

S.P. Sathe The Right to Know, N.M. Tripathi LTD., 1991

I.S.B.N.:81-7118-039-6

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*The Right to Know*, by S.P. Sathe could not have arrived at a more opportune time for the Indian democracy where India aims at greater economic and political freedom, attempting to break away from the chains of red tapism and inaccountability.

The lack of accountability has often been diagnosed as the cause for the failures of the world's largest democracy. The book tenders a novel theory insofar as it offers a solution to revive accountability in the country. One of the pre-requisites of accountability is the right to know. Of what use is our democracy without this right. To quote James Madison, "A popular Government without popular information or the means of acquiring it, is but a prologue to a farce or a tragedy or perhaps both. People who mean to be their own Governors, must arm themselves with the power which knowledge gives."

*The Right to Know*, is a compilation of Prof. Sathe's trilogy of lectures at the Fifth Campus Law Centre Endowment Lectures. The author analyses the right to know from the macro and micro perspective. The professor, from the macro perspective, analyses the process of acquiring knowledge at the infrastructural level as well as that of higher learning. He eulogises the need for public mobilisation and participation in decision making at various levels. The book highlights the role of the right to know in issue of reservation and education as a resource, the concept of due process and the principles of Natural Justice. From the micro perspective, the author analyses the right to know *vis-a-vis* the common man and the state.

Lecture 1 analyses the pre-requisites to the right to know, and attempts a Holfedian analysis of the right to know.

Lecture 2 probes into the ramifications of the right to know amongst individuals and between the individual and the State. The author logically derives the right to know from the above mentioned relationships. The book presumes that unless compelled by law, liability to give information does not exist between individuals. In the light of this presumption, the lecture analyses variegated issues such as the Consumer Protection Act, morality, polygamy, maintenance and copyright. The author investigates into the scope of the right to know, between the individual and the State, in the light of the Constitution, the Code of Criminal Procedure, the Official Secrets

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Act, 1923, the Income Tax Act, 1961, the urban land laws and the Representation of Peoples Act, 1988.

The author compiles the results of the era of judicial activism of our apex Judiciary in *S.P. Gupta v. Union of India*<sup>1</sup> and reads the right to know into the judicial interpretation of the right to free speech and expression. Lecture 2 delves into the constitutional and statutory provisions conferring power on the state to require the giving of information.

The book is a path breaker in analysing the obsolete Indian Official Secrets Act 1921. The British Spy Catchers case and the subsequent Amendment to the British Official Secrets Act, 1989, is well presented. However, the analysis could have been substantiated with a further analyses of the judicial interpretation of the indigenous Official Secrets Act and the repercussions of adopting an English Legislation to India.

Lecture 3 proposes constitutional and Legislative strategies to realise the right to know. Prof. Sathe in the light of judicial interpretation in *Sakal Newspapers (Pvt. Ltd.) v. Union of India*,<sup>2</sup> and the *Indian Express* cases,<sup>3</sup> proposes that freedom of expression when applied by the mass media transforms into the freedom of information. The professor concludes that the Indian Judiciary has recognised that the right to information is a *sine qua non* of the rule of law. The lecture compiles the multifarious provisions in international laws on the subject and brings to light their loopholes in the hope that our Legislature does not repeat them in the event of their undertaking any legislation on the Right to Know.

The author proposes effective protection mechanisms for individuals' right to know, in the form of the right to privacy. He however does not highlight the Government's right to silence, in the interest of the public, on matters of economic issues and national security. The author has not referred to *State of Uttar Pradesh v. Raj Narain*<sup>4</sup> and *Reliance Petrochemicals Ltd* cases<sup>5</sup> where the right to know was held to emanate from the right to life.

The book proposes structured solutions such as legal aid and proactive lawyering.

Prof. Sathe has successfully compiled a great deal of information, both legislative and judicial, into this slim volume. The book thus stands apart from other constitutional law books. Prof. Sathe's Holfedian analysis of the Right to Know makes interesting reading for those with a jurisprudential bent of mind. It is a succinct, commendable work, readable by both the lay person and the legal mind. It would prove an useful addition to every library.

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1. AIR 1982 SC 282
  2. AIR 1962 SC 305
  3. AIR 1958 SC 578
  4. AIR 1975 SC 865
  5. AIR 1969 SC 190