



Advocate General of the State

The Constitution (Article 165) has provided for the office of the advocate general for the states.¹ He is the highest law officer in the state. Thus he corresponds to the Attorney General of India.

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 office² for ten years or been an advocate of a high court for ten years³.

The term of office of the advocate general is not fixed by the Constitution. Further, the Constitution does not contain the procedure and grounds for his removal. He holds office during the pleasure of the governor. This means that he may be removed by the governor at any time. He may also quit his office by submitting his resignation to the governor. Conventionally, he resigns when the government (council of ministers) resigns or is replaced, as he is appointed on its advice.

The remuneration of the advocate general is not fixed by the Constitution. He receives such remuneration as the governor may determine.

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.

In the performance of his official duties, the advocate general is entitled to appear before any court of law within the state. Further, he has the right to speak and to take part in the proceedings of both the Houses of the state legislature or any committee of the state legislature 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 the state legislature.

Table 51.1 *Articles Related to Advocate-General of the state at a Glance*

<i>Article No.</i>	<i>Subject-matter</i>
165.	Advocate-General of the State
177.	Rights of Advocate-General as respects the Houses of State Legislature and its Committee
194.	Powers, privileges and immunities of Advocate-General

Table 51.2 *Articles Related to Constitutional Bodies at a Glance*

<i>Article No.</i>	<i>Constitutional Bodies</i>
76.	Attorney-General of India
148.	Comptroller and Auditor-General of India
165.	Advocate-General of the State
243-I.	State Finance Commission

243-K.	State Election Commission
243ZD.	District Planning Committee
243ZE.	Metropolitan Planning Committee
263.	Inter-State Council
280.	Finance Commission
307.	Inter-State Trade and Commerce Commission
315.	Union Public Service Commission and State Public Service Commission
324.	Election Commission
338.	National Commission for Scheduled Castes
338A.	National Commission for Scheduled Tribes
339.	Scheduled Areas and Scheduled Tribes Commission
340.	Backward Classes Commission
344.	Official Language Commission and Official Language Committee of Parliament
350B.	Special Officer for Linguistic Minorities

NOTES AND REFERENCES

1. Article 165 of Chapter 2 (The Executive) in Part VI (The States) of the Constitution deals with the office of the advocate general of the state. This is the only article dealing with this office.
2. Judicial office means an office within the judicial service of the state.
3. Unlike the Supreme Court, the Constitution makes no provision for appointment of an eminent jurist as a judge of high court.