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WHISTLE-BLOWER IN CIVIL ADMINISTRATION

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ABSTRACT:

Whistle-blowing in civil administration is a critical mechanism for maintaining transparency, accountability, and ethical standards within government institutions. It involves individuals within the public sector exposing misconduct, corruption, fraud, or other unethical practices that undermine the integrity of governance. Whistle-blowers, by reporting such actions, play a pivotal role in ensuring that public resources are used responsibly and that government actions align with the principles of justice and fairness. However, the act of whistle-blowing often comes with significant personal risks, including retaliation, harassment, and career setbacks, creating a hostile environment for potential whistle-blowers. Legal frameworks and institutional protections are essential to safeguard those who expose wrongdoing, ensuring they are shielded from retaliation and treated fairly. In many countries, laws such as the Whistle-blower Protection Act and Public Interest Disclosure Act have been enacted to offer legal safeguards and create safe reporting channels. Despite these protections, challenges persist, as many whistle-blowers remain vulnerable to covert retaliation or public condemnation. The effectiveness of whistle-blowing systems in civil administration depends not only on legal protection but also on the establishment of a supportive organizational culture that values transparency and ethical conduct. This requires strong oversight, clear reporting mechanisms, and the willingness of public institutions to act on whistle-blower reports. Through the analysis of key case studies, this paper examines the role of whistle-blowers in exposing corruption and unethical practices in various government sectors. It highlights the importance of fostering an environment that encourages ethical behaviour and supports those who report misconduct. Ultimately, whistle-blowing serves as a powerful tool for upholding good governance and reinforcing public trust in government institutions, emphasizing the need for continued legal reforms and institutional change to protect whistle-blowers effectively.

Keywords: Whistle-blowing, civil administration, transparency, ethical standards, public sector misconduct, legal protection, government corruption.

I. INTRODUCTION:

Whistle-blowing in civil administration plays a fundamental role in safeguarding the integrity of public institutions by exposing corruption, unethical practices, and misconduct within government operations. In the context of civil administration, whistle-blowing typically involves government employees or individuals working within public organizations who report illegal, unethical, or harmful actions that compromise the public interest. These actions can range from financial fraud, abuse of power,

environmental violations, and mismanagement of public resources¹⁴⁷⁹. Whistle-blowers act as guardians of transparency and accountability, ensuring that government institutions remain accountable to the public they serve.

While whistle-blowing serves as an essential tool for ensuring good governance, it is often met with significant risks for the individual. Whistle-blowers frequently face retaliation, such as job loss, harassment, legal consequences,

¹⁴⁷⁹ https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2258296

and damage to their professional reputation. Despite legal protections in many countries designed to shield whistle blowers from such retaliation, these individuals remain vulnerable to subtle or overt consequences, which can deter others from coming forward. These challenges highlight the need for stronger legal frameworks, organizational support, and cultural shifts within government bodies to protect and encourage whistle-blowing.

The importance of whistle-blowing cannot be overstated in the fight against corruption and the promotion of ethical conduct in public administration. Public institutions, entrusted with managing taxpayer money and implementing policies for the welfare of society, must operate with high levels of transparency and accountability. Whistle-blowing serves as a check on those in power, ensuring that abuses and wrongdoings are exposed and addressed. In this context, whistle blowers are essential in promoting democratic values by fostering a culture of openness and responsibility within civil administration.

Over time, various international laws and frameworks have been developed to protect whistle-blowers and ensure that their actions are not punished but rather recognized as critical to maintaining the integrity of government institutions¹⁴⁸⁰. Despite these advancements, the real-world implementation of such protections remains a significant challenge. Many government organizations lack robust internal mechanisms to handle whistle-blower reports, and individuals who report misconduct may still find themselves isolated or punished.

This paper aims to explore the role of whistle-blowers in civil administration, focusing on the mechanisms of protection, the challenges they face, and the importance of promoting a culture that supports transparency and ethical governance. Through an analysis of case studies and legal frameworks, it will examine

how whistle-blowing can drive systemic change and enhance public trust in government institutions.

II. DEFINITION AND CONCEPT:

A whistle-blower in the context of civil administration refers to an individual, typically a government employee or official, who exposes unethical, illegal, or corrupt activities within their organization or workplace, often within the public sector. The person bringing these issues to light may report activities such as fraud, corruption, abuse of power, mismanagement of public funds, violation of laws or regulations, or other misconduct that undermines the integrity of public administration.

