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Title: Introduction of the Whistle Blowers Protection (Amendment) Bill, 2015.

HON. DEPUTY SPEAKER: Now, we shall take up Item No. 14 – Shri Jitendera Singh.

THE MINISTER OF STATE OF THE MINISTRY OF DEVELOPMENT OF NORTH EASTERN REGION, MINISTER OF STATE IN THE PRIME MINISTER'S OFFICE, MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS, MINISTER OF STATE IN THE DEPARTMENT OF ATOMIC ENERGY AND MINISTER OF STATE IN THE DEPARTMENT OF SPACE (DR. JITENDRA SINGH): I beg to move:

"That the Bill further to amend the Whistle Blowers Protection Act, 2011, be taken into consideration."

माननीय उपाध्यक्ष महोदय, विद्वत् बलोअर प्रोटैक्शन अमेंडमेंट बिल 2015. 11 मई, 2015 को इस सदन में इंट्रोड्यूस किया गया था। यह बड़ा ही महत्वपूर्ण बिल है और इसकी विशेषता यह है कि सदन के प्रत्येक वर्ग की विन्यास इसे जुड़ी है एवं समय समय पर प्रत्येक वर्ग ने इसका समर्थन भी किया है। संक्षेप में इस बिल के तीन पहलू हैं। एक- पारदर्शिता बढ़ाई जाए; an effort to increase transparency in governance. दूसरे, भ्रष्टाचार के विरुद्ध जो व्यक्ति शिकायत करे, उसकी पूरी सुरक्षा सुनिश्चित की जाए and to ensure protection of the complainant. तीसरा यह कि while ensuring absolute transparency, adequate precaution may also be exercised to ensure that the disclosures do not jeopardise the essential safeguards of the Indian Republic namely the Security, Sovereignty and Integrity. इस बिल को लाने की आवश्यकता इसलिए पड़ी कि विद्वत् बलोअर बिल 2011 जब राज्य सभा से वार्ड, 2014 में पारित किया गया था तो कुछेक संशोधन उसमें सुझाये गये थे जो सदन के प्रत्येक वर्ग को लगभग स्वीकार भी थे परंतु

सत् का समापन होने जा रहा था और पन्द्रहवीं लोक सभा का भी वह आखिरी सत् था, इसलिए राज्य सभा में जब उसे पारित किया गया तो किन्हीं कारणों से वे संशोधन, वे अमेंडमेंट उसमें सम्मिलित नहीं किये गये। उसी खाती की भरपाई और पूर्ति करने के लिए इस बिल को पुनः इस सदन में लाने की आवश्यकता महसूस हुई है।

HON. DEPUTY SPEAKER: Motion moved:

"That the Bill further to amend the Whistle Blowers Protection Act, 2011, be taken into consideration."

SHRI ADHIR RANJAN CHOWDHURY (BAHARAMPUR): Mr. Deputy-Speaker, Sir, the Whistle Blowers Protection (Amendment) Bill is a very significant legislation that was first brought in this House by the UPA Government. This piece of legislation can act as a crusade against the corruption, which has infected the bureaucracy; and over which, many often, various allegations are cropped up.

15.41 hrs (Shri K.H. Muniyappa *in the Chair*)

Sir, while I am participating in the discussion on this legislation, it is regrettable to note that the tone and tenor of the principle Act has been diluted. That is why the honest intention of this Government is now being questioned.

Sir, history is witness to it that there have always been informers, who used to reveal the inside information to others. Even Ancient Greeks talked about whistle blowing centuries before. Lykourgos, the Athenian orator, in his speech against Leokratis said:

"Neither laws nor judges can bring any results, unless someone denounces the wrongdoers. "

Sir, even Martin Luther King says:

"Silence of good men is more dangerous than the brutality of bad men. "

That is why I put a serious consideration of this Bill.

Sir, even in Ancient India, the concept of 'whistleblower' was in existence. Kautilya proposed:

"Any informant (*sāchaka*) who supplies information about embezzlement just under perpetration shall, if he succeeds in proving it, get as reward one-sixth of the amount in question; if he happens to be a government servant (*bhritaka*), he shall get for the same act one-twelfth of the amount. "

Sir, the term 'whistle-blowing' probably arises by analogy with the referee or umpire who draws public attention to a foul in a game by blowing of the whistle which would alert both the law enforcement officers and the general public of danger. That is why a whistle blower tries to make us more sensitive to the pervading corruption that has infected various administrative bodies of our country. That should be the purpose of framing this law.

Sir, very succinctly I can say this. One noted whistleblower said:

"My chief told me that I was not loyal to him, and I asked him, 'what am I supposed to be: loyal to you or loyal to your organization?'"

So, the Government must create a stronger whistleblower protection so as to ensure that those who are loyal to the Administration or office,

must be protected and secured so that they can speak out without fear, without intimidation. This is the basic objective of this legislation that I perceive.

Sir, there are various categories of whistleblowers existing in various parts of the world. They are internal whistle blowing, external whistle blowing, alumini whistle blowing, open whistle blowing, personal whistle blowing, impersonal whistle blowing and corporate whistle blowing. The Whistle Blowers Protection Act, 2011 was an Act of Parliament of India. It provides a mechanism to investigate alleged corruption, wilful misuse of power or discretion by any public servant and also it protects anyone who exposes alleged wrongdoing in Government bodies, projects and offices. The wrongdoing might take the form of fraud, corruption and mismanagement.

The genesis of Whistle Blowers Protection Act lies in the fact that in the year 2003, from what can I remember, that Mr. Satyendra Dubey was brutally killed because he exposed some corruption which took place in the National Highways Authority of India. He was an eminent engineer and he was brutally killed for exposing corruption. Thereafter, Mr. Manjunath also exposed corruption in regard to a petrol pump which was selling adulterated fuel, and a film was also made on this incident titled, 'Manjunath'. It has been reported that a number of whistleblowers have been killed. Since April this year three whistleblowers have been brutally killed because they have not been provided with the requisite security cover due to the absence of legislation. So, the legislation for protecting the whistleblower is the need of the hour.

The Act was approved by the Cabinet of India as part of a drive to eliminate corruption in the country's bureaucracy and passed by the Lok Sabha on 27th December, 2011. The Bill became an Act when it was passed by the Rajya Sabha on 21st February, 2014 and received the President's Assent on 9th May, 2014. It was decided to enact a separate legislation to provide adequate protection to the persons reporting corruption or wilful misuse of power or discretion which causes loss to the Government or who disclose the commission of a criminal offence by a public servant.

Sir, you know that in this House on 6th May, our leader, beloved Madam Sonia Gandhi Ji raised the issue. I would like to quote her speech.

"This Government has shown extraordinary urgency in introducing many legislation, yet the Whistle Blowers Protection Act, 2011 has not yet been put in effect even though it received Presidential Assent in May, 2014. This Act is essential to safeguard whistleblowers who are extensive users of the RTI Act. All these are instruments to combat corruption and blunting them cast serious aspersions on this Government's real intention."

Sir, she also mentioned in this House that still the post of CIC has been lying vacant. Since the post of CIC is lying vacant, the Government is totally indifferent to the institutional mechanism that has been created to wage a crusade against corruption in our country. What is intriguing to note is that in the aftermath of the issue raised by hon. Madam Sonia Gandhi Ji, the Government got prompted to introduce the legislation. The fact is that it is due to the pressure exerted by Madam Sonia Gandhi that this Government has buckled under. However, the political shenanigan is very much evident in the formulation of this Bill.

HON. CHAIRPERSON: Please conclude.

SHRI ADHIR RANJAN CHOWDHURY: I have just started my speech. Sir, the National Democratic Alliance Government has proposed to substantially reduce the kind of information whistle-blowers will be able to disclose under the Whistleblowers Protection Act, 2011. If the amendment is passed, a whistle-blower would no longer be able to provide documents and information that are protected under the Official Secrets Act, 1923, putting all classified and secret documents of the Government out of reach. The whistle-blower would also not be allowed to disclose any information that the Government and its agencies are exempted from providing under the Right to Information Act, 2005.

Consequently, a potential whistle-blower would not be able to give any information that could not only impact the sovereignty and integrity as well as the security of India, but also the strategic, scientific and economic interests of the State. We are all concerned for the sovereignty and integrity of our country. But under the garb of national security and integrity, we should not let the dilution of the tone and tenor of the objectives of the principal Act.

Information relating to commercial confidence, trade secrets or intellectual property would also be out of bounds unless accessed through the Right To Information Act (RTI). This would considerably reduce the space for those blowing the lid off any alleged corporate wrongdoings.

Leaking of information held under a fiduciary capacity, say, by a broker or a lawyer or agent, would also not be protected by the law unless the information has been accessed through the Right to Information Act. Similarly, information that could impede investigations or apprehensions or prosecutions of offenders would also be out of the ambit of the law. Additionally, information that could be termed as 'unwarranted invasion of privacy' of an individual, too, would not be covered by the law unless accessed originally through the RTI.

Sir, I would like to give only two-three suggestions in this regard. The Whistleblowers Protection Act, 2011 has neither provisions to encourage whistleblowing with financial incentives, nor deals with corporate whistleblowers. It does not extend its jurisdiction to the private sector and it does not include the definition of victimization. Further, competent authorities under the Act are very limited and right of appeal is not provided to the complainant in case he/she is not satisfied by any order of the competent authority. Appeal provisions have been provided only relating to imposition of penalty.

Therefore, I would like to give a few suggestions. First of all, there should be dissemination of Information about the meaning and concept of Whistleblowers Protection Act.

The Whistleblowers Protection Act, 2011 should be amended so as to include protection to private enterprises. A model whistleblowers policy could be framed by a special committee constituted under the Whistleblower Protection Rules.

The Whistleblowers Protection Act, 2011 should be amended so as to include the giving of incentives to Whistleblowers whose disclosures are proved to be correct after the hearing and have substance.

any Member to quote a speech, which is made in the Council, which is the Rajya Sabha, because the relevant Member from the Council is not here to give the reason. ...(*Interruptions*) This is why this Point of Order is there. ...(*Interruptions*) It is because the relevant Member is not here to give the context in which he has said it, and the context is that we had full conviction to implement food security, but we wanted to address your concern. ...(*Interruptions*)

KUMARI SUSHMITA DEV (SILCHAR): Yes, it was their request. ...(*Interruptions*)

HON. CHAIRPERSON: Okay, you can proceed.

...(*Interruptions*)

DR. JITENDRA SINGH : Sir, Rule 354, as has been rightly read out, states that :

"No speech made in the Council shall be quoted in the House unless it is a definite statement of policy by a Minister"

This is one part. So, that has to be read as it is separately. Other than that, if there is anything besides that to be quoted by any other Member, then only this second paragraph would apply. He is quoting from a Minister's statement, and I think, it can be allowed.

