
COMPARATIVE STUDY OF PUBLIC SECTOR WHISTLE-BLOWER PROTECTION: THE INDIAN AND UK PERSPECTIVE

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ABSTRACT:

Whistleblowing is a tool for good corporate governance in which workers expose wrongdoing to the public or other higher authorities that occurs in the organization. Whistleblowing is the disclosure of information by a person, and the individual who blows the whistle is known as the whistleblower. This pose like a whistle that sounds everywhere both in the corporations and also among the general public.

In India, whistleblowers are retaliated for exposing wrongdoing; this might lead to reduced counts of whistleblowers in recent years. Though there is legislation safeguarding whistleblowers, their protection is not yet stringent. This research study delves into the realm of public sector whistleblowing, encompassing government departments, agencies, enterprises, and organizations delivering public goods and services at both central and state levels. Public sector employees are those who belong to the part of the economy that is controlled or owned by the government. There are whistleblowers in various other sector, however the public servants in the institutional mechanisms, who have a lot of information regarding corruption and thereby they go forward to complaint, though there are no appropriate protection systems to act on such corruptions. In India, many practical incidents which took place unfairly to those who exposed such corruption, namely the first whistleblower of India, Mr. Satyendra Dubey.

Keywords: whistleblower, public sector, legislative framework, policy, coal industry, instances, India, UK.

I. INTRODUCTION:

“Whistleblowing occurs when an employee informs the public of inappropriate activities going on inside the organization¹.”

- Koehn (2003)

An organizational ethos that fosters voices to speak up is an essential aspect of an effective ESG (Environmental, Social, and Governance) compliance workplace. One such criterion is whistleblower protection, which is a crucial requirement to acquire in a business environment as it opens the way for an overall corporate culture and upholding ethical standards and safeguarding human rights. *According to data by Commonwealth Human Rights Initiative, from 2005 to 2018, there have been 315 attacks on Indian whistle-blowers who have exercised the RTI Act to expose scams and corruption².*

Whistle-blower³ means “a person who tells someone in authority about something illegal that is happening, especially in a government department or a company”. The phrase whistleblowing is most likely derived from the analogy of a referee or umpire drawing public attention to a foul in a game by blowing the whistle, which alerts both law enforcement officers and the public at large to the risk. Likewise, the whistle acts as a signal that reverberates not just within the corporation but also to the general public and appropriate authorities.

Jubb stated a nuanced definition of whistleblowing as a “deliberate non-obligatory act of disclosure” that “is provided by an individual who has or had privileged access to an organization's data or information,” but it also distinguishes whistleblowing from generic alerting “if the statement is to have and communicate specific importance.”⁴ The information presented may involve fraud, corruption, or other unethical, illegal and illegitimate practices. Disclosure is the act of making something known or a fact that is made known⁵ to the public.

¹ Chanjyot Kaur, *Whistle Blowing: An Anti-Corruption Tool*, INTERNATIONAL JOURNAL OF ADVANCED RESEARCH IN MANAGEMENT AND SOCIAL SCIENCES(IJARMSS) Vol. 1 (November 2012), p.50

² *iStock, Six times Indian whistleblowers uncovered scams and made headlines* (18 October,2021), Six times Indian whistleblowers uncovered scams and made headlines (mid-day.com)

³ *Definition of whistle-blower from the Cambridge Advanced Learner's Dictionary & Thesaurus*, WHISTLE-BLOWER | English meaning - Cambridge Dictionary

⁴ Jubb, P.B., 1999, *Whistleblowing: A Restrictive Definition and Interpretation*, JOURNAL OF BUSINESS ETHICS 21, p.79.

⁵ *Definition of disclosure from the Cambridge Academic Content Dictionary*, DISCLOSURE | definition in the Cambridge English Dictionary

Whistleblowers are often subjected to reprisal, including layoffs, demotions, denial of promotion, denial of benefits, forced resignations, a hostile work environment, and so on. Fear of retaliation casts a shadow over the decision to blow the whistle. The prevalence of reprisal fear has a direct influence on whether to blow the whistle or not and can deter individuals from coming forward.

The scheme of the study is:

Part- I: Legislative framework on public sector whistle-blower protection

Part – II: Whistleblower policy: coal industry as a public sector

Part- III: Whistleblower protection laws in G20 countries- India and UK

Part-IV: Instances of whistleblower cases with regard to public sector

1. STATEMENT OF PROBLEM:

The research study is on the protection of whistleblowers in the public sector; this is a crucial part to be dealt with in order to ensure transparency, accountability, and reliability of corporate governance. Though there is legislation addressing public sector whistleblower's protection, the legislation is not stringent. The problem is that the legislative intent and the practical implementation significantly differ, which can be obviously viewed in the many instances that took place in India. The struggles that the whistleblowers experienced by way of retaliation in the case study is explored in this arena. The basis of this research is a comparison of whistleblower protection in the public sector in the UK and India.

2. RESEARCH QUESTIONS:

1. What are the legal frameworks and protections in India and the UK for whistle-blowers in the public sector?
2. Whether the public sector in India and the UK has any specific whistleblowing policies, and how do they differ?
3. What are the instances of cases that took place in India and the UK in relation to the public sector whistleblowers?

3. OBJECTIVES OF THE RESEARCH:

- i. To examine the existing legal frameworks and protections for whistleblowers within the public sector in India and the United Kingdom.
- ii. To analyse whether the public sector entities in India and the UK have specific whistleblowing policies and to compare the whistleblowing policies in terms of their objectives, scope, reporting mechanisms, and protections offered to whistleblowers. This study analyses the coal industry in India and UK, which is a public sector.
- iii. To examine the instances of cases that took place in India and the UK and to understand how the public sector whistleblowers retaliated for reporting the misconduct and/or wrongdoings.

4. SIGNIFICANCE OF THE STUDY:

The aim of this research is to assess how the legal systems in England and India protect public sector workers from retaliation and how they strengthen and enhance corporate governance standards to ensure transparency, growth, and accountability. Whistleblowers must be allowed to use their rights freely without fear of being punished if they tend to blow the lid off. The top management typically tries to silence the whistleblower and is concerned about losing their job, even to the degree of fearing being murdered. Protection of whistle-blowers and the implementation of whistle-blower policies are necessary in the contemporary world, as they help and motivate whistle-blowers to come forward and report incidents of fraud.

5. RESEARCH METHODOLOGY:

“Abstracting ideas from diverse sources, and consolidating them through synthesis, is the essence and key strength of this process”⁶.

