



The Indian Journal for Research in Law and Management

Open Access Law Journal – Copyright © 2026

Editor-in-Chief – Dr. Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

This is an Open Access article distributed under the terms of the Creative Commons Attribution-Non-Commercial-Share Alike 4.0 International (CC-BY-NC-SA 4.0) License, which permits unrestricted non-commercial use, distribution, and reproduction in any medium provided the original work is properly cited.

GUARDIANS WITHOUT SHIELDS: ANALYSIS OF PROTECTION GAPS FOR ANTI-CORRUPTION WHISTLE-BLOWERS IN INDIA'S LEGAL FRAMEWORK

-Niraja Ghatak

INTRODUCTION:

India formally recognises the importance of Whistle-blowers in exposing corruption through many legislations such as the Whistle Blowers Protection Act, 2014 (WBPA), Right to Information Act, 2005, The Companies Act, 2013 and anti corruption laws which include Prevention of Corruption Act, 1988, Lokpal and Lokayukta Act, 2013 and State Lokayukta Laws among others, Despite these legislations, whistle-blowers in India especially RTI activists, Journalists, general citizens even Public Servants continue to face threats, violence, dismissal, defamation and Strategic use of secrecy laws like the Official Secrets Act, 1923 while legal remedies and protective mechanisms remain unimplemented or procedurally cumbersome.

Primarily, The WBPA, 2014 was passed to protect people who disclosed Corruption or misuse of power from victimization and it allowed a whistle-blower to apply to competent authorities without fear for protective directions and police protection. In India, Whistle-blowers have still faced transfer, suspension, dismissal, harassment without being compensated because statutory protective frameworks do not provide a strong compensation or rehabilitation regime for victims of retaliation. The more concrete penalties in this act are directed towards lodging false complaints,



The Indian Journal for Research in Law and Management

Open Access Law Journal – Copyright © 2026

Editor-in-Chief – Dr. Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

This is an Open Access article distributed under the terms of the Creative Commons Attribution-Non-Commercial-Share Alike 4.0 International (CC-BY-NC-SA 4.0) License, which permits unrestricted non-commercial use, distribution, and reproduction in any medium provided the original work is properly cited.

unlawful disclosure of whistle-blower's identity rather than a broader set of sanctions against retaliators.

This article, discusses the rather narrow definition of Whistle-Blowers in Indian Context, the forms of retaliation encountered by the Whistle-blowers in face of inadequate protective mechanisms and remedies that exist. Lastly, this article focuses on a comparative study between the WBPA, 2014 and the Whistle Blowers Protection (Amendment) Bill, 2015.

1.A DISCUSSION ON THE DEFINITION OF WHISTLE-BLOWERS: WHO ARE INCLUDED ?

In the context of India, statutory frameworks like the Whistle Blowers Protection Act, 2014 (WBPA) formally includes any person (public servants, citizens, or non-governmental organization) who makes a public interest disclosure against a public servant. However, the legal scope of this definition does not include the private sector employees. And this act itself remains unimplemented by the government. Hence its use is severely restricted in practice and the above-mentioned actors who are excluded from the definition of Whistle Blowers operate entirely outside in the real world without any robust protection mechanism¹.

¹ *Whistle Blowers Protection Act*, No.17 of 2024, India Code



The Indian Journal for Research in Law and Management

Open Access Law Journal – Copyright © 2026

Editor-in-Chief – Dr. Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

This is an Open Access article distributed under the terms of the Creative Commons Attribution-Non-Commercial-Share Alike 4.0 International (CC-BY-NC-SA 4.0) License, which permits unrestricted non-commercial use, distribution, and reproduction in any medium provided the original work is properly cited.

The eligibility of different categories of Whistle Blowers under the existing legal landscape varies significantly. Public servants are included in the definition of Whistle blowers as a primary category and can report corruption, misuse of power or criminal offences within public authorities to the Central Vigilance Commission (CVC). As mentioned earlier, private sector employees are excluded from Public Whistle-blower laws. Instead, private sector reporting is recognized under Section 177 of the Companies Act, 2013 in a fragmented manner and which mandates listed companies to establish a “Vigil Mechanism”. RTI activists, Journalists and General Citizens are statutorily included in the definition of Whistle Blowers but in practice, they remain unprotected. Any citizen can file a disclosure under the WBPA, 2014 against a public official. However, the operational rules have not been fully implemented, and these individuals are routinely treated as general complaints rather than protected whistle-blowers.

