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## Voices of truth: The role of whistleblowing in strengthening governance and accountability in India

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### Abstract

Whistleblowing is the act of reporting illegal practices or misconducts within an organization and it is important for protecting public interest and ensuring good governance. In India, where corruption and malpractices have been longstanding challenges, whistleblowers have emerged as essential watchdogs. In spite of this, whistleblowers in India face significant risks including harassment, job loss and even physical harm due to inadequate legal protections and lack of proper institutional support. This paper examines the significance of whistleblowing in India, analyzing the legal framework, challenges faced by whistleblowers and the impact of whistleblowing on public sector governance. Through a comprehensive analysis of secondary resources such as existing literature, in-depth case studies and relevant documents this paper aims to create a profound understanding of factors affecting whistleblowing in India. The findings highlight the necessity for stronger legal protections and institutional support for whistleblowers to create a more accountable and transparent environment.

**Keywords:** Whistleblowing, public interest, good governance, legal framework, accountability

### Introduction

Whistleblowing has become an important instrument for fostering openness, accountability and ethical behavior in modern governance and organizational settings. It is the act of exposing illegal or unethical actions within organizations and contributes significantly to making sure that both public and private organizations operate in the interest of society at large. Whistleblowers are frequently regarded as catalysts for organizational reform, bringing awareness of wrongdoings that would otherwise go undetected. Despite its significance, whistleblowing in India is a complicated subject due to a variety of social, cultural and legal challenges.

Whistleblowing can be defined as the act of reporting or publicizing illicit activities, corruption or misconduct within an organization (Nille, Rautrao, Satpute, & Belkhode, 2024)<sup>[7]</sup>. Whether in a private corporation or a government institution, whistleblowing is instrumental in revealing unlawful activities that jeopardize the public interest. However, whistleblowers frequently encounter significant risks, such as retaliation, job loss, and damage to personal and professional relationships. These challenges underscore the need for robust whistleblower protection mechanisms, especially in a growing country like India, where governance concerns are inextricably linked with issues of corruption and accountability (Samrudhee, 2023)<sup>[9]</sup>.

Effective whistleblowing contributes to the transparency and accountability of institutions by bringing to light corrupt or unethical practices. Near and Miceli (1995)<sup>[6]</sup> argue that whistleblowing is essential for societal benefit, as it enables organizations to rectify wrongdoings before they evolve into larger problems. Their model of effective whistleblowing identifies key factors that increase the chances of success, such as the seriousness of the offense and the presence of supportive organizational policies. However, their analysis also reveals that encouraging whistleblowing without adequate support structures can be detrimental, as it places whistleblowers at risk of severe retaliation (Near & Miceli, 1995)<sup>[6]</sup>.

The psychological and situational factors influencing whistleblowing have also been widely studied. Khan *et al.* (2022)<sup>[5]</sup> examine the psychological aspects that impact whether a someone will opt to report misconduct.

Their study highlights that the perceived seriousness of wrongdoing significantly affects a person's decision to blow the whistle. Furthermore, they find that the possibility of retaliation is a significant deterrent for potential whistleblowers, leading them to remain silent due to fear of negative consequences. These findings are vital to understanding why many cases of corruption and malpractice in India go unreported, as the fear of retaliation is pervasive across both the public and private sectors (Khan, *et al.*, 2022) <sup>[5]</sup>.

In the Indian context, whistleblowing faces unique challenges. Despite the enactment of legislation like the Whistle Blowers Protection Act of 2014, there are significant gaps in implementation and enforcement. Whistleblowers in India continue to face threats to their safety and livelihood, which discourages many from reporting wrongdoings. Samrudhee (2023) <sup>[9]</sup> emphasizes that for whistleblowing to be effective in India, stronger legal frameworks and a cultural shift toward supporting whistleblowers are required.

