

ANALYTICAL STUDY OF LEGAL FRAMEWORK PROTECTING WHISTLE BLOWERS IN SAARC NATIONS

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Abstract

Several regulations and amendments have come into the picture of whistle blowing depicting protection of whistle blowers. SAARC (South Asian Association for Regional Cooperation) is a socio-economic group comprising of eight countries that are primarily located in South Asia. A “Whistle Blower” stands for a person who reveals wrongdoing within an organization to the public or to those in positions of authority. This paper will focus on the types of whistle blowers, work performed by whistle blowers in different types, remedies to whistle blowers on the basis of stand in the society, legal framework in place for the rights of whistle blowers in SAARC Nations. This paper also examines the role of whistle blowers in the eradication of corruption in SAARC nations. The paper also attempts to focus on the consequences faced by Whistle Blowers in SAARC Nations. Furthermore, the paper will discuss about the various legislations, amendments, and Acts in relation to the Protection of Whistle Blowers in SAARC Nations. It is the endeavour of this paper to discuss about the Whistle Blowers Protection Act, 2011, its important areas of interest, Objectives of the Act, remedies provided in the Act, concluding with the Critical Analysis.

Introduction

SAARC refers to South Asian Association for Regional Cooperation. The countries covered under the definition of SAARC Nations are Bangladesh, Afghanistan, India, Pakistan, Bhutan, Maldives, Nepal and Sri Lanka. SAARC Nations cover almost 2.8% area of the world and are one of the most successful associations of the world. The combined economy of the SAARC Nations is third largest in terms of GDP and fifth largest in terms of nominal GDP.

The International Labour Organization (ILO) defines whistleblowing as “the reporting by employees or former employees of illegal, irregular, dangerous or unethical practices by employers.”¹ WhistleBlower protection is essential to encourage the reporting of misconduct, fraud and corruption. Certain legislations have been passed in lieu of protection of whistleblowers.

This applies to both public and private sector environments, especially in cases of bribery. Protecting public whistleblowers facilitates the reporting of passive bribery, as well as the misuse of public funds, waste, fraud and other forms of corruption. Protecting private whistleblowers facilitates the reporting of active bribery and other corrupt acts committed by companies.

The paper focuses on the certain rights, rules and regulations as well as legislations pertaining to protection of whistleblowers in SAARC Nations. The paper will also talk about the importance and results of certain legislations in protection of whistleblowers. The work done by the various types of whistleblowers followed by the points of concern drawn thereafter, the effects of whistle-blowing will also be discussed in the paper. The paper is also interested in knowing the public views on ‘whistle-blowing’. The paper also talks about certain rules which are being followed for reducing corruption in SAARC Nations. The motive of the paper is to make people aware of certain situations faced by whistleblowers and how are these situations controlled.

¹ International Labour Organization Thesaurus (2005).

ORIGIN OF WHISTLEBLOWERS

The word 'whistleblowers' came into existence in the late 20th century when whistleblowers have achieved victories for environmental protection, government contract fraud, nuclear safety and government and corporate accountability. There have been multiple instances of threatening, harassment and even murder of various whistleblowers. Those who are regarded as whistleblowers, have a choice to bring information or allegations to surface either internally or externally. Internally a whistleblower can bring to the notice to the people of the same organisation. But, when it comes to external whistleblowing, it has a huge effect on the organisation's growth and wellbeing as its reputation is being questioned or ruined on a massive level. However, certain third-party groups and others offer protection to groups through specific provisions. There are laws which protect whistleblowers but providing protection through specific provisions in different laws may constitute a fragmented approach and result in protection only of specific persons or for the reporting of specific offences. This may create loopholes in the legal framework and lead to legal uncertainty and ambiguity.²

LEVEL OF VOICE AND ACCOUNTABILITY

In the past couple of years, whistleblowers have become a way to inform people about the corrupt practices. The problem is that the lack of an institutional framework acts as a disincentive to the culture of accountability created by these whistleblowers. Crucially, civil society and the media in the region enjoy increasingly less freedom to call out wrongdoing and injustice where they witness it. According to Freedom House, the extent to which civil liberties are respected has declined in all countries in the region since 2010, with the exception of India. This shrinking space for civil society is illustrated by numerous events over the past years including systematic personal attacks on civil society activists by government owned media in Sri Lanka, killings of human rights activists in India and Pakistan and physical attacks and death threats in Bangladesh, India, and Nepal.

