

□ MASTER LECTURE HANDOUT: THE PRESIDENT OF INDIA

SECTION 1: Office, Election & Qualifications (Articles 52–60)

□ Article 52: There shall be a President of India

- Establishes the office of the President as the **head of the Indian State**.
- The President is the first citizen of India and acts as the symbol of unity, integrity, and solidarity of the nation.

□ Article 53: Executive Power of the Union

- All executive powers of the Government of India are formally vested in the President.
- These powers must be exercised by him either directly or through officers subordinate to him in accordance with the Constitution.
- **Supreme Command:** Declares the President as the Supreme Commander of the Defence Forces (Army, Navy, Air Force).
- **NDA Exam Trap:** He exercises this supreme defense command regulated by laws made by Parliament—he cannot declare war independently without Cabinet approval.

□ Article 54: Electoral College (Who Votes?)

The President is not elected directly by the people. He is elected by an Electoral College consisting of:

- **Elected members** of both Houses of Parliament (Lok Sabha + Rajya Sabha).
- **Elected members** of the Legislative Assemblies (MLAs) of all States.
- **Elected members** of the Legislative Assemblies of Delhi, Puducherry, and Jammu & Kashmir.
- □ **UPSC Killer Fact:** Nominated members (like the 12 nominated to Rajya Sabha) **cannot vote** in the Presidential election.

□ Article 55: Manner of Election

- The election is held via the system of **Proportional Representation by means of a Single Transferable Vote**.
- Voting is conducted through a **secret ballot**.
- **Uniformity & Parity:** It features a mathematical formula to ensure uniformity in the scale of representation of different states, and parity between the States as a whole and the Union.
- *MLA Vote Value Formula:* $\frac{\text{Total Population of State}}{\text{Total Elected MLAs}} \div 1000$
- *MP Vote Value Formula:* $\frac{\text{Total Value of Votes of all MLAs}}{\text{Total Elected MPs of Parliament}}$

□ Article 56: Term of Office

- The President holds office for a term of **5 years** from the date he enters his office.
- He can resign at any time by writing a resignation letter addressed directly to the **Vice President of India**.

- He continues to hold office beyond his 5-year term until his successor assumes charge to avoid an executive vacuum.

□ **Article 57: Eligibility for Re-election**

- A person who holds, or has held, office as President is eligible for re-election to that office.
- **The Indian vs. US Rule:** Unlike the US Constitution (where a person can only be elected twice), the Indian Constitution places **no limit** on how many times a person can be re-elected as President.

□ **Article 58: Qualifications for Election**

To be eligible for election as President, a candidate must:

1. Be a **citizen of India**.
 2. Have completed the minimum age of **35 years**.
 3. Be qualified for election as a member of the **Lok Sabha** (Lower House).
 4. Not hold any **Office of Profit** under the Central government, State government, or any public authority.
- *Note:* Sitting Presidents, Vice Presidents, Governors, and Ministers are *not* considered to hold an office of profit for this purpose.

□ **Article 59: Conditions of President's Office**

- The President cannot be a member of either House of Parliament or any State Legislature. If a member is elected, they must vacate their seat on the day they enter the President's office.
- He is entitled to an official rent-free residence (**Rashtrapati Bhavan**).
- His emoluments, allowances, and privileges cannot be diminished/reduced during his term of office.
- **Current Salary:** ₹5 Lakh per month.

□ **Article 60: Oath or Affirmation**

- The oath of the President is administered by the **Chief Justice of India (CJI)**, or in his absence, the senior-most judge of the Supreme Court.
- **The Specific Wording:** Unlike other officials who swear to uphold the Constitution, the President explicitly swears to "**preserve, protect, and defend the Constitution and the law.**"

SECTION 2: Removal & Vacancies (Articles 61–62)

□ **Article 61: Procedure for Impeachment (Removal)**

- **Grounds for Removal:** The President can *only* be removed for "**Violation of the Constitution**" (a term not defined anywhere in the Constitution).
- **The Process Steps:**
 1. Impeachment charges can be initiated by **either House** of Parliament.
 2. The charges must be signed by at least **$\frac{1}{4}$ of the total members** of the initiating House.
 3. A **14-day advance notice** must be given to the President.
 4. The resolution must be passed by a massive **special majority of $\frac{2}{3}$ of the total membership** of that House.
 5. The second House investigates the charges. The President has the right to appear and be represented during this investigation.
 6. If the second House also passes the resolution by a **$\frac{2}{3}$ total membership majority**, the President stands removed.