DR. SANJAY JAISWAL: The Chairman has been a Minister himself. ...(*Interruptions*)

माननीय सभापति : दुबे जी, आप बैठिए।

...(*Interruptions*)

श्री निशिकान्त दुबे (गोड्डा) : महोदय, प्वाइंट ऑफ आर्डर 355 कह रहा है कि :

"When, for the purposes of explanation during discussion or for any other sufficient reason, any member has occasion to ask a question of another member on any matter then under the consideration of the House"

महोदय, 355 पढ़ लीजिए और दीपेन्द्र हुड्डा साहब को बता दीजिए, स्टिडसल बिल में मंत्री जी ने जो कहा है, कोई भी मेंबर किसी मेंबर के बारे में वरिथन पूछ सकता है, यह 355 कह रहा है।

माननीय सभापति : दुबे जी, प्लीज आप बैठिए।

...(*Interruptions*)

DR. SANJAY JAISWAL: Now, it is your decision as you were also a Minister. ...(*Interruptions*)

SHRI DEEPENDER SINGH HOODA: Sir, Rule 355 applies if the Member also belongs to this House. ...(*Interruptions*)

माननीय सभापति : दीपेन्द्र जी, प्लीज आप बैठिए।

...(*Interruptions*)

KUMARI SUSHMITA DEV: Yes, he is not a Member of this House. ...(*Interruptions*)

HON. CHAIRPERSON: Now, I will give a Ruling on this issue.

...(*Interruptions*)

HON. CHAIRPERSON: Please take your seat.

...(*Interruptions*)

HON. CHAIRPERSON: Mr. Meghwal, I am giving my Ruling on this issue.

...(*Interruptions*)

HON. CHAIRPERSON: I am giving a Ruling on this matter. No more comments on this issue. Let the Member continue to speak on this issue. Yes, kindly proceed. Now, you have to speak on the Bill only.

...(*Interruptions*)

DR. SANJAY JAISWAL: Thank you, Sir.

It further states that :

"Now, Sir, because this is going to be the last day of the Session in Rajya Sabha, the Government wants that the Bill, as it has been passed by the Lok Sabha, be taken up; we wanted to take up the Bill. As for the amendments which I propose, which have been given by the hon. Leader of the Opposition, which the Government has accepted, I would like to withdraw them; otherwise, the Bill will lapse. Therefore, Sir, I give an assurance on the floor of the House that we will fulfil the appropriate constitutional requirement within a period of ten days, not 15 days, in complying with whatever commitments we have given to the Leader of the Opposition, and also to this House"

So, he has given a categorical statement that he would fulfil his commitment within 10 days.

Now, Mr. Narayanaswamy was the Madam's Minister and Shrimati Sonia ji was the UPA's Chairperson. If she was so sincere about it ...*(Interruptions)*

HON. CHAIRPERSON: It is not required. You speak on the Bill.

...*(Interruptions)*

KUMARI SUSHMITA DEV: Why are you going on and on about the UPA Chairperson? ...*(Interruptions)*

DR. SANJAY JAISWAL: Why are you saying this? When Mr. Adhir Ranjan Chowdhury was quoting, how is that you were not having any problem? You should have stopped your own Party man as to why he was quoting the UPA Chairperson. ...*(Interruptions)*

HON. CHAIRPERSON: Mr. Jaiswal, please address the Chair.

...*(Interruptions)*

DR. SANJAY JAISWAL: Thank you, Sir. ...*(Interruptions)*

KUMARI SUSHMITA DEV: Kindly focus on the Bill. ...*(Interruptions)*

श्री. संजय जायसवाल :सभापति जी, माननीय मंत्री जी का स्टेटमेंट मैंने बताया कि कितना एग्जॉरेस देकर वया किया। उसको भी जाने दीजिए जैसे ये लोग कह रहे हैं। इन्होंने 179th Report of Law Commission की भी कोई बात नहीं मानी। पिछली सरकार ने सेंकेंड एडमिनिस्ट्रेटिव रिफार्स कमीशन की भी कोई बात नहीं मानी। यहाँ तक कि पार्लियामेंट्री स्टैंडिंग कमेटी के सात प्रमुख सुझाव थे इसको कवर करने के। उनको भी नहीं माना गया। उससे भी इंटरस्टिंग फैक्ट है कि जो पब्लिक ओपीनियन बिल में लिया जाता है, मिनिस्ट्री ऑफ पर्सनल, पब्लिक ग्रीवांसेज़ एंड पेंशन की वेबसाइट पर यह तब अपलोड किया गया जब यह लोक सभा में इंट्रोड्यूस हो चुका था। अब जो लोक सभा की प्रॉपर्टी हो गई, उसको आप वेबसाइट पर इंट्रोड्यूस करके वया करना चाह रहे हैं, यह हमारी समझ से परे है। उसी तरह से अधीर रंजन जी भी बहुत डॉट रहे थे कि मई में सभापति जी ने कर दिया और आप आठ-दस महीने से बैठे हुए हैं। आप वयो नहीं इसको लाए? हम कैसे लाते? वया हम इस देश की नेशनल इंटीग्रिटी से समझौता करते? अपने देश की सोवर्निटी के सीक्टर्स के लिए हमें किन्हीं विदेशियों को जासूसी पर भेजने की ज़रूरत नहीं थी। एक एनजीओ हिन्दुस्तान में खोल लेना था। आरटीआई से जानकारी लेना था कि वया हम परमाणु संपन्न देश हैं या नहीं, या हमारे टैंक हैं - आरटीआई से ही मिल जाता। कैसे हम इस बिल को ला सकते थे। इस बिल के बारे में एक बात मैं और कहना चाहता हूँ और अधीर रंजन जी ने फिर उसको उठाया था कि मैडम ने बोला इसलिए यह बिल गवर्नमेंट लाई है। ऐसी बात अभी अधीर रंजन जी ने वचोत की। सभापति महोदय, मैं बचपन से सिनेमा का बहुत शौकीन रहा हूँ। उसमें एक से एक जोड़ियाँ हमने देखी हैं - लक्ष्मीकान्त-प्यारेलाल, कल्याणजी-आनन्दजी, धर्मेन्द्र और माननीय हेमामालिनी जी, सलीम-जावेद जी की जोड़ी हमने देखी है। ...*(व्यवधान)* यहाँ भी एक जोड़ी है सीनियर नेता और जूनियर नेता की। यह जोड़ी जब भी कुछ बोलने को उठती है तो न जाने हमारे मंत्रियों को ज़ीरो आवर में वयो इतनी जल्दी हो जाती है जवाब देने की, यह बात हमें समझ में नहीं आती है। हम लोग पोलिटिकली बीपीएल लोग हैं। हमें बोलने का मौका कम मिलता है। पीछे के जितने लोग हैं, हम लोग ज़ीरो आवर में कुछ नहीं बोल पाते हैं और पोलिटिकली इन्हीं लोगों की बात वयो होती है, यह हमारी समझ से परे की बात है। ...*(व्यवधान)*

मैं माननीय मंत्री जी से कहना चाहूँगा कि इन्होंने गलती से यह समझ लिया कि यूपीए का बिल है, इसमें अगर हम नेशनल सोवर्निटी ठीक कर दें तो यह ठीक हो जाएगा। उनको यह अहसास होना चाहिए कि यह यूपीए का बिल है, इसमें कुछ ठीक होता ही नहीं है। इनका हर बिल गलत से गलत होता है। मैं भी कुछ पून अपने मंत्री जी से पूछूँगा, वे जवाब दें।

बहुत देर से विडसल ब्लोअर प्रोटेक्शन एक्ट की बात हो रही है। इस पूरे बिल में विडसल ब्लोअर की डेफिनिशन कहीं है, वह हमें बताएँ। उसके बाद विडसल ब्लोअर प्रोटेक्शन एक्ट इसको बोला गया, बहुत पैशनलेट स्पीच चार सालों से दी गई यूपीए सरकार में। हम भी वहाँ मौजूद थे। विडसल ब्लोअर को इसमें वया प्रोटेक्शन है? इसमें कोई प्रोटेक्शन नहीं है। आप चाहे तो विडसल ब्लोअर का पता लग जाए तो बहिया से उसको पीट दीजिए, केवल आईपीसी की धाराएँ लगेगी। सिवाय इसके कि उसका नाम गुप्त रखना है, इसके अलावा उसमें कोई भी अलग से उसको या उसकी फैमिली को प्रोटेक्शन नहीं है। अगर उसकी हत्या हो जाती है तो भी कोई कंपनसेशन नहीं है।

तीसरा, विटिमाइजेशन की डेफिनिशन कहीं है? विटिमाइजेशन एक बहुत इंपॉर्टेंट पाइंट है। उसकी डेफिनिशन कहीं है? महोदय, यह यूपीए का बिल है, इसमें बहुत चीजें अजीबोगरीब होती हैं। फिर उसमें *फ़्रिक्वेंस एंड वैक्यूएशियस* शब्दों का यूज़ किया गया है। ...*(व्यवधान)* इसको परिभाषित करना इतना मुश्किल है कि ये शब्द अथॉरिटी को इतना पावरफुल कर देंगे कि इसके आगे किसी भी कंप्लेंट को ये सीधे रिजैक्ट कर सकते हैं। इसलिए मेरा कहना होगा कि इस पर मंत्री जी थोड़ा ध्यान देंगे और इन सबको पार कर गए तो *There should be fast-track courts to deal with whistle blower cases.* जिस तरह से हम पिछले पाँच दिनों में देख रहे हैं कि किसी भी जूनियर कोर्ट का डिस्मिशन होता है, तो सीनियर कोर्ट से बड़े-बड़े लोग छूट जाते हैं। अगर इस बिल में भी किसी कारण से सफ़िशियेंट पूफ़ देने के बाद भी विडसल ब्लोअर का कर्लीप्रूट छूट जाता है तो विडसल ब्लोअर को दो साल की जेल हो जाए, यह भी पूरी तरह से उचित नहीं है, इस पर विचार करना चाहिए कि रीज़नेबल सुबूत हो।

सभापति जी, हम चाहेंगे कि नरेन्द्र दाभोलकर, प्रेमनाथ झा, रामदास गावड़ेकर, विहल गीते, अरुण सावंत, शशिधर मिश्रा जैसे कितने लोगों ने इसके चलते अपनी शहादत दी, उनकी हत्या की गई, इसलिए विडसल ब्लोअर्स के बारे में और अच्छे से सोचा जाए और यूपीए के बिल के चक्कर में नहीं पड़ा जाए।

महोदय, मैं यूपी.ए. सरकार के बारे में सिर्फ़ एक शेर कहकर अपनी बात समाप्त करना चाहूँगा -

चमन को सींच देने में, अगर कुछ पतियाँ टूटें,
यही इल्ज़ाम है हम पर, चमन से बेवफ़ाई का,
जिन्होंने हर घड़ी सौदा किया, गुलशन के अरमत का,
वो दावेदार बनना चाहते हैं, रहनुमाई का।

PROF. SAUGATA ROY (DUM DUM): Sir, I rise to speak on the Whistle Blowers Protection (Amendment) Bill, 2015. I am opposed to the Bill.

This is an effort to dilute the basic concept of whistle blowers. This is the way Governments work these days. Now what is the hurry of bringing the Whistle Blowers Protection (Amendment) Bill on the last day? The reason is that the Congress President had attacked the Government

on its false promises of transparency. The same day, the Cabinet met and passed the amendment which effectively dilutes the scope of the Whistle Blowers Protection Act. So, the reactions of the Government are generally knee-jerk. They act immediately. If somebody mentions about a food park, one Minister will make five interventions. So, they are reacting in a knee-jerk fashion. This is not the way the Government should function.