Chen (2019) <sup>[2]</sup> reviews the global research on whistleblowing, noting the importance of localized studies that consider the specific socio-cultural factors influencing whistleblowing behaviors. In India, where hierarchical organizational structures and cultural norms often discourage dissent, the act of whistleblowing can be seen as socially deviant. This perception further complicates efforts to strengthen whistleblowing mechanisms in the country. For whistleblowing to become a more widely accepted practice there is a need to promote a cultural change that views whistleblowers not as traitors, but as individuals contributing to the greater public good (Chen, 2019) <sup>[2]</sup>.

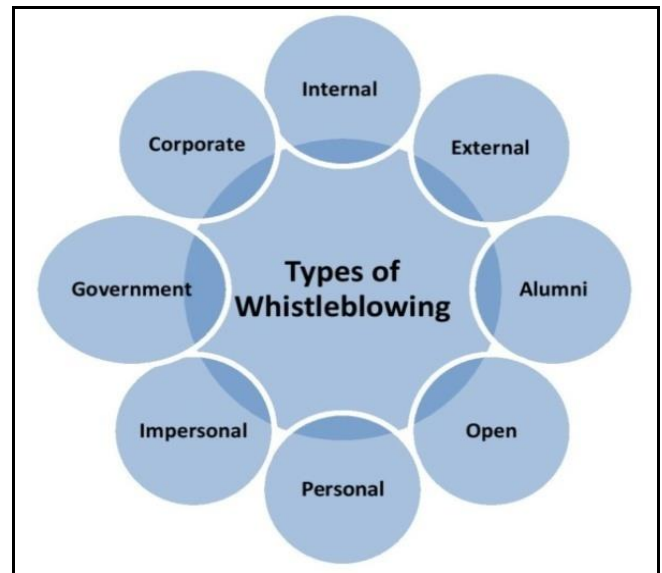
The decision-making process behind whistleblowing is also influenced by the organizational environment. Nille *et al.* (2024) <sup>[7]</sup> discuss how internal organizational dynamics, such as leadership support and corporate culture, significantly impact whether an individual will blow the whistle. In India, where organizational cultures often prioritize loyalty and conformity over transparency, fostering an environment that encourages ethical reporting can be particularly challenging. However, organizations that prioritize integrity and accountability are more likely to see successful whistleblowing, as employees are encouraged to report unethical actions without concern for retribution (Nille, Rautrao, Satpute, & Belkhode, 2024) <sup>[7]</sup>.

### Understanding Whistleblowing

Whistleblowing involves individuals reporting wrongdoing or illegal activities within an organization to external authorities or the public. This may encompass a wide range of misconduct, such as corruption, fraud, bullying, health and safety violations, cover-ups and discrimination. A whistleblower is a person who discloses such information, often putting himself at risk. They may be employees of the organization, government officials or individuals with knowledge of wrongdoing.

The term "whistleblower" is believed to have originated in the 19th century, drawing inspiration from the practice of sports referees using whistles to signal illegal or foul play. Today, it is widely used to describe individuals who disclose misconduct to the public or higher authorities.

### Types of Whistleblowing



- **Internal Whistleblowing:** When the whistleblower reports the wrongdoing to officials at a higher position within the organization. The usual subjects of internal whistleblowing include disloyalty, misconduct, indiscipline, insubordination, disobedience etc.
- **External Whistleblowing:** When the misconduct is disclosed to external parties, like the media, public interest groups or enforcement agencies.
- **Alumni Whistleblowing:** When the whistleblower is an ex-employee of the organization.
- **Open Whistleblowing:** When the whistleblower's identity is revealed.
- **Personal Whistleblowing:** When the organizational wrongdoing is intended to harm one person only.
- **Impersonal Whistleblowing:** When the wrongdoing is intended to harm others.
- **Government Whistleblowing:** When a revelation is made about wrongdoing or unethical practices adopted by government officials.
- **Corporate Whistleblowing:** When a report is made about wrongdoing within a business corporation.

