International Journal of Law, Policy and Social Review
www.lawjournals.net
Online ISSN: 2664-6838, Print ISSN: 2664-682X
Received: 17-07-2024, Accepted: 16-08-2024, Published: 31-08-2024
Volume 6, Issue 3, 2024, Page No. 307-313

Silent laws, silenced voices: The 2014 whistleblower act fiasco

Parvathy K[1], Sumana Vedanth[2]
[1]Assistant Professor & Research Scholar (Part-time -Internal), Department of Law, SRM Institute of Science and Technology, Tamil Nadu, India
[2] Associate Professor, Department of Law, SRM Institute of Science and Technology, Tamil Nadu, India

Abstract
This article, "From Legislation to Reality: A Critical Appraisal of the Whistle Blowers Protection Act, 2014 and Its Impact on Accountability," provides a comprehensive analysis of the Act's efficacy in practice. It examines the legal framework and implementation challenges of the Act within the Indian context and does a comparative learning with whistleblower protection laws in the United States of America, United Kingdom and Australia. By exploring these international frameworks, the article identifies structural and procedural deficiencies in the Indian legislation and suggests potential reforms. The goal is to enhance the efficacy of whistleblower protections in India by adopting best practices observed in other jurisdictions.

Keywords: Whistleblower, accountability, public interest disclosure

Introduction

Whistleblower protection is a crucial element in maintaining organizational integrity and ensuring public accountability within both public and private sectors. The Whistle Blowers Protection Act, 2014, marks a significant step by the Indian government towards shielding those who report unethical practices and corruption. Despite its legislative intent to encourage transparency, the Act has faced criticism regarding its implementation and the adequacy of its protective measures.

In this article, we critically examine the delay to implement the Whistle Blowers Protection Act, 2014, by examining its current impact on accountability and transparency in India. We analyse how well the Act can performs in protecting whistleblowers and addressing their grievances. To offer a broader perspective, this article also incorporates a comparative analysis with whistleblower protection laws from the United States, United Kingdom and Australia. Recognizing that effective whistleblower protection is not an isolated phenomenon, we also undertake a comparative analysis of similar laws in the United States, United Kingdom, and Australia. These countries offer varied approaches and robust frameworks that provide valuable insights into how India's legislation could be improved.

By identifying gaps and challenges within the Indian framework, this article aims to propose practical recommendations inspired by international best practices. The comparative analysis seeks to highlight how lessons from other jurisdictions could be integrated into the Indian context to create a more effective and supportive environment for whistleblowers, ultimately contributing to enhanced organizational accountability and public trust.

This article provides an overview of important requirements and safeguards offered by the whistleblower legislation across various jurisdictions, with a focus on the Indian framework.

Whistleblower defined

"A whistleblower can be defined as a person who introduces a concern about any misconduct occurring in an organisation. Generally, this person would be from the same organisation itself [1]." The exposed misconduct may either be a violation of a law, regulation, or a rule direct threat to public interest such as corruption or fraud.

Whistleblowers who jeopardize their lives to put up a fight against corruption or any such evils of the society, rightly deserves to be protected and there needs to be an honest guarantee from the legal framework of their countries. The means for this safeguard can be surfaced through amplified understanding about the need for a hard-line approach towards acts, policies, and efforts that offer better protection for the whistleblowers.

Global perspectives on whistleblower protection: enhancing compliance and accountability

Governments worldwide are increasingly recognizing whistleblowing as a crucial mechanism for enhancing regulatory compliance as well as fostering accountability. As a result, many jurisdictions have either implemented or are in the process of developing legislation designed to protect whistleblowers and encourage the reporting of misconduct. This trend reflects a broader understanding that robust whistleblower protections can significantly contribute to a culture of transparency and integrity within organizations.

The United States was the first country to adopt a whistleblower policy, followed by Australia, Japan, Canada, France, New Zealand, South Africa and so on [3]. In several jurisdictions, there are established requirements for handling whistleblower complaints. These regulations mandate specific protections and procedures that organizations must adhere to, ensuring that whistleblowers can report concerns without fear of retaliation. Companies operating in these regions must comply with these standards, which are designed to make a safe and supportive milieu for individuals who expose wrongdoing.

