

AS PASSED BY LOK SABHA
ON 13 MAY, 2015

Bill No. 154-C of 2015

THE WHISTLE BLOWERS PROTECTION (AMENDMENT) BILL, 2015

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BILL

further to amend the Whistle Blowers Protection Act, 2011.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Whistle Blowers Protection (Amendment) Act, 2015.

Short title and
commence-
ment.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

17 of 2014. 5 **2.** In the Whistle Blowers Protection Act, 2011 (hereinafter referred to as the principal Act), in section 2, the words “the armed forces of the Union, being” shall be omitted.

Amendment
of section 2.

3. In the principal Act, in section 3,—

1 of 1956. (i) for the words and figures “section 617 of the Companies Act, 1956”, wherever they occur, the words, brackets and figures “clause (45) of section 2 of the Companies Act, 2013” shall be substituted;

18 of 2013. 10

Amendment
of section 3.

(ii) in clause (d), in the opening line, for the word “complaint”, the word “disclosure” shall be substituted.

Amendment of section 4.

4. In the principal Act, in section 4, for sub-section (I), the following sub-sections shall be substituted, namely:—

“(I) Any public servant or any other person including a non-Governmental organisation may make public interest disclosure before the Competent Authority. 5

(IA) Notwithstanding anything contained in sub-section (I), no public interest disclosure shall be made by any public servant or any other person including a non-Governmental organisation under this Act, if such disclosure contains—

(a) information, the disclosure of which would prejudicially affect the sovereignty and integrity of India, the security of the State, the strategic, scientific or economic interests of the State, friendly relations with foreign States or lead to incitement to an offence; 10

(b) information, which has been expressly forbidden to be published by any court of law or tribunal, or the disclosure of which may constitute contempt of court; 15

(c) information, the disclosure of which would cause a breach of privilege of Parliament or State Legislature;

(d) 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; 20 22 of 2005.

(e) 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; 25 22 of 2005.

(f) information received in confidence from a foreign Government;

(g) 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;

(h) information, which would impede the process of investigation or apprehension or prosecution of offenders; 30

(i) 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.

(j) 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.”. 35 22 of 2005.

Amendment of section 5.

5. In section 5 of the principal Act, after sub-section (I), the following sub-section shall be inserted, namely:— 40

“(IA) The Competent Authority shall not inquire into any public interest disclosure which involves information of the nature specified in sub-section (IA) of section 4:

Provided that the Competent Authority shall, on receipt of any such public interest disclosure, refer such disclosure to an authority authorised under 45

sub-section (1) of section 8 to ascertain whether the disclosure contains any information of the nature specified in sub-section (1A) of section 4, and the certificate given in this regard by such authority shall be binding on the Competent Authority.”.

5 **6.** In section 8 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:— Amendment of section 8.

“(1) No person shall be required or authorised under this Act, or under any other law for the time being in force, to furnish any information or answer any question or produce any document or render any other assistance in an inquiry under this Act, if furnishing of such information, or answering of question or the production of the document or the rendering of assistance is likely to result in the disclosure of any information of the nature specified in sub-section (1A) of section 4, and for this purpose, a certificate issued by an authority, authorised in this behalf by the Central Government or the State Government, as the case may be, certifying that such information, answer, document or assistance is of the nature specified in sub-section (1A) of section 4, shall be binding.”.

7. For section 14 of the principal Act, the following section shall be substituted, namely:— Substitution of new section for section 14.

“14. On any disclosure made by the complainant or public servant, if the Competent Authority is of the opinion that pending inquiry, any corrupt practice is required to be stopped, it may pass such interim order, as it may deem fit, to stop such practice.”. Power to pass interim orders.

8. In section 18 of the principal Act, in sub-section (2), for the words “is attributable, such officer”, the words “is attributable to any negligence on the part of any officer other than the Head of the Department, such officer” shall be substituted. Amendment of section 18.

25 **9.** In section 20 of the principal Act, 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 15” shall be substituted. Amendment of section 20.

10. In the principal Act, in section 23,— Amendment of section 23.

(i) in sub-section (1), for the words “a consolidated”, the word “an” shall be substituted;

(ii) in sub-section (2), for the words “cause a copy thereof”, the words “consolidate the reports so received and cause the consolidated report” shall be substituted.

35 **11.** In section 31 of the principal Act, in sub-section (2), for the words “be deemed”, the words “shall be deemed” shall be substituted. Amendment of section 31.

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(As passed by Lok Sabha)