The term "whistle-blower" originates from the act of blowing a whistle to alert others to a problem or danger, symbolizing the act of bringing hidden or wrongdoings to public attention¹⁴⁸¹. In civil administration, a whistle-blower plays a critical role in maintaining transparency, accountability, and ethical conduct in government operations¹⁴⁸². By reporting misconduct, whistle-blowers help ensure that public resources are used properly, that government actions are consistent with legal and ethical standards, and that citizens can trust in the integrity of their public institutions. Whistle-blowers can come forward through these channels:

A. Internal whistle-blowing: Internal whistleblowing involves reporting unethical, illegal, or corrupt activities to authorities within the same organization, such as supervisors, managers, or designated ethics committees. This process allows civil servants to address misconduct at an early stage, often leading to quicker resolutions without involving external parties. Internal mechanisms are vital for organizations aiming to foster a culture of ethical behaviour, as they encourage

¹⁴⁸⁰http://stceddepart.weebly.com/uploads/4/0/5/9/4059456/practicalresearch_planninganddesign_by_paul-d_leedy_chap1-whatresearch.pdf

¹⁴⁸¹ <https://www.legalservicesindia.com/article/1693/Whistleblowers-and-their-Protection-in-India.html>

¹⁴⁸²<https://visionias.in/current-affairs/monthly-magazine/2024-07-27/ethics/ethics-of-whistleblowing#laws-to-protect-whistleblowers-in-india>

employees to speak up without fear of public exposure. However, the effectiveness of internal whistleblowing largely depends on the organization's commitment to protecting whistle-blowers from retaliation and ensuring that reports are taken seriously. In many civil administrations, internal reporting channels are complemented by strict policies and codes of conduct to safeguard the integrity of the system.

- B. **External whistleblowing.** External whistle-blowing occurs when individuals report wrongdoing to external bodies such as government oversight agencies, anti-corruption commissions, law enforcement, or even the media. This approach is often taken when internal mechanisms are ineffective, compromised, or when the whistle-blower fears retaliation within the organization. External whistleblowing is especially significant in cases involving high-level corruption, systemic abuse, or threats to public safety, where internal reporting might not lead to meaningful action. Many countries have established legal frameworks to protect external whistle-blowers, ensuring their identities remain confidential and that they are shielded from adverse consequences

While both internal and external whistleblowing serve the common goal of promoting good governance, they differ in their approaches and challenges. Internal whistleblowing relies on the organization's willingness to address issues internally, which can sometimes be hindered by bureaucratic resistance or fear of damaging reputations¹⁴⁸³. Conversely, external whistleblowing, though offering greater protection in some legal contexts, may lead to public scrutiny, potential legal battles, and strained relationships with colleagues. Ultimately, a robust civil administration must encourage both forms of

whistleblowing, supported by strong legal protections, transparent procedures, and a culture that values ethical reporting without fear of retaliation.

Whistle-blowing is essential for maintaining checks and balances in civil administration, as it can reveal hidden abuses of power or systemic corruption that might otherwise go unnoticed. However, the act of whistle-blowing often comes with personal risks. Whistle-blowers may face retaliation, such as job loss, demotion, harassment, or even legal action, for exposing wrongdoing. In response to these risks, many countries have enacted legal protections to safeguard whistle-blowers, ensuring that they are shielded from retaliation and that their identity remains confidential, if necessary.

In civil administration, effective whistle-blower policies and a culture of support for whistle-blowing are vital for preventing and addressing misconduct, promoting good governance, and fostering public trust. By encouraging and protecting whistle-blowers, governments can foster a transparent and accountable public sector, ensuring that public officials act in the best interests of the citizens they serve.

III. LAWS AND REGULATIONS THAT PROTECT WHISTLE-BLOWERS IN CIVIL ADMINISTRATION:

A. WHISTLE-BLOWERS PROTECTION ACT, 2014:

Whistle-blowing is an important mechanism for maintaining transparency, integrity, and accountability in organizations. It refers to the revelation of any illegal, unethical, or otherwise inappropriate information or activities in an organization¹⁴⁸⁴. In most cases, individuals, usually current or former employees, make these revelations to organizations or individuals with the power to act on the issues. In India, whistle-blowing has come into focus more and more, particularly in the wake of high-profile cases that have highlighted the need for robust protection for whistle-blowers. Whistle-blowing

¹⁴⁸³<https://www.thehindu.com/opinion/open-page/the-sound-of-the-whistle-blowin-in-thewind/article67107228.ece>

¹⁴⁸⁴ The Whistle Blowers Protection Act, 2014

is described as the courageous act of revealing any form of information or behaviour within a private, public, or government entity that is illegal, immoral, or just not right. This includes a broad range of impropriety, from corruption and fraud to misuse of power, and other illegality¹⁴⁸⁵.

Whistle-blowers, these unheralded heroes, are the linchpins for exposing these sordid activities. Frequently taking enormous personal danger, including their livelihoods, safety, and health, they speak out on behalf of justice, holding institutions accountable to the highest ethical and legal standards. Their bravery and willingness to speak out make them important watchdogs in our society¹⁴⁸⁶. Whistle-blowing is important for a number of reasons. Firstly, it induces accountability by holding organizations and individuals accountable for what they do. Secondly, it acts as a deterrent to unethical or illegal conduct by creating the possibility of exposure. Thirdly, whistle-blowing safeguards the public interest by exposing unsafe practices, corruption, and other types of wrongdoing.