Even in jurisdictions where such provisions are not yet mandated by law, businesses that voluntarily adopt robust whistleblower protection policies demonstrate a proactive approach to compliance. Such practices not only enhance an organization's reputation but also contribute to a positive corporate culture centred on integrity and accountability.

In international context, there are many countries which are recognizing the whistleblower protection laws properly, nevertheless the efficacy of these laws differ from country to country. While some countries have gathered a reputation for managing the issue, there are there countries which are striving with restraining policies for the protection of the whistleblowers. The International Labour Organization had released a report titled, "Law and practice on protecting whistle-blowers in the public and financial services sectors" [3] back the above claim by way of their research pointing out the fragmented whistleblowing policies of various different countries.

The United Kingdom

In the United Kingdom, the much-publicized scams and scandals between the years 1980 to 1990 led to the enactment of whistleblower protection laws. Hence, the Public Interest Disclosure Act, 1998 (PIDA) was enacted and it came into effect from July 3, 1999 in Wales and Scotland and England.

While there is no mandatory requirement for organizations in the UK to implement specific whistleblowing policies and procedures, whistleblowers are nonetheless granted significant protections under British law. These protections are primarily embedded in the framework established by two key pieces of legislation: The Employment Rights Act 1996 (ERA) and the Public Interest Disclosure Act 1998 (PIDA).

The Public Interest Disclosure Act 1998 (PIDA) serves as a crucial legislative shield for workers who make what is termed a "qualifying disclosure." This protection remains in place even if the information disclosed does not ultimately prove to be accurate, provided the whistleblower holds a 'reasonable belief' that their disclosure is in the public interest. Importantly, the Act imposes an obligation on whistleblowers to act in good faith; any disclosures made with malicious intent or for personal gain are not covered under these protections.

The Employment Rights Act 1996 (ERA), which PIDA amended, delineates the specific circumstances under which whistleblowers can be safeguarded against retaliation, such as unfair dismissal or detrimental treatment. This could include punitive actions like denial of promotions, essential training, or other career development opportunities. The ERA and PIDA together create a comprehensive legal regime that discourages organizations from retaliating against employees who raise concerns about malpractice, wrongdoing, or violations within a given organization.

While whistleblowing disclosures are typically made to the employer, PIDA allows for disclosures to be made to a responsible third party or a "prescribed person," a designation that includes bodies authorized by Parliament such as the Financial Conduct Authority (FCA), the Serious Fraud Office (SFO), and the Office of Fair Trading (OFT).

A "disclosure" under PIDA is not explicitly defined in statutory terms, but case law, such as the decision in Kraus v. Kraus v. Penna Plc [4], has clarified that disclosures can be both oral and written.

The United Kingdom is widely recognized for its comprehensive approach to whistleblower protection, ensuring that employees who expose wrongdoing are safeguarded from retaliatory actions, whether through dismissal, defamation, or denial of professional advancement. The statutory framework provided by the ERA and PIDA represents a robust commitment to fostering a culture of transparency and accountability in workplaces across the UK.

Reviewing the PIDA [5], one can understand that the act is generally compensatory in nature as most of the provisions of PIDA emphasize the protection an employee can obtain to safeguard themselves against any unfairness targeted out to them, when they blew the whistle for a particular violation. Another discouraging facet of the PID is the burden of proof imposed on the whistleblower himself. The Public Interest Disclosure Act (PIDA) does not mandate organizations to establish specific protocols or action plans aimed at addressing and preventing abuse and corruption. As a result, there is no requirement for organizations to proactively address these issues in a way that could reduce the necessity for whistleblowing. Furthermore, the compensatory aspect of the Act, which provides financial compensation to whistleblowers, might inadvertently deter individuals from coming forward. The potential risks and challenges associated with whistleblowing, coupled with the reliance on financial compensation, can sometimes dissuade individuals from assuming the significant responsibilities involved in exposing wrongdoing for the greater good.

