

Attorney General of India (Article 76)

Article 76 of the Indian Constitution under its Part-V deals with the position of Attorney General of India. The topic is important for [IAS Exam](#) and its three stages – Prelims, Mains and Interview. It is an important section of Indian Polity which is a significant subject in the UPSC Civil Services Examination.

The article will mention the details about the Attorney General, his powers and responsibilities. Aspirants may also download the notes PDF for the topic as it is important for UPSC Prelims and Mains GS-II which has Political Science as a subject.

For candidates preparing for the upcoming [UPSC 2021](#) exam, the Attorney General of India is one of the most important topics to prepare for the exam. Given below is a list of Attorney Generals in India:

Attorney General of India	Name of the Attorney General	Tenure
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
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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.

Who is Attorney General of India?

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.

Who appoints Attorney General of India?

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:

1. He should be an Indian Citizen
2. 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
3. He may be an eminent jurist too, in the eye of the President

What is the term of Attorney General's office?

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.

You may know the following facts about his office:

1. He can be removed by the President at any time
2. He can quit by submitting his resignation only to the President
3. 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

What is the role of Attorney General of India?

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

1. Whichever legal matters are referred to him by the President, he advises the Union government upon the same.
 2. President keeps on referring him legal matters that suits his interest and Attorney General has to advise on those too
 3. Apart from what President refers, he also performs the duties mentioned in the Constitution
 4. 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

What are the limitations on the Attorney General?

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 for UPSC:

1. The Attorney General (AG) of India is a part of the Union Executive. He is the highest law officer in the country. He can be part of any court in the Indian Territory.
2. 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
3. He has no right to vote when he participates in the proceedings of the Indian Parliament
4. Similar to Member of Parliament, he also enjoys all powers related to immunities and privileges
5. He is not considered as a government servant
6. He can practise privately too as he is not debarred from private legal practice
7. 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.

UPSC Questions related to Attorney General of India

Q 1. Which article in the Indian Constitution deals with the Attorney General of India?

Ans. Article 76 deals with the office of the Attorney General of India. (Read more on [important articles in the Indian Constitution](#) in the linked article.)

Q 2. Who appoints the Attorney General of India?

Ans. The [President](#) of India appoints the Attorney General on the advice of the council of ministers.

Q 3. Can Attorney General of India participate in proceedings of Indian Parliament?

Ans. Yes, he can, although he has no right to vote in the proceedings.

Q 4. How is the Attorney General of India different from the Chief Justice of India?

Ans. The Attorney General of India is responsible for the amendment and enforcement of laws. However, the Chief Justice of India is responsible to conduct the court hearings before the law has to be enforced.

Multiple Choice Question

Consider the following statements

1. There is no fixed term for the Attorney General of India. The Constitution mentions no specified tenure of the Attorney General. Similarly, the Constitution also does not mention the procedure and ground of his removal. 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.
2. Article 76 of the constitution mentions that the Attorney General of India 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 must have either completed 5 years in the High Court of any Indian state as a judge or 10 years in the High Court as an advocate.
3. The Comptroller and Auditor – General of India is appointed by the President. He holds office until he attains the age of sixty-five years or at the expiry of the six-year term, whichever is earlier. He submits an audit report of the Union to the President who shall lay it before the Parliament and the audit reports of the States to the respective Governors who shall lay it before the respective State Legislatures.
4. Unlike the post of Attorney General for India, which is a Constitutional post under Article 76 of the Constitution of India, the posts of the Solicitor General and the Additional Solicitors General are merely statutory. The Appointments Committee of the Cabinet (ACC) recommends the appointment and the President officially appoints the Solicitor General.

Choose the correct answer from the below-given options

1. Only statements 1 and 3 are true.
2. All the above statements are true
3. None of the above statements are true.
4. Only statements 2, 3, and 4 are true.

Answer: B