Finally, it stimulates an ethical environment by instilling transparency and honesty in organizations. With the complex nature of whistle-blower mechanisms, either in the public or private sphere, a qualitative comprehension is indispensable. In the private sector, whistle-blowing serves as a protection device, overseeing malfeasance inside the organization including financial misstatements, regulatory non-compliance, and immoral behaviours. On the governmental front, whistle-blowing is tantamount to a civic duty, unmasking corruption, power abuse, and inefficiencies corroding the public sector's structural integrity. The stakes here ascend; beyond professional repercussions, whistle-blowers confront personal jeopardy, facing intimidation and endangerment. The theoretical basis of

Protected Disclosure is of cardinal importance in the context of the law of whistle-blowing, especially within the Indian jurisprudence characterized by the Whistle Blowers Protection Act, 2014¹⁴⁸⁷. The said law defines the juridical safeguards granted to persons known as whistle-blowers who blow the whistle against malfeasance, including corruption, abuses of authority, and other malpractices in the ranks of public service.

The main purpose of the Act is to provide a secure channel for reporting such improprieties, avoiding the danger of retaliatory action against the whistle-blower and thus encouraging a culture of transparency and accountability.

B. METHODS LAID DOWN FOR DISCLOSURE:

The Whistle Blowers Protection Act, 2014, lays down certain methodologies that are to be followed in the filing of complaints so as to protect the whistle-blower and process the complaint pragmatically. Such laid-down methodologies are but not limited to:

- 1. Filing of Complaint to Designated Authority:** An essential procedural requirement calls for the whistle-blower to make their complaint to an authority statutorily provided within the purview of the Act¹⁴⁸⁸. This authority is charged with the intake and onward processing of complaints relating to corruption and other malpractices by public officials.
- 2. Provision of Supporting Evidence:** The Act invites the whistle-blower to support his/her charges with supporting evidence, which can be presented in one of several modes such as but not limited to documents, electronic mail, and audio-visual recordings¹⁴⁸⁹. This provision guarantees the evidence-based and investigable nature of the claims.

¹⁴⁸⁵

https://shodhganga.inflibnet.ac.in/bitstream/10603/45012/7/07_chapter%202.pdf

¹⁴⁸⁶

[https://www.srcc.edu/sites/default/files/B.Com\(hns\)_IIIYrSem6_BCh6.1_A&CG_Week6_Anisha.pdf](https://www.srcc.edu/sites/default/files/B.Com(hns)_IIIYrSem6_BCh6.1_A&CG_Week6_Anisha.pdf)

¹⁴⁸⁷<http://www.prsindia.org/uploads/media/Public%20Disclosure/Notice%20of%20Amendments%20-Whistle%20blower.pdf>

¹⁴⁸⁸ <https://www.shankariasparliament.com/current-affairs/whistle-blowing>

¹⁴⁸⁹ <https://www.nao.org.uk/press-releases/investigation-into-whistleblowing-in-the-civil-service/>

3. Confidentiality Guarantee: One of the most important aspects of the Act is its guarantee of confidentiality of the identity of the whistle-blower, a provision that goes a long way in eliminating fear of retaliation and hence encouraging reporting of malfeasance. Ban on Anonymous Complaints: In an attempt to prevent the filing of frivolous or malicious complaints, the law requires the revelation of the identity of the whistle-blower, thus adding some credibility to the complaint and making it easier to investigate.

C. KEY PROVISIONS OF THE WHISTLE-BLOWERS PROTECTION ACT, 2014.

The Whistle Blowers Protection Act, 2014, is a legislative landmark in the safeguarding of persons providing information on illegal practices in the public sector¹⁴⁹⁰. The Act, whose genesis is found in 2011 proposals and whose enactment took place in 2014 in the midst of rising cases of whistle-blowers, embodies a number of key provisions:

- 1. Complaint Receipt Mechanism:** The Act institutes a formal complaint receipt and processing mechanism for allegations of misuse of authority, corruption, and other malpractices against public servants¹⁴⁹¹.
- 2. Protection of Whistle-blower Identity:** It secures the protection of the identity of the whistle-blower, a provision essential to the protection of the whistle-blower against retaliation¹⁴⁹².
- 3. Protection Against Victimization:** The Act strengthens the position of the whistle-blower by providing protection against harassment, threats, and other types of victimization.
- 4. Ban Against Frivolous Complaints:** By prohibiting complaints made anonymously and requiring the complainant to disclose his identity as a

whistle-blower¹⁴⁹³, the Act aims at preventing frivolous or malicious complaints while ensuring the proper attention and investigation to deserving disclosures.