In March 2023 the UK government announced a review of the whistleblowing framework, designed to examine its effectiveness and inform policy decisions on improvements. It was expected that the review will be completed by autumn 2023 [6].

Even though the Public Interest Disclosure Act, 1988 has been in effect for a long time, there is still a long way to go and a lot of provisions to reconsider and rethink. The whistleblowers are still not confident enough of the protection they are being promised since the Public Interest Disclosure Act, 1988 clearly lacks the external push and unconditional protection that they require.

The United States of America

When it comes to passing laws that protect our whistleblowers, the United States has long Act (WPA been regarded as a model. It is believed that the United States passed the first whistleblower protection statute in history as early as 1777 [7]. In the United States, whistleblower protection laws vary between state and federal levels, with numerous cases establishing precedents for safeguarding whistleblowers. At the federal level, there are over fifty pieces of legislation addressing whistleblower issues. Among these, four principal acts stand out: the False Claims Act of 1863, the Whistleblower Protection Act of 1989, the Sarbanes-Oxley Act of 2002 (Criminal Accountability Act), and the Whistleblower Protection Enhancement Act of 2012.

The Whistleblower Protection Act (WPA) of 1989 is a federal statute designed to shield federal employees who disclose misconduct by federal agencies. Despite its intent, there were concerns that the WPA's protections were insufficient, particularly due to decisions of the Federal Court of Appeals and the limited remedies available. These issues, coupled with instances of retaliation impacting employees' security clearances and national security, highlighted the need for stronger protections.

To address these shortcomings, the Whistleblower Protection Enhancement Act (WPEA) of 2012 was enacted. This federal law aimed to strengthen the protections for federal whistleblowers by addressing the gaps and

challenges presented under the WPA. The WPEA is now considered the primary legislation providing robust protection for federal employees who report abuse and fraud, offering a more comprehensive shield against retaliation and ensuring better safeguards for whistleblowers.

Under the Whistleblower Protection Act (WPA), the protection afforded to whistleblowers was restricted by several conditions:

1. The protection did not apply if the whistleblower was not the first to report the issue.
2. Protection was limited if the disclosure was made to a co-worker.
3. Protection was also limited if the disclosure was made to a supervisor.
4. Additionally, the protection did not extend if the disclosure is made whilst the employee was on duty.

These conditions were difficult to be proved by the whistleblower.

The WPEA 2012 is the amended legislation which has eliminated all the above difficulties in Section 101 [8] and Section 102 [9] which clearly state that none of the qualifications mentioned above will lead to lose the protection under the WPEA 2012 because of the aforementioned limitations of the WPA, 1989 [10]. In relation to providing the whistleblowers with a sense of motivation and assurance, the United States guarantees money rewards to the whistleblowers under another very effective law called the False Claims Act.

False Claims Act

Enacted in 1863 under President Abraham Lincoln, the False Claims Act has undergone significant evolution and amendments over the years, but its whistleblower protection provisions have remained a cornerstone of its framework. This Act employs the qui tam mechanism, which permits individuals to file lawsuits on behalf of the government against entities committing fraud or failing in their obligations.

Under the False Claims Act, whistleblowers are entitled to receive between 15% and 30% of the recovered funds, depending on their contribution to the successful prosecution of cases involving fraud against the government. This financial incentive has made the Act a potent tool in uncovering and addressing government fraud. The Act has demonstrated substantial effectiveness and positive impact in promoting whistleblowing in the United States.

Additionally, the False Claims Act provides robust protections for whistleblowers against adverse actions such as bullying, demotion, and harassment. The Office of the Special Counsel plays a crucial role in safeguarding whistleblowers, ensuring they are protected from retaliation. The Act also features mechanisms for anonymous disclosures, allowing whistleblowers to report wrongdoing without revealing their identity.

