part II, Section 1, dated 9th May 2014.
[4] Transparency International, 'Corruption Perceptions Index 2023' (Berlin, 2024), available at: www.transparency.org.
[5] Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law. OJ L 305, 26.11.2019, pp. 17–56.
[6] Vineet Narain v. Union of India, (1998) 1 SCC 226; Union of India v. Assn. for Democratic Reforms, (2002) 5 SCC 294.

examines the role of the Indian judiciary in filling normative lacunae through constitutional interpretation and supervisory jurisdiction, assessing the extent to which judicial creativity can substitute for legislative reform. Fourth, it advances concrete, prioritised reform proposals, drawing on comparative best practice, that are calibrated to India's constitutional structure and institutional realities.

B. SCOPE

The study is confined to the legal and institutional framework for whistle blower protection in India, with comparative reference to the United States, the United Kingdom, South Africa, and Australia, and to the international instruments that establish the normative architecture within which domestic frameworks operate. It does not undertake an empirical survey of whistle blower experiences or outcomes, relying instead on legislative texts, judicial decisions, and secondary scholarly and official sources. The comparative dimension is instrumental rather than exhaustive the comparator jurisdictions are selected because they represent a range of structural approaches and because their legislative solutions are both sufficiently developed and potentially relevant to the Indian context.[7][8]

III. RESEARCH PROBLEM

The central difficulty that motivates this study is a persistent and widening gap between the formal ambition of India's whistle blower protection framework and its practical effectiveness. The WBPA, 2014 was enacted against a background of documented governance failure, and its preamble captures a genuine legislative commitment to protecting those who speak out against corruption. Yet the gap between statutory intent and operational reality has, over the decade since enactment, become increasingly difficult to ignore.[9]

Several dimensions of this gap are particularly significant. The Act's restriction to the public sector leaves unreached the substantial and growing domain of corruption that involves private enterprises, public-private partnerships, and corporate malfeasance. The prohibition on anonymous complaints, while motivated by a concern for accountability, creates a structural chilling effect that is inconsistent with the Act's protective purpose: a prospective complainant who must identify herself before any protective mechanism is triggered is, in practical terms, being asked to assume the full risk of retaliation before the Act's protections engage.[10]

The Act's institutional architecture is equally problematic. By vesting competence in the Central Vigilance Commission, a body with multiple functions and imperfect independence from the executive, the legislature has reproduced rather than remedied the structural dependence that characterises the existing accountability framework. The absence of an independent Whistleblower Protection Authority, the non-operationalisation of

[7] Near, J.P. & Miceli, M.P., 'Organisational Dissidence: The Case of Whistleblowing' (1985) 4 Journal of Business Ethics 1–16.
[8] Bok, S., Secrets: On the Ethics of Concealment and Revelation (Pantheon Books, New York, 1983).
[9] Second Administrative Reforms Commission, Fourth Report: Ethics in Governance (Government of India, 2007).
[10] Bhushan, P., 'Whistleblower Protection Act: Too Little, Too Late?' (2014) 49(21) Economic and Political Weekly 13.

the Act's provisions through rules, and the failure to provide for financial incentives or physical protection complete a picture of structural inadequacy that extends well beyond minor drafting imperfection.[11]

This problem is not merely academic. In a country where corruption imposes significant economic costs, distorts public policy, and denies basic services to those who need them most, the existence of an ineffective whistle blower protection regime has tangible consequences for governance quality and social welfare.

IV. RESEARCH QUESTIONS

The following research questions structure the inquiry undertaken in this article:

First, what is the doctrinal content of the WBPA, 2014, and what are its principal structural strengths and weaknesses when assessed against the Act's own stated objectives?

Second, how does India's whistleblower protection framework compare with the international standards established by the UNCAC, the OECD Anti-Bribery principles, and the EU Whistleblowing Directive, and to what extent is India in compliance with its international obligations?

Third, what has been the contribution of the Indian judiciary through constitutional interpretation, supervisory jurisdiction, and public interest litigation to the practical protection of whistleblowers, and what are the limits of that judicial contribution?

Fourth, what specific legislative and institutional reforms are most likely to improve the effectiveness of whistleblower protection in India, drawing on comparative international best practice while remaining calibrated to India's constitutional framework and institutional capacities?