² Whistleblower protection: encouraging and reporting (2012) by CleanGovBiz , Integrity in practice
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Thus the region is characterised by vicious cycle in which a highly elitist and unaccountable political culture remains largely unchallenged because the very actors who can bring those in power to task are being systematically silenced.³

Another issue to be understood is about internal and external whistleblowing. Internal whistleblowers are persons who report misconduct on a fellow employee or superior within their company. External whistleblowers report misconduct to outside persons or entities. In such instances, whistleblowers may also leak the information to lawyers, the media, law enforcement or watchdog agencies, or local state, or federal agencies. In some cases, external whistleblowers are given monetary reward. But, external whistleblowers have less tenure with the organization, greater evidence of wrongdoing, and they tend to be more effective in changing organizational practices. External whistleblowers also experience more extensive retaliation than internal whistleblowers. Internal whistleblowers, being a part of the same organisation have a fear of losing their job. So, internal whistleblowing is seen in the organisations which have proper planning and control process.

LEGISLATIVE PROVISIONS FOR WHISTLEBLOWERS IN SAARC NATIONS

Different countries have different legislations related to protection of whistleblowers.

- **Nepal:**Section 29 of the RTI Act deals with the protection of whistleblowers. According to this act, it is the duty of employee of public agencies to provide information on any ongoing or probable corruption or irregularities or any deed taken as offence under the prevailing laws. It protects the whistleblowers whereby it mentions that no harm or punishment is done to bear any legal responsibility to the whistleblower for providing information. Furthermore, even if any punishment or harm is done to the whistleblower, the whistleblower may complaint along with demand for compensation.

Nepal, where the Right to Information Act is regarded as a relatively robust law. Uniquely in the region, it also covers both political parties and all non-governmental organisations.⁴Nevertheless, implementation of the act is considered weak. Many public agencies have not appointed dedicated information officers and much of the information subject to proactive disclosure under the law remains unpublished.⁵

³ Fighting Corruption in South Asia: Building Accountability- Transparency International, Bangladesh

⁴ "Right to Information in Nepal", Citizens' Campaign for Right to Information (web), 28 March 2014.

⁵ World Bank, Implementation of the Right to Information in Nepal: Status Report and Recommendations, (Washington: World Bank, 2013).

Moreover, many whistleblowers are being subjected to brutality and harm as against the provision of Section 29 (3) and (4).

➤ **India:** The 'Whistleblower Protection Act, 2011' ensures protection to whistleblowers..in June 2011, a parliamentary panel recommended that ministers, the higher judiciary, security organisations, defence and intelligence forces and regulatory authorities be brought under the whistleblowers protection bill to check corruption and wilful misuse of power. The bill was passed by the loksabha on 27 December 2011 and by the RajyaSabha on 21 February 2014 the Act came into effect on 9th May 2014.

- The cases under the category of whistleblowers started from the year 2003 when the case of a whistleblower 'SatyendraDubey' took place wherein the whistleblower was murdered as he blown the whistle in a corruption case in the National Highways Authority of India's Golden Quadrilateral Project. Another case took place in the year 2005 when an Indian Oil Corporation Officer, 'ShanmughanManjunath', was murdered for sealing a petrol pump that was selling adulterated fuel. A Karnataka official SP Mahantesh, said to be a whistle-blower in controversial land allotments by societies was murdered in May 2012. Mahantesh was working as Deputy Director of the audit wing in the state's Cooperative department and had reported irregularities in different societies involving some officials and political figures. A senior police officer alleged that Mayawati's government was corrupt and had embezzled large amounts of money. Shortly thereafter, he was sent to a psychiatric hospital. The activists demanded that a law should be framed to protect the whistleblowers, to facilitate the disclosure of information and uncover corruption in government organisations. India being the largest among SAARC Nations, the Right To Information Act (RTI), 2005, has a very important hold on whistleblowers. The basic role of the whistleblower is to provide information to the people as:

1. Citizens find themselves unable to access key information on how their governments are performing in order to keep a check on their working.
2. The lack of meaningful protection for whistleblowers means that the chances of detecting wrongdoing by those in positions of power are slim.

3. Widespread political interference in the critical work of anti-corruption agencies and the judiciary makes them ineffective in keeping a check on government.