In response to corporate scandals in 2001, the U.S. government introduced the Sarbanes-Oxley Act of 2002 (SOX). This legislation aims to encourage the reporting of corporate fraud by offering protections to employees of publicly traded companies or their subsidiaries who expose illegal activities. Specifically, Section 806 of the Act empowers the U.S. Department of Labor to address whistleblower complaints against employers who retaliate. It also authorizes the Department of Justice to pursue criminal charges against those responsible for retaliation. This section protects employees who report suspected violations of federal laws related to mail, wire, bank, or securities fraud, or any Securities and Exchange Commission (SEC) regulations.

Murray v. UBS Securities, LLC case [11]

Murray v. UBS Securities, LLC, is a landmark United States Supreme Court case regarding the standard for bringing a whistleblower retaliation claim under the Sarbanes Oxley Act. In Murray v. UBS Securities, LLC, the Supreme Court of the United States unanimously decided on February 8, 2024, that employers are free to disregard whistleblower protection laws without establishing retaliatory intent or animus.

The Court found that whistleblowers do not need to prove that employers acted with retaliatory intent in order to be covered under the anti-retaliation provisions of the Sarbanes-Oxley Act (SOX).

This precedent setting case is a testament to the wide recognition anti-retaliation provisions.

Justice Sotomayor delivered a unanimous opinion (9-0), siding with Murray. The justices held that with the protections of SOX, a whistleblower does not have to prove that their employer acted with "retaliatory intent", but that they do need to prove that their activity, protected by SOX, contributed to what the employer did in response.

In a generally pro-employee ruling, Murray does offer a benefit for employers. The Supreme Court made clear what an employer had to prove to stay out of trouble. Unambiguously, even after a whistleblower employee proves a prima facie case that his protected activity was a contributing factor in an adverse employment action, an employer can still avoid liability if it can prove it would have taken the same action in the absence of the employee's protected activity.

Australia

In Australia, the whistleblower protection laws have been enacted for all states in the public sector. The federal government has enacted the Public Interest Disclosure Act, 2013. The aim of this Act is facilitate reporting and disclosures of wrongdoings in the public sector and to protect whistleblowers from retaliation for making disclosures. They have been granted full guarantee of anonymity and exemption from liability and disciplinary actions [12].

However, the Human Rights Law Centre says there has 'not been a single successful case' brought by a whistleblower under federal laws designed to protect those who speak out. The Labor government is currently pursuing reforms to its Public Interest Disclosure Act, which is designed to protect government employees. The act commenced in 2014 [13].

The PID Act shields 'whistleblowers' from retaliation, protecting public employees who report suspected unlawful activities, corruption, misuse of authority, fraud in scientific research, public fund wastage, health or safety hazards, environmental threats, or misconduct that could warrant disciplinary measures.

Allegations made under the PID Act are public interest disclosures (PID). All Australian Government agencies, Commonwealth companies and public authorities have responsibilities under the PID Act to:

- investigate suspected wrongdoing
- Take appropriate action [14].

The Commonwealth Ombudsman plays a key role in overseeing and assisting the whistleblower program created by the PID Act. This includes raising awareness, offering guidance, and providing information and resources for making, handling, and addressing disclosures [15].

Section 28(2) of the PID Act explicitly states that a public interest disclosure may be made anonymously.

India

The Constitution of India guarantees some fundamental rights to the citizens. Article 21 guarantees the right to life and personal liberty to all persons residing in India.The Supreme Court has upheld the validity of the provisions providing protection to the witnesses in many cases.

A bill was first launched for the Protection of Whistleblowers by the Chief Vigilance Commissioner (Mr. N. Vittal) in the year 1993 [16]. Later in December, 2001, a report namely 'Public Interest Disclosure Bill' (Draft bill) was submitted to the Ministry of Law, Justice and Public Affairs by the Law Commission of India which suggested that there was urgent need to enact a law for whistleblower protection in order to eradicate corruption [17].