V. HYPOTHESIS

The working hypothesis of this article is that the Whistle Blowers Protection Act, 2014 is structurally inadequate to provide effective protection to those who disclose corruption and abuse of power in India, and that substantial legislative reform informed by comparative international experience is necessary to create a framework commensurate with the scale and complexity of the challenge. The inadequacy is not a matter of minor drafting imperfection but of fundamental design choices: the exclusion of the private sector, the prohibition on anonymous complaints, the vesting of oversight in dependent institutions, and the absence of meaningful remedies. The hypothesis further contends that while the Indian judiciary has made valuable contributions through constitutional interpretation, judicial creativity cannot substitute for comprehensive legislative reform. These propositions are tested through the doctrinal, comparative, and judicial analyses that form the core of the article.[12]

[11] Law Commission of India, 179th Report on Public Interest Disclosure and Protection of Informers (2001), available at: lawcommissionofindia.nic.in.

[12] Fasterling, B., 'Whistleblower Protection: A Comparative Law Perspective' in Lewis, D. & Vandekerckhove, W. (eds), Whistleblowing and Democratic Values (International Whistleblowing Research Network, 2011).

VI. METHODOLOGY

This study employs a doctrinal research methodology as its primary approach, supplemented by analytical and comparative dimensions. The doctrinal dimension involves the systematic identification, interpretation, and critical assessment of primary legal sources the constitutional text, the WBPA, 2014 and cognate statutes, delegated legislation, and judicial decisions in order to map the existing legal framework and identify its normative content and limitations. In common with the broader tradition of doctrinal legal research, the study proceeds from the premise that careful analysis of legal rules, their logical relationships, and their application in decided cases generates conclusions that are of independent scholarly and practical value.[13][14]

The analytical dimension draws on secondary academic literature, official reports, and empirical data including crime statistics and institutional audit findings to contextualise the doctrinal analysis and assess the gap between formal legal provisions and practical outcomes. Both inductive and deductive reasoning are employed: inductive reasoning identifies patterns from the analysis of cases and legislative provisions; deductive reasoning applies established legal principles and international standards to evaluate specific aspects of the Indian framework.[15]

The comparative dimension examines the whistleblower protection regimes of the United States, the United Kingdom, South Africa, and Australia as benchmarks. These jurisdictions were selected on the basis of their legal family proximity to India (all are common law systems), the sophistication and maturity of their protective frameworks, and the relevance of their structural solutions to the specific reform challenges identified in the Indian context. The international framework of the UNCAC, OECD principles, and EU Directive provides a supranational benchmark against which both India and the comparator jurisdictions are assessed. The study relies entirely on pre-existing published sources and does not involve the collection of primary data from human subjects. All sources are cited in accordance with the Bluebook system of legal citation.

VII. LIMITATIONS OF THE STUDY

Several limitations of the present study warrant explicit acknowledgement. First, the exclusive reliance on secondary data means that the analysis cannot capture the gap between formal legal provision and lived experience that an empirical survey of whistleblowers would reveal. The perspectives of those who have attempted to use the WBPA, and their assessment of its practical value, are necessarily absent from an exclusively doctrinal study. Second, the comparative dimension, while covering four significant jurisdictions,

[13] OECD, Whistleblower Protection Frameworks: A Comparative Analysis and Survey of G20 Countries (OECD Publishing, Paris, 2012); Council of Europe, Recommendation CM/Rec(2014)7 (Strasbourg, 2014).
[14] Hutchinson, T. & Duncan, N., 'Defining and Describing What We Do: Doctrinal Legal Research' (2012) 17 Deakin Law Review 83.
[15] Zweigert, K. & Kötz, H., An Introduction to Comparative Law (3rd edn, Oxford University Press, Oxford, 1998).

is necessarily selective. A more comprehensive global comparison might yield additional insights, particularly from civil law jurisdictions whose structural approaches differ from the common law tradition.