Let me go back a little to the background of the original Bill on Whistle Blowers. Now in the West, whistle blower protection has been there throughout. In the United States, it was through the constitutional provision as well as other statutes. In the UK, there is the Public Interest Disclosure Act, 1998 and the Employment Rights' Act, 1996. The UK Whistle Blower law providing protection to employees reporting on their employers underwent a change due to the June 2013 amendment. The main change to the law is that any disclosure must be in the reasonable belief of the workers be of public interest.

Now in India, why did the question of protection whistle blowers arise? When Shri A.B. Vajpayee was the Prime Minister, one Shri Satyendra Dubey, an employee of the NHAI was killed after he wrote a letter to the Office of the Prime Minister about corruption in the construction of National Highways. His letter to the Prime Minister was circulated routinely. It reached the hands of those criminals and he was killed. Two years later, an Indian Oil Corporation officer Shri Shanmughan Manjunath was murdered for sealing a petrol pump which was selling adulterated fuel. In May, 2012, Shri S.P. Mahantesh was murdered for reporting irregularities in land allotment by the society.

16.14 hrs (Hon. Deputy-Speaker *in the Chair*)

As a result, after especially the Satyendra Dubey incident, our Supreme Court pressed the Government for issuing an Office Order about the Public Interest Disclosures and Protection of Informers Resolution, 2004 designating the Central Vigilance Commission as the nodal agency to handle any complaints of corruption. The RTI Act, 2005 was the legislation for holding the Government accountable. The the Whistle Blowers' Protection Bill, 2011 was passed in the Lok Sabha. Later it was passed in the Rajya Sabha. The Bill aimed to protect honest officials or persons from harassment but did not provide for any penalty for harassing a public servant. The CVC was the competent authority under the original law.

The Whistle Blowers Protection Act 2011 sought to establish a mechanism to receive complaints relating to disclosure on any allegation of corruption and wilful misuse of power against a public servant only. What the present Bill moved by hon. Minister Dr. Jitendra Singh does is to take out almost 11 items out of the purview of the Whistle Blowers Protection Act, all in the name of national security.

Major cases of corruption in defence sector were exposed by whistle blowers. Scams relating to Scorpene submarine, Tatra truck, Augusta Westland helicopter all have been exposed by whistle blowers. It has been seen that corruption takes place mainly in defence deals. Is the Government worried that there is something wrong with the Rafale deal now and that is why they are quickly putting a lid on any disclosure? This is what I am worried about.

The basic idea that we should have a clean and transparent administration, and that the people who expose corruption at official levels should be protected by the Government is being given up. If you do not do it in the case of defence sector, then where do you protect the whistle blowers is the question I pose to Dr. Jitendra Singh. Basically this law is bad in word as well as in practice.

I will mention the comments made by some people. "However, in the garb of protection it tends to limit that and the purpose for which the law is being introduced stands defeated. The solution for the apprehension would be to build a mechanism in the Act which protects or keeps classified any disclosure that could be against national interest". The Government could have done that. Instead it is saying that all this is out of the purview of the Bill. One has to realise that the Act has come into place to disclose acts related to corruption and misuse of power which are against the national interest. Now corruption is also against the national interest.

How many clauses have been introduced in the Bill to so-called protect national interests? Eleven items have been taken out of the Bill. Information and disclosure affecting sovereignty and integrity of India, information which is forbidden to be published, information which will cause a breach of privilege, information relating to commercial confidence - that is transactions between companies, trade secrets or intellectual property - information which is available to a person in his fiduciary capacity, information received in confidence from a foreign government, etc., are totally excluded from the Whistle Blowers Protection Act. What remains, Dr. Singh? Do you want to do away with the Whistle Blowers Protection Act? Do you want to do away with the Right to Information Act? What else? You wanted to do away with the Land Acquisition, Resettlement and Rehabilitation Act by introducing amendment after amendment. What is the hurry in introducing these amendments? I would like to understand that.

Sir, the democracies of the West which are supposed to be models of democracy are also afraid of whistleblowers. We all know of Julian Assange who started the Wikileaks. I have been told by some journalist friends that all cables including the cables between the Indian Embassy, US Embassy in India and State Department etc., were leaked by Assange.

Assange had to go through severe prosecution. He had to take shelter in a hotel near the Moscow airport. Even the American Government was after him. Then, we have the case of Snowden. For more than one year, the man who exposed corruption in high places in the US Defence Department was held up in Ecuador Embassy in London. Why? He exposed certain dealings in American Defence establishment. We do not want to go into that.

We are a free society. That is why I request that we should not press for passing this Bill on the last day. In any case, it will not be passed by the other House. Please withdraw it and prove that you are committed to transparency in Government transaction. In the name of national interest, do not take away the right of the whistle blowers who want to expose corruption in high places. Please do not put their lives at risk.

With these words, I oppose the Bill. I wish I had given many amendments, and then I would have taken vote on every amendment.

SHRI BHARTRUHARI MAHTAB (CUTTACK): Hon. Deputy Speaker Sir, it has always become my predicament that I have to speak after Prof. Saugata Roy has spoken. He covers most of the points that I am supposed to speak.

HON. DEPUTY SPEAKER: Then you should take very little time.

SHRI BHARTRUHARI MAHTAB: The first question is: why is it that the Whistle Blowers Protection Bill always comes on the last day of the session? The Minister had explained that in 2011 also and the Bill was rushed through. I would like to quote from the Statement of Objects and Reasons. It says: "While the Whistle Blowers Protection Bill 2011 was taken up for consideration and passing in Parliament, the amendments agreed with a view to strengthening the safeguards against disclosures which may prejudicially affect the sovereignty and integrity of the country, security of the State etc. and to remove certain drafting errors and errors in cross-references of clauses were formulated." The Minister of course while introducing the Bill has also explained this. I was expecting my friend Shri Adhir Ranjan Chowdhury would explain what had actually happened during that time because this is found in the Objects and Reasons. I was expecting the previous Members of the Congress Party to explain what had actually happened. Had it actually happened that it was agreed upon but it could not be acted upon? But there was no answer. I think some more Members will be speaking on this aspect and they can explain that.

I would just like to remind this House that repeatedly from our side I have been asking during the previous Lok Sabha also that there is a need to have the Whistle Blowers Protection Act. There is no doubt that the Right to Information Act was formulated in 2005 and I had the benefit of attending a number of Workshops outside this country representing this Parliament in Commonwealth sponsored programmes on how to make our Right to Information Act more effective. Although the Right to Information Act came into existence, there is still a need to enhance the Right to Information Act. Today when we compare our Right to Information Act with the Act of other countries like Canada, Australia or New Zealand, I would say our Act is still deficient. But through Right to Information Act, the Whistle Blower mechanism has come into force.

A large number of people have lost their lives. It is said that over 30 whistle blowers have been killed since 2010 and this is within four years time. More than 30 whistle blowers fighting against corruption have been killed between 2010 and 2014 according to statistics provided by NCPRI. In 2004, the Supreme Court had directed that a mechanism to protect the whistle blowers should be put in place. That is how the initiation had started. When this Bill was in public domain during last two three days, some legal experts gave the opinion that this is a dilution of the current law as has been propounded by Prof. Saugata Roy and also by some other friends. Others also say that the Government is trying to protect issues of national importance. Here, what is national importance needs to be defined. Who is going to determine that an issue concerns national importance or does not concern national importance?

While dealing with RTI, we also have to deal with the SEBI Act. Protection of investment and protection of companies and their secrecy also needs to be looked into. However, in the garb of protection, is there a tendency to limit the Act? That is the major question being discussed in the public domain. It has to be realised that this Act has come into place and the basic structure of this Act is to disclose acts related to corruption and misuse of power which are against the national interest. So, until and unless the definition of 'national interest' and who that body or that person would be who would define national interest is clear how can one say that an issue is of national interest or it goes against national interest.

There can be no two opinions on the need to commend or even reward whistleblowers who expose scams in public offices. They are essential elements to any vibrant democracy. This Government would be the last I would say to protect the persons who are indulging in corruption. But here I would say before we talk of commending or rewarding them let us at least ensure their physical safety.

Who is a whistleblower and why is there a need to protect a whistleblower? Why does he need protection and from whom? That is the basic question. It is usually an employee who has been in a position to uncover a financial or any other form of corruption or crime which entitles the employee for specific protection under the law arising out of various issues and organisational violations in the workplace such as misuse of funds. Whistleblower protection in our country has been abysmally poor. Basically such a legislation is required to protect any person whether an employee or otherwise who seeks to expose any form of corruption, fraud or other violations in the workplace.

I am of the opinion that the existing laws in India are inadequate, outdated, and require to be overhauled. Therefore, I would request the Government to please go into the essence of this Bill and also take measures to see that the whistleblowers are protected; and wherever corruption takes place that also comes to light. That is where the whistleblowers protection gains importance.

Many countries have enacted laws for whistleblowers' protection, as has been said just now. The Parliament of the Republic of Malta, on July 16, 2013, provided for identity change of the whistleblowers in exceptional cases. In the United States, whistleblowers' protection is offered through constitutional provisions as well as through other statutes. In the United Kingdom, two key pieces of legislation for whistleblowers' protection are the Public Interest Disclosure Act, 1998 and the Employment Rights Act, 1996. The UK whistleblowers law providing protection to employees reporting on their employers underwent a change due to the June, 2013 Amendment.

In India, in our country, the issue of protection for whistleblowers caught the attention of the nation when Satyendranath Dubey, an employee of NHAI was killed during Shri Vajpayee's tenure as Prime Minister when he reported about corruption in the construction of highways. Two years later, an Indian Oil Corporation officer Shanmugham Manjunath was murdered for sealing a petrol pump that was selling adulterated fuel. In May, 2012, S.P. Mahantesh was murdered for reporting irregularities in land allotment by societies. In April, 2004, the Supreme Court pressed the Government into issuing an office order, 'The Public Interest Disclosure (Protection of Informers) Resolution, 2014', designating the Central Vigilance Commission as the nodal agency to handle any complaints of corruption.

I would say, Sir, with a need for greater foreign direct investment today the entry of trans-nationals and multi-nationals to the country, a need for greater accountability and investor protection has arisen and the outcome is to strengthen the guidelines on corporate governance and promote a code for corporate governance to be adopted and followed by Indian companies; whether in private sector, public sector, banks or financial institutions, and later needs to be adopted by SEBI through the Listing Agreements.

Sir, I am of the opinion that there is a need to give protection to the whistle blowers. The amendment that is being moved today by the Government defining national interest is the major issue. While defining the national interest lest us not dilute the basic structure of the intention as to how we are going to protect the whistle blowers. Thank you.