- ☐ **NDA Exam Trap:** Nominated members *can* vote during impeachment, even though they cannot vote during the election. State MLAs *cannot* vote during impeachment, even though they vote during the election.

☐ **Article 62: Timeframe for Filling Vacancies**

- An election to fill a vacancy caused by the expiration of the term must be completed **before the expiration of the 5-year term**.
- If the vacancy occurs due to death, resignation, or removal, the election must be held **within 6 months** from the date of the vacancy.
- The Vice President can act as President for a maximum of 6 months until a new President is elected.

SECTION 3: Key Powers & Functions (Articles 72–143)

☐ **Article 72: Pardoning Power**

The President can grant pardons, reprieves, respites, or remissions of punishment to anyone convicted of an offense in:

1. All cases where the punishment is by a **Court Martial (Military Court)**.
 2. All cases where the punishment is for an offense against a **Union Law**.
 3. All cases where the sentence is a **Death Sentence**.
- **Definitions:**
 - **Pardon:** Completely absorbs the sentence and the conviction, freeing the criminal completely.
 - **Commutation:** Substitutes a harsher form of punishment for a lighter one (e.g., Death sentence changed to Rigorous Imprisonment).
 - **Remission:** Reduces the period of the sentence without changing its character (e.g., reducing a 2-year sentence to 1 year).
 - **Respite:** Awards a lesser sentence than originally prescribed due to special facts (e.g., physical disability or pregnancy of a convict).
 - **Reprieve:** Stays the execution of a sentence temporarily (especially a death sentence) to allow time to seek a pardon.

☐ **Article 85: Sessions of Parliament**

- The President has the power to **Summon** (call) and **Prorogue** (end a session of) both Houses of Parliament.
- He can **Dissolve the Lok Sabha** on the advice of the Prime Minister before its 5-year term ends.
- *Note:* The Rajya Sabha cannot be dissolved as it is a permanent house.

☐ **Article 108: Joint Sitting of Both Houses**

- If a deadlock occurs between the Lok Sabha and Rajya Sabha over an ordinary bill, the President can call a **Joint Sitting** to resolve the issue.
- ☐ **UPSC Killer Fact:** A Joint Sitting can **never** be called for a **Money Bill** or a **Constitutional Amendment Bill**.

☐ **Article 111: Assent to Bills (Veto Power)**

When a non-Money bill passed by Parliament is presented to the President, he has 3 choices:

1. **Give Assent:** The bill becomes an Act.
2. **Withhold Assent:** The bill dies (**Absolute Veto**).
3. **Return the Bill:** He sends it back to Parliament for reconsideration (**Suspensive Veto**).

- *The Catch*: If Parliament passes the bill again (with or without changes) and sends it back, the President **must** give his assent.
- **Pocket Veto**: The Constitution sets no time limit for the President to take action. If he just leaves the bill pending on his desk indefinitely, it is called a Pocket Veto.

□ **Article 143: Advisory Jurisdiction of Supreme Court**

The President can seek the opinion of the Supreme Court on two types of matters:

1. Any question of law or fact of public importance.
 2. Any dispute arising out of pre-constitutional treaties or agreements.
- **Binding Nature**: The Supreme Court's opinion is **purely advisory**. The President is not legally bound to follow it.

SECTION 4: Emergency Powers (Articles 352–360)

□ **Article 352: National Emergency**

- **Grounds**: Proclaimed by the President when the security of India or any part of it is threatened by **War, External Aggression, or Armed Rebellion**.
- **Cabinet Rule**: Can only be declared after receiving a written recommendation from the **entire Union Cabinet** (not just the PM).
- **Parliamentary Approval**: Must be approved by both Houses of Parliament within **1 month** by a special majority.

□ **Article 356: President's Rule (State Emergency)**

- **Grounds**: Imposed in a state if the President, on receiving a report from the Governor or otherwise, is satisfied that the government of the state cannot be carried on in accordance with the provisions of the Constitution.
- **Effect**: The State Assembly is either suspended or dissolved, and the President administers the state through the Governor.
- **Parliamentary Approval**: Must be approved by Parliament within **2 months** by a simple majority.

