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April 14, 2025

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Mr. Bilawal Bhutto Zardari
Chairman, Pakistan People's Party (PPP)
Bilawal House, Karachi

Subject: Draft Proposal for Enactment of The Sindh Whistleblower Protection and Vigilance Commission Act 2025

Honorable Mr. Bilawal Bhutto Zardari,

Transparency International Pakistan would like to draw your attention towards the draft proposal for Sindh Whistleblower Protection and Vigilance Commission Act 2025, addressing the urgent need for a comprehensive legal framework to protect whistleblowers in Sindh.

On March 27, 2025, the Federal Cabinet on the recommendation of the Ministry of Law and Justice has approved the Whistleblower Protection and Vigilance Commission Act, 2025 **(Annex-A)**. Effective whistleblower protection is essential for fostering an environment where citizens can report misconduct without fear of retaliation, thereby enhancing public trust in government operations. Recognizing this, Transparency International Pakistan in consultation with 35 civil society organizations across Sindh province has formulated the enclosed draft proposal on Whistleblower Protection Law. The enactment of such law would not only strengthen your government's commitment to transparency but also ensure that individuals who courageously report corruption are safeguarded.

Furthermore, it is pertinent to mention that Pakistan, as a signatory to the United Nations Convention against Corruption (UNCAC) is obliged under Article 33 to implement legal measures that protect whistleblowers, as quoted below:

> ***UNCAC Article 33. Protection of reporting persons: Each State Party shall consider incorporating into its domestic legal system appropriate measures to provide protection against any unjustified treatment for any person who reports in good faith and on reasonable grounds to the competent authorities any facts concerning offences established in accordance with this Convention.***

According to the World Bank and Asian Development Bank guidelines, whistleblowing mechanisms are crucial for uncovering corruption and mismanagement, thereby fostering an environment of accountability and integrity.

TI Pakistan urges your esteemed office to prioritize the enactment and enforcement of this Act. We look forward to your support in this vital matter and are available to collaborate further to promote and implement transparency and anti-corruption measures across the Sindh province.

Transparency International Pakistan is striving for across-the-board application of Rule of Law, which is the only way to stop corruption, and achieve Zero tolerance against corruption.

With Regards,

(Advocate Daniyal Muzaffar)
Trustee/Legal Advisor
Transparency International Pakistan

Enclosure: Draft Proposal Sindh Whistleblower Protection and Vigilance Commission Act 2025
Copies forwarded for the information with request to take action under their mandate to:

1. President, Islamic Republic Pakistan, President House, Islamabad
2. Speaker, Provincial Assembly of Sindh, Karachi
3. Chief Minister Sindh, CM House, Karachi
4. Minister, Home, Law, Parliamentary Affairs & Criminal Prosecution Sindh, Karachi
5. Minister, Enquiries & Anti-Corruption Establishment Sindh, Karachi
6. Parliamentary Secretary, Law and Prosecution Sindh, Karachi
7. Registrar, High Court of Sindh, Karachi

Annex-A

THE SINDH WHISTLEBLOWER PROTECTION AND VIGILANCE COMMISSION ACT 2025

WHEREAS it is expedient to provide for the establishment of the Sindh Whistleblower Protection and Vigilance Commission to enable the citizens of the Sindh to make public interest disclosure that relates to the irregular, illegal or corrupt practices and to protect them from disadvantageous measures, give them rewards for such public interest disclosure and for matters connected therewith and ancillary thereto;

It is hereby enacted as follows:

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

(2) It shall extend to the whole of the Province of the Sindh.

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.

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

(a) "agency" means a company, a firm, an association, corporation, commission, council, any other body or office or a non-governmental organization;

(b) "Chairperson" means the Chairperson of the Commission;

(c) "Commission" means the Sindh Whistleblower Protection and Vigilance Commission established under section 3 of this Act;

(d) "Commissioner" means the Commissioners appointed under this Act and includes the Chairperson;

(e) "corruption or corrupt practices" shall have the same meaning as given to them in the National Accountability Bureau (NAB) Act, Federal Investigation Agency Act, Securities and Exchange Commission of Pakistan Act, Federal and Provincial anti-corruption departments, Financial Monitoring Unit and other Federal of Provincial agencies and authorities empowered to prosecute a person in respect of corruption and corrupt practices;