-Doctrinal Legal Research

The research methodology of the study is a comparative analysis of public sector whistleblower protection in India and the UK. The two common law countries are compared by adopting a

⁶ Overarching values and thoughts spread over several centuries of common law development make this an imperative. O.W. Holmes, cited in Zahira Habibulla H. Sheikh v State of Gujarat, AIR 2004 SC 3114.

doctrinal legal research method. This paper focuses on primary sources like statutes, regulations, rules, Law commission reports, case studies and relied on an extensive study of secondary data collected from books and various published national and international journals, various websites, public domain, etc. This doctrinal research aids in understanding and analysing the legal provisions and protections offered to whistle-blowers in India and the UK. This assessment can identify gaps in existing legislation and suggest reforms to better safeguard whistle-blower's rights and interests. The researcher has used Harvard Bluebook [20th Edition].

6. SCOPE AND LIMITATION:

The research study tries to compare both countries that have legislation aimed at safeguarding whistleblowers, and this study is limited to the scope of the public sector. In this regard, the Whistleblowers Protection Act of 2014 exists in India. It is vital to highlight that this study is not focused on the private sector, such as unlisted companies, unincorporated firms, or their employees. as these private organizations have no such specific whistleblower protection legislation. The study focuses on only one industry i.e., coal industry in both India and the UK, which comes under the purview of public sector, despite other public sector too having formulation of specific whistleblowing policy. The study also recognizes that it may not be entirely feasible to achieve the legal requirement for protecting whistleblowers in the public sector. This encompasses challenges like ineffective enforcement, limited awareness, and other factors that can hinder the complete realization of the intended protection standards mandated by the law. This study is purely for academic purposes and not for any other purposes.

7. LITERATURE REVIEW:

A. Uboho Inyang, 2020:

Employee whistleblowers are typically more vulnerable to retaliation from reckless managers than others, which can lead to demotion or even the termination of their employment contracts. In order to safeguard whistleblowers, particularly employees, from suffering any harm as a result of their courageous act of disclosure to serve the public good, there has been an increasing regulatory intervention in various jurisdictions. This research study is on the comparison of India and Nigeria in the

context of employee whistleblowers and victimization. This study concludes that Nigeria may pass unified whistle-blower legislation in order to ensure uniformity.⁷

Research gap: This study gave clarity on the regulatory framework; however, it does not deal with any of the notable cases where the judicial interpretations of both countries have an impact on the whistleblower, thereby protecting the whistleblower.

B. David Lewis and Tina Uys, 2007:

This research study has compared the respective statutes of the UK and South Africa to their corresponding jurisdictions, relied on previously conducted empirical research, and also delved into the case analysis. This study is aimed at proposing a reform of their legislation with respect to whistleblower protection. 14 suggestions were made in this study, such as human rights, freedom of speech, even attempts to disclose results in victimization, burden of proof on employers, statutory duties of employers, possible chilling effects in cases of defamation, etc.⁸

Research gap: This study has put forth recommendations and suggestions to be upheld, whereas it does not give room for judicial interpretations but rather has a deep root in the legislative framework.

C. Jessica R. Mesmer-Magnus and Chockalingam Viswesvaran, 2005:

This paper focuses on whistleblowing on organizational wrongdoing such as Enron, Tyco, etc., where the intention, actions, and retaliation of the whistleblower are examined by conducting a meta-analytic examination and collecting 26 samples out of which 193 correlations were obtained. They are based on four criteria in terms of whistleblower traits, actions the whistleblower carried out, contextual elements, and the wrongdoing's characteristics. This paper enumerates when the wrongdoing occurs and

⁷ Uboho Inyang, *Whistleblowing as a Corporate Governance Mechanism: A Comparative Analysis of Employee-Whistleblower Protection in the United Kingdom and Nigeria*, SSRN (27 MAR 2020), *Whistleblowing as a Corporate Governance Mechanism: A Comparative Analysis of Employee-Whistleblower Protection in the United Kingdom and Nigeria* by Uboho Inyang :: SSRN

⁸ David Lewis and Tina Uys, *Protecting whistleblowers at work A comparison of the impact of British and South African legislation*, INTERNATIONAL JOURNAL OF LAW AND MANAGEMENT (INT. J. LAW MANAG), 76-92 (MAY 2007)

when the actual whistleblowing takes place.⁹

Research gap: This study is not legal research; therefore, no statutory provisions are dealt with here. Either way, it is an interdisciplinary method of research involving business ethics and organizational behavior.

D. UK Case: Dr S Kumar v The Care Quality Commission¹⁰(CQC)

Dr. Kumar was subjected to detriment, where he brought a claim on the grounds of protected disclosure. The issues that he had raised was connected to the insufficient hospital inspections, harassment of workers, and grave patient injury. Dr. Kumar engaged in a CQC inspection in 2015. He has experienced intimidation since voicing his concerns about that doctor, and some of the doctor's acquaintances have been attempting to make the situation into a BME/SAS doctor dispute. SAS is regarded by the British Medical Association as "Staff, associate specialist and specialty doctors are invaluable members of NHS teams across the UK – but they continue to face discrimination"¹¹. This tribunal acknowledges that placing an individual on hold in situations where disengagement was inevitable and where doing so would effectively prevent them from participating in inspections—as it did for the claimant—is detrimental, based on the legal criteria set forth in *Warburton v. Chief Constable of Northamptonshire Police*¹².

The tribunal emphasized that being suspended or disengaged from an organization compared to departing on one's own terms is "a world of difference." Employers should exercise caution before using this strategy since this case demonstrates how a suspension for making protected disclosures might have negative consequences.

E. John K. Devitt, 2015:

The study focuses on the abstract that one of the most effective approaches to combating corruption is through whistleblowing. Many of the reported instances of

⁹ Jessica R. Mesmer-Magnus and Chockalingam Viswesvaran, *Whistleblowing in Organizations: An Examination of Correlates of Whistleblowing Intentions, Actions, and Retaliation* Author, 62, JOURNAL OF BUSINESS ETHICS (J BUS ETHICS) pp. 277-297 (Dec., 2005),

¹⁰ *Dr S Kumar v The Care Quality Commission*, 2410174/2019

¹¹ Who are SAS doctors? (bma.org.uk)

¹² *Warburton v. Chief Constable of Northamptonshire Police*, (2022) EAT 42.

fraud and corruption that we are aware of were made public by employees who reported misconduct to their employers, authorities, or the media. Since they are at the workplace when wrongdoing happens, employees are more likely to inquire about it. Indeed, more instances of workplace fraud are believed to be discovered by whistleblowers than by any other means.¹³

Research gap: This study is regarding the apparent meaning of whistleblowing and how it differs from that of witnesses. It also delves into the expression of grievance and whether whistleblowing is one and the same.

