

Bill Summary

The Whistleblowers Protection (Amendment) Bill, 2015

- The Whistleblowers Protection (Amendment) Bill, 2015 was introduced in Lok Sabha on May 11, 2015 by the Minister of Personnel, Public Grievances and Pensions, Mr. Jitendra Singh. The Bill was passed in Lok Sabha on May 13, 2015. The Bill amends the Whistleblowers Protection Act, 2014.
 - **Exemptions from public interest disclosures:** The Act provides a mechanism for receiving and inquiring into public interest disclosures against acts of corruption or wilful misuse of power and discretion by public servants. The Bill amends the Act to prohibit any person from making a disclosure if it relates to information under any of the following 10 categories:
 - (i) the sovereignty, strategic, scientific or economic interests of India, or the incitement of an offence;
 - (ii) records of deliberations of the Council of Ministers;
 - (iii) that which is forbidden to be published by a court or if it may result in contempt of court;
 - (iv) a breach of privilege of legislatures;
 - (v) commercial confidence, trade secrets, intellectual property (if it harms a third party);
 - (vi) that relayed in a fiduciary capacity;
 - (vii) that received from a foreign government;
 - (viii) that which could endanger a person's safety etc.;
 - (ix) that which would impede an investigation etc.;
 - (x) personal matters or invasion of privacy.
 - However, if information related to (ii), (v), (vi), and (x) is available under the Right to Information Act, 2005, then such disclosure would be permitted under this Act.
 - **Procedure to determine complaints that are prohibited from disclosure:** The Bill states that if a disclosure related to any of the above 10 categories is made, the competent authority will refer it to a government authorised authority. This authority will decide if the disclosure is prohibited. This decision will be binding on the competent authority.
 - **Issues exempt from being addressed during an inquiry into a whistle blowing complaint:** Under the Act, no person is required to provide any information or render assistance, during an inquiry into a whistle blowing complaint if it relates to one of five categories of information. These include:
 - (i) security of India,
 - (ii) foreign relations;
 - (iii) public order and morality;
 - (iv) contempt of court; defamation or incitement to an offence; and
 - (v) Cabinet proceedings.
- The Bill amends this provision to replace these five categories with the above 10 categories of information.

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