5. Penal Measures for Retaliation: The Act infuses provisions with penal consequences for someone or an organisation found guilty of retaliating against whistle-blowers, thereby strengthening the shelter of protection enveloping whistle-blowers¹⁴⁹⁴.

IV. INDIA'S FIRST WHISTLE-BLOWER – "SATYENDRA DUBEY":

The Whistle-Blowers Protection Act, 2014, is a landmark legislation in the Indian context that plays a crucial role in creating a culture friendly to the ideals of transparency and accountability by safeguarding those who have the courage to speak out against corruption and abuse of power in public service. At the very centre of India's progress towards transparency and honesty, Satyendra Dubey's saga is a shining example of courage and a call to revolutionary change.¹⁴⁹⁵ Satyendra Dubey, an officer of the renowned Indian Engineering Service, did something titanic when he lifted the veil of corruption that surrounded the construction of the Golden Quadrilateral project. His unflinching bravery compelled him to write a letter to the Prime Minister's Office (PMO) in November 2002, painstakingly chronicling the pervasive corruption and compromised quality that was devastating the project. Dubey asked for only one thing: anonymity, a call for protection in a world where truth comes with deadly repercussions. Sadly, the veil of anonymity was stripped from him, and in November 2003, Satyendra Dubey's voice was silenced forever.¹⁴⁹⁶ But the echoes of his courage would not cease. Rather, they kindled a firestorm of public anger and a loud demand for change

¹⁴⁹⁰ <https://www.mid-day.com/lifestyle/culture/article/six-times-indian-whistleblowers-made-news-in-the-past-23197139>

¹⁴⁹¹ ePub – Investigation into whistleblowing in civil services (epub – 2 MB)

¹⁴⁹² <http://www.gov.uk/whistleblowing>.

¹⁴⁹³ Report – Investigation into whistleblowing in the civil services(.pdf)

¹⁴⁹⁴ <https://committees.parliament.uk/work/8134/investigation-into-whistleblowing-in-the-civil-service/>

¹⁴⁹⁵ 'The Story of India's "First Whistle-blower:" Stalled Progress in the Wake of Satyendra Dubey's 2003 Murder

¹⁴⁹⁶ <https://whistleblowersblog.org/global-whistleblowers/the-story-of-indias-first-whistleblower-stalled-progress-in-the-wake-of-satyendra-dubey-2003-murder/>

that resonated throughout the country. Satyendra Dubey's martyrdom brought to light the perilous path tread by whistle-blowers, those heroes who risk everything in search of truth and justice.

It served to point to an inescapable reality: the necessity of a haven of safety for those willing to challenge corruption and wrongdoing. From the ashes of this tragedy, India witnessed the advent of the Whistle Blowers Protection Act, 2014—a historic law that guaranteed whistle-blowers the protection they so justly deserved. Dubey's life was not wasted; his memory became the bedrock of a movement that wished to safeguard the voices that refuse to be silenced. The passing of the Whistle Blowers Protection Act, 2014, is a tribute to the strength of one person's courage to challenge a nation to move towards more transparency, accountability, and justice. Satyendra Dubey's tale¹⁴⁹⁷ is a poignant reminder that change, usually ignited by the actions of one person, is within our reach if we are brave enough to struggle for it. Maintenance of law and order and ensuring safety and security to all the citizens is essentially the domain of State Governments involved. The system of existing laws like Indian Penal Code, Criminal Procedure Code etc. is held to be sufficient to ensure safety and security to all the citizens, including RTI activists. Government of India has brought to the notice of the State Governments reports in the press regarding victimization of individuals who employ RTI to unearth corruption and irregularity in administration.

A. Salient features of the Act Complainant:

A complainant is any person who makes a complaint relating to disclosure under the Act. Disclosure; means a complaint relating to,¹⁴⁹⁸ —

1. an attempt to commit or commission of an offence under the Prevention of Corruption Act, 1988;

2. wilful misuse of power or wilful misuse of discretion by virtue of which demonstrable loss is caused to the Government or demonstrable wrongful gain accrues to the public servant or to any third party;
3. attempt to commit or commission of a criminal offence by a public servant, made in writing or by electronic mail or electronic mail message, against the public servant and includes public interest disclosure referred to in sub-section (2) of section 4 of the Act.¹⁴⁹⁹

B. Anonymous Complaints. The complaint is only addressed if the complainant reveals his identity in the complaint. Complainants giving false identities/anonymous complaints are not accepted.

C. Protection under the Act: Section 11 of the Act gives protection against victimization of the complainant. This was brought in keeping in mind numerous cases where whistle-blowers in India were threatened, harassed and even killed after lodging complaints regarding the frauds being committed.