II. LEGISLATIVE FRAMEWORK ON PUBLIC SECTOR WHISTLE-BLOWER PROTECTION

1. LEGISLATIVE FRAMEWORK ON WHISTLEBLOWER PROTECTION IN INDIA WITH RESPECT TO PUBLIC SECTOR

The legislative landscape for whistleblower protection in India, especially in the context of the public sector, is provided under the Whistleblower Protection Act, 2014. Also, the Companies Act, 2013 and SEBI Act and regulations have relevance to the vigil mechanism.

i. Whistleblower Protection Act, 2014:

As a way to deal with whistleblower concerns until a bill was passed by the Law commission of India in its 179th report, the Central Government had been directed by the Supreme Court to set up an interim administrative framework in 2004. The WPA was previously named Public Interest Disclosure and Protection to Person Making the Disclosures Bill, 2010¹⁴. As a result, the Central Vigilance Commission (CVC) was given authority to act on such complaints in 2004 when the Public Interest Disclosure and Protection of Informers Resolution (PIDPIR) was established. The Second Administrative Reforms Commission further emphasized the necessity of an independent law to protect whistleblowers in 2007. The UN Convention against Corruption was signed by India in 2005, demonstrating its commitment to international agreements. This conference reiterated how essential it is to make it more accessible to expose

¹³ John K. Devitt, *What is Whistleblowing?* TRANSPARENCY INTERNATIONAL (2015), WHAT IS WHISTLEBLOWING? (jstor.org)

¹⁴Report on the Public Interest Disclosure Bill, 179th Law Commission Report, 2001

corruption and to safeguard those who do so.

In India, this is the most significant element of legislation that addresses whistleblower protection. The Law Commission of India advocated enacting a whistleblower protection law since it recognised how crucial it was to safeguard those who exposed wrongdoing. It endeavors to establish a framework for complaints to be lodged pertaining to the revelation of any accusations of corruption or deliberate misuse of authority or discretion against any public employee.

ii. Companies Act, 2013:

According to section 177(9), every listed company or those classes of listed companies ought to establish a vigil framework to allow directors and employees to report legitimate concerns in the way specified¹⁵. The Vigil Mechanism ensures sufficient protection against victimization of victims. Directors and employees are expected to report any problems or grievances. Establishing a Vigil Mechanism for every Listed Company and the following companies:

- a. Companies that take public deposits.
- b. Companies that have taken out borrowing from banks and state financial institutions worth exceeding Rs. 50 crore. 16

A director must be nominated by the Board of Directors to serve as the Audit Committee for the purposes of the Vigil Mechanism for reporting. The individual who experiences

¹⁵ Section 177(9), Chapter XII, Meetings of the Board and Its Powers of the Companies Act, 2013

¹⁶ Regulation 7 of Companies (Meetings of Board and its Powers) Rules, 2014: Establishment of vigil mechanism.-

(1) Every listed company and the companies belonging to the following class or classes shall establish a vigil mechanism for their directors and employees to report their genuine concerns or grievances-

(a) the Companies which accept deposits from the public;

(b) the Companies which have borrowed money from banks and public financial institutions in excess of fifty crore rupees.

(2) The companies which are required to constitute an audit committee shall oversee the vigil mechanism through the committee and if any of the members of the committee have a conflict of interest in a given case, they should recuse themselves and the others on the committee would deal with the matter on hand.

(3) In case of other companies, the Board of directors shall nominate a director to play the role of audit committee for the purpose of vigil mechanism to whom other directors and employees may report their concerns.

(4) The vigil mechanism shall provide for adequate safeguards against victimisation of employees and directors who avail of the vigil mechanism and also provide for direct access to the Chairperson of the Audit Committee or the director nominated to play the role of Audit Committee, as the case may be, in exceptional cases.

(5) In case of repeated frivolous complaints being filed by a director or an employee, the audit committee or the director nominated to play the role of audit committee may take suitable action against the concerned director or employee including reprimand.

wrongdoing will have direct contact with the Audit Committee's Chairperson or Nominated Director. The audit committee or the director nominated may take appropriate measures against the responsible director or employee, including reprimand, in the event of repeated false allegations.

iii. SEBI (Listing Obligations and Disclosure Requirements) Regulations, 2015:

Vigil mechanism¹⁷ which states that the listed company must establish a whistleblower policy and vigil mechanism for directors and employees to raise legitimate concerns. Every listed company is mandated by Regulation 46¹⁸ to publish information on its whistleblower policy and vigil mechanism in a distinct part on its website.

Furthermore, in accordance with Regulations 34 and 53, the company must outline its whistleblower policy and vigil mechanism in its annual report under the umbrella of corporate governance. It must also disclose that no employees have been refused access to the audit committee.

iv. SEBI (Prohibition of Insider Trading) Regulation, 2015:

Whistleblower protection is indirectly in nexus with SEBI (Prohibition of Insider Trading) Regulation, 2015, where the unpublished price sensitive information has to be protected without it being misused by the persons who are in possession of such information and preventing it from leaking. If there is a possibility of such leakage, the whistleblowers can report this wrongdoing.¹⁹

¹⁷ Regulation 22 of the SEBI (Listing Obligations and Disclosure Requirements) Regulations, 2015 -Vigil mechanism states

(1) The listed entity shall formulate a vigil mechanism ¹⁷[/whistle blower policy] for directors and employees to report genuine concerns.

(2) The vigil mechanism shall provide for adequate safeguards against victimization of director(s) or employee(s) or any other person who avail the mechanism and also provide for direct access to the chairperson of the audit committee in appropriate or exceptional cases.

¹⁸ Regulation 46(2) (e) of SEBI (Listing Obligations and Disclosure Requirements) Regulations, 2015,

“The listed entity shall disseminate the following information [under a separate section on its website details of establishment of vigil mechanism/ WhistleBlower policy”.

¹⁹Regulation 9A of SEBI (Prohibition of Insider Trading) Regulation, 2015-Institutional Mechanism for Prevention of Insider trading.

(6) The listed company shall have a whistle-blower policy and make employees aware of such policy to enable employees to report instances of leak of unpublished price sensitive information.

v. Clause 49 of the Listing Agreement:

Under Annexure I D, the whistleblower policy comes under the non-mandatory requirements, where the company establish this whistleblower policy for the employees to expose the wrongdoing that takes place in the organisation. This can be in the form of fraud either apparent or suspected, unethical behaviour, corruption or breaching of the code of conduct implemented. It incorporates that the company's vigil framework must also be stated in the board report and on the corporate website. Now the whistleblowing policy is made mandatory after the revised clause 49 of the listing agreement.²⁰

vi. The Prevention of Corruption Act, 1988:

The Prevention of Corruption Act, 1988 (hereinafter referred to as PCA), India's principal anti-corruption law, renders it illegal, among other things, to take and give "undue advantage" to "public servants." Under the PCA, violations are punishable by law for individuals and organizations.

