

# Attorney General of India (Article 76)

Article 76 of the Constitution mentions that he/she is the highest law officer of India. As a chief legal advisor to the government of India, he advises the union government on all legal matters.

He also is the primary lawyer representing Union Government in the Supreme Court of India. The Attorney General, like an Advocate General of a State, is not supposed to be a political appointee, in spirit, but this is not the case in practice.

President of India appoints a person who is qualified for the post of Supreme Court Judge. Attorney General is appointed by the President on the advice of the government. There are the following qualifications:

- He should be an Indian Citizen
- He must have either completed 5 years in High Court of any Indian state as a judge or 10 years in High Court as an advocate
- He may be an eminent jurist too, in the eye of the President

There is no fixed term for the Attorney General of India. The Constitution mentions no specified tenure of Attorney General. Similarly, the Constitution also does not mention the procedure and ground of his removal.

The following facts about his office:

- He can be removed by the President at any time
- He can quit by submitting his resignation only to the President
- Since he is appointed by the President on the advice of the Council of Ministers, conventionally he is removed when the council is dissolved or replaced

Being the Chief Law Officer of the country, the Attorney General of India has to perform the following duties:

- Whichever legal matters are referred to him by the President, he advises the Union government upon the same.
- President keeps on referring him legal matters that suits his interest and Attorney General has to advise on those too
- Apart from what President refers, he also performs the duties mentioned in the Constitution
- The three duties that are assigned to him by the President are:
  - In any legal case where the government of India is related to, the Attorney General has to appear in the Supreme Court on its behalf
  - He has to represent the Union Government in any reference made by the president to the Supreme Court under Article 143 of the Constitution

- He also appears in the High Court if any case is related to the Government of India

To avoid conflict of duty, there are a few limitations that are posted on the Attorney General which he should keep in mind while performing his duties:

1. He should not advise or hold a brief against the Government of India
2. He should not advise or hold a brief in cases in which he is called upon to advise or appear for the Government of India
3. He should not defend accused persons in criminal prosecutions without the permission of the Government of India
4. He should not accept appointment as a director in any company or corporation without the permission of the Government of India

### **Facts about Attorney General of India:**

- I. The Attorney General (AG) of India is apart of the Union Executive. He is the highest law officer in the country. He can be part of any court in the Indian Territory.
- II. He got the right to speak and to take part in the proceedings of both the Houses of Parliament (Read about the difference between Lok Sabha and Rajya Sabha here) or their joint sitting and any committee of the Parliament of which he may be named a member
- III. He has no right to vote when he participates in the proceedings of the Indian Parliament
- IV. Similar to Member of Parliament, he also enjoys all powers related to immunities and privileges
- V. He is not considered as a government servant
- VI. He can practise privately too as he is not debarred from private legal practice
- VII. The Attorney General has the right to speak and to take part in the proceedings of both the Houses of Parliament or their joint sitting and any committee of the Parliament of which s/he may be named a member but without a right to vote.

<b>Attorney General of India</b>	<b>Name of the Attorney General</b>	<b>Tenure</b>
1st Attorney General	M.C. Setalvad	28 January 1950 – 1 March 1963
2nd Attorney General	C.K. Daftari	2 March 1963 – 30 October 1968
3rd Attorney General	Niren de	1 November 1968 – 31 March 1977
4th Attorney General	S.V. Gupte	1 April 1977 – 8 August 1979
5th Attorney General	L.N. Sinha	9 August 1979 – 8 August 1983
6th Attorney General	K. Parasaran	9 August 1983 – 8 December 1989
7th Attorney General	Soli Sorabjee	9 December 1989 – 2 December 1990
8th Attorney General	J. Ramaswamy	3 December 1990 – November 23 1992

9th Attorney General	Milon K. Banerji	21 November 1992 – 8 July 1996
10th Attorney General	Ashok Desai	9 July 1996 – 6 April 1998
11th Attorney General	Soli Sorabjee	7 April 1998 – 4 June 2004
12th Attorney General	Milon K. Banerjee	5 June 2004 – 7 June 2009
13th Attorney General	Goolam Essaji Vahanvati	8 June 2009 – 11 June 2014
14th Attorney General	Mukul Rohatgi	12 June 2014 – 30 June 2017
15th Attorney General	K.K. Venugopal	30 June 2017 till date

The above-given data shows that the first Attorney General of India, M.C.Setalvad worked at his post for the longest term, i.e. for 13 years and Soli Sorabjee worked as the Attorney General was the shortest period of time. However, he was appointed for the post twice.

The central government has extended the term of K.K. Venugopal as Attorney General (AG) for one year. Venugopal was appointed the 15th AG of India in 2017. He succeeded Mukul Rohatgi who was AG from 2014-2017.