Satyendra Dubey, who was the person behind exposing the case of corruption in the National Highways Authority of India's Golden Quadrilateral project, was killed.¹⁵⁰⁰ Shanmughan Manjunath, the officer of Indian Oil Corporation, was killed after he shut down a petrol pump that was peddling spurious fuel in Uttar Pradesh. A top police officer had accused corruption and embezzlement by the government of Mayawati, and he was admitted to the psychiatric hospital. Nonetheless, it is relevant to point out that the Act fails to define or prescribe any standards for the victimization. As a result, whistle-blowers are not well enough protected and, in most cases, prefer to remain anonymous lest they face the actions that might be taken against them or their

¹⁴⁹⁷ <https://blog.ipleaders.in/satyendra-dubey-s-murder-mystery-a-ray-of-hope-for-whistle-blowers/>

¹⁴⁹⁸ <https://ico.org.uk/make-a-complaint/protection-for-whistleblowers-guidance/>

¹⁴⁹⁹ Whistle-blowers protection act, 2014.

¹⁵⁰⁰ <https://www.thehindu.com/news/national/Three-get-life-in-Satyendra-Dubey-murder-case/article16625349.ece>

relatives.¹⁵⁰¹ Punishment for false complaint under the Act, Section 17 of the Act states that whoever makes a disclosure malafidely or with the knowledge that the same was false or incorrect or misleading shall be punished with imprisonment for 2 years and a fine of up to thirty thousand rupees.¹⁵⁰²

V. CHALLENGES FACED BY WHISTLE-BLOWERS:

In India, whistle-blowers play a crucial role in promoting transparency, accountability, and good governance by exposing corruption, misconduct, and unethical practices within public institutions and private organizations.¹⁵⁰³ The Whistle-blowers Protection Act, 2014, was enacted to safeguard individuals who report such wrongdoings. However, despite the legal framework, whistle-blowers in India face numerous challenges that often discourage them from coming forward. These challenges stem from a combination of legal, institutional, social, and psychological factors that undermine the effectiveness of whistle-blower protection mechanisms.

A. Fear of retaliation: One of the primary challenges faced by whistle-blowers in India is the fear of retaliation. Despite legal safeguards under the Whistle-blowers Protection Act, many individuals fear being targeted by their employers or influential individuals involved in the misconduct. Retaliation can take various forms, including job termination, demotion, harassment, transfer to undesirable postings, denial of promotions, and even threats to personal safety.¹⁵⁰⁴ In cases where the wrongdoers are powerful figures, such as senior government officials, business leaders, or political personalities, the fear of facing backlash becomes even more

pronounced. This fear often leads to self-censorship, where potential whistle-blowers choose to remain silent rather than risk their careers, reputation, or well-being.

B. Lack of effective implementation and enforcement: Another significant challenge is the lack of effective implementation and enforcement of the Whistle-blowers Protection Act. While the law provides for protection against retaliation, its implementation remains inconsistent across different states and institutions.¹⁵⁰⁵ The absence of a robust monitoring mechanism and the slow pace of investigations into whistle-blower complaints further erode public confidence in the system. Whistle-blowers often find that their complaints are not taken seriously, leading to prolonged investigations without any concrete action. Additionally, the authorities responsible for investigating such cases may themselves be influenced by the very networks of power and corruption that the whistle-blowers seek to expose, leading to biased or compromised inquiries.

C. Confidentiality and anonymity: The issue of confidentiality and anonymity also poses a major challenge. Although the Act emphasizes the protection of whistle-blowers' identities, in practice, maintaining complete confidentiality is difficult, especially in cases involving high-profile individuals or sensitive information.¹⁵⁰⁶ Whistle-blowers are often exposed to public scrutiny, either through leaks of information or due to the nature of the investigation, which can lead to social stigma, professional isolation, and even threats to personal safety. The lack of strong anonymous reporting channels further discourages individuals from coming forward with

¹⁵⁰¹ <https://indianexpress.com/article/india/crime/three-convicted-in-satyendra-dubey-murder-case/>

¹⁵⁰² <https://www.scribd.com/document/59510946/Satyendra-Dubay-s-Whistle-Blowing-Case>

¹⁵⁰³ <https://www.hrfuture.net/future-of-work/trending/8-challenges-whistleblowers-face-in-and-out-the-workplace/>

¹⁵⁰⁴ <https://www.ncvo.org.uk/help-and-guidance/safeguarding/specific-aspects/whistleblowing-speak-out/challenges-issues/>

¹⁵⁰⁵ <https://www.integritymatters.in/challenges-in-corporate-whistleblowing/>

¹⁵⁰⁶ <https://bartzlawgroup.com/common-challenges-faced-by-whistleblowers/>

information about corruption or misconduct.

D. Legal complexities and procedural hurdles.

It also create significant barriers for whistle-blowers. The process of filing a complaint under the Whistle-blowers Protection Act can be complicated, involving detailed documentation, legal formalities, and navigating bureaucratic procedures.¹⁵⁰⁷ Many whistle-blowers lack the necessary legal knowledge or resources to effectively present their case, which can result in their complaints being dismissed or delayed. Furthermore, the legal system in India is often slow, with lengthy court proceedings that can be both financially and emotionally draining for whistle-blowers.¹⁵⁰⁸ The uncertainty surrounding the outcome of cases also discourages individuals from taking the risk of exposing wrongdoing.