### Significance of Whistleblowing

- **Exposing Corruption:** Whistleblowers have been instrumental in exposing corruption within government at all levels in India. By reporting wrongdoing, whistleblowers have helped to uncover illicit activities, such as bribery, embezzlement, and collusion with private entities. For example, the 2G spectrum scam revealed widespread corruption in the allocation of telecom licenses, leading to significant political and legal consequences.
- **Promoting Transparency:** Whistleblowing contributes to promoting transparency in governance by shedding light on government operations and decision-making processes. By exposing wrongdoing, whistleblowers can help to increase public trust in government institutions.
- **Enhancing Accountability:** Whistleblowing can enhance accountability by holding individuals and organizations responsible for their actions. By reporting illegal or unethical activities, whistleblowers can help

to improve accountability and transparency in the governance system.

### Focus Period

- This analysis concentrated on the last 20 years (2003-2023), a period characterized by notable advancements in India's governance framework and the emergence of prominent instances of whistleblowing.

### Objectives of the Study

1. To understand the concept of whistleblowing and its significance in promoting good governance.
2. To analyze the legal framework governing whistleblowing in India
3. To identify and examine the challenges faced by whistleblowers in India
4. To provide suggestions for strengthening whistleblower protection and promoting a culture of accountability

### Methodology

This study employed a mixed-methods research approach, combining qualitative and quantitative methods. An extensive literature review was carried out to identify key themes and research gaps related to whistleblowing, governance, and accountability in India. High-profile cases of whistleblowing were analyzed to understand the challenges faced by whistleblowers and the impact of their disclosures on governance. Secondary data sources like government reports, news articles and academic research were used to collect data on whistleblowing practices and their outcomes.

This mixed-methods approach allowed for a comprehensive and detailed investigation of the research topic, combining the strengths of both qualitative and quantitative research methods. The literature review provided a theoretical framework for the study, while the case studies and secondary data analysis allowed for empirical investigation of the research questions.

### Results and Discussion

#### High-Profile Whistleblowing Cases in India

India has a history of brave individuals who have exposed corruption and malpractices within government and public institutions. These whistleblowers often facing threats and adversity but have played an important role in restoring transparency and accountability to the system.

The following are some prominent whistleblowers in India:

1. **Satyendra Dubey (2003)** <sup>[13]</sup>: Satyendra Dubey, an officer of the Indian Engineering Services (IES), served as a project director for the National Highway Authority of India (NHAI) during the construction of the Aurangabad-Barachatti section of NH-2, part of the prestigious Golden Quadrilateral Project initiated by Prime Minister Atal Bihari Vajpayee. Dubey uncovered significant financial irregularities in project execution, leading to the suspension of three engineers employed by a contractor. On November 27, 2003, Dubey was tragically assassinated on his way back from a wedding in Varanasi. His body was discovered in Gaya, Jharkhand. Posthumously, Dubey was honored with the "Whistleblower of the Year" award by the London-based organization for his courageous efforts in exposing corruption.
2. **Manjunath Shanmugam (2005)** <sup>[15]</sup>: Shanmugam

Manjunath, a computer engineer and a Grade 'A' officer at Indian Oil Corporation (IOC), fought against fuel adulteration in Uttar Pradesh. In his role, he conducted surprise raids and sealed two petrol pumps in Lakhimpur Kheri due to the sale of adulterated fuel. Despite the temporary closure, the pumps resumed illegal activities, prompting further action by Manjunath. On November 19, 2005, he was murdered in Gola Gokarannath, Lakhimpur Kheri, with six gunshots. His body was found in his car, being driven by employees of the petrol pump.