In the case of *CBI v. Ramesh Gelli & Ors*²¹, the Indian Supreme Court ruled that, in accordance with specific provisions of Indian banking legislation, bank employees—private or public—are therefore considered public servants for the purposes of the PCA.

India lacks presently have any laws that forbids bribing foreign public servants, however it is arguable whether the Companies Act would apply in this case as fraud. After being proposed in Parliament, the Prevention of Bribery of Foreign Public Officials and Officials of Public Interest Organizations Bill 2011 lapsed since it did not get approval from the legislature.

vii. The Central Vigilance Commission Act, 2003:

The Central Vigilance Commission, which is the principal body tasked with investigating or directing inquiry of offenses purportedly committed under the PCA, is established by this Act. It also oversees the planning, execution, evaluation, and reform of vigilance operations within

²⁰ Clause 49 of the listing agreement is applicable to all listed company through the official circular with effect from 1st October, 2014

²¹ *CBI v. Ramesh Gelli & Ors*, 2016 (3) SCC 788.

central government agencies. When it comes to PCA-related inquiries, it supervises the CBI and assesses how far the investigations have come²².

In India, the Central Vigilance Commission (hereinafter referred to as 'CVC') concentrates on issues of vigilance and corruption involving public servants. "Public servant" shall have the same meaning as assigned to it in clause (c) of section 2 of the Prevention of Corruption Act, 1988 (49 of 1988) but shall not include a Judge of the Supreme Court or a Judge of a High Court;²³ Whilst it assists multiple public sector organizations promote integrity and battle corruption, its regulations are often brought up in relation to protecting whistleblowers. Corruption is defined by myriad of persons, it has no universal definition, however it is denoted as illegal, bad, or dishonest behaviour, especially by people in positions of power²⁴. "CVC is the body in charge of hearing complaints from whistleblowers and offering them protection. For the purpose of handling these complaints of harassment, the Commission has a special cell, but no authority to enforce."²⁵ However, the CVC's failure to safeguard informants due to the "dysfunctional" behaviour of the CVC officials.²⁶

Whistleblowers who experienced workplace reprisal may be authorized by the CVC to be reinstated in their prior jobs. The Whistleblower Protection Act of 2014 also places the onus of producing proof on the public official to demonstrate that any retaliatory action taken against a whistleblower.²⁷ The legislation ensures confidentiality, which is another important aspect. Any public servant who divulges a complainant's identity without prior authorization faces up to three years in prison and a fine of up to 50,000 rupees. Individuals and organizations that refuse to disclose the information that the CVC demands or who deliberately do so with information that is inaccurate, incomplete, or deceptive are subject to further penalties.²⁸

²² Aditya Vikram Bhat, Prerak Ved, *India: The Anti-Bribery and Anti-Corruption Review*, (Feb 03, 2020), India: The Anti-Bribery and Anti-Corruption Review (azbpartners.com)

²³ Section 3(i) of the whistleblowers protection Act, 2014

²⁴ *Definition of corruption from the Cambridge Advanced Learner's Dictionary & Thesaurus*, CORRUPTION | English meaning - Cambridge Dictionary

²⁵ CVC seeks powers to protect whistleblowers, The Indian Express (Sep 29, 2023), CVC seeks powers to protect whistleblowers | India News - The Indian Express

²⁶ Former Chief Justice of India R C Lahoti

²⁷ Christine Liu, *India's Whistleblower Protection Act - An Important Step, But Not Enough*, (HARVARD.EDU), GLOBAL ANTICORRUPTION BLOG, (June 5, 2014)

²⁸ section 16 of Whistleblower Protection Act, 2014 states

Penalty for revealing identity of complainant:

—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.

GOI Resolution on Public Interest Disclosure and Protection of Informer, where the CVC is regarded as the “Designated Agency” authorized by the government of India in order to receive complaints on any alleged misconduct, such as corruption, that takes place in the office and recommend appropriate action. This commission is restricted to government companies, societies, or local authorities owned or controlled by the Central Government and not the state governments or their corporations.

viii. Lokpal and Lokayuktas Act 2013:

The enactment of Lokpal at the Union level and Lokayukta at the State level was mandated by the Lokpal and Lokayukta Act, 2013. The Lokayukta is the anti-corruption body at the state level where Lokpal for the centre. It is charged for promptly addressing public concerns and conducting investigations into claims of corruption and maladministration against public employees. Analyzing data from 180 nations, India ranks 85th in the Corruption Perception Index for 2021. The Lokpal and Lokayuktas Act, 2013 is amended by the Lokpal and Lokayuktas (Amendment) Bill, 2016 with regard to public officers' disclosure of assets and liabilities, as well as those of their spouses and dependent children.

2. LEGISLATIVE FRAMEWORK ON WHISTLEBLOWER PROTECTION IN UK WITH RESPECT TO PUBLIC SECTOR

The United Kingdom is one of the democratic nations that practices secrecy, as stated by David (1986). Prior to the Human Rights Act of 1998, which incorporated Article 10 of the European Convention on Human Rights, no constitutional right to freedom of expression was historically enforced in the United Kingdom, with the exception of the secrecy culture.²⁹The whistleblowing laws of the United Kingdom, stood exemplary to those of Ireland, Japan, and South Africa in 2013 and served as models for comparable legislation. In UK, the civil servants can raise their concerns regarding any wrongdoing or want of protection as the Civil Service Commission has been established in UK, this is done if no appropriate authority is willing to take action³⁰.

²⁹ Lewis & Trygstad, 2009, Article 10(2) of the European Convention on Human Rights has restricted freedom of expression where the disclosure of confidential information is prohibited. This has, in fact, given little value to whistle-blowing practices.

³⁰ Iheb Chalouat, Carlos Carrión-Crespo and Margherita Licata, *Law and practice on protecting whistle-blowers in the public and financial services sectors*, INTERNATIONAL LABOUR OFFICE, GENEVA (WP 328)

i. Public Interest Disclosure Act, 1998 (hereinafter referred to as PIDA):

The UK was one of the first countries to come up with a statutory framework that protects whistleblowers when it introduced the Public Interest Disclosure Act (PIDA). PIDA 1998's explicit objective is to "protect people who make whistleblower disclosures in the public interest."