The gaps between theoretical legislation and systemic reality does leave the Anti-Corruption crusaders heavily exposed to retaliation. The WBPA, 2014 only covers corruption occurring within government bodies or involving public servants. If a private corporate employee uncovers high-level financial frauds, Environmental violations et cetera they cannot utilize state sponsored whistle blowers’ safety channels. The proposed and debated amendments to WBPA, 2014 act explicitly states that Whistle-blowers cannot seek protection of their disclosure contains information exempted under ten categories of information Under Whistle blowers Protection (Amendment) Bill, 2015 and Section 8(1) of the Right to Information Act, 2005 such as intellectual property, commercial confidence or national security. This effectively creates a catch twenty situation because if an activist uses unauthorised leaked documents to expose corruption in state Infrastructure or Defence Procurement, the law revokes their protection².

² PRS, legislative brief, *The Whistleblowers Protection (Amendment) Bill, 2015*,



The Indian Journal for Research in Law and Management

Open Access Law Journal – Copyright © 2026

Editor-in-Chief – Dr. Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

This is an Open Access article distributed under the terms of the Creative Commons Attribution-Non-Commercial-Share Alike 4.0 International (CC-BY-NC-SA 4.0) License, which permits unrestricted non-commercial use, distribution, and reproduction in any medium provided the original work is properly cited.

Under Current Guidelines, the CVC requires the complaint's identity to be verified. Although the CVC is legally bound to keep their identity confidential, administrative leaks are common. And anonymous complaints are generally dismissed; genuine whistle-blowers are forced to risk exposure or remain silent. Under such circumstances, to receive legal protection an individual must report directly to designated competent authorities like the CVC. For instance, if an RTI activist or Journalist exposes a scam through the media or a public forum they are categorized as political commentators not whistle-blowers. Consequently, they lose all claims to statutory safe harbours and face immediate retaliation such as physical violence, defamation, dismissal from their positions and Strategic Lawsuits against Public Participation (SLAPPs). Hence these kinds of narrow definitions do exclude real actors against corruption and deter them from exposing corruption due to lack of formal protection. Government Employees are often transferred or targeted internally due to non-implementation of rules even when they have higher protection on paper. When it comes to the Private Sector employees, the level of statutory protection is limited to internal company mechanisms and they do not have any protection against physical retaliation. RTI activists largely suffer against assassinations and physical attacks due to leaked identities. Journalists too, have little to no protection against this kind of a crackdown which can include defamation, economic coercion, physical and mental abuse.

2. A DISCUSSION ON RETALIATION AND POSSIBLE REMEDIES:

From the above discussion, we can understand that there remains a gap for the many categories of Whistle-blowers. The Whistle Blowers Protection Act, 2014 though remains inoperative in the practical sense, it does target the Public Servants and provides certain forms of formal protections. But in the Private Sector, protection against Retaliation is upheld by workplace codes and



The Indian Journal for Research in Law and Management

Open Access Law Journal – Copyright © 2026

Editor-in-Chief – Dr. Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

This is an Open Access article distributed under the terms of the Creative Commons Attribution-Non-Commercial-Share Alike 4.0 International (CC-BY-NC-SA 4.0) License, which permits unrestricted non-commercial use, distribution, and reproduction in any medium provided the original work is properly cited.

employment agreements. Retaliation as we know has many forms such as unfair performance ratings, demotion and harassment both mental and physical. In the Indian Context, the current legislation may have its drawbacks and gaps but Courts have recognised retaliatory acts to be offensive and violative of many laws especially those related to discrimination and harassment. In private sectors, organizations need to incorporate channels through which complaints can be submitted anonymously to seek protection against retaliation.³

Remedies for Whistle Blowers facing Retaliation in India are severely limited with little practical enforcement and rare Sanctions against victimization. The WBPA, 2014 does empower competent authority like the CVC to shield public servants from harassment or punitive transfers though ground level enforcement remains weak. The Companies Act, 2013 too mandates a vigil mechanism for directors and employees in listed companies but lacks robust government backed penal enforcement for private sector retaliation⁴.

Reserve Bank of India offer whistleblowing frameworks with SEBI providing financial rewards and anonymity under specific insider trading informant protocols. Penalties exist on paper—such as up to 3 years imprisonment and a fine of ₹50,000 for maliciously or negligently revealing a whistle-blower's identity under the 2014 Act but actual prosecution of retaliators is extremely rare.⁵

³ *A Quick Guide to Indian Discrimination Laws*, Global People Strategist, (June 24 2025)

⁴ Ecrossings, *Protecting Whistleblowers: Anti-Retaliation Measures That Actually Work*, (Feb 16 2026)

⁵ Nipun Khanna, *Whistleblower Laws in India 2026: Can Employees Report Corruption Safely*, Khanna and Associates Blog (April 27, 2026)



The Indian Journal for Research in Law and Management

Open Access Law Journal – Copyright © 2026

Editor-in-Chief – Dr. Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

This is an Open Access article distributed under the terms of the Creative Commons Attribution-Non-Commercial-Share Alike 4.0 International (CC-BY-NC-SA 4.0) License, which permits unrestricted non-commercial use, distribution, and reproduction in any medium provided the original work is properly cited.