There are other provisions which provide protection to whistleblowers:

1. Article 21 of the constitution of India, it states that every citizen has a right to live his/her life. [protects whistleblowers and ensures right to life to them]
2. Prevention of corruption act, 1988, it prevents corruption and corrupt practices and accordingly punishes the wrongdoer. [the act also talks about the protection to people who disclose the information about corrupt practices]
3. Black Money (Undisclosed foreign income and assets) and imposition of tax Act, 2015
4. Benami Transactions (prohibition) Act, 1988

Safeguards against Victimisation

As given under Section 6 of the Whistleblowers Protection Act, 2011:

- The state government shall ensure that no person or a public servant who has made a disclosure under this act is victimised by initiation of any proceedings or otherwise merely on the ground that such person or a public servant had made a disclosure or rendered assistance in inquiry under this act.

But, in recent times, there have not been taken adequate steps by the government in order to protect the whistleblowers.

- If any person is being victimised or likely to be victimised on the ground that he had filed a complaint or made disclosure or rendered assistance in inquiry under this Act, he may file an application before the competent authority seeking redress in the matter, and such authority shall take such action, as deemed fit and may give suitable directions to the concerned public servant or the public authority, as the case may be, to protect such person from being victimised or avoid his victimisation:

1. Provided that the competent authority shall, before giving any such direction to the public authority or public servant, give an opportunity of hearing to the complainant and the public authority or the public servant as the case may be-

2. Provided further that in any such hearing, the burden of proof that the alleged action on the part of the public authority is not victimisation, shall lie on the public authority.

So, the section 11 of the 'Whistleblowers Protection Act, 2011' states that each and every whistle blower should be given *Audi AlteramPartem* (should be given chance to be heard).

Penalty for Furnishing Incomplete or Misleading Comments or Explanation or Report

Where the competent authority, at the time of examining the report or explanations or refer to report of the complaint submitted by organisation or official concerned, is of the opinion that the organisation or official concerned, without any reasonable cause, has not furnished the report within the specified time or mala fidely refused to submit the report or knowingly given incomplete, incorrect or misleading or false report or destroyed record or information which was the subject of the disclosure or obstructed in any manner in furnishing the report, it shall impose-

- a. Where the organisation or official concerned, without any reasonable cause, has not furnished the report within the specified time or mala fidely refused to submit the report, a penalty which may extend to two hundred fifty rupees for each day till report is furnished, so, however, the total amount of such penalty shall not exceed fifty thousand rupees;
- b. Where the organisation or official concerned, has knowingly given incomplete, incorrect or misleading or false report or destroyed record or information which was the subject of the disclosure or obstructed in any manner the furnishing of the report, a penalty which may extend to fifty thousand rupees:
 - Provided that no penalty shall be imposed against any person unless he has been given an opportunity of being heard.⁶

Protection of Action Taken in Good Faith

No suit, prosecution or other legal proceedings shall lie against the competent authority or against any officer, employees, agency or person acting on its behalf, in respect of anything which is in good faith done or intended to be done under this act.⁷

⁶ Section 15, Whistle Blowers Protection Act, 2011

⁷ Section 24, Whistle Blowers Protection Act, 2011

However, there are still some provisions which lack in protection of whistle blowers and witnesses. The only provisions in the Prevention of Corruption, Act 1988 which provide for protection of whistleblowers are Sections 5 and 24. While both of these provisions provide some degree of protection against prosecution, they do not afford any protection against action that may be taken by the wrongdoer or his associates.

Shortcomings of Whistleblowers Protection Act, 2011

The lack of public debate and consultation on the bill seems to indicate the danger of it becoming another 'paper tiger'. Typically, ministries proposing draft legislation involve a process of public consultation to give the public an opportunity to carefully critique its provisions. In this case, such an opportunity has been denied to the public, which has not gone unnoticed.

The Lowy Institute of Study, which found that 96 percent of Indians believe corruption is holding the country back, and 92 percent believe that reducing corruption should be one of the government's top priorities). One of the most important obstacles to fighting corruption in India has been the lack of adequate whistleblower protections. Individuals reporting incidents of bribery or corruption faced numerous hurdles, including verbal threats, physical violence, and ostracism. Others encountered workplace retaliation. Confronted with these risks, many potential whistleblowers choose to remain silent.

- **SriLanka**: According to the Constitution of Sri Lanka (last amended on 15th May 2015)-
 - The section 38(2)(a)(iv) states that Any member of parliament may, by a written addressed to the speaker, give notice of a resolution alleging that the president is permanently incapable of discharging the functions of his office by reason of mental or physical infirmity or that the president has been guilty of any misconduct or corruption involving the abuse of the powers of his office.
 - The section 154B(4)(a)(ii) states that the provincial council may, subject to present an address to the president advising the removal of the governor on the

ground that the governor is guilty of misconduct or corruption involving the abuse of the powers of his office.