When the 1998 act came into light, the protection of whistleblowers of both public and private sector was ensured. Over the passage of time, in 2016 PIDA needed a significant modification to meet the intended purpose of the unforeseen implications of the law. This legislation added new provisions into the Employment Rights Act 1996. Despite recent criticisms of the Employment Rights Act 1996 for failing to prevent the victimization of employees who report wrongdoing, as well as the perceived absence of penalties for managers and coworkers who engage in retaliatory actions against whistleblowers.³¹

In UK, Employment law specialist Sara Barrett said, "Now, if you follow the correct procedures, there are laws in place to protect you – and your job³²." Rodney Bickerstaffe, head of one of the UK's largest unions, UNISON, said PIDA "paves the way for a new climate of openness and partnership at work."³³

ii. Employment Rights Act 1996 (hereinafter referred to as ERA):

"Qualifying disclosure" is defined under ERA, where it states that the worker has reasonable grounds to believe that the wrongdoing tends to fall under one or more category of elements. They are as follows:

1. Offence of a criminal nature
2. Fail to bound by the legal obligation

³¹ Business Matters, 'Whistleblowing protection: Are current UK laws sufficient?' (20th August 2019) accessed 19 october 2023.

³² "Little lies, big mistake," The Guardian, 13 Dec. 1999; <http://www.theguardian.com/money/1999/dec/13/secretarial>, accessed 20 october 2023.

³³ "Whistleblowing laws to be overhauled as new claims emerge over NHS trust," The Guardian, 15 Feb. 2013; <http://www.theguardian.com/politics/2013/feb/15/whistleblowing-laws-overhauled-nhs-trust>, accessed 20 october 2023.

3. Justice is miscarried
4. There is a concealment of disclosure appears to be deliberate in nature
5. Disclosures should be made in good faith rather than in a malafide intention.

Employment Rights Act of 1996 states the exception where the protection of whistleblowers is covered by non-disclosure agreements does not include lawyers and doctors who are professionally bound to respect confidentiality. This protection takes the form of a “right not to suffer detriment” and relates back to the sanction of “unfair dismissal”, where the act in turn reinstates and compensates.³⁴ The Employment Rights Act of 1996. eventually, the scope of whistleblower’s protection is extended to contractors, temporary employees, consultants and suppliers.

iii. Enterprise and Regulatory Reform Act (2013):

This act primarily deals with the micro, small and medium enterprises. In 2013³⁵, this act has brought important changes to PIDA. In 2013, for the transparency of the health sector and its regulator it was found by the ‘Francis Report’ that: “non-disparagement clauses are not compatible with the requirements that public service organisations”³⁶.

III. WHISTLEBLOWER POLICY: COAL INDUSTRY AS A PUBLIC SECTOR

1. WHISTLEBLOWER POLICY: THE COAL AUTHORITY IN UK

The Coal Authority, a UK-based public sector body, has framed its own whistleblower policy. Its goal is to protect the public and the environmental areas of Great Britain, now and for future generations.

Aim of the policy:

The main aim of the policy is to facilitate an environment free from harassment, bullying,

³⁴The United Kingdom Employment Rights Act of 1996, states that “An employee who is dismissed shall be regarded for the purposes of this Part as unfairly dismissed if the reason (or, if more than one, the principal reason) for the dismissal is that the employee made a protected disclosure.”

³⁵ *Enterprise and Regulatory Reform Act 2013*, (Oct. 30, 2013), <http://www.legislation.gov.uk/ukpga/2013/24/part/2/crossheading/protected-disclosures/enacted>.

³⁶ Report of the Mid Staffordshire NHS Foundation Trust Public Inquiry, (6 February 2013), <http://www.midstaffspublicinquiry.com/report>.

wrongdoing, and misusing and to be bound by a moral and ethical manner, which can provide a healthy environment free from violations of health and safety regulations. Additionally, these situations can encourage the employees not to be cut off from witnessing malpractices that take place.

The policy covers the following people:

All Authority employees, permanent and temporary, contractors, agency staff, and staff seconded to the Authority.

Legal provisions:

The Employment Rights Act 1996 was enacted with the aid of the Public Interest Disclosure Act 1998, which introduced a progressive approach to employment rights. Legal frameworks were enforced in cases of dismissal, like retaliation in the form of demotion, denial of promotion, or any kind of victimization of the employees for the disclosure of any malpractice. When an employee faces these kinds of detriments and is selected for redundancy for making a protected disclosure, they may complain to an employment tribunal, as “protected disclosure” can be whistleblower.

Scope of the policy:

The scope of the policy is to grant protection to disclosures with regard to unlawful conduct. However, if an employee is making a “qualified disclosure”. Some of the instances that denote the existence of qualified disclosures are criminal offenses like theft, corruption, fraud, non-compliance with lawful obligations, miscarriage of justice, etc. Employees must follow the procedures outlined pertaining to the policy’s protection.

Procedures laid down in the policy:

1. Employees are encouraged to raise concerns internally. In the initial stage, they have to approach the immediate line manager; if not, they can contact the Director of People and Transformation or the Chair of the Audit Committee, Bob Spedding, accordingly. The role of the audit committee is to report, and if it is deemed necessary, it will refer to the board. The appropriate authority in cases of employment rights is the grievance procedure, whereas employees who are dissatisfied by the “qualified disclosure” can

seek assistance from 'Public Concern at Work.' Public Concern at Work is an independent body providing confidential advice with respect to whistleblowing. External whistleblowing is permitted, but there is a warning to comply if it fulfills the confidentiality standards outlined in the Public Interest Disclosure Act. This, as a result, works as policy to address the concerns and safeguard the interests of the employees and organization.

2. Anonymity is maintained, and the employee can request the authority to protect their identities. Unless and until there is a necessity to be disclosed, the consent of the employee is obtained; this is done, particularly when the court asks for it.
3. All the employees are given rights and protection against detrimental retaliation, such as demotion, harassment, and victimization, when they tend to disclose the misconduct. If they are subjected to such reprisal, then they are considered to have committed an act of gross misconduct warranting summary dismissal, according to the seriousness of the case.
4. When one employee turns aside the other to disclose the misconduct, it is severely held under disciplinary action; such deterring is viewed as a serious offense.
5. When there is a deliberately false allegation made by the employees, they are subjected to severe disciplinary action, which eventually leads to dismissal.
6. This policy is communicated to all employees within the organization and inserted in the staff handbook and via management briefings.
7. The inclusion of the whistleblower policy is not to replace any of the grievance policy but rather to include procedures relating to audits and disciplinary actions.
8. Policy review: Once a year, i.e., on an annual basis, the authority conducts a review of the policy to add any suggestions or concerns for the protection of such disclosures against victimization or dismissal.

Letters may also be sent to the non-executive board members c/o Diane Moore, Executive Assistant to the Chair, non-executive board members and Chief Finance & Information Officer. The staff member should ensure their disclosure includes the names of the employees against

whom allegations are being made, the nature of their concern and evidence supporting their disclosure. The receiving manager should ensure that if they receive a verbal disclosure that they make a note of the information provided and send a copy to the staff member to sign to confirm accuracy of the content within 5 working days.