(f) "Disadvantageous Measures" means and includes the following actions:

(i) removal from office, release from office, dismissal or any other unfavorable personal action equivalent to the loss of status at

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work;

(ii) disciplinary action, suspension from office, reduction in pay, demotion, restriction on promotion and any other unfair personal actions;

(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) cancelation of education, training or other self-development opportunities;

(vi) the restriction 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 list 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 license 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 losses to the whistleblower;

(xii) intimidation;

(xiii) threat of any of the above; and

(xiv) any other unlawful adverse action;

(g) "Government" means the Government of the Sindh;

(h) "prescribed" means prescribed by rules and regulations;

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(i) "Whistleblower Information" includes a complaint against a holder of Public Office, State-Owned Entities (SOEs) and Regulatory Bodies to the Commission relating to the commission of offences:-

(i) of corruption and corrupt practices under the National Accountability Bureau Ordinance, 1999 (No. XVIII of 1999);
(ii) of a scheduled offence under Federal Investigation Agency Act, 1974 (Act No. VIII of 1975);
(iii) under the Anti-Money Laundering Act 2010 (Act No. VII of 2010);
(iv) under the Securities Act, 2015 (Act No. III of 2015) in relation to public listed companies;
(v) cognizable under the Federal and Provincial anti-Corruption laws;

(j) "Public Interest Disclosure" means any declaration of information by any individual or by an agency who reasonably believes that such information may prevent an action that of corruption or corrupt practices;

(k) "regulations" mean regulation made under this Act;

(l) "rules" mean rules made under this Act;

(m) "violation of public interest" means the violation of any action as provided in the definition of disclosure of public interest under this Act irrespective of the fact that the law applying to the violation is that of the Sindh or of the Federal Government; and

(n) "Whistleblower" means a person or an agency, who discloses the public interest information under this Act.

3. Establishment of Whistleblowers Protection and Vigilance Commission. --- (1)

(a) The Provincial Government shall establish a Commission, to be known as the Sindh Whistleblower Protection and Vigilance Commission within 90 days of the commencement of this Act

(b) The Provincial Government may, by notification, appoint any office, department of such body corporate, any government department, functionary, or any organization to act as the Commission, as may be specified in the notification.

(2) In the event of exercise of power under clause (b), the notified body corporate, office, department, functionary, or organization shall be deemed to be the Commission under this Act.

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(3) The Commission may establish offices at such other places within the province as it considers necessary.

(4) The Commission shall be administratively and functionally independent, and the Provincial 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 three Commissioners, including a Chairperson, appointed by the Provincial Government for a period of three years from the day they enter their offices and shall be eligible for reappointment for another one term.

(2) No act or proceedings of the Commission shall be invalid by reason of absence of a Commissioner or existence of any vacancy among its members.

(3) The commission shall comprise of at least one member from civil society or private sector or independent expert.

(4) A person shall not be appointed as Commissioner unless he:

(a) is a citizen of Pakistan;

(b) is the permanent resident of Sindh;

(c) is an individual with reputation of high integrity and competence;

(d) is honest and a person with a good character;

(e) is mentally sound;

(f) has a Master's Degree and has at least fifteen (15) years' experience in the field of law, or professionals of high repute from civil society having relevant experience or has remained a Public Office Holder for at least twenty years;

(g) is not less than forty-five (45) and not more than sixty-two (62) years of age during the year of appointment or selection; and shall cease to hold office on attaining the age of sixty-five years or on the expiry of the term, whichever is earlier.

(h) declares his assets and any potential conflict of interests, as per requirement of this Act; and

(i) is not a defaulter of Government dues, utility expenses or a bank.

(5) A Commissioner shall cease to hold office if he-

(a) has been convicted of an offence involving moral turpitude;

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(b) has been declared by a Medical Board to be physically or mentally unfit to carry out his functions;

(c) does not attend five consecutive meetings of the Commission without leave of the Commission; or

(d) has been declared insolvent, defaulter of Government dues, utility bills or a banking institution during the term of his office.

(6) A Commissioner may, by writing under his hand, addressed to the Government, resign from his office.

(7) A Commissioner shall not, at the time of appointment:

(a) hold any other office in the service of Pakistan or province, unless he resigns from such office before the time of his appointment; or

(b) occupy any other position which may carry conflict of interest.