□ **Article 360: Financial Emergency**

- **Grounds**: Proclaimed if the President is satisfied that a situation has arisen whereby the financial stability or credit of India or any part of its territory is threatened.
- **Consequence**: The President can issue directions for the reduction of salaries of all central/state government employees, including **Judges of the Supreme Court and High Courts**.
- □ **UPSC Killer Fact**: A Financial Emergency has **never been declared** in India to date.

□ MASTER LECTURE HANDOUT: THE VICE PRESIDENT OF INDIA

SECTION 1: Office, Constitutional Status & Election (Articles 63–66)

□ Article 63: There shall be a Vice President of India

- Establishes the office of the Vice President (VP) as the **second-highest constitutional office** in the country.
- The office is closely modeled on the lines of the **American Vice President**.

□ Article 64: The VP to be Ex-Officio Chairman of the Rajya Sabha

- The Vice President does not hold any separate legislative seat but automatically becomes the **Chairman of the Rajya Sabha** by virtue of holding the office of VP.
- During any period when the VP acts as the President (under Article 65), he **cannot** perform the duties of the Chairman of Rajya Sabha and is not entitled to receive the salary of the Chairman.

□ Article 65: To Act as President during Casual Vacancies

- The VP acts as the President in the event of the President's death, resignation, removal, or illness.
- **The 6-Month Hard Limit:** Unlike the US system (where the VP becomes President for the entire remaining term), the Indian VP can *only* act as President for a maximum of **6 months**, within which a fresh Presidential election must be conducted.
- While acting as the President, the VP enjoys all powers, immunities, and executive privileges of the President.

□ Article 66: Election & Qualifications of the Vice President

- **The Electoral College (Who Votes?):** The VP is elected indirectly by an electoral college consisting of **members of both Houses of Parliament**.
- □ **Major UPSC Trap-Zone:** Point out these two critical differences from the Presidential election to your students:
 1. It includes **both Elected and Nominated members** of Parliament.
 2. It does **NOT** include State MLAs (whereas State MLAs do vote for the President).
- **Core Qualifications Needed:**
 1. Must be a **citizen of India**.
 2. Minimum age of **35 years**.
 3. Must be qualified for election as a member of the **Rajya Sabha** (*Note: The President must be qualified for the Lok Sabha*).
 4. Must not hold any Office of Profit.

SECTION 2: Tenure, Removal & Vacancies (Articles 67–69)

□ Article 67: Term of Office & Removal Procedure

- The Vice President holds office for a term of **5 years** from the date of entering office.

- He can resign at any time by writing a resignation letter addressed directly to the **President of India**.
- **The Removal Process (No Formal Impeachment Needed):**
 1. The resolution to remove the VP can **only be initiated in the Rajya Sabha**. It cannot start in the Lok Sabha.
 2. A **14-day advance notice** must be given to the VP.
 3. It must be passed by the Rajya Sabha by an **Effective Majority** (a majority of all the *then* members of the House, excluding vacancies).
 4. It must then be agreed to by the Lok Sabha by a **Simple Majority**.
- *Note:* The Constitution does not list any specific grounds for the removal of the Vice President.

□ **Article 68: Timeframe for Filling Vacancies**

- An election to fill a vacancy caused by the expiration of the VP's 5-year term must be completed **before the term expires**.
- If the office falls vacant due to death, resignation, or removal, the election to fill the vacancy must be held "**as soon as possible**" (the Constitution does not specify a rigid 6-month timeline here like it does for the President).

□ **Article 69: Oath or Affirmation**

- The oath of office to the Vice President is administered directly by the **President of India**, or some person appointed by him for that purpose.
- The VP swears to bear true faith and allegiance to the Constitution of India and to faithfully discharge the duties of his office.

SECTION 3: Powers, Matters of Dispute & Financials (Articles 70–71)

□ **Article 70: Discharge of President's Functions in Other Contingencies**

- Empowers the Parliament to make provisions for the discharge of the functions of the President in unique cases not explicitly covered by the Constitution (e.g., if both the President and VP offices fall vacant simultaneously, the Parliament passed the law allowing the **Chief Justice of India** to act as President).