Third, the study's focus on the formal legislative framework means that informal accountability mechanisms civil society organisations, investigative journalism, and informal complaint channels are treated only tangentially, despite their potentially significant role in the practical ecology of anti-corruption enforcement. Fourth, legislative and judicial developments occurring after the study's reference date are not reflected in the analysis. The field of whistleblower protection is evolving rapidly, and specific conclusions may require updating as new legislation is enacted or significant decisions are handed down.

Fifth, reform proposals advanced in the article, while grounded in comparative analysis, necessarily involve judgments about feasibility, political palatability, and institutional capacity that are difficult to make with certainty from an academic vantage point. The proposals should therefore be understood as principled submissions for reform rather than guarantees of effectiveness.

VIII. SCHEME OF STUDY

This article is organised into ten sections. The opening sections (I through VII) establish the foundational parameters introduction, objects and scope, research problem, research questions, hypothesis, methodology, and limitations. Section VIII maps the organisation of the study as a whole. Sections IX and X contain the substantive legal analysis and reform proposals.

Within Section IX, the literature review first surveys the five principal bodies of scholarly work that inform the analysis. The legal framework discussion then examines the constitutional foundations of whistleblower protection in India, the substantive and procedural provisions of the WBPA 2014, its relationship with cognate legislation, and its identified structural weaknesses. The historical background traces the development of disclosure-related legal concepts from Roman law antecedents, through Anglo-American statutory development, to the specific Indian trajectory culminating in the WBPA. The international perspective examines the UNCAC, the OECD standards, the EU Directive, and the Council of Europe Recommendation. The judicial analysis covers ten significant Indian cases that have shaped the law. The comparative study evaluates the US, UK, South African, and Australian frameworks against five analytical dimensions: scope, disclosure channels, burden of proof, remedies, and institutional design.

Section X advances the study's conclusions and synthesises ten prioritised reform proposals, drawing together the doctrinal findings, international benchmarks, judicial insights, and comparative lessons developed in the preceding analysis.

IX. LITERATURE REVIEW AND SUBSTANTIVE ANALYSIS

A. LITERATURE REVIEW

1. The Ethics and Organisational Psychology of Whistle blowing

The foundational scholarly treatment of whistle blowing as a normative and organisational phenomenon begins with Bok's seminal account of the ethics of concealment and disclosure, which situates the decision to reveal institutional wrongdoing within a framework of competing moral obligations to one's employer, to the public, and to one's own conscience. Bok's analysis identifies loyalty as the primary ethical obstacle that a whistle blower must negotiate, and frames the resolution of that obstacle as a function of the seriousness of the wrongdoing, the exhaustion of internal remedies, and the proportionality of the disclosure to the harm sought to be prevented.[16]

Near and Miceli's empirical work on organisational dissidence provides the sociological complement to Bok's ethical analysis. Their research, drawing on survey data from a range of organisational settings, identifies the characteristics of effective and ineffective whistle blowing, the organisational factors that facilitate or suppress disclosure, and the personal consequences that whistle blowers typically experience. Their finding that the single most important determinant of whistle blowing effectiveness is the seriousness of the wrongdoing rather than the characteristics of the organisation or the whistle blower has significant implications for the design of legal protective frameworks, suggesting that threshold requirements for protection should be calibrated to seriousness rather than to the identity of the complainant.[17]

Vandekerckhove and Commers engage with the tension between institutional loyalty and the obligation to disclose wrongdoing, arguing that rational loyalty grounded in the organisation's actual values rather than its formal authority provides a principled foundation for protected disclosure. This analysis supports the view that whistle blower protection legislation should be understood not as an exception to the duty of loyalty but as a restatement of its proper content in organisations committed to lawful conduct.[18]

2. The WBPA 2014: Early Critical Assessment

The immediate academic response to the enactment of the WBPA, 2014 was predominantly critical. Bhushan's assessment, published within weeks of the Act receiving presidential assent, identified six fundamental weaknesses: the public sector limitation; the prohibition on anonymous complaints; the absence of independent oversight; the failure to provide financial incentives; the inadequacy of anti-retaliation provisions; and the non-operationalisation through rules. This assessment, while brief, established the analytical agenda

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[18] Vandekerckhove, W. & Commers, M.S.R., 'Whistle Blowing and Rational Loyalty' (2004) 53(1) Journal of Business Ethics 225.