(8) During his term in office, if a Commissioner has any interest in any matter to be discussed, inquired, investigated or decided by the Commission, he shall, prior to any discussion of the matter, disclose in writing to the Commission, the fact of his interest and the nature thereof.

(9) In connection with the performance of functions under this Act, Government may allow such honoraria and allowances to the Commissioners, as maybe prescribed by rules.

5. Powers and functions of the Commission. ---(1) The Commission shall have the powers to-

(a) approve organizational structure and positions to be filled in by employees appointed under this Act;

(b) approve annual budget of the Commission;

(c) conduct proper and transparent inquiry under this Act and make recommendations to the concerned authorities for taking action against individual or agencies for violation of public interest under the relevant laws;

(d) appoint employees of the Commission and prescribe terms and conditions of their service and approve the human resource policy of the Commission;

(e) seek full and complete assistance and call for all or any documents and information relevant to or in connection with any matter or inquiry pending before the Commission;

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(f) during the course of an inquiry of an action in violation of public interest under this Act-

(i) call for information from any person for the purpose of determining whether there has been any violation of the provisions of this Act or any rule or order made thereunder;

(ii) require any person to produce or deliver any document or item useful or relevant to the inquiry under process; and

(iii) direct the relevant department to depute any person acquainted with the facts and circumstances of the case being investigated:

Provided that where any record has been provided to the Commission for the purpose of any inquiry, the same shall be returned in original to the concerned institution, as soon as possible but not later than thirty (30) days and attested copies of the same shall be retained by the Commission;

(g) appoint advisors, consultants and experts, on payment of such fee or remuneration as may be determined by the Government, on the recommendation of the Chairperson of the Commission, to assist him in discharge of his duties under this Act; and

(h) exercise such powers and functions as deem necessary for the implementation of the provisions of this Act.

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

6. Meetings of the Commission. ---(1) For any meeting of the Commission, two Commissioners including the Chairperson shall constitute a quorum.

(2) All decisions of the Commission shall be taken by majority of the Commissioners except as may be otherwise specified in this Act.

(3) Commission may in the prescribed manner, determine the procedure of meetings, recording of minutes and other allied matters in this respect.

7. Powers and functions of Chairperson. ---(1) Chairperson shall be responsible for the day-to-day operation and administration of the Commission, unless otherwise provided in this Act.

(2) Chairperson shall be the Principal Accounting Officer of the Commission.

(3) Chairperson may, with the approval of the Commission re-appropriate funds

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from one head to another head of account or sanction expenditure from within the budget allocated to the Commission.

8. Financial Autonomy. ---(1) The remuneration payable to the Commissioners, other employees, staff and administrative expenses of the Commission shall be an expenditure charged upon the Provincial Consolidated Fund.

(2) Commission shall maintain complete and accurate books of accounts in such forms as may be prescribed by it.

(3) In the month of March every year, the Commission shall submit to Government a statement for the estimated receipts and expenditure in respect of the next financial year.

(4) The accounts of the Commission shall be audited every year by the Auditor General of Pakistan.

9. Inquiry in relation to Public Interest Disclosure. ---(1) The officer duly authorized by the Commission shall upon receipt of the Public Interest Disclosure and after concealing the identity of the Whistleblower may, make a preliminary inquiry within a period of thirty (30) days in such a manner as may be prescribed to ascertain whether there is any basis for proceeding further.

(2) If after preliminary inquiry, the concerned officer is of the view that-

(i) the matter requires further inquiry, it shall after the approval from the Commission, start formal inquiry in the prescribed manner and may pass such interim order as it may deem fit to prevent immediate violation of public interest; and

(ii) the facts and allegations contained in the disclosure are frivolous, vexatious or not made in good faith may, after approval from the Commission stop further inquiry in the matter:

Provided that an opportunity of being heard shall be given to the Whistleblower:

Provided further that the inquiry shall be completed within a period of thirty (30) days and the Commission shall take decision on the inquiry within a period of fifteen (15) days:

Provided also that if the inquiry is not completed within the stipulated time, the Commission may call explanation of the officer so authorized for inquiry and take action against him in accordance with rules and the pending inquiry shall be extended once for a further period of thirty (30) days for decision.

10. Actions in violation of public interests. ---(1) Where a Whistleblower discloses violation of public interest, the officer of the Commission duly authorized in this behalf after inquiry into the matter is of the view that the violation of public interest has taken place, immediately take steps to prevent such violation of public interest.