DR. RAVINDRA BABU (AMALAPURAM): Thank you very much, Sir, for giving me this opportunity. After the introduction of historic RTI Act I thought the scope of whistle blowers would have reduced very drastically down but Right to Information Act imposes a lot of restrictions like what is the information which can be leaked or shared whereas in the whistle blowers anything regarding corruption can be shared excepting those dealing with the sovereignty and security of the country. So, whistle blowers while discharging their duty of exposing corruption at higher places are also risking their lives. We have got a number of live examples. Two-three people were killed. How to protect their lives or their families? Whenever they indulge in exposing of corruption at higher places, naturally the people would be very influential and they may take vengeful revenge on these whistle blowers. So, they need to be protected.

In such a situation officers working and exposing a lot of corrupt practices at higher places in risky organizations, for example Directorate of revenue Intelligence, CBI or Enforcement Directorate, which deal with highly influential people, not only need to be protected but there has to be a system of reward. Whenever any whistle blower blows a whistle which leads to the recovery of wealth or recovery of vital information – either proportionate to the wealth recovered or information divulged – some mechanism should be introduced so that the reward system will not only protect them at least protect their families in future in case they are eliminated by the rival gangs.

At the same time, there is a need to observe a lot of caution. There are pseudo whistle blowers. To settle their personal scores, political vendetta, political vengeance, many people blackmail others by exposing their so-called misdeeds. This leads to a lot of blackmailing and corruption. This has come to our notice in so many Papers and at so many places. Of late, we have seen people using hidden video cameras or recording audio conversations and then blackmailing and settling their scores. I do not know whether we call them as pseudo whistle blowers. We need to put deterrence on those pseudo whistle blowers also so that the honest man who is discharging his duty is not deterred.

प्र. सौगत राय: क्या विद्वान् ब्लोअर ब्लैकमेलर होते हैं?

DR. RAVINDRA BABU: In the name of exposing certain people they say that if you do this I will definitely expose your other personal data. For example, if you are drinking in a bar and seen dancing with a girl, they will expose that. These people then become cold feet. Therefore, those type of deterrence need to be in-built. While protecting the whistle blowers, we have to deter the pseudo whistle blowers. A lot of blackmail cases have come to our notice. Celebrities like cine stars, cricketers, bureaucrats, big politicians are all subjected to blackmailing.

There are so many press reports. So many press people also try to do it. So in this type of situation, the whistle blowers are definitely need to be protected. There should also be a reward system. But at the same time, we should also protect those innocent people who are discharging their duties honestly by not subjecting them to harassment by the pseudo whistle blowers.

DR.K. KAMARAJ (KALLAKURICHI): Mr. Deputy-Speaker, Sir, I stand here to participate in the discussion on the Whistle Blowers Protection (Amendment) Bill, 2015.

The aim of the Whistle Blowers Protection Act is to provide a comprehensive mechanism to investigate alleged corruption, misuse of power, criminal offences by public servants and also to protect and secure the identity of the people who expose corruption or wrong-doing in the Government bodies or in the Government projects. The Act was intended to provide protection to the persons making disclosures of willful misuse of power or discretion by any public servant from harassment. This Act also provides for ensuring punishment for false and frivolous complaints.

The original Bill passed by the Parliament does not have certain provisions which were found to be necessary from the point of view of security of the country. Hence, there was a need for the present amendments and I appreciate the intention of the Government in this regard.

The Government states that the passage of this Bill, at this stage, was necessitated in order to incorporate necessary safeguards against disclosures that may prejudicially affect the sovereignty, integrity and security of the country, among others.

Here I would like to point out a few things for the consideration of the hon. Minister.

In our country, we have seen that persons making complaints against corruption or wrong-doing in the Government are victimized. There have been many instances of threats, harassment or even murder of many whistle blowers in India. This needs to be put an end to and they are to be protected, if the Government really wants to uncover corruption in the Government set up. So, the civil society in India felt that there has to be sufficient safeguards to protect them and to prevent victimization and harassment.

The objectives of the Act in providing such safeguards are laudable and if the Act is implemented in right earnest, everyone would be happy and we could see a corruption-free India in the days to come.

The people would not be able to measure the effectiveness of the Act, unless the Government comes forward to implement efficiently the provisions of this Act so that the whistle blowers are not harassed, intimidated and murdered.

Last but not least, some amendments to the Act, by way of this Bill, are intended to correct the drafting errors that crept in while drafting this Bill. During the last week, a very important Constitutional (Amendment) Bill had to go to the other House twice due to such errors. The Government cannot afford to allow such obvious or patent errors to creep in and I would urge the Government to take care of this aspect in future.

With these words, I appreciate the efforts of the Government in protecting the whistle blowers from harassment and I also thank you for the opportunity given to me to participate in this Bill.

SHRI RAHUL SHEWALE (MUMBAI SOUTH CENTRAL): Thank you, Mr. Deputy Speaker, Sir, for allowing me to speak on the very important Bill, that is, The Whistle Blowers Protection (Amendment) Bill, 2015.

The Government has not implemented this law which aims to create a statutory mechanism for whistle blowing about corruption, abuse or misuse of power or authority or discretion to cause undue loss to the public exchequer or undue gain to a third party or any offence recognized under any law.

While debating the Bill in the Rajya Sabha in February 2014, the UPA Government had promised to introduce tighter restrictions on whistle blowing if it relates to matters of national security. But UPA Government failed to achieve the objective of the Bill. The NDA Government has now proposed to make amendments which will ensure that the law will continue to remain stillborn as it has for a year now.

I fully support this Bill but I would like to submit my views for the attention of the august House as well as the Government to the proposed amendments.

Section 4(1) is to be amended to place unreasonable restrictions on whistle blowing: The substantive provision that permits whistle blowing about wrongdoing in a public authority is diluted in the way that unless the whistle blower is able to prove that the person obtained his evidence of wrongdoing under the RTI Act, he or she can be punished for attaching such records to his whistleblower complaint. No officer or RTI user will come forward to blow the whistle on wrongdoing unless he obtains the information after the concerned Information Commission orders its disclosure in public interest under Section 8(2) of the RTI Act.

In some States like Madhya Pradesh, this process could take a few decades due to the huge pendency of appeals and complaints before the State Information Commission. Even before other Information Commissions, there is no certainty that such information will be disclosed under Section 8(2) of the RTI Act. As the proposed amendments do not contain any other mechanism for inquiring into complaints belonging to this category, it appears that the Government is willing to throw them all into the dustbin. This is a blatant negation of the twin principles of rule of law and accountable governance that underpin our constitutional democracy.

Section 5 is to be amended to prevent the Competent Authority from inquiring into whistle blower complaints relating to matters specified in the newly proposed Section 4(1). Once a Competent Authority such as the Central Vigilance Commission receives a whistle blower complaint from any person relating to any category mentioned in the new Section 4(1), it is required to refer the matter to a designated authority in the concerned public authority to obtain a clearance to inquire into the matter. If the designated authority certifies that such matter falls under any category in the new Section 4(1), the CVC will not inquire further into that matter and such certificate will be the final decision in that case. Further, the proposed amendment does not stipulate a time limit within which clearance should be given by the designated authority.

So, such whistle blower complaints may simply gather dust if the designated officers want to stall the inquiry process endlessly.

For example, the Prime Minister is the competent authority to launch an inquiry into a whistle blower complaint against his or her Ministers. Similarly, the Chief Ministers in the States are the competent authorities to inquire into whistle blower complaints against their Ministers. If the new amendments are approved by Parliament, then the PM and the CMs will have to seek clearance from the designated authority of the Department or organisation before inquiring into whistle blower complaints relating to matters falling under the new Section 4(1).

So, even an Under Secretary grade officer, if appointed as the designated authority, can in theory, prevent the PM or the CM from ordering an inquiry into a whistle blower complaint if he or she certifies that the matter relates to national security. This is the ridiculous implication of the amendment that the Government has proposed to the Whistle Blowers Protection Act.

I would like to draw the attention of the House to other major lapses in the proposed amendments.

Last year, the Government provided for a mechanism for inquiring into whistle blower complaints internally through the mechanism of the Chief Vigilance Officers. This system is not provided for in the Whistle Blowers Protection (Amendment) Bill.

So, with the repeal of the Whistle Blower Policy Resolution, that internal mechanism will be lost.

Honourable Supreme Court of India also recognised whistle blowing to the media as a legitimate exercise if all other available options provide to be unless or uninterested. The proposed amendments do not legitimise whistle blowing to the media. In fact, journalists will continue to be prosecuted under Official Secrets Act for blowing the whistle on wrong doing with no protection under the Whistle Blowers Protection Act.

In November, 2014, hon. Supreme Court recognised anonymous whistle blowing. The proposed amendments do not permit anonymous whistle blowing. The original provision requiring the whistle blower to disclose his or her identity to the competent authority remains. The only saving grace is that the whistle blower's identity will not be revealed to anybody without his or her written consent.

I would like to suggest some minor amendments.

Under Section 2, the words "armed forces of the Union" are to be omitted – no substantial dilution of the original Act. But in the original Act, the Special Protection Group which guards the present and past incumbents of the office of the Prime Minister and their families was excluded from the Act for the purpose of whistle blowing about any wrongdoing. The amendment makes no change in this insulation of the SPG. If the SPG witnesses a PM or his or her family member accepting a bribe or committing any offence or abusing or misusing power or discretion, they will have to follow a revised version of Gandhiji's three monkeys – hear not, speak not and forget that you saw anything wrong.

In Section 3, the name of the old law – Companies Act, 1956 is to be replaced by its successor – Companies Act, 2013 – no dilution of the original Act.

In Section 3 (ii) (d), the word 'complaint' in the original Act is to be replaced with the word 'disclosure' – no dilution of the original Act.

In Section 14, the language of this provision in the original Act is being tightened to ensure that the competent authority issues specific orders to stop any corrupt practice while inquiring into a whistleblower's complaint.

In Section 18 (2), the language of this in the original Act is being tightened to differentiate it from Section 14 (1) which relates to punishing the Head

of the Department for conniving or consenting to the corrupt practice. Section 14 (2) is for punishing other officers in the Department for conniving with or consenting to corrupt practices about which a whistleblower's complaint has been found to be true. ...(*Interruptions*)

This is the last point. In Section 20, the language is being tightened to apply only to such orders of penalty as may be imposed by the competent authorities under Section 16. In the original Act, the provision included a reference to Sections 14 and 16, under which the competent authorities had no power to impose any penalty.

In Section 31, a minor correction relating to the syntax is being made. I am sure that the Government will consider all my views. Thank you.

DR. A. SAMPATH (ATTINGAL): Mr. Deputy-Speaker, Sir, thank you.

16.47 hrs (Hon. Speaker *in the Chair*)

Thank you Madam Speaker. I am one of the most luckiest Members because I got opportunity to address both the Deputy-Speaker and the Speaker.

The Whistleblowers Protection (Amendment) Bill, 2015 has come before the House in the same route as the other Bills have come, that is without going to the Standing Committee. So, I pity this. I am also a Member in one of the Standing Committees.

Madam Speaker, I know you are in a hurry.

HON. SPEAKER: No.

DR. A. SAMPATH : Then I am happy, very happy. ...(*Interruptions*) The Government is in a hurry to blow the whistle.