□ **Article 71: Disputes Relating to the Election**

- All doubts and disputes arising out of or in connection with the election of a President or Vice President are inquired into and decided solely by the **Supreme Court of India**.
- The decision of the Supreme Court is final.
- □ **UPSC Killer Fact:** If the election of a President or VP is declared void by the Supreme Court, the official acts done by them *before* the date of the court decision **remain valid** and are not invalidated.

□ **Salary & Emoluments**

- The Vice President of India receives a salary of **₹4 Lakh per month**.
- **The Accounting Catch:** The VP does not receive a salary as the Vice President. The salary is drawn out of the Consolidated Fund of India explicitly for his role as the **ex-officio Chairman of the Rajya Sabha**.

□ **Classroom Visual Summary Trick: The "Executive Switch"**

To finish the demo lecture, draw this simple comparison mapping on your whiteboard to help your batch lock in the core removal/resignation loops:

[PRESIDENT]	======(Resigns To)=====>	[VICE PRESIDENT]
(Impeached by BOTH)		(Removed by RAJYA SABHA)
(Houses: 2/3rd Total)		(First, then LS agrees)



□ The Executive "+11" Visualizer Matrix

Article No (Union Head)	□ The President's Provision	Article No (+11 Shift)	□ The Vice President's Provision (Differences Only)
Article 52	Establishment: There shall be a President of India (First Citizen).	Article 63	Establishment: There shall be a Vice President of India (Second Citizen).
Article 53	Executive Power: All executive actions of the Union Govt are taken in his name.	Article 64	The Legislative Twist: Acts as the <i>Ex-Officio Chairman of the Rajya Sabha</i> . He earns his salary for this role, not as VP.
Article 54	Electoral College: Elected by elected MPs + State MLAs . (<i>Nominated members cannot vote</i>).	Article 65	The Proxy Role: Acts as President during vacancies. Max limit is 6 months before a mandatory new election.

Article 55	Manner of Election: Complicated mathematical parity formula between Union and State vote values.	Article 66	Electoral College & Qualification Shift: • Elected by both elected & nominated MPs. • State MLAs DO NOT vote. • Must be qualified for Rajya Sabha (instead of LS).
Article 56	Term: 5 Years. Resigns by writing directly to the Vice President .	Article 67	Term & Easy Removal: • Resigns by writing directly to the President. • Removed by Rajya Sabha (Effective Majority) + Lok Sabha (Simple Agreement). <i>No complex impeachment needed.</i>

Article 57	Re-election: Eligible for unlimited re-election terms.	Article 68	Vacancy Timeline: Election must be held " as soon as possible " after a vacancy (no rigid 6-month rule specified for this office).
Article 58	Qualifications: Minimum 35 years old, must be qualified to become a Lok Sabha MP.	—	<i>(Merged into Article 66 for the Vice President's structure).</i>
Article 59	Conditions: Official rent-free home (Rashtrapati Bhavan), salary cannot be reduced.	—	<i>(Merged into Article 66 for the Vice President's structure).</i>
Article 60	Oath Administered By: The Chief Justice of India (CJI).	Article 69	Oath Administered By: The President of India (or a person appointed by him).
Article 61	Impeachment: Complex process for "Violation of the Constitution". Requires $\frac{2}{3}^{\text{rd}}$ of total strength of <i>both</i> houses.	—	<i>(No matching process. The VP does not undergo formal constitutional "Impeachment").</i>

□ MASTER LECTURE HANDOUT: THE MINISTERS & EXECUTIVE BUSINESS

(Union Executive vs. State Executive)

□ PART 1: The Council of Ministers & Advisory Mechanics

□ Article 74 (Union): Council of Ministers to Aid and Advise President

- **Mandatory Office:** Explicitly mandates that there *shall* be a Council of Ministers with the Prime Minister at the head to aid and advise the President in the exercise of his functions.
- **Binding Nature of Advice:** The President **must** act in accordance with the advice tendered by the Council of Ministers.
- **The Reconsideration Veto:** The President can send the advice back *once* for the Cabinet to reconsider. However, if the Council of Ministers sends the same advice back a second time, the President **is legally bound** to accept it (*Added by the 42nd and 44th Constitutional Amendment Acts*).
- **The Judicial Shield (Secret Advice):** The question of whether any, and if so what, advice was tendered by Ministers to the President **cannot be inquired into by any court of law**. This ensures executive confidentiality.