E. Lack of awareness and education:

Another critical challenge is the lack of awareness and education about whistle-blower rights among the general public and even within organizations.¹⁵⁰⁹ Many individuals are unaware of the provisions of the Whistle-blowers Protection Act, the process for reporting misconduct, and the protections available to them. This lack of awareness prevents potential whistle-blowers from utilizing the legal framework effectively. In organizations where a culture of silence and fear prevails, employees may not feel empowered to report issues, even when they are aware of the risks involved.

F. Social and cultural stigma:

The social and cultural stigma associated with whistleblowing is also a significant

deterrent in India. Whistle-blowers are often viewed as troublemakers, betrayers, or individuals who are trying to harm the reputation of their organizations. This perception can lead to social ostracization, both within the workplace and in the broader community. In some cases, whistle-blowers may face family pressures, loss of social standing, or even threats from powerful individuals seeking to silence them.¹⁵¹⁰ This cultural stigma reinforces the fear of speaking out, especially in societies where loyalty to an organization or group is highly valued over ethical considerations.

G. Lack of institutional support

While government bodies such as the Central Vigilance Commission (CVC) are tasked with handling whistle-blower complaints, they often lack the capacity, resources, and political independence to address issues effectively.¹⁵¹¹ In some cases, whistle-blowers are left without adequate legal, psychological, or financial support, making it difficult for them to sustain the fight against corruption or misconduct. This institutional weakness further discourages individuals from coming forward, as they perceive the system to be ineffective or biased.

The issue of retaliation beyond the workplace is also a growing concern. Whistle-blowers in India have faced threats, physical assaults, and even cases of murder in extreme instances. High-profile cases, such as the tragic death of **B. R. Jayaram**, a whistle-blower in a corruption case, highlight the risks faced by individuals who expose corruption at significant levels. These threats not only put the whistle-blower's life in danger but also send a chilling message to others who might consider speaking out. The

¹⁵⁰⁷ <https://www.mindtools.com/ay7xudd/whistleblowing>

¹⁵⁰⁸ Whistle-blowers: Broken lives and organizational power. Cornell University Press.

¹⁵⁰⁹ https://scholar.google.co.in/scholar_url?url=https://papers.ssrn.com/sol3/Delivery.cfm%3Fabstractid%3D3916260&hl=en&sa=X&ei=qTfpZ62qNvCj6rQPpzzsA8&scisig=AFWwaeYFuDqv07q2Q3srwKvElu3T&oi=scholar

¹⁵¹⁰ https://www.researchgate.net/profile/Kim-Moloney/publication/323413848_Challenges_Confronting_Whistleblowing_and_the_International_Civil_Servant/links/606554c9458515614d273860/Challenges-Confronting-Whistleblowing-and-the-International-Civil-Servant.pdf

¹⁵¹¹ <https://www.veremark.com/blog/navigating-the-challenges-impacting-whistleblowing-programs---part-2>

lack of effective witness protection programs further exacerbates this problem, leaving whistle-blowers vulnerable to harm.

VI. WHISTLE-BLOWING IN VARIOUS GOVERNMENT SECTORS:

Whistle-blowers help expose corruption, administrative misconduct, financial fraud, abuse of power, and other unethical practices that undermine public trust. The **Whistle-blowers Protection Act, 2014**, along with other laws like the **Central Vigilance Commission (CVC) Act, 2003**, provides the legal framework for safeguarding individuals who report wrongdoing in government institutions.¹⁵¹² Whistle-blowing occurs across different sectors of the government, each with its unique challenges and significance.

A. Public Administration and Governance:

In public administration, whistle-blowers often expose issues related to corruption, favouritism, nepotism, and misuse of power by officials. This includes cases of financial mismanagement, irregularities in public procurement, and violations of administrative rules. For example, whistle-blowers have reported instances of ghost employees, fraudulent recruitment practices, and abuse of office in various government departments. The Central Vigilance Commission (CVC) is the primary authority for handling complaints related to corruption in public administration.¹⁵¹³ Whistle-blowers can report issues directly to the CVC, which investigates and recommends corrective actions.

B. Law Enforcement and Police:

In the law enforcement sector, whistle-blowers play a crucial role in exposing police misconduct, abuse of authority, human rights violations, and corruption within the force. Reports of illegal activities, custodial torture, fake encounters, and involvement in criminal activities by officers have surfaced due to the

courage of whistle-blowers.¹⁵¹⁴ Despite legal protections, whistle-blowers in this sector face significant risks, including threats, harassment, and retaliation, due to the influence and power structures within law enforcement agencies.

