

As
[TO BE INTRODUCED IN THE SENATE]

A

Bill

to provide for establishment of Whistleblower Protection and Vigilance Commission

WHEREAS it is expedient to provide for establishment of Whistleblower Protection and Vigilance Commission in order to facilitate a mechanism for whistleblower information relating to corruption and to protect whistleblowers from disadvantageous measures and to give them rewards for such whistleblower information and for matters connected therewith and ancillary thereto;

It is hereby enacted as follows:-

1. Short title, extent and commencement.— (1) This Act shall be called the Whistleblower Protection and Vigilance Commission Act, 2025.

(2) It shall extend to the whole of Pakistan.

(3) It shall come into force at once.

2. Definitions.— In this Act, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, namely:-

- (a) "Authority" includes National Accountability Bureau, Federal Investigation Agency, Securities and Exchange Commission of Pakistan, Federal and Provincial anti-corruption departments, Financial Monitoring Unit and other Federal or Provincial agencies and authorities empowered to prosecute a person in respect of corruption and corrupt practices;
- (b) "Chairperson" means Chairperson of the Commission;
- (c) "Commission" means the Whistleblower Protection and Vigilance Commission established under this Act;
- (d) "disadvantageous measures" includes -
 - (i) removal from office, release from office, dismissal or any other unfavourable penal or personal action equivalent to the loss of status at work;
 - (ii) disciplinary action, suspension from office, reduction in pay, demotion, restriction on promotion and any other unfair personal action;
 - (iii) work reassignment, transfer, denial of duties, rearrangement of

- duties or any other personal actions that are against the whistleblower's will;
 - (iv) discrimination in the performance evaluation, etc. and subsequent discrimination in the payment of wages, bonuses, etc;
 - (v) discontinuance of education, training or other self-development opportunities;
 - (vi) the restriction on or removal of budget, work force or other available resources;
 - (vii) the suspension of access to security information or classified information or the cancelation of authorization to handle security information or classified information or any other discrimination or measure detrimental to the working conditions of the whistleblower;
 - (viii) putting the whistleblower's name on a black or grey lists as well as the release of such a black or grey lists, bullying, the use of violence and abusive language or any other action that causes physical harm;
 - (ix) unfair audit or inspection of the whistleblower's work;
 - (x) cancellation of a licence or permit or any other action that causes disadvantage to the whistleblower;
 - (xi) termination of contract for goods or services or any other measure that causes financial loss to the whistleblower;
 - (xii) intimidation;
 - (xiii) threat of any of the aforesaid actions; and
 - (xiv) any other unlawful adverse action;
- (e) "Government" means the Federal Government;
- (f) "member" means member of the Commission;
- (g) "prescribed" means prescribed by rules or regulations made under this Act;
- (h) "whistleblower information" includes a complaint to the Commission against a holder of public office relating to the commission of offences-
- (i) of corruption and corrupt practices under the National Accountability Ordinance, 1999 (XVIII of 1999);
 - (ii) of a scheduled offence under the Federal Investigation Agency Act, 1974 (VIII of 1975);
 - (iii) under the Anti-Money Laundering Act, 2010 (VII of 2010);
 - (iv) under the Securities Act, 2015 (III of 2015) in relation to public listed companies; or
 - (v) cognizable under the Federal and Provincial anti-corruption laws;

- (i) "regulations" mean regulations made under this Act;
- (j) "rules" mean rules made under this Act; and
- (k) "whistleblower" means a person or entity or an agency, who are which files a whistleblower information under this Act.

3. Establishment of Whistleblower Protection and Vigilance Commission.— (1) As soon as may be after the commencement of this Act and by notification in the official Gazette, the Government—

- (a) shall establish a Commission, to be known as the Whistleblower Protection and Vigilance Commission; or
- (b) may, till such time the Commission is established under clause (a), appoint any body corporate or office or any department of such body corporate or any Government department or functionary or any organization to act as the Commission as may be specified in the notification.

(2) The body corporate, office, department, functionary or organization appointed under clause (b) of sub-section (1) shall be deemed to be the Commission under this Act.

(3) The headquarters of the Commission shall be at Islamabad and it may establish offices at such other places in Pakistan as it considers necessary.

(4) The Commission shall be administratively and functionally independent and the Government shall use its best efforts to promote, enhance and maintain the independence of the Commission.

4. Composition of the Commission.— (1) The Commission shall consist of at least three members including a Chairperson and the Government shall have power to increase the number of members from time to time as it may consider appropriate.