2. WHISTLEBLOWER POLICY: COAL INDIA LTD IN INDIA

Coal India Limited (hereinafter referred to as CIL) is an Indian central public sector undertaking under the ownership of the Ministry of Coal, Government of India, and has framed its own whistleblower policy.

Aim of the policy:

The main objective of the whistleblower policy is to protect the employees, ensure transparency and trust in the organization, and thereby lay down procedures to be followed by the employees as their responsibility. The employees can raise concerns regarding any misconduct or irregularities within the company. In the course of their work, employees are expected to be obligated to maintain confidentiality, and the policy is not drafted to address personal grievances.

The policy covers the following people:

The whistleblower policy is applicable to all employees of the company, whoever is eligible to make "protected disclosures."

The guiding principles laid down in the policy:

1. Protected disclosures are subject to a time limit and are not subject to victimization.
2. Complete confidentiality of the whistleblower is maintained.
3. If any of the protected disclosure is concealed or destroyed, then disciplinary action is taken by the appropriate authority.
4. Persons who made protected disclosures are given the opportunity to be heard.

Role of whistle-Blowers in the policy:

1. Whistle Blower is a reporting party that has reliable information.
2. The whistleblower is not required to conduct any investigation.
3. The whistleblower does not have the right to participate in an investigation.
4. The competent authority deals with the protected disclosure.
5. The competent authority investigating the case must inform the whistleblower about the outcome, unless there are strong legal or other reasons not to do so. If the whistleblower wants to know what's going on, they can make a written request to be informed of what happened with their disclosure. Director (P&IR), CIL, has been appointed as a whistleblower officer.
6. In exceptional cases, the whistleblower shall have the right to access the Chairman of the Audit Committee directly and get directions.

Disqualification of whistle-Blowers in the policy:

1. Whistleblowers who disclose protected disclosure found to be baseless and in a malafide intention rather than good faith will be liable for disciplinary action.
2. Whistleblowers who disclose three protected disclosures found to be baseless and made with a malafide intention rather than good faith will be disqualified from further reporting.
3. Abuse of the protection given to the whistleblower (any kind of protection against victimization or unfair treatment) will warrant disciplinary action.

Procedures laid down in the policy:

1. The letter should be submitted to the competent authority by the whistleblower, to which the identity of the employee should be attached, i.e., his or her name, employee number, and location. The letter should be superscribed "Protected Disclosure" and sealed; if it fails to comply with this, the whistleblower cannot be protected.

2. A whistleblower can send his protected disclosure directly to the chairman, the audit committee of the board of directors of the company, or the company secretary if there is a conflict of interest between him and the competent authority.
3. No entertaining or protected disclosure from any anonymous or pseudonymous persons
4. The concern raised by the whistleblower should clearly mention the improper activity, either typed or in writing; it can be in Hindi, English, or the regional language of the whistleblower's place of employment.
5. Protected disclosures should be factual in nature, not speculative, and contain proper information.
6. The Public Servants' Inquiries Act, 1850, or the Commissions of Inquiry Act, 1952, will not come under the purview of this policy.

Role of Investigators mentioned in the policy:

- The role of investigators is to be independent and unbiased in the duties they perform.
- They should analyze and find the facts and probe into the investigation, and for this, the permission of the audit committee or competent authority is mandatory.
- Ethically, objectively, fairly, and thoroughly, the investigation is to be conducted according to professional norms.

Protection of whistle-Blowers in the policy:

1. The identity of the whistleblower is protected.
2. There was no unfair treatment of the whistleblower.
3. There is no retaliation from whistleblowers, and their duty continues to be to report protected disclosure.
4. In circumstances where whistleblowers have to give evidence, they are assisted with the advice and procedure.

5. Any kind of violation can be reported by the whistleblower to the competent authority, who will investigate and take corrective action when required.
6. Those employees who assist are also protected, like the whistleblower.

Kinds of action taken by the competent authority are:

1. If, during the investigation, any improper activity is spotted or disclosed and the competent authority is of the opinion that such activity exists, Then the concerned authority is directed by the competent authority to take disciplinary action under the applicable rules and/or statutory provisions.
2. If the investigation discloses disciplinary action against the employees, the competent authority shall report the matter to the concerned disciplinary authority for appropriate disciplinary action.
3. If the protected disclosure is false, motivated, or vexatious, the competent authority may report the whistleblower regarding the matter to the concerned disciplinary authority for appropriate disciplinary action.
4. The Competent Authority shall take remedial action in the event of protected disclosure or the re-occurrence of such improper activity is prevented.
5. If there is no need for further action to be taken by the competent authority, then it shall be recorded in writing.
6. The competent authority conducts quarterly reports and submits the reports, along with an investigation, to the Audit Committee of the Board of Directors of the company. The audit committee has the power to review any decision taken by the competent authority.
7. For five years, the company retained the details of the investigation pertaining to the protected disclosure in writing or as documented.
8. The company can retain the authority to make such amendments without giving any reasons.

In Coal India Whistle Blower Policy 2011 (CIL), the Board of Directors of CIL in their 272nd

Meeting held on 12 August 2011 at Kolkata, has approved the COAL INDIA WHISTLE BLOWER POLICY 2011. Accordingly "CIL" approved by the Board of Directors of CIL is enclosed herewith for implementation with immediate effect. This issues with the approval of Competent Authority. The signature of General Manager (Personnel/PC) is sealed.

IV. A COMPARATIVE ANALYSIS OF WHISTLEBLOWER POLICY IN INDIA AND THE UK: COAL INDUSTRY

In the above parts, the whistleblower policies of public sector undertakings in India and the UK are discussed, both regarding the COAL production sector.

While comparing both policies, certain elements were found to be similar. They are:

1. Individuals who make protected disclosures are safeguarded.
2. Anonymity is maintained for whistleblowers.
3. Whistleblowers are protected against retaliation.
4. Whistleblowers can report to the competent authority or the committee

Differences between the whistleblower policies in India and the UK:

Differences	India	UK
Scope of the policy	The Indian policy emphasizes transparency and trust in the organization.	The UK policy focuses on the protection of public and environmental areas.
Legislative framework	In India, the Whistleblower protection Act, 2014 is applicable only to public sector.	In UK, the Public Interest Disclosure Act, 1998 is applicable to both the public sector and private sector.
Review of the policy	Annual basis	Quarterly basis

Malafide disclosure	In India, specific disqualifications and hinders further reporting by whistleblowers in cases of such malafide disclosure.	The UK focuses on taking severe disciplinary action for false allegations.
Reporting mechanism	Indian policy facilitates direct reporting to the chairman of the audit committee in case of a conflict of interest.	UK policy encourages internal reporting initially.
Role of investigators	The role of investigators is explicitly mentioned in Indian policy.	The role of investigators is not explicitly mentioned in Indian policy

V. WHISTLEBLOWER PROTECTION LAWS IN G20 COUNTRIES- INDIA AND UK:

Rating of legislative regime against international principles Rating³⁷:

1 represents Very or quite comprehensive

2 represents Somewhat or partially comprehensive

3 represents Absent / not at all comprehensive

Here, comprehensive means complete and including everything that is necessary³⁸.

