

Chapter - 18

ATTORNEY GENERAL AND SOLICITOR GENERAL OF INDIA

The Constitution (Article 76) has provided for the officer of the Attorney General for India. He is the highest law officer in the country.

APPOINTMENT AND TERM

The Attorney General (AG) is appointed by the president. He must be a person who is qualified to be appointed a judge of the Supreme Court. In other words, he must be a citizen of India and he must have been a judge of some high court for five years or an advocate of some high court for ten years or an eminent jurist, in the opinion of the president.

The term of officer the AG is not fixed by the Constitution.

The remuneration of the AG is not fixed by the Constitution. He receives such remuneration as the president may determine.

DUTIES AND FUNCTIONS

1. To give advice to the Government of India upon such legal matters, which are referred to him by the president.
2. To perform such other duties of a legal character that are assigned to him by the president
3. To discharge the functions conferred on him by the Constitution or any other law.

RIGHTS AND LIMITATIONS

In the performance of his official duties, the Attorney General has the right of audience in all courts in the territory of India. Further, he 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 he may be named a member, but without a right to vote. He enjoys all the privileges and immunities that are available to a member of Parliament.

SOLICITOR GENERAL OF INDIA

In addition to the AG, there are other law officers of the Government of India. They are the solicitor general of India and additional solicitor general of India. They assist the after in the fulfillment of his official responsibilities.

The AG is not a member of the Central cabinet. There is a separate law minister in the Central cabinet to look after legal matters of the government level.

ADVOCATE GENERAL OF THE STATE

The Constitution (Article 165) has provided for the office of the advocate general for the states. He is the highest law officer in the state.

APPOINTMENT AND TERM

The advocate general is appointed by the governor. He must be a person who is qualified to be appointed a judge of a high court. In other words, he must be a citizen of India and must have held a judicial office for ten years or been an advocate of a high court for ten years.

The term of officer of the advocate general is not fixed by the Constitution.

DUTIES AND FUNCTIONS

As the chief law officer of the government in the state, the duties of the advocate general include the following :

1. To give advice to the government of the state upon such legal matters which are referred to him by the governor.
2. To perform such other duties of a legal character that are assigned to him by the governor.
3. To discharge the functions conferred on him by the Constitution or any other law.