C. Judiciary:

The judicial sector is expected to uphold the rule of law and justice, but whistle-blowers have reported judicial corruption, influence-peddling, and unethical conduct among judges and legal officials.¹⁵¹⁵ While the judiciary is considered an independent body, instances of bias, case manipulation, and financial misconduct have been exposed through whistleblowing. However, whistle-blowers in the judiciary often face retaliation and professional isolation, making it difficult for them to come forward.

D. Education Sector:

In the education sector, whistle-blowers have exposed issues such as irregularities in the allocation of government grants, fraudulent admissions, and corruption in teacher recruitment processes. Cases of mismanagement in universities, schools, and educational boards, including the sale of fake degrees and manipulation of examination results, have been brought to light by whistle-blowers. The Right to Information Act (RTI), 2005, has also been instrumental in empowering individuals to seek information and report discrepancies in the education sector.

E. Health and Medical Sector:

In the health sector, whistle-blowers have highlighted issues like fraudulent procurement of medical supplies, fake drug manufacturing, poor implementation of health schemes, and mismanagement of public hospitals.¹⁵¹⁶ There have been cases of scams in vaccine distribution, misuse of government health funds, and unethical medical practices in public hospitals. Whistle-blowers in this sector often

¹⁵¹² The Whistleblowing Guide: Speak-up Arrangements, Challenges and Best Practices

By Kate Kenny, Wim Vandekerckhove, Marianna Fotaki

¹⁵¹³ <https://index.ieomsociety.org/index.cfm/article/view/ID/2336>

¹⁵¹⁴ Audit firm tenure, auditor familiarity and trust: Effect on auditee whistleblowing reporting intentions. *International Journal of Auditing*, 22(2), 113–130.

¹⁵¹⁵ https://www.nishithdesai.com/fileadmin/user_upload/Html/Hotline/Ye_s_Governance_Matters_April1924-M.htm

¹⁵¹⁶ The influence of subjective norms on whistle-blowing: A cross-cultural investigation. *Journal of Business Ethics*, 112(3), 437–451.

face threats, especially when exposing practices that affect public health and safety.

F. Public Sector Undertakings (PSUs):

Whistle-blowing in PSUs is particularly significant due to the large-scale financial transactions involved.¹⁵¹⁷ Issues such as financial fraud, embezzlement, irregularities in tendering processes, and nepotism have been exposed by whistle-blowers in companies like Air India, ONGC, and BSNL. The CVC and Department of Public Enterprises (DPE) are responsible for handling whistle-blower complaints related to PSUs, with mechanisms in place to protect their identities.

G. Environment and Natural Resources:

In the environmental sector, whistle-blowers have reported illegal mining, deforestation, pollution, and violations of environmental laws¹⁵¹⁸. The illegal coal mining scam in Jharkhand and the illegal sand mining cases in various states are notable examples where whistle-blowers exposed environmental crimes that had significant socio-economic and ecological impacts. The Ministry of Environment, Forest, and Climate Change (MOEFCC) handles such cases, but challenges remain in terms of enforcement and protection for whistle-blowers.

H. Defence and Security:

In the defence and security sectors, whistle-blowers have exposed procurement irregularities, corruption in defence contracts, and misuse of resources¹⁵¹⁹. For example, cases related to the AgustaWestland helicopter deal and scandals in the procurement of military equipment have been highlighted by whistle-blowers. The sensitive nature of this sector makes whistleblowing particularly risky, with stringent security protocols often limiting transparency.

VII. COMPARATIVE ANALYSIS OF WHISTLE-BLOWER PROTECTION IN UNITED STATES (US) AND EUROPEAN UNION (EU):

The protection of whistle-blowers in the **United States** and the **European Union (EU)** is governed by robust legal frameworks designed to encourage individuals to report wrongdoing without fear of retaliation. Both regions have established comprehensive laws to safeguard whistle-blowers, promote transparency, and ensure accountability in both public and private sectors.

A. WHISTLE-BLOWER PROTECTION IN THE UNITED STATES:

In the United States, whistle-blower protection is primarily governed by the Whistle-blower Protection Act (WPA) of 1989¹⁵²⁰, which was later amended to strengthen protections for federal employees. The act protects individuals who disclose information about illegal activities, gross mismanagement, abuse of authority, substantial and specific danger to public health or safety, or violations of law, rules, or regulations.¹⁵²¹ The law applies to federal employees, contractors, and grantees, and it ensures that whistle-blowers are shielded from retaliation, such as firing, demotion, suspension, harassment, or any other form of discrimination due to their disclosures.

In addition to the WPA, the Sarbanes-Oxley Act (SOX) of 2002 and the Dodd-Frank Wall Street Reform and Consumer Protection Act (2010)¹⁵²² provide strong protections for whistle-blowers in the corporate sector, especially in cases of financial fraud and securities violations. The Dodd-Frank Act also introduced whistle-blower rewards, offering monetary incentives to individuals whose information leads to successful enforcement actions by the Securities and Exchange Commission (SEC). This provision has encouraged many to come forward with critical information about

¹⁵¹⁷ Demographic factors: Whistle blowing in public sector. SCMS Journal of Indian Management, 11(1), 32–39.