(2) The members shall be appointed by the Government on full time basis for a renewable term or terms of three years and shall cease to hold office on attaining the age of sixty-five years or on expiry of their term whichever is earlier.

(3) The Government shall appoint the Chairperson from amongst the members.

(4) No person shall be appointed as a member unless that person is known for his integrity, expertise and eminence for not less than ten years in any relevant field including industry, commerce, economics, finance, law, accountancy, public administration or service of Pakistan and for this purpose the Government may prescribe rules providing for the method of

appointment, qualifications, experience and terms and conditions of service as member and the Chairperson.

(5) No person shall be appointed or continue as a member, if he —

- (a) has been convicted for an offence involving moral turpitude;
- (b) has been or is adjudged insolvent or his application for this purpose is pending adjudication;
- (c) is incapable of discharging his duties by reason of physical, psychological or mental unfitness and has been so declared by a registered medical practitioner appointed by appropriate authority of the Government;
- (d) absents himself from three consecutive meetings of the Commission, without obtaining leave of the Commission; or
- (e) fails to disclose any conflict of interest at or within the time provided for such disclosure under this Act or contravenes any of the provisions of this Act pertaining to unauthorized disclosure of information.

(6) No act or proceeding of the Commission shall be invalid by reason of absence of a member or existence of vacancy among its members or any defect in the constitution thereof.

(7) No member or officer of the Commission shall assume his office until he has made a declaration affirming secrecy and fidelity.

(8) The remuneration payable to the members, officers, employees, staff, officials, experts, advisers and consultants by whatever nomenclature called and the administrative expenses of the Commission shall be expenditures charged upon the Federal Consolidated Fund.

(9) The accounts of the Commission shall be maintained and audited every year by the Auditor General of Pakistan in accordance with Articles 169 and 170 of the Constitution.

5. Chairperson.— (1) The Chairperson shall be the chief executive of the Commission and shall, together with the other members, be responsible for the administration of the affairs of the Commission.

(2) The Chairperson may, subject to such conditions as he may deem fit, from time to time, delegate all or any of his powers and functions to any of the members.

6. Meetings of the Commission.—(1) Subject to this section, the Chairperson may convene such meetings of the Commission at such times and places as he considers necessary for the efficient performance of the functions of the Commission.

(2) The Chairperson shall preside at every meeting of the Commission and in the absence of the Chairperson, the members present may elect a member to preside at the meeting.

(3) All questions arising at any meeting of the Commission shall be determined by a majority of votes of the members present and voting and in the event of an equality of votes, the Chairperson or, as the case may be, the member presiding shall have a casting vote.

(4) Subject to the provisions of this Act and regulations, the Chairperson may give directions regarding the procedure to be followed at or in connection with the working of the Commission.

7. Appointments by the Commission.— (1) The Commission may in such manner, by such authority, on such terms and conditions of service; for performance of such functions and exercising such powers as may be prescribed by regulations, appoint such officers, employees, officials, experts, advisers and consultants by whatever nomenclature called as it considers necessary.

(2) The Commission may delegate any of its powers and functions to the Chairperson, a member or any officer of the Commission, as it may deem appropriate.

8. Requirements of a whistleblower information.— (1) Any person or entity or an agency may make a whistleblower information before the Commission.

(2) Any person or agency making the whistleblower information shall make a personal declaration stating that he reasonably believes that the information disclosed by him and allegations contained therein are true to the best of his knowledge and belief.

(3) Every whistleblower information shall be made in writing or by electronic mail or electronic mail message in accordance with the rules as may be prescribed and be accompanied by supporting documents or other material, if any.

(4) No action shall be taken on a whistleblower information by the Commission if the disclosure does not indicate the identity of the whistleblower or the identity of the whistleblower is found to be incorrect or false.