³⁷ Simon Wolfe, Mark Worth, Suelette Dreyfus and A J Brown, *Whistleblower Protection Laws in G20 Countries Priorities for Action*, Final Report September 2014, page no.6

³⁸ *Definition of comprehensive from the Cambridge Advanced Learner's Dictionary & Thesaurus*, COMPREHENSIVE | English meaning - Cambridge Dictionary

PUBLIC SECTOR	INDIA	UK
Coverage	1 (Does not cover the state of Jammu and Kashmir)	2
Wrongdoing	2 (Also applies to private sector employees who report wrongdoing in the public sector)	1
Definition of whistleblowers	1	2
Reporting channels (internal & regulatory)	2	1
External reporting channels (third party / public)	3	2
Thresholds	1	1
Anonymity	3	3
Confidentiality	1	2
Internal disclosure procedures	3	3
Breadth of retaliation	1	1
Remedies	2	1
Sanctions	2	2
Oversight	1	3
Transparency	2	2

VI. INSTANCES OF WHISTLEBLOWER CASES WITH REGARD TO PUBLIC SECTOR:

INDIA

i. Satyendra Dubey case:

One of the first whistleblowers in India, Satyendra Dubey played a key role in exposing corruption in the administration of the 600 billion rupee "Golden Quadrilateral Highway Construction Project"³⁹, which was started in 2001 by the then-prime minister Atal Bihari Vajpayee. It was the fifth-longest highway building in the world and the largest highway project in India⁴⁰. Satyendra Dubey was mysteriously murdered one day while he was returning to his home after attending a wedding, and the CBI had been tasked with investigating the case. It was a robbery-murder case, according to the CBI report, but the tragic deaths of several witnesses to the incident and the primary suspect's escape from custody added to its mysticism⁴¹.

*"A dream project of unparalleled importance to the nation, but in reality, a great loot of public money because of very poor implementation at every state."*⁴²

-Satyendra Dubey

The outrage of the public over this has led to the government enacting the Whistleblower's Protection Act of 2014 and the Information Act of 2005, both of which provide protection for whistleblowers and their right to remain anonymous⁴³.

ii. Shanmugam Manjunath case:

An officer of Indian Oil Corporation Ltd (IOCL), Shanmugam Manjunath, was killed in 2005

³⁹ *Three get life in Satyendra Dubey murder case*, (December 04, 2021), *Three get life in Satyendra Dubey murder case* | National News - The Hindu

⁴⁰ Shishir Tripathi, *The case of whistleblowers and their protection*, July 11, 2015, *The case of whistleblowers and their protection* - Governance Now

⁴¹ *Ragini Sehgal, Sanuj Kanwar, Satyendra Dubey's murder mystery : a ray of hope for whistle-blowers*, (July 17, 2023), *Satyendra Dubey's murder mystery : a ray of hope for whistle-blowers* - iPleaders

⁴² Rinchen Norbu Wangchuk, *An IES Officer From IIT, This Bihar Braveheart's Battle Against Corruption Cost Him His Life*, (October 27, 2018), *An IES Officer From IIT, This Bihar Braveheart's Battle Against Corruption Cost Him His Life* (thebetterindia.com)

⁴³ *Life for 3 convicted in Satyendra Dubey murder case*, (March 27, 2010), *Life for 3 convicted in Satyendra Dubey murder case* (ndtv.com)

for closing down an oil station in Lakhimpur Kheri, Uttar Pradesh, that was selling contaminated oil⁴⁴. Just 28, he was. The knowledge that the gasoline was blended with kerosene intended for the needy had troubled him a lot more. In 2005, Manjunath was murdered for his attempts to fight oil sector corruption. His story sparked a lot of attention from the public and resulted in alterations to the legislation governing whistleblower protection. Mr. Manjunath's brother, S. Raghavendra, told NDTV that the matter was extensively argued in the High Court, therefore the Supreme Court's ruling was anticipated. "They are guilty, responsible for my brother's death and should be punished⁴⁵," he stated.

iii. Sanjeev Chaturvedi case:

Sanjeev Chaturvedi, an Indian Forest Service (IFS) officer since 2002, has a talent for unlocking Pandora's boxes everywhere he visits. He is currently employed in Uttarakhand, but even before that, in 2002, when he was appointed, he exposed several frauds and irregularities in Haryana, where he was raised.

In his very first position, the Raman Magsaysay Award⁴⁶ laureate filed a police report (FIR) against workers on the Hansi Butana canal⁴⁷. In the neighboring Saraswati Wildlife Sanctuary, he charged the contractors with hunting hog deer and illegally destroying trees. He was thus sent to several state districts after the Center decided to remove him. Because of his propensity to not bend over backwards for the system, no ministry wanted him⁴⁸.

iv. Lalit Mehta case:

Engineer Lalit Mehta was actively involved in the events of the 'The Right to Food' movement in the Palamu region of Jharkhand. Mehta discovered corruption in the Mahatma Gandhi National Rural Employment Guarantee scheme's functioning. He conducted a social audit of

⁴⁴ Manish Sahu, *IOC's Manjunath murder: Serving life, convict walks free after 17 yrs*, (January 14, 2023), IOC's Manjunath murder: Serving life, convict walks free after 17 yrs | Lucknow News - The Indian Express

⁴⁵ A Vaidyanthan, *Supreme Court Gives Life Term to Killers of S. Manjunath, IOC Manager Who Exposed Corruption*, (March 11, 2015), Supreme Court Gives Life Term to Killers of S. Manjunath, IOC Manager Who Exposed Corruption (ndtv.com)

⁴⁶ Lekshmi Priya S, *'The Path Isn't a Cakewalk': A Firebrand IFS Officer On How to Battle Corruption*, (February 5, 2019), 'The Path Isn't a Cakewalk': A Firebrand IFS Officer On How to Battle Corruption - The Better India

⁴⁷ *Supreme Court issues notice to IFS officer Sanjiv Chaturvedi, stays Uttarakhand HC orders*, (22nd February 2022), Supreme Court issues notice to IFS officer Sanjiv Chaturvedi, stays Uttarakhand HC orders- The New Indian Express

⁴⁸ Maninder Dabas, *Here Are 10 Whistleblowers, The Solitary Warriors Who Fight Against Corruption Despite Battling Several Odds*, May 18, 2017, *Here Are 10 Whistleblowers, The Solitary Warriors Who Fight Against Corruption Despite Battling Several Odds* (indiatimes.com)

the system with the assistance of economists, but was assassinated before he could uncover the entire plot. Mehta suffered an attack while riding his bike in Madhya Pradesh's Chhatarpur district on May 15, 2008⁴⁹.

