

RAJYA SABHA
NOTICE OF AMENDMENTS
THE WHISTLE BLOWERS PROTECTION BILL, 2011
(As passed by Lok Sabha)
[To be moved at a sitting of the Rajya Sabha]

ENACTING FORMULA

BY SHRI V. NARAYANASAMY:

1. That at page 1, line 1, *for* the word "Sixty-second", the word "Sixty-fourth" be substituted.

CLAUSE 1

BY SHRI V. NARAYANASAMY:

2. That at page 1, line 5, *for* the figure "2011" the figure "2013" be substituted.

CLAUSE 4

BY SHRI V. NARAYANASAMY:

3. That at page 5, *for* lines 10 to 12, the following be substituted, namely:-

"4.(1) Any public servant or any other person including any non-governmental organisation, may make any public interest disclosure before the Competent Authority:

Provided that no such disclosure shall be made by any person under this Act, if such disclosure -

(a) is likely to prejudicially affect 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; or

(b) involves the disclosure of cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other officers except as otherwise provided under the Right to Information Act, 2005

22 of
2005.

CLAUSE 5

BY SHRI V. NARAYANASAMY:

4. That at page 5, *after* line 37, the following be inserted, namely:-

"(1A) The Competent Authority, shall not inquire into any public interest disclosure, which involves any information relating to any of the matters covered under the provisions of clause (a) of the proviso to sub-section (1) of section 4:

Provided that the Competent Authority on receipt of a public interest disclosure shall, in the first instance refer such disclosure to the authority so authorised under sub-section (1) of section 8, to ascertain whether such disclosure attract the provisions of clause (a) of the proviso to sub-section (1) of section 4 and the views of such authority shall be binding on the Competent Authority.”

CLAUSE 8

BY SHRI V. NARAYANASAMY:

5. That at page 8, for lines 7 to 21, the following be substituted, namely:-

“8.(1) No person shall be required or be authorised by virtue of provisions contained in this Act or any other law for the time being in force, to furnish any such information or answer any such question or produce any document or information or render any other assistance in the inquiry under this Act, if such question or document or information or assistance is likely to —

(a) prejudicially affect 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; or

(b) involve the disclosure of cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other officers except as otherwise provided under the Right to Information Act, 2005,

22 of
2005.

and for the purpose of this sub-section, a certificate issued by, any authority so authorised by the Central or State Government certifying that any information, answer or portion of a document or assistance is of the nature specified in clause (a) or clause (b), shall be binding and conclusive.”

CLAUSE 9

BY SHRI V. NARAYANASAMY:

6. That at page 8, line 26, for the word and figure “section 4”, the word and figure “section 5” be substituted.

CLAUSE 11

BY SHRI V. NARAYANASAMY:

7. That at page 9, line 6, for the word, bracket and figure “sub-section (1)”, the word, bracket and figure “sub-section (2)” be substituted.

CLAUSE 14

BY SHRI V. NARAYANASAMY:

8. That at page 9, line 30, *for* the words “prevent the immediate stoppage of”, the word “stop” be *substituted*.

CLAUSE 18

BY SHRI V. NARAYANASAMY:

9. That at page 10, line 11, *after* the words “is attributable”, the words “to, any neglect on the part of any officer, other than the Head of the Department” be *inserted*.

CLAUSE 20

BY SHRI V. NARAYANASAMY:

10. That at page 10, lines 33 and 34, *for* the words and figures “relating to imposition of penalty under section 14 or section 15 or section 16”, the words and figures “under section 14 or section 15” be *substituted*.

CLAUSE 31

BY SHRI V. NARAYANASAMY:

11. That at page 12, line 16, *after* the word “Resolution”, the word “shall” be *inserted*.

New Delhi;
August 5, 2013.

**SHUMSHER K. SHERIFF
SECRETARY-GENERAL**