During the past 12 months, 44 Bills out of 51 Bills, have been passed by this House without any consultation, without taking any evidence, and without any discussion in the Standing Committees. Under you, Madam Speaker, we have 16 Standing Committees. The other House also has Standing Committees. Of course, we can say that we have more number of Committees. We cannot accuse somebody if somebody expresses any apprehension saying, 'What is the use of Parliamentary Standing Committees?' They ask such questions. What is the use of Parliamentary Standing Committees? The Standing Committees should be fully utilized.

The Statement of Objects and Reasons in 2 (a) states: "to ensure that the said Act incorporates necessary provisions aimed at strengthening the safeguards against disclosures which may prejudicially affect the sovereignty and integrity of the country, security of the State, etc."

I was a witness to an incident at the age of three. My father was arrested at midnight on the Christmas eve in the year 1965. Those who came to arrest him, told him that he was a threat to the national integrity and national sovereignty. So, you are under preventive detention. I am the child of that man. Yesterday Comrade Karunakaran cited that example of Comrade A.K. Gopalan who was the Leader of the Opposition of this House. ...(*Interruptions*) He was his father-in-law also. We are proud of that.

The sole intention of the Government in bringing forward this Bill is to water down the rights of the whistleblowers.

Madam, some of the hon. Members who have spoken on this Bill have cited certain "unfortunate" incidents that happened in Madhya Pradesh, Haryana and in some other places also where witnesses had been attacked. Some of them were killed. No law is there to protect them. We are in a nation where speedy justice will be provided to persons who are owning the Rolls Royce cars much faster than an ambulance reaches the spot of an accident.

Today, there is a news item that has appeared in an English Newspaper under the caption "A woman's cry goes unheard in Parliament." I am not citing the name of the newspaper. Everybody knows of it. We all read newspapers. Charity should begin at home. If the Government is interested in protecting the whistle blowers, is it able to protect even a single woman, a contract employee who is working under this roof, in the Parliament? It is the Government's duty.

HON. SPEAKER: No. You do not know what actions are taken.

DR. A. SAMPATH: I do not know. I may be ignorant I am not accusing anybody. But, anyway, the Government is bound to issue a Press Release on what happened. If the Press Statement, Press Release, Press news item that has appeared in one of the largest circulated dailies in this nation is something true – I am not saying that the whole episode is true – it is unfortunate. It is not good for the reputation of Parliament.

In the so-called protection of whistle blowers, I cite an example of what happened. A Public Interest Litigation being heard in the Supreme Court involving the head of the country's premier investigation agency has put the spotlight on protection to whistle blowers. Certain defence matters, certain matters of national interest, intelligence matters. etc. are there. In our nation, in the Defence Sector, now even FDI is allowed. In the intelligence mechanism also, some of the intelligence agencies of foreign nations are cooperating with us. Private enterprises are also a part and parcel of our defence deals. So, nobody will be willing to spill the beans. We are closing the windows. We are closing the doors. It is said: "You can come, knock at the door but we will be sleeping just like Rip Van Winkle; we will not wake up." If the Government has any intention to strengthen the whistle blowers' right, offer protection, it should do one thing. Who is going to protect them? We all know the said plight of a PSO who gave evidence in a criminal case. I am not mentioning anybody's name because everybody knows what happened. That is the sad plight of that policeman. What happened during his last days? He was also a human being. He had a family. He should also have been provided the same protection that the law provides. If it is going to continue in this nation, with all due respect, my humble submission to the Government is this. We may be forced to enact new laws for the top brass, bureaucrats, affluent people, five-star cultured people, the crony capitalists. There will be two types of law. In the

High Court also there are certain benches. Just like the Green Tribunal, there are certain Benches like that. They want to get speedy justice. So, we can have certain types of differentiations like this also.

I would like to make another point. During this Session itself, there have been attacks on *dalits*. In a marriage procession, if a *dalit* groom is sitting on a white horse, then he will be attacked. Who is going to give evidence against the culprits, against the accused? Nobody will come forward to do that. ...(*Interruptions*)

HON. SPEAKER: You continue. I will listen to you.

DR. A. SAMPATH: I am speaking about the caste discrimination, not any political discrimination. It is happening in this nation. In this nation, caste discrimination is there; sexual discrimination is there; regional discrimination is there; and economic discrimination is also there. If somebody is coming forward to give evidence or to report something which has to be reported or if somebody is coming to give some information which has to be given, he is duty bound as per the Directive Principles of State Policy and the Fundamental Duties of a citizen. We have gone through that. If somebody is coming forward, it is true that he is going to either commit suicide or to become a martyr. This is happening. The Government is not at all able to protect the whistle blowers.

You were also a Member at that time. I remember, while I was sitting there; you were sitting here. At that time, we remember your smiling face. During that time, the Standing Committee gave certain recommendations on the clauses of the Whistle Blowers Bill. At that time, the present Opposition Members sitting towards my right, were sitting there. They were not in a position to accept the recommendations of the Standing Committee, whose chairperson was their own Party Member. As you were a Member at that time, together, we fought for the inclusion of those clauses also. Unfortunately, that did not happen. That was a water down enactment. It had its own inherent weaknesses. Now, it was weak; now it is becoming weaker, more feeble. It will not be a strong enactment. It will be like a whistle without any air. Without any air, if you are whistling, what is the use of it?

SHRI BHARTRUHARI MAHTAB (CUTTACK): It is like a whistle without any brittle inside.

HON. SPEAKER: Please conclude. We have three more Members to speak.

DR. A. SAMPATH : As the Government has decided, we are sitting for extra three days extra to discuss all these things. My humble suggestion is this. With trust in you I *bona fide* believe that this Government will be able to send this Amendment Bill for further elaborate discussion to the concerned Standing Committee. Let us honour the concerned Standing Committee first. Let us fulfil that parliamentary procedure; then, we come here and discussion. Taking up a Bill is like taking something straight from the woven and putting it on the dining table. If the Government things so, it is quite unfortunate.

I am not accusing anybody. I am not pointing my fingers at the Government. If I point the fingers at them, I very well know that three other figures are pointed at me.

HON. SPEAKER: It is a very good understanding.

DR. A. SAMPATH: We are taught about self-criticism in my Party. My leaders teach us about self-criticism also. Not only to criticize others but also criticize self. Our nation is in an era where the corruption breeds where the greed has become the creed. Here, if the whistle blowers are not protected, then what will happen to their lives, their liberty, their property and their freedom? We can understand.

No institution should be spared. If there is an urgent necessity or something like that, the most important functions of our intelligence services or something regarding our defence, our national security, that I can understand. But the higher Judiciary should not be left outside the purview of this Bill.

17.00 hrs

It should also be brought under the purview of this Bill. Anyway, the Judges of the High Courts and the Supreme Court are also human beings, just like the Magistrates and other judges at lower courts. Why are we putting all those judges outside the purview of this Bill? Let us put everybody under the purview of this Bill because, as per the Constitution, everybody is equal before the law and everybody is under the law.

HON. SPEAKER: Please conclude now.

DR. A. SAMPATH: I am concluding.

Madam, before concluding, I would like to make an appeal to the Government through you. Let the conscience of the Government work, at least, for some time because every moment is precious and let us jointly decide to send this Bill to the Standing Committee. There is nothing to be ashamed of. Our hon. Minister Shri Sadananda Gowda is sitting here. He has piloted a Bill on Railway Safety here in this House. After the discussion, it was decided unanimously by this House - and the Minister also wholeheartedly agreed - that it can be sent to the Standing Committee. Then, the hon. Minister of Parliamentary Affairs Shri Venkaiah Naidu also told this House that the Government is also willing to send it to the Standing Committee. So, why can we not send this Bill to the Standing Committee for a proper scrutiny? That is my humble submission. Thank you.

SHRIMATI KAVITHA KALVAKUNTLA (NIZAMABAD): Madam Speaker, I thank you for the opportunity given to me to speak on this Bill.

This Whistle Blowers Protection (Amendment) Bill, 2015 is supposed to consummate the unfinished business of the 2011 Bill and also the 2014 Bill.

But as the name suggests, this is to protect the whistle blowers. लेकिन कभी-कभी ऐसा होता है कि नाम में राम होता है, लेकिन असली में कुछ और होता है। नाम सीता होता है और बताव गीता जैसा होता है। इसी तरह से इस बिल का नाम भी विद्वल प्रोटेक्शन बिल है, लेकिन आप बिल में देखेंगे there are eight chapters, but only one chapter speaks about the protection of whistle blowers and that too not at all complete. To protect the whistle blowers, first we need to understand what kind of victimization they go through and this Bill does not even define victimization. जो अभी आईटी मिनिस्टर हैं, उन्होंने 15वीं लोक सभा के अपने लास्ट के राज्यसभा भाषण में कहा था-this Bill has to define victimization. Victimization should be defined in a broader sense. अपने ही दल के लोगों ने जब बोला है, इतने सीनियर मिनिस्टर ने जब बोला है और जितेन्द्र सिंह जी जो यह बिल लेकर आ रहे हैं, I am very sorry you have not taken your own people into confidence. This is what the entire nation would feel today. When the UPA Government brought the Bill in 2011, they ignored the Law Commission Report and also the Report of the Administrative Reforms Committee, particularly about the anonymity of the whistle blowers which is the most core issue of whistle blowers.

Then, coming to victimization, this is usually done by the officials and nobody talks about penalizing these officials. Everybody talks as to how we can protect certain departments and how we can give more strength to the Government to hide certain facts, but nobody speaks about curtailing or cutting down the voice of the whistle blowers and nobody speaks about how we can help them out. I would like to suggest that penalizing the officials who victimize the whistle blowers should also be a part of this Bill. जैसे लैण्ड एक्वीजिशन बिल में अपने किसान का अधिकार छीन लिया था कि वह कोर्ट में नहीं जा सकता है if you take away his land.

Similarly, in this Bill also, if a whistle blower is not happy with the action taken by the Vigilance Commissioner, he has no right to go to the High Court and I believe that this has to be incorporated in this Bill. Not only that; अगर कोई विद्वल ब्लो करता है, कोई करप्शन का इश्यू उठाता है, the burden of proof is on the whistle blower today. I believe that the Vigilance Commissioner should be more proactive and he should *suo motu* take up the issue and pursue the matter.

अपने सत्ता पक्ष को तो मालूम है, राम राज्य से और रामायण से इनको काफी लगाव भी है। मैडम, विभाषण भी अपने जमाने के विद्वल ब्लोअर थे। उन्होंने पूरे लोक राज के सीक्वेल्स श्री राम जी को बताए थे, तब जा कर राम राज्य की स्थापना हुई थी। मैडम, उस जमाने में विभाषण को बाद में गद्दी भी मिल गई। लेकिन आज के जमाने के जो विद्वल ब्लोअर होते हैं, उनको तो हमेशा मौत ही मिलती है। We have seen, it is a very sad state of affairs. Almost 30 whistle blowers were killed which is very unfortunate. इतने सारे विद्वल ब्लोअर्स की मौत के बाद भी आज तक there is no logical conclusion on any of these cases. So, I would kindly request the hon. Minister to consider adding this clause. What would happen after an attack happens on the whistle blower? How do we track these cases? Can we have fast track courts?