□ Article 163 (State): Council of Ministers to Aid and Advise Governor

- **Mandatory Office:** Mandates a Council of Ministers with the Chief Minister at the head to aid and advise the Governor.
- □ **THE UPSC RADAR TRAP — Governor's Discretion:** Unlike the President (who has zero constitutional discretion), Article 163 states the Council advises the Governor *except* in matters where he is required by or under the Constitution to act **in his discretion**.
- **Discretion is Final:** If any question arises whether a matter falls under the Governor's discretion or not, the decision of the Governor is **final and binding**. The validity of anything done by the Governor cannot be challenged on the ground that he ought or ought not to have acted in his discretion.
- **The Judicial Shield:** Just like the Center, the actual advice given by State Ministers to the Governor **cannot be questioned in any court**.

□ PART 2: Appointment, Caps, and Ministerial Responsibilities

□ Article 75 (Union): Other Provisions as to Ministers

- **The Appointment Flow:** The Prime Minister is appointed directly by the President. All other Union Ministers are appointed by the President **solely on the advice of the Prime Minister**.
- **The Tenure Rule:** Ministers hold office **during the pleasure of the President**. A individual minister can be removed by the President at any time, but practically only on the PM's recommendation.

- ☐ **CRITICAL PYQ — Collective Responsibility:** The Council of Ministers is **collectively responsible to the Lok Sabha (House of the People)** specifically, *not* to the Parliament as a whole. If a No-Confidence motion passes in the Lok Sabha, the entire ministry must resign.
 - **Individual Responsibility:** Ministers are individually responsible to the President (since they hold office during his pleasure).
 - **The 15% Size Ceiling:** The total number of Ministers, including the Prime Minister, in the Union Council of Ministers **cannot exceed 15% of the total strength of the Lok Sabha** (*Inserted via the 91st Amendment Act, 2003*).
 - **The Anti-Defection Bar:** Any member of either House of Parliament who is disqualified under the **Tenth Schedule (Defection)** is automatically disqualified from being appointed as a Minister.
 - **The 6-Month Non-Member Window:** A person who is not a member of either House of Parliament (Lok Sabha or Rajya Sabha) can be appointed as a Minister. However, they must secure a seat in either house within **6 consecutive months**, or they automatically cease to be a Minister.
 - **Oaths & Salaries:** The President administers the oaths of office and secrecy. Salaries and allowances are determined dynamically by laws made by **Parliament**.
- ☐ **Article 164 (State): Other Provisions as to State Ministers**
- **The Appointment Flow:** The Chief Minister is appointed by the Governor, and other ministers are appointed by the Governor on the advice of the CM. All hold office **during the pleasure of the Governor**.
 - **The Tribal Welfare Minister Mandate: [Unique to States]** The states of **Chhattisgarh, Jharkhand, Madhya Pradesh, and Odisha** must have a dedicated Minister in charge of tribal welfare, who may additionally look after SC and backward classes welfare.
 - **Collective Responsibility:** The State Council of Ministers is collectively responsible specifically to the **Legislative Assembly of the State (Vidhan Sabha)**.
 - **The 15% Ceiling & The Floor Limit:** The total number of state ministers (including the CM) cannot exceed **15% of the total strength of that State's Legislative Assembly**.
 - ☐ **NDA Killer Fact:** Article 164 also sets a minimum *floor* limit: The number of ministers in a state **cannot be less than 12**. (The Union has no minimum floor limit).
 - **Anti-Defection & 6-Month Rule:** Mirroring the center, defection disqualifies a minister, and a non-legislator has exactly **6 months** to win an election to the State Legislature or lose their ministry.
- ☐ **PART 3: Conduct of Government Business**
- ☐ **Article 77 (Union): Conduct of Business of the Govt of India**
- **In the Name of the President:** All executive actions of the Government of India must be formally expressed and executed **in the name of the President**.
 - **Authentication of Orders:** Orders and instruments made in the name of the President are authenticated according to rules specified by the President. Once authenticated, the order's validity cannot be legally challenged on the ground that it wasn't signed by the President himself.

- **Allocation of Business:** The President makes rules for the more convenient transaction of the business of the Government of India, and for allocating this business among various Ministers.