Amongst the eight countries of SAARC, Sri Lanka is the one of the countries which doesn't have a proper act which gives Right to Information (hereinafter referred to as RTI Act).

In Author's opinion, Sri Lanka must pass a Right to Information law as a matter of urgency to enable citizens to realise their fundamental right to information as guaranteed in the country's constitution. The law should draw on the strong legislation developed in neighbouring countries, in particular India and Bangladesh.

Recently, Sri Lanka took a crucial step by launching its first national draft policy to protect whistleblowers. But, it seems to be a problem that there is a misconception in regard to the definition in the minds of people for 'whistleblowers' and 'witnesses' which leads to trouble in forming a proper legislation. It should be clear that not all whistleblowers are witnesses. They often do not have any concrete evidence, but only suspicions on wrongdoings. As a result, witness protection mechanisms do not provide sufficient protection to whistleblowers. This is one crucial instance where sound legislation would prove useful in encouraging them to step up.

- **Bhutan**: The provisions which deal with the protection of whistleblowers in Bhutan are as follows:
 - The RTI Act of Bhutan purposely aims at reinforcing and empowering the right of a citizen to public information with a view to foster citizen participation in governance, promoting government accountability, combating corruption, supporting fair and competitive business environment and upholding personal dignity.
 - The Anti-Corruption Act 2011 (2) states that If any books, documents or papers, which is given in evidence or liable to inspection in any civil, criminal or other proceedings, contains any entry in which any complainant or informer is named or described or which might lead to his discovery, the court before which the proceeding is had shall cause all such passages to be concealed from view or to be obliterated so far as is necessary to protect the complainant or informer from discovery.

In author's opinion, Bhutan must invest in setting up strong right to information infrastructure to ensure that public authorities are able to provide comprehensive and accurate information to citizens in a timely manner as required by law. All public agencies must appoint and train public information officers so that they are aware of their responsibilities under the law and are empowered to provide information when requested to do so. It also must invest in public education campaigns throughout their territories to raise awareness among citizens of their fundamental right to information, and of how to use it to hold their governments to account. Like India, it is also a developing nation and can have an enactment or a legislation for the protection of whistleblowers.

- **Afghanistan**: The country has a provision under its constitution which states that the government should maintain public law and order and eliminate every kind of administrative corruption.

As far as Afghanistan is concerned, the present situation gives a clear view that the country has still no future ideology in relation to the enactment of RTI Act, ultimately which will not ensure protection to whistleblowers. Without any enactment of RTI, there is no hope for any Whistleblowers Protection Act.

In Author's opinion, Afghanistan must invest in setting up strong right to information infrastructure to ensure that public authorities are able to provide comprehensive and accurate information to citizens in a timely manner as required by law. All public agencies must appoint and train public information officers so that they are aware of their responsibilities under the law and are empowered to provide information when requested to do so. It also must invest in public education campaigns throughout their territories to raise awareness among citizens of their fundamental right to information, and of how to use it to hold their governments to account. In a country like Afghanistan where law and order is completely shattered, a person, even if he wants to convey some essential information to the public at large, he cannot take a step as the country has very dangerous instances which create a haphazard situation and prevent people to take necessary steps. Due to these situations the country needs to have an Act for Protection to Whistleblowers which needs to be very robust (depending upon the country's needs).

- **Maldives**: The Constitution of Maldives governs the protection of whistleblowers under Article 202(a) which states that the Anti-Corruption Commission should inquire

into, investigate all allegations of corruption; any complaints, information, or suspicion of corruption must be investigated.

The above provision directly points to prevention of whistleblowers but there is still no legislation till date which directly governs protection to whistleblowers. Maldives must ensure that their anti-corruption agencies are granted the powers to instigate corruption investigations and prosecutions on their own initiative without prior government approval. There is a legislation recently been passed relating to RTI Act. This may seem like encouraging sign, there are significant weaknesses in some of the laws themselves and even where they are considered strong, they are not always working effectively. Although the new law has only just passed, there are concerns about the level of citizens' awareness of their rights⁸, an issue which will need to be addressed as a matter of urgency.

In Maldives, the Anti-Corruption Commission can initiate investigations, but not prosecutions, and must instead forward cases to the prosecutor general for any further action to be taken.