9. Exemption from disclosure.— Whistleblower information shall not be made if the information -

(a) is likely to prejudicially affect -

- (i) the sovereignty and integrity of Pakistan;
- (ii) the security, strategic or economic interests of Pakistan; or
- (iii) relations with foreign states;

- (b) is prohibited under the Official Secrets Act, 1923 (XIX of 1923);
- (c) may lead to incitement of an offence;
- (d) contains Cabinet or Cabinet Committees' papers, including records of deliberations of the Ministers, Secretaries and other offices in the Cabinet except as permitted by the Cabinet Secretary;
- (e) has been expressly forbidden to be disclosed or published under any law or by a court or tribunal or if the disclosure of information may result in contempt of court, cause a breach of privilege of *Majlis-e-Shoora* (Parliament) or a Provincial Assembly;
- (f) relates to trade secrets or intellectual property, except if such information is permitted to be disclosed under the law;
- (g) is available to the person making the disclosure in his fiduciary capacity, except if such information is permitted to be disclosed under the law;
- (h) is received in confidence from a foreign government;
- (i) impedes the process of inquiry, investigation or apprehension or prosecution of offenders;
- (j) endangers the life or physical safety of a person or identifies information given in confidence for law enforcement; or
- (k) contains disclosure of personal information or if the information has no relationship with public interest or if the information causes unwarranted invasion of privacy, except if it is permitted to be disclosed under the law.

10. **Powers and functions of the Commission.**—(1) The Commission shall have the powers to receive and assess whistleblower information complaints.

(2) For the purpose of assessment, the Commission shall have all the powers of a civil court under the Code of Civil Procedure, 1908 (Act V of 1908), in respect of the following matters, namely:-

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of any document;
- (c) receiving evidence on affidavits;
- (d) requisitioning any public record or copy thereof from any authority, agency, court or office;
- (e) issuing commissions for the examination of witnesses or documents; and
- (f) such other matters as may be prescribed by rules.

(3) The Commission shall be deemed to be a court for the purpose of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1898 (Act V of 1898) and every proceeding before the Commission shall be deemed to be a judicial proceeding within the meaning of sections 193, 196 and 228 of the Pakistan Penal Code (Act XLV of 1860).

(4) The Commission or an officer of the Commission duly authorized by it shall have the power to seek full and complete assistance and call for all or any documents and information relevant to or in connection with any matter or assessment pending before the Commission from any department of the Federal Government, Provincial Government, local authority, bank, financial institution, person or any authority and institution or department in the public sector or the private sector, as the Commission may deem fit and proper to demand or require, provided that in any case in which a question of secrecy is involved or is raised by such department of the Federal Government, Provincial Government, local authority, bank, financial institution, person, or any authority and institution or department in the public sector or the private sector, at any time, the decision of the Commission shall be final.

(5) Where any record has been provided to the Commission for the purpose of assessment, the same shall be returned in original to the concerned institution, as soon as possible, but not later than thirty days and attested copies thereof may be retained by the Commission.

(6) No claim for any privilege and confidentiality shall be accepted in a proceeding under this Act unless otherwise decided by the Commission.

11. Assessment and complaint in relation to whistleblower information.—(1) The officer duly authorized by the Commission may make an assessment of the whistleblower information within a period of sixty days from receipt thereof.

(2) Upon assessment, if the Commission is of the view that the whistleblower information warrants further probe, inquiry or investigation by an Authority which could result in criminal prosecution in respect of any offence under the National Accountability Ordinance, 1999 (XVIII of 1999), the Federal Investigation Agency Act, 1974 (VIII of 1975), the Anti-Money Laundering Act, 2010 (VII of 2010), the Securities Act, 2015 (III of 2015) in relation to listed companies, it shall refer to the Authority the whistleblower information or any other relevant material including any finding or analysis by the Commission or otherwise.

(3) The reference by the Commission under sub-section (2) shall constitute a complaint to the Authority and therein the Commission shall be the complainant before the Authority.

12. Protection to the whistleblower.—(1) The Commission shall ensure that no whistleblower is victimized by disadvantageous measures or otherwise merely on the ground that such whistleblower had made a whistleblower information or rendered assistance in assessment under this Act.

(2) If a whistleblower is being subjected to disadvantageous measures or likely to be subjected to disadvantageous measures on the ground that he has made whistleblower information, he may file an application before the Commission seeking redressal in the matter. The Commission may pass such orders to the concerned authority as deemed appropriate.

(3) Every order given under sub-section (2) by the Commission shall be binding upon the concerned authority against whom the allegation of victimization has been proved.

13. Rewards and punishments.— (1) In the event of recovery as a result of whistleblower information made by the whistleblower under this Act, he shall be rewarded twenty percent of the recovered amount and a certificate of appreciation.

(2) In case any recovery is made in view of whistleblower information made by more than one whistleblower, the twenty percent reward mentioned in sub-section (1) shall be equitably apportioned between the whistleblowers as deemed fit by the Commission, keeping in view the contribution of each whistleblower.