□ **Article 166 (State): Conduct of Business of the Govt of a State**

- **In the Name of the Governor:** All executive actions of a State Government must be formally expressed to be taken **in the name of the Governor**.
- **Authentication:** Orders are authenticated according to rules framed by the Governor.
- **Allocation of Business:** The Governor makes rules for the allocation of state portfolios and administrative business among the State Ministers, except in areas where he has absolute constitutional discretion.

□ **PART 4: The Communication Pipeline (Duties of the PM & CM)**

□ **Article 78 (Union): Duties of the Prime Minister**

This article sets up the structural information pipeline between the real head (PM) and nominal head (President). It dictates three core duties:

1. **To Communicate All Decisions:** The PM must communicate to the President all decisions of the Council of Ministers relating to the administration of the affairs of the Union and proposals for new legislation.
2. **To Furnish Information:** The PM must furnish any administrative or legislative information that the President explicitly calls for.
3. **To Submit Matter for Collective Consideration:** If the President requires, the PM must submit any matter for the consideration of the entire Council of Ministers on which a decision was already taken by an individual Minister but has not yet been considered/voted on by the collective Council.

□ **Article 167 (State): Duties of the Chief Minister**

The CM acts as the identical information bridge to the Governor:

1. **Communicate Decisions:** Must communicate all administrative decisions and legislative proposals of the State Council of Ministers to the Governor.
2. **Furnish Requested Info:** Must provide any information regarding state administration or laws that the Governor demands.
3. **Submit Single-Minister Decisions:** If the Governor requires, the CM must take a decision made by an isolated individual minister and place it before the complete State Cabinet for joint discussion and approval.

This comparative visualizer maps the **Union Cabinet (PM + Council of Ministers)** directly against the **State Cabinet (CM + Council of Ministers)**.

By utilizing the **\$+89\$ Rule**, your NDA students will only need to memorize the four central articles (\$74, 75, 77, 78\$) to automatically master the state counterparts (\$163, 164, 166, 167\$).

To keep this chart scannable for a whiteboard layout, the State column **only highlights the operational differences and specific traps** used by UPSC.

☐ **The Cabinet "+89" Visualizer Matrix**

\$\$\text{Union Article} \rightarrow \text{+89} \text{ } \text{State Article}\$\$

Union Article (Part V)	☐ PM & Central Council of Ministers	State Article (+89 Shift)	☐ CM & State Council of Ministers (Differences Only)
Article 74	Aid & Advise Loop: • PM is at the head. • Advice is strictly binding on the President after one reconsideration process.	Article 163	The Discretionary Twist: • CM is at the head. • ☐ Major UPSC Trap: Advice is <i>not</i> always binding. The Governor has explicit constitutional discretion where he can override advice entirely.

Article 75	Ministerial Provisions: • Appointed by President on PM's advice. • Collectively responsible to Lok Sabha. • Total size cap is 15% of Lok Sabha. • Individual ministers hold office during <i>pleasure of the President</i>.	Article 164	The Floor Limit & Tribal Mandate: • Appointed by Governor on CM's advice. • Collectively responsible to State Legislative Assembly. • Total size cap is 15% of Assembly PLUS a mandatory minimum floor limit of 12 ministers. • Requires a specialized Tribal Welfare Minister in MP, CG, JH, and OD.
Article 77	Conduct of Business: • All executive actions are formally taken in the name of the President.	Article 166	Conduct of State Business: • All executive actions are formally taken in the name of the Governor.

Article 78	Information Pipeline: • It is the mandatory duty of the PM to act as the communication bridge and report all Cabinet decisions to the President.	Article 167	State Information Pipeline: • It is the mandatory duty of the CM to act as the communication bridge and report all state decisions to the Governor.
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□ Quick Delivery Cheat Codes for Class

- **The "Double 15%" Rule:** Highlight that both levels use a 15% ceiling cap introduced by the **91st Amendment Act (2003)**. However, drill down on the fact that *only* the states have a structural floor limit (minimum 12 ministers) to prevent micro-states from functioning with dangerously small cabinets.

□ MASTER LECTURE HANDOUT: THE ATTORNEY GENERAL OF INDIA

(Article 76)

□ 1. Constitutional Status & Nature of Office

- **Article 76** explicitly provides for the office of the Attorney General of India.
- He is designated as the **Chief Legal Advisor** to the Government of India and the **Highest Law Officer** in the country.
- He is considered a part of the **Union Executive** (alongside the President, VP, PM, and Council of Ministers).