¹⁵¹⁸ Effective whistle-blowing. The Academy of Management Review, 20(3), 679–708.

¹⁵¹⁹ Comparison of the whistle-blower protection mechanism of select countries. Indian Journal of Corporate Governance, 11(1), 45–68.

¹⁵²⁰ <https://www.dol.gov/general/topics/whistleblower>

¹⁵²¹ "Whistle-blower Ombudsman | Office of Inspector General | U.S. Department of Health and Human Services". oig.hhs.gov.

¹⁵²² <https://oig.ftc.gov/whistleblower-protection>

corporate fraud, accounting irregularities, and financial misconduct.

The Office of Special Counsel (OSC)¹⁵²³ plays a key role in investigating whistle-blower complaints within the federal government, while the SEC's Office of the Whistle-blower handles cases related to securities violations. Additionally, the False Claims Act (FCA) allows private citizens to file lawsuits on behalf of the government against entities committing fraud, with the potential for financial rewards if the case is successful.

B. WHISTLE-BLOWER PROTECTION IN THE EUROPEAN UNION (EU):

The European Union established a comprehensive framework for whistle-blower protection through the EU Whistle-blower Directive (2019/1937), which came into force on December 17, 2019.¹⁵²⁴ The directive aims to harmonize whistle-blower protection laws across EU member states, ensuring consistent standards for safeguarding individuals who report breaches of EU law in areas such as public procurement, financial services, money laundering, product safety, environmental protection, and public health.

Under the directive, whistle-blowers are protected from retaliation, including dismissal, demotion, and other forms of discrimination. The directive requires member states to establish secure and confidential reporting channels within organizations and to designated authorities, allowing whistle-blowers to report misconduct safely.¹⁵²⁵ Additionally, whistle-blowers are entitled to legal, financial, and psychological support, with mechanisms in place to protect their identity throughout the reporting process.¹⁵²⁶

One of the key features of the EU directive is the requirement for internal reporting channels within companies with more than 50 employees or an annual turnover of over €10 million. These channels must ensure confidentiality and provide timely responses to whistle-blower reports.¹⁵²⁷ If internal reporting is ineffective or if the whistle-blower fears retaliation, they can report the issue directly to competent authorities or, in some cases, the media.¹⁵²⁸

The directive also includes provisions for whistle-blower protection in the public sector, ensuring that employees of public institutions can report misconduct without fear of repercussions. Member states were required to transpose the directive into national laws by December 2021,¹⁵²⁹ leading to the development of new or revised whistle-blower protection laws across the EU.

VIII. CONCLUSION:

While the Whistle-blowers Protection Act, 2014, was a progressive step toward promoting transparency and accountability in India, whistle-blowers continue to face numerous challenges that hinder their ability to report misconduct effectively. Fear of retaliation, lack of effective implementation, legal complexities, social stigma, and institutional weaknesses create a hostile environment for whistle-blowers. To address these challenges, there is a need for stronger enforcement of the law, comprehensive awareness programs, robust protection mechanisms, and a cultural shift toward valuing ethical reporting over loyalty to powerful individuals or organizations. The implementation of the acts and provisions regarding the whistle-blowing and whistle-blowers provides safeguard along with challenges to the public trust. Only through such measures can whistle-blowers be empowered to play their crucial role in building

¹⁵²³ <https://www.whistleblowers.org/major-u-s-whistleblower-laws>

¹⁵²⁴ https://commission.europa.eu/aid-development-cooperation-fundamental-rights/your-fundamental-rights-eu/protection-whistleblowers_en

¹⁵²⁵ <https://www.deloitte.com/nl/en/services/financial-advisory/perspectives/the-eu-whistleblower-directive-what-does-it-mean-for-you.html>

¹⁵²⁶ Parliamentary Assembly - Improving the protection of whistle-blowers - [Report \(Doc. 13791\)](#) | [Resolution 2060 \(2015\)](#) | [Recommendation 2073 \(2015\)](#) | [Reply of the Committee of Ministers to Recommendation \(Doc. 13949\)](#)

¹⁵²⁷ <https://www.integrityline.com/expertise/white-paper/eu-whistleblowing-directive/>

¹⁵²⁸ [Guidelines of the Committee of Ministers of the Council of Europe on public ethics](#) (2020).

¹⁵²⁹ Parliamentary Assembly - The protection of "whistle-blowers" - [Report \(Doc. 12006\)](#) | [Resolution 1729 \(2010\)](#) | [Recommendation 1916 \(2010\)](#) | [Reply of the Committee of Ministers to Recommendation \(Doc. 12479\)](#)

a transparent, accountable, and corruption-free society in India.

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