that has driven subsequent scholarship and remains largely validated by the decade of operational experience that has followed.[19]

Transparency International India's earlier report on protecting whistleblowers provided the empirical context for the legislative debate, documenting the pattern of retaliatory violence and professional marginalisation that the statute was intended to address. Its recommendations which anticipated several of the structural features subsequently absent from the enacted legislation provide a benchmark against which the legislative outcome can be assessed.[20]

The Commonwealth Human Rights Initiative's review of the Act's specific provisions offers the most detailed textual critique available, demonstrating through close reading of the legislative text that the protection against victimisation, the procedure for investigation, and the remedial provisions are each undermined by drafting choices that operate to restrict rather than extend the Act's protective scope.[21]

3. Law Commission and Administrative Reform Reports

The Law Commission of India's 179th Report on Public Interest Disclosure and Protection of Informers, submitted in 2001, provided the intellectual foundation for the eventual legislative proposal. Drawing on comparative models from the United States and the United Kingdom, the Commission recommended the enactment of a comprehensive Public Interest Disclosure Act that would cover both the public and private sectors, provide for anonymous complaints, establish an independent disclosure authority, and include financial incentives for whistle blowers. The fact that the enacted legislation adopted none of these four key recommendations is a measure of how significantly political and bureaucratic resistance diluted the reform proposal between inception and enactment.[22]

The Second Administrative Reforms Commission's 2007 report on Ethics in Governance reinforced the Law Commission's case for comprehensive reform, drawing specific comparisons with the UK's PIDA model and recommending a framework that would provide effective protection across the full spectrum of public interest disclosures. The ARC's recommendations, like those of the Law Commission, were only partially reflected in the eventual statute.[23][24]

4. Comparative Legal Studies

Fasterling's comparative analysis situates the diversity of national whistle blower protection frameworks within a framework of structural typologies, distinguishing between employment-based models (which treat protection as an extension of employment rights), regulatory models (which vest enforcement in specialised agencies), and public law models (which ground protection in constitutional guarantees). This typological

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[20] Transparency International India, 'Protecting Whistleblowers in India: A Report' (New Delhi, 2007).

[21] Commonwealth Human Rights Initiative, 'Blow the Whistle, Save Our Democracy: A Review of the Whistle Blowers Protection Act 2014' (New Delhi, 2014), p. 18.

[24] Second Administrative Reforms Commission, Fourth Report: Ethics in Governance (2007), Recommendations 10.2.1–10.2.8.

analysis is valuable for situating the WBPA within the comparative landscape and for identifying which structural features are most likely to translate effectively across legal systems.[25]

The OECD's comparative survey of G20 countries on whistle blower protection frameworks provides the most comprehensive cross-national empirical assessment available, covering scope, channels, remedies, and institutional mechanisms across twenty major economies. Its identification of seven principles of effective protection broad scope, multiple channels, clear procedures, strong anti-retaliation safeguards, effective enforcement, confidentiality, and appropriate financial incentives provides a structured analytical framework that this article adopts as a benchmark for evaluating the WBPA.[26]

Thüsing and Forst's edited volume on whistle blowing as a comparative study provides country-by-country analyses of the major European and common law regimes, covering both the structural features of protective legislation and the empirical evidence on their effectiveness. The volume's comparative methodology which proceeds by identifying a common set of analytical questions and applying them systematically across jurisdictions informs the approach adopted in this article's comparative analysis.[27]

5. Judicial and Constitutional Scholarship

The Supreme Court's role in constructing a de facto whistle blower protection framework through constitutional interpretation has been analysed in a number of academic contributions. The Court's decisions in Vineet Narain, Satyendra Dubey, and the Coalgate case collectively demonstrate the potential and the limits of judicial protection: courts can vindicate individual rights, protect the integrity of investigations, and create institutional pressure for legislative reform, but they cannot provide the predictable, accessible, and resource-efficient protection that a well-designed legislative framework affords.[28][29]

The constitutional scholarship on Articles 14, 19, and 21 as foundations for whistle blower protection is particularly relevant. The trilogy of Maneka Gandhi, Olga Tellis, and the Democratic Reforms case has established that these provisions create an interlocking protective framework applicable to arbitrary state action against employees, the right to livelihood, and the freedom of expression respectively. While no constitutional provision expressly protects public interest disclosure, the courts have read these provisions as creating a constitutional baseline below which legislative protection cannot descend.[30][31][32]

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[27] Directive (EU) 2019/1937, Articles 8–22; Thüsing, G. & Forst, G. (eds), Whistleblowing: A Comparative Study (Springer, Cham, 2016).