Particularly there are two-three issues. This Bill's jurisdiction only covers the Government sector. गवर्नमेंट सेक्टर में भी क्लॉसिफाइड कर के कवर करते हैं, काफी सारी चीजें ढकते हैं। This Bill says, if corruption is brought to the notice after seven years, no charges can happen. How is this possible? आज भी हम इस सदन में बैठ कर जवाहर लाल नेहरू जी के बारे में बोलते हैं, अटल जी के बारे में बोलते हैं, उनको हम आज की पॉलिटिक्स में घसीट कर लाते हैं, लेकिन कभी कोई विद्वल ब्लोअर बात करता है और सात साल के बाद भी बता सकता है तो I believe he should be given a chance. That clause should be incorporated. पर्टिव्युलरली जब ह्युमन राइट्स का वॉयलेशन होता है, तो इस एक्ट में कोई भी जगह नहीं होती है।

Another important issue is this. This Government particular says that the Armed Forces and the intelligence services will be kept away from the ambit of this Bill. I do not understand why. There could be some sensitive information, sensitive issues. But, apart from that, the issues like promotions, the issues like procurement to stores, all of them have to be made public. मोदी जी ने गुड गवर्नेंस का प्रॉमिस किया था। Transparent Government is good Government. He should kindly understand this.

Particularly this Bill only talks about Government sector. This Bill does not talk about any private companies, any big companies which deal with the Government in terms of providing utilities. दिल्ली की सरकार में आप देख लीजिए मैडम। Reliance is a big company – I do not want to take the name – which provides power to the Delhi people. But, when CAG goes and asks for the report, they simply reject it. How do we take care of these issues? क्योंकि ये बड़ी कंपनियां हैं, जो हमारे लिए पॉवर देती हैं, वॉटर देती हैं, इंफ्रास्ट्रक्चर और बड़ी-बड़ी चीजें बनाती हैं। If we let them loose, how do we control these companies? It is a serious issue and the Government has to seriously think about this.

Above all, the spirit of good Governance is only transparent governance. So, I hope and believe that this Government will seriously come forward and protect our RTI activists. Thank you so much.

KUMARI SUSHMITA DEV : Madam, I always get an opportunity at the end. आपने कहा है कि मेरी तैयारी बहुत अच्छी है, परंतु समय इतना कम मिलता है कि मुझे अपनी बात छोटी करनी पड़ती है। I will keep myself very brief.

मैडम, जेटली जी ने अपनी बजट स्पीच में कहा था कि पिछले एक साल में कर्प्शन वर्ड का कहीं इस्तेमाल नहीं हुआ है, इतने लोगों ने इस सदन में भाषण रखा है।

मैडम, आप सुनते हैं, इधर भी सुनते हैं, अंदर टेलिविजन में भी सुनते हैं कि पिछले 10 महीनों में आपने यह कितनी बार सुना कि फ्लां बिल को स्टैंडिंग कमेटी में भेज दीजिए, स्टैंडिंग कमेटी में भेज दीजिए, स्टैंडिंग कमेटी में भेज दीजिए। अब सवाल यह उठता है कि यह जो हम बोल रहे हैं, वह क्यों बाल रहे हैं, क्योंकि बाहर जो मीडिया कवरेज करती है they tell us that the Congress is pursuing or the Opposition is pursuing obstructionist policy paralysis tactics inside the Government. But we are not, Madam Speaker.

Today, Dr. Singh has brought a very crucial Bill. It was a part of the major six major legislations that the UPA Government wanted to bring as far as anti-graft laws were concerned. This was one of them. It is a history which Saugata ji said, which Mahtab ji said. This Bill was introduced in the Lok Sabha on 26th of August, 2010. It was passed by the Lok Sabha on 27th of December, 2011. Subsequently, the Bill was passed by both the Houses in February, 2014. There seems to be a little bit of confusion here which the Government has said, which Mahtab ji also asked for an explanation. It seems that the impression has gone that the Government had agreed that since elections were close by, the Session was ending, कि यह अमेंडमेंट आप प्रेस मत करिए, नेवस्ट सेशन में हम इसको लाएंगे।

I think that is what Dr. Singh will say eventually. But, Madam, I would like to ask a simple question आज जो अमेंडमेंट, जो बिल इस सदन में आया है, can this Government or the hon. Minister clarify one thing in his speech? Have you or have you not gone beyond those amendments that were proposed? A new Clause 4(1)(a) has come. In this Clause, the amendments that have been brought go beyond the amendments that were discussed in 2013. पहले सॉवरेन इंस्ट्रुट पर था, नेशनल इंस्ट्रुट पर था, कैबिनेट की मीटिंग्स पर था, पर जो अभी अमेंडमेंट्स लाए गए हैं, that goes beyond that. सोनिया जी ने 6 मई को सदन में कहा था, "What is the fate of the Bill? It received Presidential assent in May, 2004. Why has it not been given effect to?" As a reaction to that, the Cabinet cleared it

and brought it before this House. We thank the Government. But the sad part is something else. Why are we asking for referring it to the Standing Committee? I will not repeat any of the points that Kavithaji and Trinamool Congress has already stated. The fact is that today the Right to Information Act is the strongest weapon in the hands of a common man. What is the right that it gives you? It gives you the right to access information. But this Act is giving you the right to disclose information. मुझे पता है मंत्री जी यही कहेंगे, जो नया सेक्शन 4(1)(a) आया है, उन्होंने सड़क टूट इन्फार्मेशन एक्ट का सेक्शन 8 उठाकर इस एक्ट में डाल दिया है और सदन में यही कहेंगे कि यह सड़क टूट इन्फार्मेशन एक्ट आपने पास किया था तो सेक्शन 8 जब हम आरटीआई से इस एक्ट में ले आए हैं, तो आप इसके विरोध में क्यों बोल रहे हो, वह यही बोलेंगे। But please understand that सड़क टूट इन्फार्मेशन में जो एग्जेंप्शंस हैं, that are saying that an officer need not disclose this information to the person who is seeking the information in the greater interest of the nation. But this Act, that we are debating today the Whistle Blowers Protection Act, it is about someone finding or getting hold of information not within the system. It may well be a leak. We are well aware of the Pentagon Papers. We are well aware of the Spycatcher case. This Act covers those cases. मंत्री जी से मैं स्पेसिफिकली यह जवाब मांगूंगी कि आप आरटीआई एक्ट का सेक्शन 8 (1) तो इस अमेंडमेंट में ले आए हैं, पर आपने सेक्शन 8 (2) को क्यों छोड़ दिया। सेक्शन 8 (2) में है, I may just read one line and end my speech. It says:

"Notwithstanding anything in the Official Secrets Act, 1923, nor any of the exemptions permissible in accordance with sub-section 8(1) of RTI Act, a public authority may allow access to information, if public interest in disclosure outweighs the harm to the protected interests."

जो सरकार कह रही है कि आप सुभाषा चंद्र बोस की फाइल भी डिसव्लोज करेंगे। Should this Government now be curbing the rights of disclosing due information in the investigation of a corruption case? Today, activists are going towards legislation in this nation कि आरटीआई में भी जो एप्लीकेशन होगा, उसमें किसी का नाम नहीं होगा। In those circumstances, I request the Government not to represent to the nation कि ये वही अमेंडमेंट्स हैं जो यूपीए की सरकार ने वॉल 2013 में स्वीकार किये थे। They have gone much beyond that. Under the democratic system, we have the right to scrutinise it and give our opinion in the Standing Committee.

श्री ओम बिरला (कोटा) : महोदया, आज हम सूचना प्रदाता संरक्षण अधिनियम के बारे में संशोधन विधेयक पर चर्चा कर रहे हैं। इस देश के अंदर आरटीआई का बहुत अच्छा अनुभव भी रहा, कुछ अनुभव भी रहा। आरटीआई कानून और आरटीआई कार्यकर्ता ने इस देश के अंदर आजादी के साठ सालों में जो कर्णधार बन गए, उस भ्रष्टाचार की रोकथाम करने का प्रयास किया। कांग्रेस कहती है कि हमने आरटीआई कानून बनाया, हम विसल ब्लोअर प्रोटेक्शन के लिए विधेयक लाए। महोदया, कानून तो बहुत लाए लेकिन देश के अंदर जब जब भी भ्रष्टाचार के खिलाफ आवाज़ उठाई, इस देश में लड़ाई लड़ी, कांग्रेस ने कभी पहल नहीं की कि भ्रष्टाचार को रोका जाए और भ्रष्टाचार को रोकने के लिए जो लड़ाई लड़ने वाले आरटीआई कार्यकर्ता हैं, उनको कानून की परिधि के अंदर पूरा ठीक से संरक्षण दिया जाए। माननीय अध्यक्ष महोदया, यह बात सही है कि हम कुछ संशोधन लाए हैं लेकिन ये संशोधन भी देश के हित में हैं। आज देश के अंदर जिस तरीके से आसपास के पड़ोस के देशों के गुप्तचर पकड़े जाते हैं, जिस तरीके से हमारे देश के आंतरिक मामले के अंदर, क्योंकि भारत में प्रजातंत्र है, लोकतंत्र है, सीमाएँ खुली हुई हैं, कोई भी व्यक्ति गुप्त सूचनाएँ प्राप्त करके पड़ोसी देश को देता रहता है। उस समय हमें यह भी ध्यान में रखना पड़ेगा कि इस देश की सुरक्षा और सुरक्षा के मापदंडों पर ज्यादा पारदर्शिता के कारण कहीं हमारे देश की सुरक्षा खतरे में न पड़ जाए।

माननीय अध्यक्ष महोदया, इस देश में जब से माननीय नरेन्द्र मोदी जी की सरकार बनी है, हमारी जवाबदेही भी है और पारदर्शिता भी है। इसी कारण दस महीने बाद जब हम सदन में खड़े होते हैं तो सदन में इस बात की चर्चा करने के लिए तैयार हैं कि हमारी सरकार के पारदर्शिता और जवाबदेही के किसी भी मुद्दे को आप सदन में ला सकते हैं। दस महीने तक कांग्रेस किसी मुद्दे को लेकर इस सदन में नहीं आई। हम देश की जनता के प्रति जवाबदेह हैं और इस संशोधन बिल को लाने के लिए भी क्योंकि देश के अंदर यह बात आई कि कानूनों में व्यापक संशोधन की आवश्यकता है।

माननीय अध्यक्ष महोदया, हमने सौ बार संविधान में संशोधन किए, हमने कई बिल जल्दबाजी में सरकार ने बनाए, उनमें भी संशोधन किए, लेकिन संशोधनों को हमेशा देश के हित में रखा, आम जनता के हित में रखा। जिस तरीके से ये कह रहे हैं कि इसको भी स्टैंडिंग कमेटी में भेजा जाए, तो कर्णधार की सूचना देने वाला आरटीआई कार्यकर्ता देख रहा है कि उसे संरक्षण मिलना चाहिए। क्या आवश्यकता है स्टैंडिंग कमेटी को भेजने की। आज चर्चा हो रही है, डिबेट हो रही है। अगर आपको लगता है कि आरटीआई कार्यकर्ता को संपूर्ण सुरक्षा नहीं मिल रही है तो और सुझाव दें। सरकार इस देश के हर आरटीआई कार्यकर्ता की और जो भी भ्रष्टाचार के खिलाफ लड़ने वाला नौजवान है, नीचे से नीचे तक की सुरक्षा करने के लिए सरकार कटिबद्ध है और यह कानून इस बात को कहेगा कि इस कानून के माध्यम से कहीं न कहीं उनको सुरक्षा भी मिलेगी, कानून के दायरे का कवच भी मिलेगा। लेकिन उससे डटकर भी हमारी सरकार ने भ्रष्टाचार और भ्रष्टाचार को संरक्षण देने वालों के खिलाफ हमेशा प्रयास किया है, कानून से बाहर भी और कानून के दायरे में भी। इसीलिए जो बिल लाया जा रहा है, वह देश की सुरक्षा को ध्यान में रखकर, देश की उन वैज्ञानिक पद्धतियों को ध्यान में रखकर, जिनके लीकेज होने से हमारे देश के अंदर कई सारे खतरे हो सकते हैं, उनको संशोधित करके विधेयक लाया जा रहा है। वह देश के हित में भी है और आरटीआई कार्यकर्ता के हित में भी है।

डॉ. जितेन्द्र सिंह : माननीय अध्यक्ष महोदया, सबसे पहले तो मुझे सभी आदरणीय सदस्यों का आभार प्रकट करना है। By and large, everybody from both the Benches –this side and that side -- has endorsed the spirit of the Bill and also spoken in support of the cause of the whistle blowers' protection...*(Interruptions)* Let me complete my speech.