3. **Lalit Mehta (2008)** <sup>[19]</sup>: An engineer and social activist, Lalit Mehta was involved in exposing corruption in the MGNREGS in Jharkhand's Palamu district. Mehta collaborated with economists to conduct a social audit, uncovering irregularities in fund allocation. On May 15, 2008, while traveling in Chhatarpur district, Madhya Pradesh, he was brutally attacked and killed, halting his investigative work into the scheme.
4. **Rinku Singh Rahi (2009)** <sup>[24]</sup>: Rinku Singh Rahi is a prominent Indian whistleblower who has fearlessly exposed corruption within the government. In 2009, while serving as a District Social Welfare Officer in Muzaffarnagar, Uttar Pradesh, he uncovered significant irregularities in welfare schemes. His efforts to expose these corrupt practices led to a brutal attack, where he was shot multiple times by unidentified assailants. Despite the physical and psychological trauma he endured, Rahi remained undeterred. He continued his fight against corruption, utilizing the Right to Information (RTI) Act to uncover further irregularities.
5. **Aseervatham Achary (2011)** <sup>[25]</sup>: Aseervatham Achary, a former aide to former Telecom Minister A. Raja, played a critical part in revealing the 2G spectrum scam. He provided crucial evidence to the Central Bureau of Investigation (CBI) and the Central Vigilance Commission (CVC), which led to a high-profile investigation and subsequent arrests. Achary's revelations highlighted the extent of corruption and nepotism within the telecom sector.
6. **Narendra Kumar Singh (2012)** <sup>[20]</sup>: Narendra Kumar Singh, an IPS officer, took a stand against illegal mining activities in Morena district, Madhya Pradesh, which is known for high-quality construction sand. Despite repeated threats from the sand mafia, Singh relentlessly pursued offenders. On March 8, 2012, while attempting to intercept a tractor carrying illegally mined stones, he was deliberately run over, resulting in his death on the spot.
7. **Sanjiv Chaturvedi (2012)** <sup>[21]</sup>: Sanjiv Chaturvedi, an Indian Forest Service (IFS) officer, exposed illegal deforestation by contractors during the construction of the Hansi-Butana canal in 2002. Later, as Chief Vigilance Officer at AIIMS between 2012 and 2016, he unearthed corruption in over 200 cases, including unauthorized foreign trips by doctors and other malpractices. Despite facing professional retaliation, Chaturvedi's commitment to integrity made him a prominent figure in anti-corruption efforts.
8. **Vijay Pandhare (2012)** <sup>[22]</sup>: Vijay Pandhare, Chief Engineer in Maharashtra's Water Resources Department, brought to light the mismanagement and corruption in the state's irrigation projects in 2012. Writing to the Chief Minister, he detailed irregularities,



revealing that despite an expenditure of Rs. 120 billion, 99% of the 227 projects were non-functional. His revelations resulted in the resignation of Deputy Chief Minister Ajit Pawar, spotlighting inefficiencies in public resource management.

9. **Ashok Khemka (2012)** <sup>[23]</sup>: Ashok Khemka, an Indian Administrative Service officer, exposed several high-profile corruption cases during his tenure. Notably, in 2012, he annulled the mutation of land deals involving Robert Vadra and DLF in Haryana, citing irregularities. Khemka faced multiple transfers and significant backlash for his actions but remains a prominent figure advocating transparency and accountability in governance.
10. **Dr. Anand Rai (2013)** <sup>[10]</sup>: Dr. Anand Rai, a medical practitioner from Madhya Pradesh, exposed the Vyapam scam, a massive corruption scandal involving fraudulent admissions and recruitment processes in various government institutions. His courageous act of exposing the scam led to widespread public outrage and a high-level investigation. Dr. Rai faced numerous threats and intimidation tactics from those involved in the scam, but he remained steadfast in his pursuit of truth and justice.

### Legal Protection for Whistleblowers in India

Whistleblowing in India is primarily governed by the Whistleblower Protection Act (WPA) of 2014. This Act is intended to protect those who reveal information regarding wrongdoing or illegal activities within public sector organizations.

#### Key Provisions of the WPA

- **Definition of Whistleblower:** The WPA defines a whistleblower as a person who makes a protected disclosure, which is a voluntary release of information that reveals a corrupt or illegal activity within an organization.
- **Protected Disclosures:** The Act specifies a wide range of protected disclosures, including information related to corruption, fraud or misuse of public funds.
- **Competent Authorities:** The Act designates certain authorities, such as the Central Vigilance Commission and the Comptroller and Auditor General of India, as competent authorities to receive and investigate protected disclosures.
- **Protection from Retaliation:** The WPA prohibits any act of retaliation against a whistleblower, including threats, intimidation, or job loss.
- **Compensation:** If a whistleblower suffers any loss or damage as a result of their disclosure, they may be entitled to compensation.
- **Confidentiality:** The Act provides for the confidentiality of whistleblower disclosures and prohibits the disclosure of the whistleblower's identity without their consent.

