

HARYANA GOVERNMENT
HOME DEPARTMENT

Notification

The 6th September, 2011

No. 1/6/2010-3HG-IV.- Whereas, the Government of India has framed the Public Interest Disclosure and Protection to Persons Making the Disclosure Bill for protection of Whistle Blowers, However till the Bill becomes an Act and becomes enforceable, there is an urgent need to frame a policy for providing was security to Whistle Blowers and Right to Information activists:

And, whereas, in view of CWP No. 832 of 2011- H.C. Arora Advocate Vs. State Punjab and Others regarding Whistle Blowers pending in the Punjab and Haryana High Court, the Governor of Haryana hereby introduced the following policy for providing security to Whistle Blowers and Right to Information Activists (and for ensuring protection to "witnesses in serious cases")*

POLICY FOR PROVIDING SECURITY TO WHISTLE BLOWERS/ RIGHT TO INFORMATION ACTIVISTS/[COMPLAINANTS OR WITNESSES IN SERIOUS CASES]*

Objection and Reasons

Corruption is a social evil which prevent proper and balanced social growth and economic development. One of the impediments felt in elimination corrupting in the Government and the public sector under taking is lack of power or willful misuse of discretion which causes demonstrable loss to the Government by a public servant.

Definitions

- (a) "Whistle Blower" means a person who makes a complaint or exposes any Government office, undertaking or company about:
- (i) An attempt to commit or commission of an offence under the Prevention of Corruption Act, 1988 (Central Act. 49 of 1988).
 - (ii) Willful misuse of power or discretion by virtue of which demonstrable loss is caused to the Government
 - (iii) An attempt to commit or commission of any criminal offence by a public servant.
- (b) "Right to Information Activist" means a person who may be under threat due to his continuous effort to seek information regarding corruption/corrupt practice/criminal offences in any Government office, undertaking or company, and may or may not be a Whistle blower.
- (c) ["District Level Committee" means a committee consisting of District Magistrate as Chairman and district superintendent of Police and District Attorney as member in the concern District.]*
- (d) ["State Level Committee" means a committee consisting of Principal Secretary, Home as chairman with Advocate General, Haryana and director General of Police, Haryana as Member in the State.]*

Procedure for Providing Security:-

1. [A Whistle Blower/Right to Information Activists/Complainant or Witness in serious case who has threat perception of danger to his life or liberty may submit an application to the District Level Committee through the concerned Commissioner of Police or District Superintendent of Police. On receipt of such application, the District Level Committee shall make an inquiry of the threat perception and shall also call a threat analysis from the concerned District Inspector of Police, Criminal Investigation Department and such other authorities/office as is considered necessary Keeping in view the intensity of or

* inserted vide notification dated 19.09.2012

assessing the threat perception depending upon the facts and circumstances of each individual case, security shall be provided to the Whistle Blower/Right to Information Activists/Complainant or Witness in serious case. The quantum and type of security would be decided by the District Superintendent of Police. This process shall be completed as expeditiously as possible but should not more than one week.]

2. If the threat analysis shows that there is no specific threat to any applicant than the application shall be filed. However, a copy of application along with threat assessment reports and decision of [District Level Committee]* shall be sent to [State Level Committee]* for perusal. They shall be competent to order provision of security if they are satisfied that there are grounds to do so.
3. The security provided to [Whistle Blower/Right to Information Activists/Complainant or Witness in serious case]* may be increase/decreased or withdrawn depending upon the threat perception review/report by the concerned authority which shall be carried out after every six months or at the earliest, as the circumstances so require.
4. The [District Level Committee]* shall send a proposal for approval of security covers to [Whistle Blower/Right to Information Activists/Complainant or Witness in serious case]* for ratification to the [State Level Committee]* within three days of providing security along with detailed reason and threat analysis reports. The [State Level Committee]* shall decide the same expeditiously and usually within a week.
5. Any misuse of security provided shall be viewed seriously and remedial action shall be taken forthwith including recovery of cost and other appropriate legal action as per law.
6. A Special Cell shall be created for processing the requests of security and for monitoring the investigation of case registered against the [Whistle Blower/Right to Information Activists/Complainant or Witness in serious case]*, which in the opinion of [State Level Committee]* has been got registered due to malice, repression and without reasonable cause.
7. Protection to the Whistle Blower/Rights to Information Activists under the policy shall be made available if the protected disclosure is:
 - (i) made in Good faith
 - (ii) the Whistle Blower/Rights to Information Activists who has reasonable information or documents in support thereof ; and
 - (iii) not for personal gain or animosity against the subject.

SAMIR MATHUR,
Financial Commissioner & Principal Secretary to
Government, Haryana, Home Department.

* substituted vide notification dated 19.09.2012