श्री मल्लिकार्जुन खड़गे (गुलबर्गा) : इस बिल को तो स्टैंडिंग कमेटी में जाना चाहिए था...*(व्यवधान)* वहां सब लोग इस पर सुझाव देते। फिर उसके बाद इसे पास करना चाहिए था...*(व्यवधान)*

डॉ. जितेन्द्र सिंह : महोदया, मुझे संतोष इस बात का है कि there might be differences in the perception of how each one of us sees it or the threshold of how much should be the safeguard and what should be the parameters or the extent of safeguard without intruding into what is actually the essence of this Bill.

Before I come to the concluding part, just a word each of what has been said. Mr. Adhir Ranjan Chowdhury has expressed concern about giving adequate protection to the whistleblower. I may just like to assure him that the protection of the whistleblower has been adequately ensured in this Bill...*(Interruptions)* If you wish me to read, I can read the entire procedure which is right from the beginning. ...*(Interruptions)* I am speaking. You cannot make the procedure so camouflaged that it does not happen at all. If you want me to read out, then it is all right...*(Interruptions)*

SHRI ADHIR RANJAN CHOWDHURY :The Minister has failed to understand my point. I am sorry for that...*(Interruptions)*

माननीय अध्यक्ष : माननीय मंत्री जी, आप अपनी बात बोलते रहें।

â€¦*(व्यवधान)*

DR. JITENDRA SINGH: If we can pass it without sending it...*(Interruptions)* I will come to that also.

SHRI ADHIR RANJAN CHOWDHURY: You should not propagate any kind of misconception....(*Interruptions*)

माननीय अध्यक्ष : अधीर रंजन जी, बैठिए।

â€¦(व्यवधान)

HON. SPEAKER: You do not listen to him.

DR. JITENDRA SINGH: I am not yielding. I am just answering. The complaint will be put under an envelope. His name would not be disclosed and the secrecy of the complaint's identity to provide protection to the complainant from any physical threat, harassment or victimization is to be ensured, and, therefore, the matter would be taken up in the form of a sealed envelope and the envelope would be opened only in the presence of two authorized officers. And, thereafter, it would be given a surrogate number and then sent forward. There is an elaborate procedure which, I think is as good as being followed in any other part of the world.

Now, coming to the next point-- shall I say accusation or compliment?â€¦” as Mr. Adhir Ranjan Chowdhury said that it is because of our respected leader Madam Sonia Gandhi Ji's intervention that prompted this.

SHRI ADHIR RANJAN CHOWDHURY: I rightly pointed out that.

DR. JITENDRA SINGH: Yes, that is what I am saying. I am complimenting you. I am appreciating it. You are not ready to receive my compliment also. ...(*Interruptions*) Venugopal Ji, what is this? I am glad. I am so flattered, in fact, that a person as revered and as senior as Madam Sonia Gandhi has given us impetus but we were already in the pipeline.

SHRI ADHIR RANJAN CHOWDHURY: You got buckled under.

DR. JITENDRA SINGH: I did not say buckled. No, do not put words in my mouth. I am only appreciating...(*Interruptions*)

HON. SPEAKER: Jitendra Ji, you please go on. Mr. Minister, you need not answer.

DR. JITENDRA SINGH: I am only saying that it only reflects the concern and the urgency of the issue being reflected on both these sides of the House, which is very admirable. In fact, it reinforces our desire and will to go ahead with it.

Now, as far as the issue of not having enough safeguards or having safeguards to the extent that it might jeopardize the very spirit of the disclosure as has been pointed out, Section 8(1) of the RTI has been the guiding spirit. Nothing has been sought to be added by and large to what already existed. So, I think that should not be an apprehension.

There have been certain questions, of course, of which I do not know whether I am competent to answer. For example, what is the definition of 'whistleblower'? I do not know if it is mentioned in any book. Somebody would say, 'somebody who blows the whistle'. Even if we go to the Oxford Dictionary, it would rather give a literal meaning. But, when we use the term 'whistleblower' in the present day jargon, we usually refer to it in a different context and I think all the hon. Members are learned enough to understand and realize what we mean by 'whistleblower'.

Prof. Saugata Roy made certain very literate observations. He, in his wisdom, described it as 'knee jerk'. But it is not a knee jerk. Even in Medicines, Saugata *da*, we have something called Pendular Jerk. When you put the knee – somebody medicos here would understand – the knee keeps hanging and does not come back. So, this was a pendular jerk hanging for the last two years. Sometimes, in a normal case, you hammer and it comes back; it stays back. What I am trying to say is that it was not a knee jerk, it was carrying on; it was smouldering and I am glad that all the Members have contributed to make it faster and to bring it to the normal action.

There has been a reference to a number of whistleblowers, who sacrificed their lives. The nation owes to them; all of us owe to them, whether we sit this side or that side. I have no hesitation or embarrassment to confess that maybe the series of names which were mentioned in this House on both the sides have actually promoted us to go ahead with the urgency, as was being said that some 'xyz' got killed during Prime Minister, Mr. Vajpayee's time. Yes, in the journey of a nation and the working of the Parliament issues arise every day; sometimes it is onion price, sometimes it is somebody's unwarranted death, and we are entitled to get inspired and promoted to act on that.

Mr. Mahtab is not here but he made a very interesting remark, 'why last day'? That is, of course, a question – why each time does the Bill come last day? But, in one way we can make it different from the last time's last day is that last time it passed without amendments and this time we could pass it in amended form. So, that could be the difference between last day and this day.

What our very bright, eloquent and young colleague Shrimati Sushmita ji said, and I was very amused because she assumed what I would say and accused me of saying which I had not said. She said: 'now the Minister would say that this Bill was brought in because the Congress wanted to pass it the last day'. I never said that. But if it is being believed by you like that, that means that something must have happened that way. But, at least, I did not say that. A number of *slokas* and other verses have been quoted. What Sushmita said reminds me of a Faiz Abdul Faiz verse', 'कि वह बात सोरे फसाने में जिसका जिक्र न था, वह बात पर उन पर बड़ी नागवार गुजरी है।' ...(*Interruptions*) Anyway, that was in a lighter vein. But, I did not say that you did it just for the sake of doing.

She has also mentioned that every day in media and public domain we ask the Government to send certain Bills to Standing Committees, which are not sent. Therefore, the natural conclusion, according to her is that there is some amount of element of corruption involved. But, I would just like to bring to your notice, if you look at it rather dispassionately, sending or not sending a Bill to a Standing Committee may not be necessarily attached motives and if the motives exist, they will be other than motives that possibly you are trying to look into this. It could be for motives other than corruption or corruptibility; it could be technical or it could be based on principles or difference of ideologies or difference of opinions which we should rather welcome in a parliamentary practice.

You have also mentioned about going beyond the amendments which were brought in by the then Congress-led Government. I do not grudge that and I do not feel bad about that. I would rather like you to appreciate that. We were given an opportunity to revisit the Bill. We were given an opportunity to study the Bill. It is just like where you are my Headmistress and you leave a chapter half and then, you ask me 'you read the chapter and come back tomorrow'. When I come back, I say 'Madam, these are three or four extra points also which I have learnt.' So, like a good student, I revisited that Bill and tried to incorporate what we thought could be more useful. So, you should rather appreciate me for that effort. If it has been done, it has been done in a healthy spirit.

Dr. Ravindra Babu referred to pseudo-whistleblower. That is a very interesting reference. We have false complainants and we have frivolous complainants, but I think, he has, for the first time, used an original word, which was unfortunately or fortunately in the political parlance being used in some other context, which I would not like to bring in here. Some of us refer to pseudo things in some other way, but anyway, you conjured up the memories of all those issues where word pseudo is used. But making a serious point, we definitely have safeguards. We have safeguards in the form of imprisonment. We also have safeguards in the form of fine with a minimum of at least Rs. 30,000. Then, there is provision for imprisonment which may carry on from period to period. If you want, I can even read it. That is a sensitive issue and you are right that in the terrain of time that we live in, it is sometimes possible that we may be exposed to this kind of mischief also. But let me assure you that we have a provision where fine beginning from Rs. 30,000 onwards and imprisonment beginning from three months onwards, depending upon the kind of mischief or frivolousness is there. That has already been taken care of.

Dr. Hari referred to Prime Minister's authority and asked : If the Prime Minister refers a complaint and our Bill then envisages that in case it is seen to be involving disclosures of unacceptable nature or affecting the sovereignty and integrity, then would it not compromise the authority of the Prime Minister? Yes, you have read it right. We have incorporated that. I think, for that, we deserve to be appreciated. We have made it mandatory even for the Prime Minister to get clearance from the competent authority, in case a complaint is seen to be affecting the safeguards. I think, that is a step towards further transparency which has been discussed about in this House.

Dr. Sampath referred to the defence deals, FDI part and said what if this part also gets included because there is also economic angle. Yes, in economic angle also and in the auction of so many ...(*Interruptions*) I do not want to go into all those arms scandals as they are notorious scandals of the last 30 years because that will open up a separate debate. But certain disclosures can sometimes jeopardize certain important deals related to the defence of the country and therefore, rightly so, it is done as this was also a part of the RTI Act.

Kavithaji has put, what shall I say, an unanswerable question. She said, : "Tell me who is the victim?" It is true because it is very difficult to say. Sometimes, a victim may say that I am not a victim. If we go by subjective thing, then I may say that I am a victim, but somebody else may say that I am not a victim. But, yes, we have more objective parameters in place, and there are certain competent authorities, which would decide whether it is a victim, genuine victim or it is a frivolous victim.