□ 2. Appointment & Qualifications

- **Appointed By:** The **President of India** on the direct advice of the Union Cabinet.
- **Core Qualifications:** A candidate must be a person who is qualified to be appointed as a **Judge of the Supreme Court**. This means they must be a citizen of India and meet *one* of the following conditions:
 1. Must have been a Judge of a High Court for at least **5 years**.
 2. Must have been an Advocate of a High Court for at least **10 years**.
 3. Must be an **Eminent Jurist** in the opinion of the President.

□ 3. Tenure, Removal & Salary

- **No Fixed Tenure:** The Constitution **does not fix** the term of office for the Attorney General.
- **Pleasure of President:** He holds office **during the pleasure of the President**. This means the President can remove him at any time without giving any reasons or prior notice.
- **The Resignation Tradition:** Conventionally, the AG resigns voluntarily when the Council of Ministers (Government) resigns or is replaced, because he is appointed on their specific recommendation.
- **Salary/Remuneration:** The Constitution **does not fix** a regular civil service salary for the AG. He receives such remuneration as the President may dynamically determine.

□ 4. Key Duties & Responsibilities

As outlined in the core visual breakdown of the office, his responsibilities fall under three primary legal tracks:

- **Legal Advice to Government:** To give advice to the Government of India upon such legal matters as may be referred to him by the President.
- **Presidential Assignments:** To perform other duties of a legal character that are assigned to him by the President (such as representing the Govt in the Supreme Court under the Article 143 advisory jurisdiction).
- **Constitutional Functions:** To discharge the functions conferred on him by or under the Constitution or any other statutory laws.

□ 5. Special Powers & Parliamentary Privileges

This is the **#1 favorite trap zone** for UPSC examiners. Ensure your students memorize these precise points:

- **Right of Audience:** The AG has the right of audience in **all courts** within the entire territory of India.
- **The Right to Speak in Parliament:** He has the unique right to speak in, and take part in the proceedings of, **both Houses of Parliament** (Lok Sabha and Rajya Sabha) or any joint sitting.
- **Committee Membership:** He can be named as a member of any Parliamentary Committee.
- □ **THE ULTIMATE NDA TRAP — No Right to Vote:** While he can sit, speak, and deliberate inside Parliament, he **DOES NOT have the right to vote** under any circumstances.
- **Immunities:** While participating in Parliament, he enjoys all the legal immunities and privileges that are available to a regular Member of Parliament.

□ 6. Constitutional Limitations

To prevent conflicts of interest, the AG is bound by strict constitutional limitations:

- He must not advise or hold a brief **against** the Government of India.
- He must not advise or defend an accused person in criminal prosecutions **without the prior permission** of the Government of India.
- He must not accept an appointment as a director in any company or corporation without the prior permission of the Government.
- □ **Not a Government Servant:** The AG is **not** a full-time government servant. He does not fall under the category of a government servant and is **not debarred from private legal practice** while serving as AG.

□ The State Counterpart Multiplier: Article 165

Remind your batch to apply the **+89 Rule** here immediately:

- The **Advocate General** is the exact mirror image of the AG at the state level.
- He is appointed by the **Governor**, must be qualified to be a **High Court Judge**, is the highest law officer of the state, and can speak in the State Legislature **without the right to vote**.

Step	Minimum Age	Political Roles Covered	Key Exam Nuances & Trap Zones
1	18 Years	• Registered Voter	Constitutional Note: Lowered from 21 to 18 years by the 61st Constitutional Amendment Act .
2	21 Years	• Panchayat Member • Sarpanch • Municipality Member	Trap Zone: Students often assume local governance requires 25 years. Emphasize that grass-roots democracy opens up at 21.
3	25 Years	• Lok Sabha MP • State MLA • Prime Minister / CM	The Executive Connection: The Constitution doesn't specify a separate age for the PM. A PM must simply be an MP. If they come from the Lok Sabha, the minimum age to lead the nation is 25 .

4	30 Years	• Rajya Sabha MP • State MLC	The Elite House Premium: Stepping into the Upper House (the House of Elders) adds a mandatory 5-year premium onto the base legislative age.
5	35 Years	• The President • The Vice President • The Governor	The Apex Tier: The highest constitutional executive roles in the country require the maximum maturity threshold of 35 .