UNITED KINGDOM

i. Kim Holt and Baby P Case:

Dr. Kim Holt, a doctor in London, exposed widespread failures in child safety services at St. Ann's Hospital. Her worries concerning the care of Baby P, a youngster who regretfully died as a result of maltreatment, were not handled sufficiently. The case sparked reforms and increased scrutiny of child welfare agencies in the United Kingdom. Kim Holt is a British consultant pediatrician with 25 years of expertise. Her employers at Great Ormond Street Hospital in London, UK, have prohibited her from stepping back to work⁵⁰.

ii. CQC whistle-blower case:

Concerns related to the Care Quality Commission's (CQC) inspection and regulation processes were raised by a whistleblower inside the CQC. This sparked inquiries and debates regarding the efficacy of healthcare regulation in the United Kingdom. CQC whistle-blower said that 'I am tainted because I spoke up'.⁵¹

iii. Windrush Scandal:

Whistleblowers were critical in revealing the Home Office's mistreatment of the Windrush generation, who were wrongfully held or deported. Their revelations triggered widespread outrage and calls for immigration policy change. Paulette Wilson, who has lived in the UK for almost 50 years, speaks to the Guardian about her treatment by the Home Office. The government had threatened to deport her to Jamaica, a nation she had not visited since she was ten years old.⁵²

⁴⁹ Six times Indian whistleblowers uncovered scams and made headlines, 18 October, 2021, Six times Indian whistleblowers uncovered scams and made headlines (mid-day.com)

⁵⁰ Peter Deveson, Support for child-protection whistleblower Kim Holt, (April 17, 2010), VOL. 375, ISSUE 9723, Support for child-protection whistleblower Kim Holt - The Lancet

⁵¹ CQC whistle-blower: 'I am tainted because I spoke up', 5 February 2013, CQC whistle-blower: 'I am tainted because I spoke up' - BBC News

⁵² Windrush scandal: timeline of key events, 28 November 2017, Windrush scandal: timeline of key events | Windrush scandal | The Guardian

iv. Mid Staffordshire NHS Foundation Trust (2010):

Helene Donnelly, a nurse whistleblower, disclosed substandard care and high death rates at Stafford Hospital in this case. Her revelations aided the hospital investigation and subsequent NHS care improvements. It was one of the greatest scandals in NHS history, and hundreds of people died as a result. The tragedy of Stafford Hospital is now being recounted through the eyes of advocate Julie Bailey in the new Channel 4 drama *The Cure*. BBC News investigates the Stafford Hospital incident. Stafford Hospital's inadequacies are regarded one of the worst scandals in NHS history, with years of abuse and neglect at the hospital resulting in the untimely deaths of hundreds of patients.⁵³

VII. CONCLUSION:

Ultimately, a review of whistleblower protection in India and the United Kingdom finds both similarities and significant variations in their legislative frameworks and procedures. Eventhough, both countries recognize the significance of protecting individuals who reveal injustice, the practical implementation, application and effectiveness diverge in practice.

The study emphasizes the importance of establishing a more severe and comprehensive whistleblower protection system in India's public sector. The cases of retribution against whistleblowers highlight the disconnect between legal intention and practical execution. To remedy this situation, India should consider strengthening the laws, ensuring prompt and unbiased investigations into whistleblower allegations, and increasing public sector employee understanding of their rights and safeguards.

Moreover, addressing the issues conveyed by whistleblowers requires a proactive strategy. Establishing an independent agency to monitor whistleblower protection, away from current bodies like the Central Vigilance Commission, might improve the process's legitimacy. Furthermore, maintaining secrecy throughout the disclosure process is critical to encouraging more people to come forward without fear of retaliation. Furthermore, periodic evaluations and alterations of existing laws should be carried out in order to address developing concerns and ensure that the safeguarding framework remains effective. Cooperation among the government,

⁵³ Stafford Hospital scandal: The real story behind Channel 4's *The Cure*, 19 December 2019, Stafford Hospital scandal: The real story behind Channel 4's *The Cure* - BBC News

civil society, and legal professionals can help to build a better and more responsive whistleblower protection system.

Moving forward, India can learn from the United Kingdom's experience implementing the Public Interest Disclosure Act. Following a series of successful instances, such as the Kim Holt and Baby P cases, India may emphasize developing a culture that appreciates and protects whistleblowers, promoting an environment in which individuals feel empowered to disclose inequity without fear of punishment. Also, the UK has many whistleblower NGOs that promote strong public policy (often leading the way where government is lacking) and support individual whistleblowers. These include Compassion in Care, priority to patients, Public Concern at Work⁵⁴, The Whistler and Whistleblowers UK.

In conclusion, revamping India's public sector whistleblowing system necessitates an integrated approach that includes legal changes, institutional advancements, and cultural transformations. India can increase its commitment to transparency, accountability, and ethical governance in the public sector by tackling these issues thoroughly and comply with the legislation and implement the same practicably.

Recommendations:

The whistleblower protection for the public sector employees is not adequate in India. It has to address the following, which has to be modified for a stringent provision put in place to protect are:

1. The complainant finds it difficult to complain against retaliation or receive any protection as the competent authority is the senior official in the hierarchy to make complaint on victimization.
2. The act does not take into account the Anonymous complaints to be submitted and any anonymous complaints received are not investigated.
3. Independent Reporting Channel: According to the individual being complained about, the competent authority is different. The individual being complained about often

⁵⁴Public Concern at Work, which played an instrumental role in the present law, sponsored a high-level Whistleblowing Commission which made key recommendations for reform.

designates a senior official at the same hierarchical level as the competent authority, creating potential bias in the investigation's impartiality and the resulting conclusions.

4. The act fails in reward mechanism, as it lacks granting any reward to the whistleblower who provide information regarding the investigation of his claims successfully. However, the Securities Exchange Board of India (Prohibition of Insider Trading) Regulations, 2015 provides for payment of rewards, at their sole discretion, where it is 10% of monetary sanction that is capped at Rs.10 crores.
5. In India, the Whistleblower protection Act, 2014 is applicable only to public sector and not private sector. This can be addressed as UK has provisions for private sector too.

So, in order to report fraud at the different level, a strong anti-retaliatory measure to protect the whistleblower has to be implemented and at the other end of the spectrum, India has to allow room for anonymity of whistleblowers to bring whistleblowing into light.

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