(2) Where the authorized officer is of the view that the violation of public interest

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has taken place may, with the approval of the Commission, refer the matter to the concerned authorities in the province for taking appropriate action under the relevant laws.

11. Exemption from Disclosure. —Whistleblower Information shall not be made if the information, —

(i) is likely to prejudicially affect, —

(a) the sovereignty and integrity of Pakistan;
(b) the security, strategic or economic interests of Pakistan;
(c) relations with foreign states;
(d) is prohibited under the Official Secrets Act, 1923;

(ii) may lead to incitement of an offence;

(iii) 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:

(iv) 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 Parliament or Provincial Assembly;

(v) relates to trade secrets or intellectual property, except if such information is permitted to be disclosed under the law;

(vi) is available to the person making the disclosure in his fiduciary capacity, except if such information is permitted to be disclosed under the law;

(vii) is received in confidence from a foreign government;

(viii) impedes the process of inquiry, investigation or apprehension or prosecution of offenders;

(ix) endangers the life or physical safety of a person, or identifies information given in confidence for law enforcement;

(x) 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.

12. Protection to the Whistleblower. ---(1) Commission shall ensure that no Whistleblower is victimized by Disadvantageous Measures or otherwise merely on the ground that such Whistleblower had made a Public Interest Disclosure or rendered assistance in inquiry under this Act.

(2) If a Whistleblower is being subjected to Disadvantageous Measures or likely to be subjected to Disadvantageous Measures on the grounds that he/she has made Public

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Interest Disclosure, he/she may file an application before the Commission seeking redressal in the matter. The Commission may pass such orders to the authority concerned as deem 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. Assessment and complaint in relation to Whistleblower Information. — (1) The officer duly authorized by the Commission shall assess the Whistleblower Information within a period of **thirty days** from the date of its receipt.

(2) Upon assessment, if the Commission is of the view that the Whistleblower Information warrants further probe, inquiry or investigation, or proceedings by a competent authority, which may lead to criminal prosecution under the National Accountability Bureau Ordinance, 1999, the Federal Investigation Agency Act, 1974, the Anti-Money Laundering Act, 2010, or the Securities Act, 2015 in relation to listed companies, the Commission shall refer the Whistleblower Information or any other relevant material including any finding or analysis by the Commission or otherwise, to the Authority.

(3) The reference made under sub-section (2) shall be deemed to be a complaint before the competent authority, and the said authority shall proceed in accordance with law.

14. Rewards and Punishments. ---(1) After inquiry, if it has been proved that a Whistleblower has rightly disclosed the violation of public interest, shall be rewarded thirty (30) percent of the recovered amount and certificate of appreciation.

Explanation: For the purpose of this section, the whistleblower means the person which does not include agency as defined under clause (m) in section 2 of this Act.

(2) In case any recovery is made in view of Whistleblower Information made by more than one Whistleblower, the thirty (30) 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) After inquiry, if it has been proved that a Whistleblower has lodged frivolous or melafide complaint, he shall be liable to a fine of thirty (30) percent of the actual amount claimed against a person with rigorous imprisonment for a period of three (03) years:

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

15. Identity of Whistleblower.—The identity of the Whistleblower shall not he 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, and if the Commission after inquiry is of the view that any person has revealed the identity of the Whistleblower, it may impose a fine which may extend to rupees five hundred thousand, which shall be paid to the Whistleblower, and 2

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years imprisonment.

16. Imposition of fine. ---(1) Any person, agency or Government Department, who willfully does not comply with the directions of the Commission, shall be liable to a fine not less than fifty (50,000) thousands and not more than two lac (2,00,000) and 2 years imprisonment.

17. Annual report. ---(1) Commission shall prepare a consolidated annual report of the performance of its activities in such a form as may be prescribed and submit it to the Government preferably in the last month of the year.

(2) The annual report shall be laid before the Provincial Assembly for consideration.

18. Indemnity. ---No suit, prosecution or other legal proceedings shall lie against the Commission 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.

19. Power to make rules. ---The Government may, by notification in the official Gazette, make rules for the purpose of carrying out the provisions of this Act.

20. Power to make regulation. ---Commission may make regulations, not inconsistent with the provisions of this Act.

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