3. COMPARATIVE STUDY BETWEEN WBPA, 2014 AND WBP BILL, 2015:

The WBPA, 2014 was followed by a Whistle Blowers Protection (Amendment) Bill, 2015. This bill brought about many noticeable amendments. Its statement of objects and Reasons of the 2015 bill stated that the 10 categories of information which cannot be disclosed on the model of RTI, 2005.

The Statement of Objects and Reasons of the 2015 Bill states that the prohibited categories have been modelled on the 10 categories of information that cannot be revealed under the Right to Information (RTI) Act, 2005.[3] However, this comparison may not be appropriate. The purpose of the RTI Act is to make information with public authorities accessible to all citizens in order to promote transparency and accountability.[4] There may be circumstances where it may not be desirable for public institutions to reveal all types of information to citizens. Another issue with this bill which can be highlighted is that a Competent authority is required to refer the disclosure to a government Authority for the verdict. And this bill does not mention the minimum qualifications or the designation required for the Competent authority neither does it specify the process by which such Competent authority would be appointed. In contrast, the WBPA, 2014 act does specify that that Competent authority is a high-level Constitutional or statutory authority. The Statement of Objects and Reasons of the Bill also stated that there were certain amendments during the passage of WBPA, 2014 which were not moved owing to the fact that the bill was taken up for deliberation on the last day of 15th Lok Sabha. And stated that the 2015 bill incorporated these proposed amendments. The 2013 amendments that were proposed however only provided for two



The Indian Journal for Research in Law and Management

Open Access Law Journal – Copyright © 2026

Editor-in-Chief – Dr. Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

This is an Open Access article distributed under the terms of the Creative Commons Attribution-Non-Commercial-Share Alike 4.0 International (CC-BY-NC-SA 4.0) License, which permits unrestricted non-commercial use, distribution, and reproduction in any medium provided the original work is properly cited.

categories of information however the 2015 bill prohibited the disclosure of ten categories of information⁶.

CONCLUSION:

Whistle-blower protection in India is important in principle but still limited in practice especially when retaliation takes the form of harassment and life threatening violence. The current legal framework in India does offer some protection but that is not adequate in the present scenario. Stringent penalties and sanctions against retaliators must be put in place. Meaningful compensation and rehabilitation for harmed whistle-blowers remain underdeveloped which needs to change. The effectiveness of Whistle-blower protection depends not only on paper but also on how firmly it is enforced. What can be clearly inferred from the above discussion and statistics is a pattern of fewer number of whistle-blower complaints are filed because citizens fear retaliation and lack confidence that their complaints will be handled fairly owing to the above drawbacks of the legal framework of Anti-Corruption Whistle-blowers in India. They do not have faith in the system that is meant to protect them from job loss or coercion or harassment. In many workplaces, silence is reinforced by hierarchy, social stigma, weak internal reporting systems.

REFERENCES:

The Information used in this Article has been derived from the following sources.

<https://thc.nic.in/Central%20Governmental%20Acts/Whistle%20Blowers%20Protection%20Act,%202014..pdf>

⁶ PRS, legislative brief, *The Whistleblowers Protection (Amendment) Bill, 2015*, (2015)



The Indian Journal for Research in Law and Management

Open Access Law Journal – Copyright © 2026

Editor-in-Chief – Dr. Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

This is an Open Access article distributed under the terms of the Creative Commons Attribution-Non-Commercial-Share Alike 4.0 International (CC-BY-NC-SA 4.0) License, which permits unrestricted non-commercial use, distribution, and reproduction in any medium provided the original work is properly cited.

<https://prsindia.org/billtrack/prs-products/prs-legislative-brief-2452>

<https://globalpeoplestrategist.com/a-quick-guide-to-indian-discrimination-laws/>

<https://ecrossings.in/blog/whistleblower-protection-act/>

<https://khannaandassociates.com/blog/whistleblower-laws-in-india-2026/>

<https://www.bbc.com/news/articles/c0jvy09dvw9o>