



Maharashtra Advocate General Resigns

Why in News?

Maharashtra's [Advocate General](#) Birendra Saraf, who was appointed as AG in December 2022, has resigned, citing personal reasons.

- He will continue in office until January 2026, giving the government time to appoint his successor.

Key Points

- **Constitutional Provision:** The office of the Advocate General for the States is established under Article 165 of the Indian Constitution.
 - The Advocate General is the **highest law officer** in a state, corresponding to the **Attorney General of India** at the national level.
- **Appointing Authority:** The Advocate General is appointed by the [Governor](#) of the state.
- **Eligibility:**
 - The appointee must be qualified to be appointed as a judge of a **High Court**.
 - He must be a **citizen of India** and must have:
 - Held a **judicial office** for at least ten years, or
 - Been an **advocate** in a High Court for at least ten years.
- **Term of Office:**
 - The Constitution does not specify a fixed term for the Advocate General.
 - The office is held **during the pleasure of the Governor**, meaning the Governor can remove the Advocate General at any time.
- **Resignation:**
 - The Advocate General may **resign** at any time by submitting his resignation to the Governor.
 - Conventionally, he resigns when the **Council of Ministers** resigns or is replaced, as he is appointed on the advice of the Council of Ministers.
- **Remuneration:**
 - The **remuneration** of the Advocate General is not fixed by the Constitution.
 - The **Governor** determines his remuneration.
- **Duties and Functions:** As the chief law officer of the state government, the duties of the Advocate General include:
 - **Providing Legal Advice:** To advise the state government on legal matters referred to him by the Governor.
 - **Additional Duties:** To perform any other legal duties assigned to him by the Governor.
 - **Discharge of Constitutional and Legal Functions:** To discharge functions conferred on him by the Constitution or any other law.
 - **Representation in Courts:** The Advocate General is entitled to appear before any court within the state in the performance of his official duties.
- **Legislative Rights:** He has the right to speak and participate in the proceedings of both Houses of the State Legislature or any committee, provided he is named as a member.
 - However, he does not have the **right to vote**.
- **Privileges and Immunities:** He enjoys the **privileges and immunities** available to a member of the state legislature.

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