As far as your concern for the Armed Forces Special Powers Act is concerned, I would not go into that because that is not directly related to the spirit of these disclosures. Of course, if a whistleblower blows the whistle and tries to make news by asking where are the Indian forces deployed across the borders, then certainly it makes a difference. So, the Armed Forces Act, considering the sensitivity of it, has been excluded from it.

Mr. Mahtab made a question, and he is always very regional and very educative also. He asked : "What is the definition of national interest?" I wish sooner than later sometime Mr. Mehtab himself would give us the definition because the matter of fact is that, at least, I can assure you on behalf of all of us sitting over here in the Government that national interest is not the interest of any person or family as far as we are concerned. National interest for us is national interest. Please do not try to interpret it from your past experience.

Therefore, through Speaker Madam, I would request all the Members of the august House that I think that the Bill is in right spirit. It is not at conflict with what is being felt and desired by all the sections of the House, and it will be in the fitness of things and I think that it will be a tribute to all the martyrs who laid down their lives for this whistle-blow crusade that we pass it unanimously. Thank you, Madam.

श्री मलिकार्जुन खड्गे: डा. साहब, मेरा सुझाव है कि आप इसे स्टैंडिंग कमेटी में भेज दीजिए... (व्यवधान) मैं स्टैंडिंग कमेटी में भेजने के लिए इसलिए कह रहा हूँ क्योंकि आज यह बिल राज्य सभा में भी पास नहीं होता। पहले भी जब कभी हमने यहां इनसिस्ट किया, चाहे वह लैंड ऐक्विजिशन बिल हो चाहे जीएसटी हो, बहुत बार बोलने के बावजूद भी आपने उसे स्टैंडिंग कमेटी, सलैवट कमेटी में नहीं भेजा। आखिर में जब बिल राज्य सभा में अटक जाता है, उस समय फिर वापिस आते हैं। इसीलिए मेरी अपील है, through you, that you should send it to the Standing Committee so that naturally it will be smoothly passed in the Monsoon Session in July along with Land Acquisition and GST. Instead of that, if you are going ahead with it in a hurry, then ultimately this Act will be buried. That is why I want it to be referred to the Standing Committee. ...(*Interruptions*)

HON. SPEAKER: Now, â€

...(*Interruptions*)

HON. SPEAKER: Yes, what is it?

...(*Interruptions*)

SHRI P. KARUNAKARAN (KASARGOD): Madam, the Standing Committee is there for allowing us to study and also make the Bill more perfect. So, my Party also would like to submit that it would be better if it is sent to the Standing Committee. Otherwise, when it goes to the Rajya Sabha, we know that it will come back. At the same time, the Parliament has the priority. So, we respectfully submit that it has to be sent to the Standing Committee.

श्री निशिकान्त दुबे (गोड्डा) : अध्यक्ष महोदया, मैं आपके माध्यम से मंत्री जी से एक प्रश्न करना चाहता हूँ। इन्होंने बिल में कहा है कि यह सब सेक्शन(1) का मॉडल है। राइट टू इन्फॉर्मेशन एक्ट आने के बाद यूपीए सरकार के समय आईबी की एक रिपोर्ट आई थी, उस रिपोर्ट में बताया गया था कि देश में जहां भी डेवलपमेंट हो रहा है उस डेवलपमेंट की एक्टिविटी को शेकने के लिए विदेशी ताकतों आंदोलन करा रही हैं। दिल्ली में जिस पार्टी की सरकार है, यह उसी आंदोलन का दुःपरिणाम है, चाहे परमाणु पॉवर प्लांट लगाने की बात हो या औद्योगिक कॉरिडोर बनने की बात हो, सभी जगह राइट टू इन्फॉर्मेशन एक्ट से इन्फॉर्मेशन बाहर चला जाता है। मैं यूपीए सरकार के समय की रिपोर्ट को वोट कर रहा हूँ। विद्वान ब्लोअर की आड़ में देश के डेवलपमेंट को शेका जा रहा है।

माननीय सदस्य श्री अधीर रंजन चौधरी जी का सुझाव है कि उसके लिए एक कमेटी बनाई जाए और उस कमेटी में नेशनल इंस्टीट के आधार पर इकोनॉमिक एक्टिविटी को रोका जा रहा है, उसके लिए इस बिल में क्या प्रोविजन हैं?

HON. SPEAKER: Dr. Venugopal, do you want to say something?

DR. P. VENUGOPAL (TIRUVALLUR): Madam, most of the Members have differences of opinion. So, it is better to send this Bill to the Standing Committee for a thorough study.

श्री जगदम्बिका पाल (दुमरियागंज): महोदया, माननीय मंत्री जी बिल में नेशनल सिक्यूरिटी और सॉफ्ट टू इन्फॉर्मेशन के संबंध में कुछ अमेंडमेंट लेकर आए हैं। मैं माननीय मंत्री जी से जानना चाहता हूँ 4(डी) में अमेंडमेंट किया गया है 'information relating to commercial confidence, trade secrets or intellectual property' अगर कोई इन्टेल्लेक्चुअल रिसर्च से प्रोपर्टी बनाता है, यह बात समझ में आती है। कोई ट्रेड के लिए कोई फार्मूला निकाला हो, अगर किसी स्टेट से पीपीपी मॉडल पर कर्माश्रित कन्फिडेंस पर एग््रीमेंट होता है और कोई विडसल ब्लोअर उसे डिस्कलोज करना चाहे तो उसे कैसे डिफाइन करेंगे? अगर गवर्नमेंट किसी स्टेट के साथ पीपीपी के आधार पर एग््रीमेंट करती है तो उसको विडसल ब्लोअर कैसे डिस्कलोज कर सकता है? कर्माश्रित कन्फिडेंस को माननीय मंत्री जी कैसे डिफाइन करेंगे?

श्री ए.पी. जितेन्द्र रेड्डी (महबूबनगर): अध्यक्ष महोदय, हमारी पार्टी की सदस्य कविता जी ने इस बिल को अच्छे से पढ़ा है। उन्होंने जो भाषा दिया है she also feels that the Bill is not proper and there is no 'satta' in that. We have got a lot of time. Everybody including the elders said that it would not be passed in Rajya Sabha. We have got sufficient time. So, let the Bill go to the Standing Committee and let them discuss it for two months and then come up with fool-proof amendments in that. Then, the Bill can be passed.

SHRI P.P. CHAUDHARY (PALI): Madam, I want to ask a clarificatory question with respect to 'retrospective operation'. I would like to know whether steps are being taken to protect those who had blown the whistle on corruption prior to the passage of the Bill, whether it will allow even anonymous complaints and whether those complaints will be looked into. The Bill provides that it will come into force on such date as the Central Government may, by notification in the Official Gazette, appoint. I would like to know whether it can be made a 'retrospective operation' with respect to those who have blown the whistle prior to coming into force of this Act.

DR. JITENDRA SINGH: All the more reason that you should pass it at the earliest, possibly today itself so that it comes into effect and everybody gets the benefit.

श्री तारिक अनवर (कटिहार): अध्यक्ष महोदय, छात्रों की भावना का आदर करते हुए मंत्री जी को इस बिल को स्टैंडिंग कमेटी में भेजना चाहिए ताकि इस पर विस्तार से विचार हो सके।

SHRI ADHIR RANJAN CHOWDHURY: Madam, please allow me to speak one line. Hon. Minister, I am thankful to you that you have appreciated the endeavour made by our hon. Leader, Madam Sonia Gandhi. But what she stressed was to notify the Bill as was assented by the President of India. Rather, what have they done? They have diluted the basic structure of the Whistle Blowers Protection Act. They have contravened all the basic objectives of the principal Act for which she had pleaded for.

DR. JITENDRA SINGH: I think, seeing the concern of the hon. Members of the House to have the whistle blower protection intact and at the earliest because certainly it will not have a retrospective effect, I think it is important and it will help also. In reverence to the feeling of the House, we go ahead with it. ...(*Interruptions*)

SHRI K.C. VENUGOPAL (ALAPPUZHA): It has been diluted. ...(*Interruptions*)

DR. JITENDRA SINGH: It has already been to the Standing Committee once. It has come back after that. It has not been diluted. It has been rather saturated. I will tell you how. Shri Chowdhury was saying that Madam Sonia Gandhi ji also referred to the Bill. Rightly so. ...(*Interruptions*)

SHRIMATI SONIA GANDHI (RAIBAREILLY): It was for a strong Bill. ...(*Interruptions*)

DR. JITENDRA SINGH: I did not say 'strong' or 'weak'. I said that she referred to the Bill. ...(*Interruptions*) Yes, for a strong Bill. Madam Sonia Gandhi was in favour of a strong Bill and rightly so. ...(*Interruptions*) You have spoken and now I am answering. ...(*Interruptions*)

HON. SPEAKER: You please answer. I am not allowing him.

...(*Interruptions*)

SHRI MALLIKARJUN KHARGE: Madam, this Bill is already diluted. That is why, we are requesting you to send it to the Standing Committee. They are not agreeing. They are bulldozing. We disagree with that. We protest and walk out.

17.47 hrs

(At this stage, Shri Mallikarjun Kharge, Shrimati Sonia Gandhi and some other hon. Members left the House.)

HON. SPEAKER: The question is:

"That the Bill further to amend the Whistle Blowers Protection Act, 2011, be taken into consideration."

The motion was adopted.

HON. SPEAKER: The House shall now take up clause by clause consideration of the Bill.

Clause 2 Amendment of Section 2

The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3 Amendment of Section 3

HON. SPEAKER: Shri N.K. Premachandran to move Amendment No. 1 to Clause 3. He is not present.

The question is:

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

Clause 4 Amendment of Section 4

HON. SPEAKER: Shri Adhir Ranjan Chowdhury to move Amendment No. 2 to Clause 4. He is not present.

Shri N.K. Premachandran to move Amendment No. 3 to Clause 4. He is not present.

The question is:

"That clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

HON. SPEAKER: As Shri N.K. Premachandran is not present to move his Amendments to Clauses 5, 6 and 8, I shall put Clauses 5 to 11 together to the vote of the House.

The question is:

"That Clauses 5 to 11 stand part of the Bill."

The motion was adopted.

Clauses 5 to 11 were added to the Bill.

Clause 1, the Enacting Formula and the Long Title were added to the Bill.

HON. SPEAKER: The Minister may now move that the Bill be passed.

DR. JITENDRA SINGH: I beg to move:

"That the Bill be passed."

HON. SPEAKER: The question is:

"That the Bill be passed."

The motion was adopted.

HON. SPEAKER: The House shall now take up the Supplementary List of Business.

Hon. Members, before I call Shri D.V. Sadananda Gowda, Minister of Law and Justice to seek leave of the House to introduce the Repealing and Amending (Third) Bill, 2015, I have to inform that hon. Minister *vide* communication dated 13th May, 2015 has intimated that the President, having been informed of the subject matter of the proposed Bill to repeal certain enactments and to amend certain other enactments, recommends under clause (1) of article 117 of the Constitution, the introduction of the Bill in Lok Sabha.

17.51 hrs

GOVERNMENT BILLS - Introduced