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EDITORIAL ANALYSIS

Officers of the Court, Servants of the Republic: On the Independence of Law Officers

 **THE HINDU**22 June 2026 · **POLITY** · **GS2**

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Officers of the Court, Servants of the Republic: On the Independence of Law Officers

 **The Hindu** 22 June 2026 **GS2**

Source: ujyari.com — researched, fact-checked & UPSC-mapped



INTERVIEW ANGLE

"When the government's instructions conflict with the duty owed to the court, where should a law officer's loyalty lie?"

Source: [Original editorial](#)  [The Hindu](#)

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WHY THIS MATTERS NOW

The reappointment of the Solicitor General has drawn fresh attention to the office of the Union's law officers. These appointments determine who argues the government's most consequential cases before the Supreme Court, and the moment invites a deeper question: can law officers who serve the executive also remain faithful officers of the court?

THE CRUX IN 60 WORDS

The Attorney General is a constitutional office under Article 76; the Solicitor General and Additional Solicitors General are **statutory** (<https://ujyari.com/vocab/statutory/>) appointees. All wear two hats, as advisers to the government and as officers of the court. Their independence means professional autonomy to advise frankly and uphold legality, protected less by new law than by tenure stability, convention and culture.

THE ISSUE, DECODED

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ELEMENT	WHAT IT IS	WHY IT MATTERS
Article 76	Constitutional basis of the Attorney General	Defines the senior-most law officer's role
Solicitor General	Statutory law officer of the Union	Carries much of the government's litigation
Officer of the court	Advocate's duty of candour to the court	Limits partisan advocacy by the law officer
Office at pleasure	Tenure dependent on executive will	Source of subtle pressure on independence

THE ANALYSIS: THE DUAL LOYALTY PROBLEM

- ❶ **A constitutional and a statutory tier.** The Attorney General is created by Article 76; the Solicitor General and ASGs are appointed by government notification.
- ❷ **Two duties in one person.** Law officers represent the Union yet remain bound to assist the court honestly and not mislead it.
- ❸ **Independence is professional, not oppositional.** It means the freedom to give frank advice and concede untenable (<https://ujivari.com/vocab/untenable/>) positions, not to fight the government.
- ❹ **The pressures are structural.** Holding office at pleasure and reliance on continued briefs can quietly tilt advocacy toward political expectation.

DATA AND INSTITUTIONS VAULT

Article 76: Attorney General for India, appointed by the President. **Powers:** Right of audience in all courts; may speak in Parliament, but cannot vote. **Statutory officers:** Solicitor General and Additional Solicitors General. **Tenure:** Attorney General holds office during the pleasure of the President. **Duty test:** Officer of the court owes candour even against client preference.

THE DEBATE

Argument for: Law officers must enjoy professional independence so that the state is represented lawfully and the court is assisted candidly, not merely served politically.

Argument against: They are appointed to defend the government's positions, so expecting independence from the executive that appoints and retains them is unrealistic.

Balanced verdict: Independence does not mean defying the government but exercising professional judgment within the duty owed to the court. Convention and tenure stability, not confrontation, are what protect it.

HOW TO THINK ABOUT THIS (TRANSFERABLE SKILL)

When an office carries two duties that can conflict, do not ask which duty wins absolutely; ask what institutional design keeps the conflict honest. Tenure security, transparent appointment and professional convention are the quiet mechanisms that let an official serve two masters without betraying either. Look for those mechanisms before judging the office.

DIAGRAM-IN-WORDS

Article 76 office plus statutory law officers -> dual duty to government and court -> tenure and convention safeguards -> credible, lawful representation of the state

THE WAY FORWARD

- 1 Clarify conventions on tenure and continuity so appointments are not seen as wholly transactional.
- 2 Make the appointment process transparent and merit-anchored.
- 3 Reaffirm in practice the law officer's overriding duty of candour to the court.
- 4 Insulate routine litigation choices from day-to-day political direction.
- 5 Cultivate a professional culture treating the office as a guardian of legality.

THE TAKEAWAY BOX

*Institutional independence within the executive-judiciary interface. **Lift line:** "Independence here does not mean opposing the government; it means professional autonomy to give frank advice." **Prelims hooks:** Article 76, Attorney General, Solicitor General, office during pleasure, right of audience. **Ethics/Interview angle:** Resolving conflicts between duty to the employer and duty to a higher institutional value. **PYQ linkage:** UPSC has asked on constitutional offices and on safeguards for institutional independence. **Connects to:** Rule of law, separation of powers, constitutional offices, conduct of public officials.*

Sources: *The Hindu* (<https://www.thehindu.com/opinion/editorial/>), *PIB* (<https://pib.gov.in/>)

Source: Officers of the Court, Servants of the Republic: On the Independence of Law Officers — Ujjyari.com | Free UPSC & State PCS Editorial Analysis

KEY ARGUMENTS AT A GLANCE

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**The Union's law officers serve both the government and the court,
 and protecting their independence requires tenure clarity,
 professional autonomy and institutional convention.**


SUPPORTING

- The Attorney General is a constitutional office under Article 76 with a defined role.
- The Solicitor General and Additional Solicitors General are statutory appointees who carry much of the litigation load.
- As officers of the court, law officers owe a duty to law that can exceed the government's immediate preference.


COUNTER

Some argue that law officers are appointed to represent the government and that expecting independence from the executive is unrealistic.


WAY FORWARD

Clarify tenure and removal conventions, insulate appointments from partisan churn, and reaffirm the law officer's duty to assist the court fairly.


MAINS ANSWER FRAMEWORK

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QUESTION

'The Union law officers occupy a dual position as advisers to the government and officers of the court. Examine the constitutional basis of their office and the case for safeguarding their independence. (250 words).'

INTRODUCTION

The reappointment of the Solicitor General is an occasion to examine a distinctive feature of India's legal system. The Union's law officers are at once advisers to the government and officers of the court, and the tension between those roles defines their office.

BODY

The Attorney General for India is a constitutional office under Article 76, appointed by the President, holding office during pleasure and entitled to audience in all courts and to address Parliament without a vote. The Solicitor General and Additional Solicitors General are statutory law officers who carry much of the government's litigation.

Their dual character is the heart of the matter. They appear for the Union and advise it, yet as senior advocates they are officers of the court, bound to assist it candidly and not to mislead it.

When the two duties pull apart, the office is tested. Independence here does not mean opposing the government; it means professional autonomy to give frank advice, to concede untenable positions, and to uphold the rule of law even against short-term executive convenience.

The threats are subtle: holding office at pleasure, dependence on continued government briefs, and the temptation to align argument with political expectation. Safeguarding the office therefore turns less on new law than on convention, tenure stability, transparent appointment and a professional culture that treats the law officer as a guardian of legality, not a litigation agent of the day.

CONCLUSION

Law officers stand at the meeting point of government and court. Their credibility, and the public's faith in fair representation of the state, depends on protecting their professional independence through convention and institutional restraint.


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