#### Other Relevant Laws

While the WPA is the primary legislation governing whistleblowing in India, other laws may also be relevant in certain contexts. For example:

- **The Right to Information Act (RTI) (2005):** This legislation empowers individuals to obtain information

from government agencies, which can be useful for uncovering wrongdoing.

- **The Prevention of Corruption Act (1988):** This Act deals with corruption in public life and provides for penalties against public servants who engage in corrupt practices.
- **The Companies Act (2013):** This Act contains provisions related to whistleblowing in the corporate sector, requiring listed companies to establish mechanisms for accepting complaints from employees.

### Challenges for Whistleblowers

Whistleblowers in India continue to face significant challenges, despite the enactment of the Whistleblower Protection Act (WPA). These challenges include:

- **Retaliation:** Whistleblowers often face threats, intimidation, harassment, demotion or termination of employment.
- **Fear of Consequences:** Whistleblowers worry about job loss, damaging their reputations or facing social ostracism.
- **Lack of Awareness:** Many people are unaware of their rights as whistleblowers and the protections available to them. The WPA has been in effect since 2014, yet many individuals remain unaware of their rights.
- **Inadequate Legal Protections:** The WPA, while a step in the right direction, has limitations and fails to provide enough safeguards for whistleblowers. For example, the WPA only applies to public servants and employees of public sector undertakings excluding private sector employees.
- **Bureaucratic Delays:** The process of reporting wrongdoing and seeking protection under the WPA can be time-consuming and bureaucratic. This dissuades people from coming forward and can lead to delays in investigations and protection for whistleblowers.
- **Lack of Support:** Whistleblowers frequently lack encouragement from their colleagues, superiors or organizations. This makes it difficult for them to come out and report wrongdoing, as they are afraid of getting ostracized or punished.
- **Fear of Stigma:** Whistleblowers fear being stigmatized as troublemakers or disloyal employees. This can lead to social ostracism and damage their reputation.
- **Limited Access to Legal Assistance:** Whistleblowers often struggle to navigate the legal process and protect their rights. This can be especially difficult for those who cannot afford legal representation.
- **Fear of False Accusations:** Whistleblowers worry about being accused of making false or malicious allegations. This can discourage them from coming forward, as they may fear facing legal repercussions.

### Findings of the Study

- Whistleblowing has been instrumental in exposing corruption and promoting accountability in Indian governance.
- The legal framework governing whistleblowing has developed with time, but challenges remain in terms of implementation and enforcement.
- Whistleblowers face significant risks, including retaliation, social ostracism and legal repercussions.
- Factors influencing whistleblowing include

organizational climate, media coverage and civil society engagement.

- Strengthening whistleblower protection, promoting awareness and building a culture of accountability are essential for enhancing the efficiency of whistleblowing in India.

### Conclusion

Whistleblowing is a powerful mechanism for enhancing governance and accountability in India. Despite the significant risks faced by whistleblowers, the act of exposing corruption and unethical practices remains vital to ensuring that organizations function in the public interest. This study highlights the significance of whistleblowing in promoting accountability, transparency and good governance in India. While the legal framework and protections for whistleblowers have improved in recent years, there is still much to be done to address the challenges faced by whistleblowers and create a more supportive environment for reporting wrongdoing. By implementing the suggestions outlined in this study, India can intensify its efforts to combat corruption and promote ethical governance.

### Suggestions

To strengthen whistleblower protection and promote a culture of accountability, the following suggestions are made:

- Amend the WPA to provide stronger protections for whistleblowers, including expanding the definition of protected disclosures and enhancing enforcement mechanisms.
- Raise awareness among the public and government officials about whistleblower rights and protections.
- Create a supportive organizational climate that encourages individuals to report wrongdoing without fear of retaliation.
- Strengthen the role of civil society organizations in supporting whistleblowers and promoting accountability.
- Encourage media coverage of whistleblowing cases to raise public awareness and pressure governments to take action.

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