The movement toward a comprehensive whistleblower protection law in India has been a protracted and complex journey, marked by significant events, public outrage, and evolving legislative drafts. The initial push for such a law came in January 2003, when the draft of the Public Interest Disclosure (Protection of Informers) Bill, 2002 was circulated. However, it was the tragic and brutal murder of Satyendra Dubey in November 2003 that galvanized public opinion and ignited widespread media outrage, serving as a catalyst for stronger demands for whistleblower protection in India. Dubey, a Project Director at the National Highways Authority of India (NHAI), was assassinated after he exposed corruption in the Golden Quadrilateral highway construction project, highlighting the dangerous risks faced by individuals who dared to speak out against entrenched corruption.

The public outcry following Dubey's murder compelled the Indian judiciary to act. In 2004, the Supreme Court of India issued directives to establish an interim mechanism to protect whistleblowers until comprehensive legislation could be enacted by Parliament. Responding to these directives, the Central Government empowered the Central Vigilance Commission (CVC) in 2004 to receive and address complaints of corruption related to Central Government authorities. This interim measure was a crucial step towards safeguarding individuals who risked their safety to bring instances of corruption to light.

In parallel, efforts to promote transparency and accountability within government operations were bolstered by the passage of the Right to Information (RTI) Act, 2005. The RTI Act emerged as a powerful tool for citizens to demand information from government bodies, indirectly supporting whistleblowing activities by ensuring access to information that could expose corruption and malpractices.

The legislative momentum continued with the introduction of the Public Services Bill, 2006, which included provisions mandating the government to establish a framework to protect whistleblowers. Although this bill did not materialize into law, it underscored the growing recognition within policy circles of the need to protect individuals who expose misconduct. In 2007, the Second Administrative Reforms Commission of India released a report that emphatically recommended the enactment of a separate, specific law dedicated to protecting the rights of whistleblowers, further solidifying the case for comprehensive legal protections.

Simultaneously, India's international commitments also played a crucial role in shaping its domestic whistleblower policy framework. Having signed the United Nations Convention against Corruption in 2005 and ratified it on May 9, 2011, India was obliged to create mechanisms that encourage the reporting of corruption by public officials while providing safeguards against retaliation against whistleblowers, witnesses, and experts.

In alignment with these commitments and domestic advocacy, the government introduced the Public Interest Disclosure and Protection to Persons Making the Disclosure Bill, 2010 in the Lok Sabha on August 26, 2010. The Bill was designed to establish a framework for reporting corruption and protecting whistleblowers from retaliation. It moved through the legislative process with amendments and was passed by the Lok Sabha on December 27, 2011. However, the Bill saw significant delays in the Rajya Sabha, reflecting the complex political dynamics and concerns over balancing whistleblower protection with national security considerations.

Finally, in 2014, the Public Interest Disclosure and Protection to Persons Making the Disclosure Bill was passed by the Rajya Sabha and received the President of India's assent on May 9, 2014, becoming the Whistleblowers Protection Act, 2014. This Act marked a historic step in the fight against corruption in India, providing much-needed legal protections to those who dare to speak out against misconduct and corruption within government entities.

Despite this legislative achievement, the Act faced criticism for its limitations and perceived weaknesses, such as restrictions on disclosures involving sensitive information under the Official Secrets Act of 1923. Subsequent amendments have sought to address these issues, highlighting the continuing struggle to balance transparency, accountability, and national security. The journey of whistleblower protection legislation in India underscores the importance of sustained advocacy, public engagement, and political will in enacting laws that safeguard integrity in governance.

The Whistle Blowers Protection Act, 2014 (hereinafter to be referred as WPA, 2014) is intended to set up a system where complaints relating to corruption, abuse of powers or discretion against a government servant can be lodged and enquired and to give protection against victimisation to the persons making such disclosures. Any person including a public servant or a non government organisation can make a disclosure to the Competent Authority (Central Vigilance Commission or State Vigilance Commission).

The Whistle Blowers Protection Act, 2014, despite its legislative intent, the Act has encountered various challenges, including issues related to procedural delays, inadequate protection measures, and limited awareness among potential whistleblowers.

Before this law could test the waters, the Lok Sabha passed the Whistleblowers Protection (Amendment) Bill, 2015 which has been currently pending for consideration before the Rajya Sabha.

