# CHAPTER IV

# Privy Council, Ministry and Cabinet

The powers of the Crown are exercised through different agencies. Some are exercised by Ministers acting singly in the Departments over which they preside, some are performed by the Privy Council and its various Committees, some by the Cabinet and some are carried on with the help of the permanent Civil Servants. It will, therefore, be meaningful to know the nature and organisa- tion of these institutions and how do they actually function.

## THE PRIVY COUNCIL

### Origin and Development

- From early times there had been a Council, a group of men attendant on the King, fulfilling certain duties and acting as the King's advisers. The Privy Council is an official name given in law to the body of persons who are the advisers of the Sovereign. In its origin, the Privy Council is the descendant of the King's Council, the *Curia Regis*, which dates from Norman days, and has had, under various names, a continuous history. An attempt was made under the Lancastrian Kings to make it directly subordinate to Parliament, but it could not succeed. In the sixteenth century the King's Privy Council became the powerful instrument of Tudor despotism. In the next century its powers were considerably eclipsed by an inner circle of the King's advisers which eventually came to be known as Cabinet.

As the Privy Council had become an unwieldy body for purposes of effective consultations, the later Stuart King started the practice of consulting with a few members of the Council who met the King in his closet or "Cabinet". It became a regular practice and by 1679, the old Privy Council may be said to have been virtually abolished, except for formal business and as a Court of Law. This change can be observed from the farewell speech of Charles II, in the same year to his Privy Councillors. The King said : "His Majesty thanks you for all the good advice which you have given him which might have been more frequent if the great numbers of the Council had not made it unfit for the secrecy and dispatch of business. This forced him to use a smaller number of you in a foreign committee, and sometimes the advice of some few among them upon such occasions for many years past."

### Composition and Organisation

The Privy Council was, therefore, the chief source of executive power in the State. As the system of Cabinet Government developed, the Privy Council became less prominent. Many of its powers were transferred to the Cabinet as an inner committee of the Privy Council, and much of its work was handed over to newly created government Departments, some of which were originally the committees of the Privy Council. The present day Privy Council is the body on whose advice and through which the Sovereign exercises his statutory and a number of prerogative powers. It, also, has its own statutory duties, independent of the power of the King in Council.

The Privy Council includes all Cabinet Ministers, past and present,[1] the Prince of Wales and the Royal Dukes, the Archbishops and the Bishop of London, and a large number of other people of distinction in the field of politics, arts, literature, science or law who are elevated as Privy Councillors. Ambassadors are now usually made Privy Councillors and since the precedent of 1897 Dominion Premiers are regularly offered its membership.[2] The Speaker of the House of Commons, too, is normally offered Privy Councillorship. The title of "Right Honourable" is borne by all members of the Privy Councillors and the membership of the Privy Council is re-

1. Once appointed to the Privy Council, a person ordinarily retains his membership for life.
2. General Hertzog and De Valera, however, refused Privy Councillorship.

tained for life .

The Privy Council is convened by the Clerk of the Privy Council and is presided over by the Sovereign or, when the Sovereign is abroad or ill, by Councillors of State. Three Privy Councillors from a quorum, but, as a rule, not fewer than four are summoned to attend. Rarely is anyone invited to attend a Council meeting who is not a Cabinet member. The whole Privy Council is called together only on the death of the Sovereign or when the Sovereign announces his or her intention to marry.

The Privy Council is responsible for advising the Sovereign to approve Orders in Council, of which there are two kinds, differing fundamentally in constitutional principle. Those made by virtue of the Royal Prerogative, for example, Orders approving the grant of Royal Charters of Incorporation, and, secondly, those made under Statutory powers, which are the highest form of delegated legislation. It is an accepted principle that members of the Privy Council attending meetings at which Orders in Council are made do not thereby become responsible for the policy upon which the Orders are based; this rests with the Ministers whose Departments are responsible for the subjects of the Orders in question whether or not they are present at the meeting. Certain Orders in Council must be published in the *London Gazette*, which is an official periodical published by the authority of the Government. The Privy Council also advises the Crown on the issue of Royal Proclamations, some of the most important of which relate to the prerogative acts (such as summoning or dissolving Parliament) of the same validity as Acts of Parliament.