With the enactment of this act, it is clear that the beneficiary of this Act is the judiciary, before the enactment of this act, the problem of limited judicial accountability has resulted in excessive use of powers over the other two branches of government. The introduction of a new law has allowed the Supreme Court to “essentially act as prosecutor, judge and jury during trial.”⁹ This is most starkly illustrated by the Maldives Supreme Court's decision to sentence the president of the Election Commission to six months in prison for contempt of court following the recent elections in 2014, drawing strong criticism from the UN Secretary-General¹⁰ as well as the EU High Representative who described the move as “a serious setback in the democratic transition of the country.”¹¹

In author's opinion, Maldives must invest in setting up strong right to information infrastructure to ensure that public authorities are able to provide comprehensive and accurate information to citizens in a timely manner as required by law. All public agencies must appoint and train public information officers so that they are aware of

⁸ Institute of Informatics and Development, an independent policy, 2012

⁹ “Maldives Supreme Court sentences election commission members”, Jurist (web), 10 March 2014

¹⁰ “Statement attribute to the spokesman for the secretary-general on the Maldives”, office of the UN Secretary General, 10 March 2014

¹¹ “Statement by the Spokesperson of EU High Representative Catherine Ashton in response to the ruling by the Maldivian Supreme Court against Election Commissioners”; European Union External Action, 12 March 2014.

their responsibilities under the law and are empowered to provide information when requested to do so. It also must invest in public education campaigns throughout their territories to raise awareness among citizens of their fundamental right to information, and of how to use it to hold their governments to account.

- **Pakistan**: In this country, despite recent amendments to the Constitution in 2010 acknowledging citizens' fundamental right to information, and while being the first country in the region to have introduced a national law of right of information, the said law is weak. The Freedom of Information Ordinance is seen as ineffective and falls short of international standards.¹² The new Right to Information Bill currently being developed to succeed the ordinance, meanwhile, has been described as “as bad as [the law] it seeks to repeal, if not worse.”¹³

While at the federal level there is a long way to go, two recent developments at state level offer some hope. The recently enacted Khyber Pakhtunkhwa Right to Information Ordinance 2013 is considered to meet international standards. The new legislation in Khyber Pakhtunkhwa was closely followed by the passing of the Punjab Transparency and Right to Information Act on 12 November 2013.¹⁴

In Pakistan, the number of requests from both civil society groups and the general public has also been low. Limited public awareness of the law has been attributed to the top-down manner in which it was developed leading to a perception among citizens that it is not relevant to them¹⁵. The government introduced a new National Accountability Commission Bill in the National Assembly, in an attempt to replace the existing National Accountability Bureau with a new commission with more limited scope and jurisdiction,¹⁶ although to no avail.

In author's opinion, Pakistan must substantially strengthen the Right to Information (Amendment) Bill currently under discussion in order to meet international standards, also drawing on the strong legislation developed in India and Bangladesh.

- **Bangladesh**: In Bangladesh, despite having a strong RTI law, citizens in the region are not always aware of their right to information, often due to a lack of commitment on the part of government and others to promote the laws. There has been very little

¹² “2013 – A Watershed Year for RTI Movement in Pakistan”, Freedominfo.org (web), 24 January 2014.

¹³ Freedominfo.org, 2014.

¹⁴ Freedominfo.org, 2014.

¹⁵ Institute of Informatics and Development, 2012.

¹⁶ Transparency International Pakistan, National Integrity System Assessment Pakistan 2014, (Karachi: Transparency International Pakistan, 2014).

progress in implementing the law and awareness among potential users is almost non-existent. Indeed, one year after the law was passed, only 10 per cent of mid-ranking civil servants knew that it even existed. It should ensure that its existing whistleblower laws are actively promoted and effectively implemented.

- The Right to Information Act of Bangladesh is considered strong and is supported by an Information Commission to ensure compliance with the law. The act also requires public agencies to employ dedicated information officers to handle requests for information.¹⁷ Despite some weaknesses, the law is regarded as a significant achievement in a country where administration is steeped in secrecy.¹⁸ Nevertheless, five years after coming into force, the act is far from achieving its objectives. According to a survey conducted in the second year of the implementation of the RTI Act, 88 per cent of requesters reported having to visit the information provider's office numerous times, 29 per cent reported facing harassment, 26 per cent reported facing difficulties finding the responsible information officer and eight per cent reported having to pay additional money to get the information they were looking for.¹⁹ According to the Information Commission of Bangladesh, by 2012, only one-third of government offices and NGOs had submitted the names of their designated information officers.²⁰

The another issue is “Citizens are not making use of their right to information” for example, in the first two-and-a-half years of its operation, the Information Commission heard only 44 complaints out of around 100 received. These are paltry numbers for a country with a population of over 150 million and compares to over 27,000 in India for the same period.²¹ What is more, two years after the implementation of the act, 44 per cent of people did not even know about the law.²² This may partly be due to the fact that the government, the media and NGOs are not making a concerted effort to raise awareness of the right to information among citizens.²³

¹⁷ Transparency International Bangladesh, National Integrity System Assessment Bangladesh 2014 (Dhaka: Transparency International Bangladesh, 2014).

