

Under what circumstances is the AG's consent not needed?

The AG's consent is **mandatory when a private citizen wants to initiate a case of contempt of court against a person.**

However, when **the court itself initiates a contempt of court case the AG's consent is not required.**

- This is because the court is exercising its inherent powers under the Constitution to punish for contempt and such Constitutional powers cannot be restricted because the AG declined to grant consent.

What happens if the AG denies consent?

If the AG denies consent, the matter all but ends.

The **complainant can, however, separately bring the issue to the notice of the court and urge the court to take suo motu cognizance.**

- **Article 129 of the Constitution** gives the Supreme Court the power to initiate contempt cases on its own, independent of the motion brought before it by the AG or with the consent of the AG.

3. Judicial Review

The question whether the state can use 'national security' as a ground to limit judicial scrutiny has come up for scrutiny in **the MediaOne TV channel case.**

The government has cited **national security reasons** in the Kerala High Court for canceling telecast permission to the Malayalam news channel.

- Recently, in its **Pegasus snooping case** order, the Supreme Court observed that **the Centre cannot expect a 'free pass' from the courts as soon as it raises the 'spectre of national security'.**

Observations made by the supreme court on this matter:

Scope of judicial review is limited in matters involving national security. However, this does not mean that the state gets a free pass every time the spectre of 'national security' is raised.

What has the Supreme Court said in the Anuradha Basin case?

Anuradha Bhasin case concerned **Internet restrictions in Jammu and Kashmir in the backdrop of the abrogation of Article 370.**

- The court had ruled that any order of the state which restricts the fundamental rights of speech or expression should be backed by reasons.
- The courts should be convinced that the state acted in a responsible manner and did not take away rights in an "implied fashion or a casual or cavalier man.

Other related cases:

In **Government of India v. Cricket Association of Bengal and Shreya Singhal v. The Union of India** cases, the court has observed that there is no dispute that freedom of speech and expression includes the right to disseminate information to as wide a section of the population as is possible. The wider range of circulation of information or its greater impact cannot restrict the content of the right nor can it justify its denial.

What is Judicial Review?

Judicial review is the power of Judiciary to review any act or order of Legislative and

Judicial Restraint vs. Judicial Activism

Restraint	Activism
<i>Judges should:</i>	<i>Judges should:</i>
✓look to the original Intent of the Constitution	✓Look beyond the original intent of the Framers
✓Look at the intent of the legislators that wrote the law	✓"Living Constitution" (changes over time)
✓Respectful of precedents	✓ Active action is necessary and appropriate at times
✓Argue that changes to the Constitution can only be made thru the Amendment process	✓Can be involved in interpreting and enlarging laws