[28] Vineet Narain v. Union of India, (1998) 1 SCC 226, per Verma CJ at p. 279.

[29] In Re: Death of Satyendra Dubey, Order dated 24.02.2004; Kapur, D., 'The Case for Radical Judicial Restraint: The Supreme Court and the Development of Whistleblower Law' (2005) 6 Indian Journal of Constitutional Law 78.

[30] Maneka Gandhi v. Union of India, (1978) 1 SCC 248, per Bhagwati J.

[31] Union of India v. Assn. for Democratic Reforms, (2002) 5 SCC 294 (right to information as part of freedom of expression).

[32] Olga Tellis v. Bombay Municipal Corporation, (1985) 3 SCC 545 (right to livelihood as part of Article 21).

X. CONCLUSIONS AND REFORM PROPOSALS

A. PRINCIPAL FINDINGS

The analysis undertaken in this article supports the working hypothesis in full. The WBPA, 2014 is a statute that captures in its preamble a genuine legislative commitment to protecting those who speak truth to power, but translates that commitment into legal reality in a manner that is inadequate across all five dimensions of the analytical framework employed: scope of coverage, disclosure channels, burden of proof, remedies, and institutional design.[33][34]

The historical analysis reveals the reactive genesis of the Act driven by civic tragedy rather than proactive design and identifies the specific structural concessions that were made during the legislative process in response to bureaucratic and political resistance. The doctrinal analysis demonstrates that the Act's most significant weaknesses are not incidental drafting failures but deliberate choices: the exclusion of the private sector, the prohibition on anonymous complaints, the dependence on the CVC, and the absence of financial incentives were all contested during the parliamentary process and were retained over the objections of the Standing Committee and civil society.[35][36][37][38]

The international analysis demonstrates that India's obligations under the UNCAC and its commitments as a G20 member generate positive normative expectations that the WBPA currently fails to meet. The EU Directive, in particular, has established a structural standard reversal of the burden of proof, multi-channel reporting, comprehensive occupational coverage, and robust anti-retaliation remedies that represents the contemporary baseline of effective protection.[39][40][41][42]

The judicial analysis reveals a consistent pattern of constitutional engagement with whistleblower-related questions, through which the courts have protected individuals through Article 21, prevented retaliatory transfers under Article 14, and supervised investigations triggered by public disclosures. This judicial

[33] Whistle Blowers Protection Act, 2014, Section 2(n) read with Section 2(c) of the Prevention of Corruption Act, 1988.
[34] Vittal, N., Corruption in India: The Roadblock to National Prosperity (Academic Foundation, New Delhi, 2003), pp. 201–215.
[35] Whistle Blowers Protection Act, 2014, Sections 3 and 11 read together.

[37] Whistle Blowers Protection Act, 2014, Sections 11–14.
[38] Bhushan, supra note 9; Amnesty International India, 'The Whistle Blowers Protection Act 2014: Strengths, Weaknesses and Suggestions for Improvement' (2015).
[39] United Nations Convention Against Corruption, adopted by General Assembly Resolution 58/4 of 31 October 2003, entered into force 14 December 2005, UNTS vol. 2349, p. 41.
[40] UNODC, Technical Guide to the United Nations Convention Against Corruption (Vienna, 2009), pp. 89–92.
[41] OECD, Whistleblower Protection Framework, supra note 12, pp. 7–15.
[42] G20, High Level Principles on Whistleblower Protection (Cannes, 2011), available at: g20.org.