The Whistleblowers Protection Act of 2014 permits individuals, known as whistleblowers, to report instances of

corruption, deliberate misuse of authority, or criminal activities by public servants. This includes a broad range of officials such as Ministers, Members of Parliament, lower judiciary members, regulatory authorities, and employees of both central and state governments. Disclosures are to be submitted to a designated Competent Authority, which is responsible for carrying out a confidential investigation while protecting both the whistleblower's and the public servant's identities [18].

Following the Act's passage by the Lok Sabha, the government proposed amendments in the Rajya Sabha to restrict the disclosure of certain types of information. These proposed restrictions covered: (i) matters related to India's sovereignty, strategic, scientific, or economic interests, foreign relations, or offenses incitement; and (ii) proceedings of the Council of Ministers. However, these amendments were not enacted as the Bill was finalized by the Rajya Sabha on the last day of the 15th Lok Sabha, resulting in their omission from the final legislation [19].

The Whistleblowers Protection Act allows individuals to provide information related to corruption, misuse of power, or criminal activities to a "Competent Authority," which is defined as a high-level constitutional or statutory authority, such as a Minister, Governor, or an agency head. Under the Act, any information shared by whistleblowers is handled with utmost confidentiality. The law mandates that inquiries into such allegations be conducted discreetly, ensuring that the identities of the complainant, the accused public servant, and any related documents remain confidential throughout the process.

One of the key features of the Whistleblowers Protection Act is its provision that overrides the Official Secrets Act of 1923, thereby allowing whistleblowers to make public interest disclosures even if such disclosures involve classified information. However, this is permitted only when the disclosure does not compromise the sovereignty, integrity, and security of the nation. This legislative carve-out was seen as a progressive step in bolstering transparency and accountability in governance, providing a safe channel for reporting corruption while balancing concerns around national security.

However, in 2015, a significant change was proposed with the introduction of the Whistleblowers Protection (Amendment) Bill, 2015 in the Lok Sabha. Introduced on May 11, 2015, and passed by the Lok Sabha just two days later on May 13, 2015, this Bill sought to amend the Whistleblowers Protection Act, 2014. The amendment proposed restrictions that would prevent whistleblowers from revealing any information classified under the Official Secrets Act of 1923, even if the intent was to expose corruption, abuse of power, or other criminal activities. This amendment significantly diluted the original Act by rolling back the provision that allowed for such disclosures, effectively undermining the very purpose of the 2014 Act.

The proposed 2015 amendment further sought to prohibit disclosures falling under ten specific categories of information. These categories included sensitive information related to:

1. Economic and scientific interests and national security;
2. Cabinet proceedings;
3. Matters protected by intellectual property rights;
4. Information received in a fiduciary capacity;
5. Strategic negotiations; and other classified areas critical to national interest.

If a public interest disclosure received by a Competent Authority pertains to any of these prohibited categories, the matter would be referred to a government-authorized authority, which would make a binding decision on the issue. This amendment effectively reversed the original Act’s stance that allowed disclosures otherwise prohibited under the Official Secrets Act, 1923. Critics argue that these restrictions, especially when broadly defined, could be used to shield corrupt practices or misconduct under the guise of protecting national interests.

The proposed amendments have sparked significant debate. On one hand, there is a legitimate need to protect sensitive information that could jeopardize national security. On the other, the broad and vague classifications could potentially stifle whistleblowing efforts and discourage individuals from reporting misconduct due to fear of legal repercussions. The challenge remains to strike a balance between protecting whistleblowers and safeguarding national security, without compromising the core principles of transparency and accountability that the Whistleblowers Protection Act was originally intended to uphold.

The delay to implement the law to safeguard whistleblower would have dire impact on public accountability.

In 2024, remarkably, the law panel in its 289th Law Commission Report discussed the need for protection of whistleblowers and recommends the proposal law on trade secrets must contain safe harbour clause which grants immunity to whistleblowers. The panel also recommends for a provision for whistleblower protection by granting them not merely defence, but also immunity from protracted litigations that may discourage them to come forward. The law commission report also proposed the requirement of good faith and public interest may be added to prevent abuse for personal gains.

