

# Attorney General of India

## [UPSC Notes]

### Who is the Attorney General of India?

The post of the Attorney General of India has been described under Article 76 of Part V in the Indian Constitution. The Attorney General is the primary legal representative of the Union Government. They are responsible for representing the Government in the Supreme Court of India. The appointment of an Attorney General is not supposed to be influenced by politics.

Current Attorney General of India	K.K. Venugopal
First Attorney General of India	M.C. Setalvad
Who Appoints the Attorney General of India	President of India
Attorney General of India Tenure	Not Fixed, Holds office during the pleasure of the President
Attorney General of India Article	Article 76
Attorney General of India Salary	The salary of the Attorney General of India is equivalent to the SC Judge. It is taken out of the Consolidated Fund of India.

### Attorney Generals of India List

India has had 15 Attorney Generals to date. KK Venugopal is the 15th AG, serving the office since 2017. Below is the Attorney General of India List, along with their tenure.

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 – 23 November 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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## Appointment of the Attorney General of India: Article 76 of the Indian Constitution

The Attorney General of India is appointed through nomination by the President of India. The President can appoint only a person who qualifies as a Supreme Court judge. Along with this, a few other pointers are required to qualify for the post.

- The candidate should be a citizen of India.
- The candidate should have 5 years of experience as a judge in the High Court of any state  
OR
- The candidate should have 10 years of experience as an advocate in the High Court of any state.
- The candidate can also be a famous jurist.

## Tenure of the Attorney General of India

The tenure of an Attorney General has not been defined by the Indian Constitution. There is no specific or fixed term. Similarly, the constitution does not specify the process to be followed for the removal.

- The President of India can only remove the AG at any given time as there is no minimum tenure.
- The President appoints the Attorney General after consulting the Council of Ministers. The Convention would also dictate that the removal would be discussed with the Council.
- The AG can resign from the post after submitting their resignation to the President.

## Powers and Duties of the Attorney General of India

The Attorney General of India is the country's chief law officer. The AG has a lot of duties and responsibilities to perform, like;

- Legal matters are referred to the AG by the President, to which he/she provides counsel to the Union government.
- The President refers to the AG for counsel on legal matters that interest him/her.
- There are three duties that are assigned to the AG by the President. They are;
  - Any legal proceeding that concerns the GoI, the AG is to represent them in the Supreme Court.
  - Article 143 of the Indian Constitution requires the AG to represent the Union in any proceeding referred to by the President.
  - All cases related to the GoI, the AG shall appear for the court proceedings.

## Limitations of the Attorney General 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:

- He should not advise or hold a brief against the Government of India
- 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
- He should not defend accused persons in criminal prosecutions without the permission of the Government of India
- He should not accept appointment as a director in any company or corporation without the permission of the Government of India