Explanation.— For the purpose of this section, "whistleblower" means a natural person and not an entity or agency.

(3) Any person who lodges a frivolous or false whistleblower information shall be punished with imprisonment for a term not exceeding two years or with fine which may extend upto two hundred thousand rupees or with both.

Provided that the amount of the fine shall be paid to the person against whom the false whistleblower information has been made.

14. Identity of whistleblower.— (1) The identity of the whistleblower shall not be disclosed before the Authority or any agency or forum or to anyone even after the finalization of the matter except upon written consent by the whistleblower.

(2) Any person who revealed the identity of the whistleblower in violation of this section shall be guilty of an offence punishable with fine of five hundred thousand rupees and imprisonment for a term not exceeding two years.

(3) Whenever a criminal court imposes a fine under sub-section (2), when passing judgment, it shall order that a sum equal to the whole or any part of the fine recovered shall be paid to the whistleblower.

15. Annual report.— (1) The Commission shall prepare a consolidated annual report of the performance of its activities in such form as may be prescribed and submit it to

the Government preferably in the last month of the year without disclosing the identity of the whistleblower.

(2) The annual report prepared under sub-section (1) shall be laid before each House of the *Majlis-e-Shoora* (Parliament) for consideration.

16. Indemnity.— No suit, prosecution or other legal proceedings shall lie against the Commission or against any officer, employee, agency or person acting on its behalf or a whistleblower, in respect of anything which is in good faith done or intended to be done under this Act.

17. Act to override other laws.— The provisions of this Act shall have overriding effect notwithstanding anything contained in any other law for the time being in force.

18. Power to make rules.— (1) The Government may, by notification in the official Gazette, make for external matters thereof rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) prescribing a process for whistleblower information;
- (b) the procedure for assessment of whistleblower information under section 11;
- (c) determination and payment of reward under section 13;
- (d) prescribing the qualifications, experience, terms and conditions of service and the method appointment of members;
- (e) the procedure for the working and meetings of the Commission; and
- (f) any other matter which is incidental, ancillary or connected to the purpose of this Act.

19. Power to make regulation.— The Commission may, by notification in the official Gazette, make for internal matters thereof regulations, not inconsistent with the provisions of this Act and the rules made thereunder.

20. Repeal.— The Public Interest Disclosures Act, 2017 (XXXVI of 2017) is hereby repealed.

STATEMENT OF OBJECTS AND REASONS

The Public Interest Disclosure Act, 2017 (Act No. XXXVI of 2017) was enacted to protect whistleblowers who expose corruption, misconduct and other illegal activities in public institutions. While the law has significant potential to encourage transparency and accountability, it also has several weaknesses that hinder its effectiveness. Some of these weaknesses are:

- (i). the Act places responsibility on relevant government agencies to handle complaints, investigate allegations and enforce protections. However, this can lead to conflicts of interest, especially when those in charge may be involved in the wrongdoing being reported;
- (ii). despite the Act's provisions, whistleblowers are at significant risk of retaliation such as intimidation or in worst case scenario dismissal or removal from service. The absence of a robust, confidential reporting mechanism means whistleblowers may still be identifiable and vulnerable. This fear discourages potential whistleblowers from coming forward;
- (iii). whistleblowers may experience delays in handling of their cases, which diminishes the potential deterrent effect of the law. In many instances, the authorities involved in investigating complaints may lack the resources or to follow cases promptly;
- (iv). while the Act mentions protection against retaliation, it does not go far enough in guaranteeing long-term security for whistleblowers. There are concerns that whistleblowers might not receive adequate support, legal protection, or compensation in cases of wrongful dismissal or career damage following their disclosures.
- (v). the Act could be misused by individuals who make false or malicious disclosures with the intent of harming others or damaging reputations. The law does not provide clear safeguards against the misuse of whistleblowing;
- (vi). the penalties for individuals or public organizations that retaliate against whistleblowers are not adequately defined or enforced. Without clear consequences for those who intimidate or harm whistleblowers, there is little deterrent for retaliation.

2. The absence of an independent, dedicated authority to handle whistleblower complaints and protection of their rights is a significant drawback. The Act relies on existing government structures which may not always be impartial or sufficiently motivate to protect whistleblowers. Therefore, it is imperative that the Act be repealed and a separate authority be established to independently handle whistleblower complaints.

3. Hence this Bill.


MINISTER- INCHARGE