It is suggested that there also needs to be appropriate reward mechanism to bring out more violations to limelight.

Comparison of whistleblower laws in various Jurisdictions

In the USA and Australia, whistleblower protection laws vary, with some statutes applying only to the public sector and others extending to both public and private sectors. Conversely, in the United Kingdom, such distinctions are not made; the law provides protection to all individuals except those in security services. A common feature among these laws is that they offer protection for all instances of wrongdoing, regardless of when they occurred—whether in the past, present, or anticipated future.

When examining what constitutes disclosable material, there are notable differences between the laws in the USA, the UK, and Australia. In the USA, legal provisions are vague about the significance of the disclosed material, with courts interpreting the importance on a case-by-case basis. Conversely, Australian laws explicitly require that the disclosed information be "substantial" for the whistleblower to be protected.

Regarding the appropriate authority for making a disclosure, there are distinct contrasts. UK law emphasizes confidentiality, mandating that disclosures be made within the organization. In contrast, US law generally promotes reporting to external agencies. Australian law offers a hybrid approach, allowing disclosures both within organizations and to external bodies, but excluding Parliament and the media.

Interestingly, despite the media's powerful role in modern states, it is not uniformly recognized as a valid recipient for whistleblower disclosures. In the USA, 21 states and all but one Australian state acknowledge the media as an appropriate platform for such disclosures. The UK, however, favors government disclosures over those to the media, although its legal requirements are more flexible compared to the other two countries.

These models of whistleblower protection laws, while not exhaustive, are among the most prominent and influential internationally. India, sharing democratic values and the rule of law with these nations, may find these models useful as it works to develop its own whistleblower protection system. Although India's current whistleblower legislation may appear underdeveloped compared to these established frameworks, it represents an important initial step toward creating a more robust whistleblower protection mechanism in India.

An complete restraint on anonymous disclosures would deviate a whistle blower to make the disclosure to some internet platform because of the assurance of the anonymity protection offered [20]. The takeaway, however, is that this would go against public interest if such disclosure contains sensitive information potentially threatening to national security. While it is very rare that legislation allows for and protects anonymous disclosures, the Sarbanes-Oxley Act of 2002 (USA) [21] and certain state statutes of Australia [22] do make provisions for the same.

Conclusion

In conclusion, the need for robust whistleblower protection in India has never been more pressing. As we examine global practices, particularly the United States' False Claims Act and the United Kingdom's Public Interest Disclosure Act, it becomes clear that strong legal frameworks not only protect whistleblowers but also incentivize them to come forward with critical information. The financial rewards and legal protections offered by the False Claims Act serve as powerful motivators for whistleblowers in the U.S., while the U.K.'s comprehensive support system promotes transparency across various sectors.

Australia's approach, especially within the corporate sector, emphasizes the importance of preventive measures alongside supportive mechanisms. By drawing lessons from these international models, India can craft a whistleblower protection law that not only mirrors these best practices but also adapts them to the unique challenges of the Indian context.

To bridge the gap between existing legislation and the real-world challenges faced by whistleblowers in India, the implementation of a new law must be swift and effective. Key recommendations include the enhancement of legal safeguards to provide stronger protection against retaliation, the improvement of procedural efficiency to ensure timely responses to disclosures, and the increase of awareness and support for potential whistleblowers.

Additionally, maintaining the anonymity of whistleblowers upon request is crucial to safeguarding their identities and encouraging them to report wrongdoing without fear of reprisal. Implementing a reward mechanism would further incentivize individuals to bring important issues to light, fostering a culture of transparency and accountability.

Ultimately, by learning from the experiences of other countries, India can develop a more robust and supportive environment for whistleblowers. This would not only protect individuals who expose misconduct but also strengthen the integrity of both public and private sectors, promoting greater transparency and accountability across the board. The time is ripe for India to take decisive action and implement a comprehensive whistleblower protection law that aligns with international best practices, ensuring a safer and more just society.

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