International Journal of Scientific Research in Engineering and Management (IJSREM)
Volume: 10 Issue: 05 | May - 2026 SJIF Rating: 8.659 ISSN: 2582-3930

contribution is valuable but limited: it is reactive, expensive, and inaccessible to most public servants. It cannot substitute for comprehensive legislative reform.[43,44,45,46,47,48,49,50,51]

The comparative analysis demonstrates that the four examined jurisdictions all outperform the WBPA across the five analytical dimensions. The US system is unmatched in the breadth of its financial incentive mechanisms and the independence of its enforcement bodies. PIDA remains a model of structured employment-based protection with well-developed tiered disclosure channels. South Africa's PDA, with its reversed burden of proof and its interim relief provision, addresses two of the WBPA's most significant gaps. Australia's emergency disclosure provision represents an innovative solution to the tension between tiered disclosure requirements and genuine public interest necessity.

B. REFORM PROPOSALS

The following ten reforms are advanced in order of priority. First and most urgently, the Government must immediately notify the rules under the WBPA, 2014. The Act has been on the statute book for over a decade; the absence of rules renders it practically inoperative. Second, Section 4(4) should be amended to permit anonymous complaints where the competent authority finds reasonable grounds to investigate the information provided. Third, the Act's scope should be extended to the private sector, converting the Companies Act's vigil mechanism into a statutory protection regime with enforceable anti-retaliation provisions.[52,53]

Fourth, a dedicated Whistle blower Protection Authority should be established by statute, with members appointed by an independent commission and with security of tenure, adequate investigative powers, and parliamentary accountability. Fifth, a reversed burden of proof provision should be enacted, creating a rebuttable presumption of retaliation where adverse action follows a disclosure, with the employer bearing the burden of proving that the action was based on independently justified grounds.[54,55]

Sixth, a financial reward mechanism should be introduced for disclosures leading to successful recovery of public funds, drawing on the SEBI informant mechanism as a sectoral precedent. Seventh, physical protection provisions should be inserted into the Act, with an explicit cross-reference to the Witness Protection Scheme,

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[45] CBSE v. Aditya Bandopadhyay, (2011) 8 SCC 497, per R.V. Raveendran J at pp. 538–540.
[46] Union of India v. Namit Sharma, (2013) 10 SCC 359, per Lodha J at p. 412.
[47] Centre for PIL v. Union of India, (2011) 4 SCC 1 (P.J. Thomas Case).
[48] CPIO, Supreme Court of India v. Subhash Chandra Agarwal, (2020) 5 SCC 481, per D.Y. Chandrachud J at pp. 563–574.
[49] State of Maharashtra v. Budhikota Subbarao, (1993) 3 SCC 339, per Sawant J.
[50] Lalita Kumari v. Government of UP, (2014) 2 SCC 1 (Constitution Bench).
[51] Manohar Lal Sharma v. Union of India, (2014) 2 SCC 532.
[52] Right to Information Act, 2005 (Act No. 22 of 2005); Roberts, A., Blacked Out: Government Secrecy in the Information Age (Cambridge University Press, Cambridge, 2006), ch. 10.
[53] Companies Act, 2013, Section 177(9) and (10); SEBI (Listing Obligations and Disclosure Requirements) Regulations, 2015, Regulation 22.

[55] Directive (EU) 2019/1937, supra note 4.

2018. Eighth, coverage should be extended beyond formal public servants to include self-employed persons dealing with public bodies, volunteers, and job applicants. Ninth, the Act should explicitly recognise multiple reporting channels, including internal channels, the competent authority, sector-specific regulators, and as a last resort public disclosure where urgent public interest demands it.[56][57]

Tenth, the proposed 2015 amendments which would have added broad national security exceptions should be formally withdrawn, and Section 16's existing classified information carve-out should be subjected to a proportionality test to prevent its use as a vehicle for suppressing legitimate disclosures of corruption. Taken together, these reforms would transform the WBPA from a well-intentioned but structurally deficient statute into an instrument capable of giving genuine protection to those who risk their livelihoods and safety in the service of public accountability.[58][59]

[56]SEBI (Prohibition of Insider Trading) Regulations, 2015, Schedule E (Informant Mechanism).
[57]Devine, T. & Maassarani, T., The Corporate Whistleblower's Survival Guide (Berrett-Koehler, San Francisco, 2011), ch. 4.
[58]Rose-Ackerman, S., Corruption and Government: Causes, Consequences, and Reform (Cambridge University Press, Cambridge, 1999), pp. 160–180.