¹⁸ Transparency International Bangladesh, 2014.

¹⁹ Institute of Informatics and Development, Protifolon: Challenges of Right to Information in South Asia, (Dhaka: Institute of Informatics and Development, 2012).

²⁰ Institute of Informatics and Development, an independent policy, 2012.

²¹ Institute of Informatics and Development, an independent policy, 2012.

²² Institute of Informatics and Development, an independent policy, 2012.

²³ Institute of Informatics and Development, an independent policy, 2012.

The Bangladeshi Public Interest Related Information Disclosure (Protection) Act was enacted by the Government in 2011. The law empowers a person to disclose information on government offices as well as non-government organisations, but does not cover the private sector. It ensures that authorities can reward a whistleblower if their information is proved correct, that no criminal, civil or administrative proceedings can be brought against whistleblowers, and that their identities cannot be revealed without their consent.²⁴ However, the threat of imprisonment for up to five years for knowingly presenting false information may deter public officials from blowing the whistle in practice.²⁵

The author feels a need to have an act protecting ‘Whistleblowers’ in public as well as private sector. This is a major issue of concern as not only the public sector but also the private sector have an involvement of whistleblowers. Bangladesh must implement awareness raising programmes for public sector officials at all levels so that they are familiar with the whistleblowing procedure. The reason for the same is very obvious as stated above that most of the people are unaware of the Whistleblower Protection Act and some are in the hope of getting things into a stable state on their own and some also think ‘what will happen if we are caught?’. These are the areas the government of Bangladesh should take a step to overcome the problem of whistleblowers.

CONCLUSION

“The world is a dangerous place, not because of those who do evil, but because of those who look on and do nothing.” - Albert Einstein

A serious lack of accountability on the part of the political elite in the region means that government action to fight corruption is largely ineffective. Citizens find themselves unable to access key information on how their governments are performing in order to hold them to account, while the lack of any meaningful protection for whistleblowers means that any detection of wrongdoing by those in positions of power is not being systematically reported. Whistleblower protection is essential to encourage the reporting of misconduct, fraud and corruption. The risk of corruption is significantly heightened in environments where the reporting of wrongdoing is not supported or protected. This applies to both public and private

²⁴ “Whistleblowers to be protected”, The Daily Star (web), 17 April 2014.

²⁵ US Department of State, 2013 Human Rights Reports: Bangladesh, (Washington: US Department of State, 2014).

sector environments, especially in cases of bribery. Urgent priorities for the governments of Bangladesh, India, Maldives, Nepal, Pakistan, Sri Lanka, Afghanistan and Bhutan need to be addressed in order for them to translate their Anti-Corruption rhetoric into concrete action.

Despite the fact that every country requires to have a legislation for protection of whistleblower, only Bangladesh and India to date have done so. Even in these countries, however, the legislation is either weak or not being applied effectively. Without adequate and functioning whistleblower protection laws which allow public officials to safely report corruption and other crimes, those who abuse their positions of power for their own personal gain will continue to get away with it at the expense of the public wallet.

It is the duty of all governmental and other institutions to respect and observe the independence of the judiciary.²⁶ Yet despite such universal agreements, political interference in the operation of this vital watchdog institutions remains a widespread problem in South Asia. In many cases, they are being deliberately weakened and disempowered by vested political interests which place restrictions on their authority and mandate to meaningfully tackle corruption.

The Author feels a need to have Whistleblower Protection Act in all the subsequent countries (other than India and Bangladesh) which are covered under SAARC. As this issue is very vital and several lives have been lost due to absence of this provision. It is ultimately the people who are being affected in either ways by the killing of whistleblowers. Whistleblowers perform a very important duty by providing the alleging information, as people get to know about the real face of the companies and firms.

²⁶ “Basic Principles on the Independence of the Judiciary”, adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan , 26 August - 6 September 1985.

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