The Privy Council serves, as in ancient times, as a panel for the composition of the committees. The meetings of the committees differ from those of the Privy Council itself in that the Sovereign cannot constitutionally be present. These committees have only advisory functions. The committee relating to Jersy and Guernsey is of long historical lineage. Similarly, there are committees for the Universities of Oxford and Cambridge and the Scottish Universities. Early in the reign of Queen Victoria it was found convenient to entrust the Privy Council, acting through a committee, various functions, which later on were handed over to Departments. The connection of the Council with education, however, remained considerably longer and it was only in 1899, that a Board of Education with an independent President was substituted for the committee. The administrative work of the Privy Council committees is carried out in the Privy Council office under the control of the Lord President of the Council.

The most noteworthy of such committees is the Judicial Committee of the Privy Council created in 1833. This Committee is generally selected from Lord Chancellor, ex-Lord Chancellors, and Lords of Appeal in Ordinary, although other members of the Privy Council who have held high judicial office (including Chief Justices and certain other judges from other Commonwealth countries who have been sworn members of the Privy Council) may also be asked to sit when business of the Judicial Committee is heavy. The Judicial Committee does not deliver judgment. It advises the Sovereign who acts on its report and approves an Order in Council to give effect thereto. Its decisions, though not binding on the English courts, are treated with great respect by them.

The Judicial Committee of the Privy Council is the final court of appeal from the courts of United Kingdom dependencies and certain States of the Commonwealth, including certain countries of which Her Majesty is no longer the Queen, but have not elected to discontinue to appeal. It derives its appellate jurisdiction in respect of such appeals from the principle of English Common Law which recognises, "the right of all the King's subjects to appeal for redress to the Sovereign in Council", if they believed that the Courts of Law had failed to do them justice. The Judicial Committee is also the final court of appeal from the ecclesiastical courts of England, from the Channel Islands and the Isle of Man, and from Prize Courts[3] in the United Kingdom and dependencies. It hears appeals from members of the medical, dental and certain kindred professions against decisions of their respective disciplinary bodies.

Lord Samuels describes the Judicial Committee of the Privy Council as "one of the most august tribunals in the world." Members of the Judicial Committee hold or have held certain high judicial offices in the United Kingdom or the Commonwealth and the Privy Councillors. Appeals are admitted only by leave given by the courts overseas according to local law or , failing that, by the Judicial Committee itself.

3. Prize courts deal with matters concerning property captured in time of war which, by the grace of the Crown, falls to the forces which assist in the capture.

## THE MINISTRY

### Ministry and Cabinet

The term Ministry is used in two senses. Sometimes it is used to mean Cabinet as if the two terms are synonymous. Sometimes it is used to mean both the Cabinet and other Ministers who are not members of the Cabinet. The second meaning is preferable. When a new Prime Minister is appointed, he has to fill hundred or so posts, major and minor, which together make up the Ministry. For example, the Cabinet formed by Winston Churchill in 1951 contained sixteen members. In addition to these Ministers in the Cabinet, there were twenty-two Ministers who were not in the Cabinet. Then, there were over fifty junior Ministers and this total of about ninety constituted Churchill's Ministry. The Labour Government formed by Harold Wilson in October 1964 con tained a total 101 Ministers and Parliamentary Secretaries. The Cabinet contained 23 members, like its Conservative predecessor Government, under Sir Alec Douglas Home. The Ministry is, thus, a convenient concept that embraces all categories of Ministers collectively with varying shades and degrees, who go to make up the political side of the Executive. That is her Majesty's Gov ernment.

The Ministers vary in nomenclature and in importance. About twenty or more of the most important out of the Ministry are the members of the Cabinet.[4] They meet collectively, decide upon policy, and in general "head up" the government. It does not, however, mean that every Cabinet Minister must necessarily preside over an administrative Department. There are a few sinecure offices which involve no substantial departmental duties. Men of great political importance whose capacity for departmental work has been lessened by the passage of time, or those who have no taste for administration, but whose counsel is always of immense value,[5] are assigned offices with a few or no duties attached. For example, the duties of the Lord Privy Seal were abolished in 1884 and yet he is always a member of the Cabinet. The Lord President of the Council, too, has only nominal duties. Sometimes these offices are usefully occupied by Ministers who are entrusted with major responsibilities of a general rather than of a departmental kind. This was true of Lord President from 1940-43, and Herbert Morrison who became Lord President in the Labour Government of 1945. In Macmillan's Government (1961) the Lord President of the Council was entrusted with the general duty of promoting scientific and technological development as Minister of Science. The Lord Privy Seal handled foreign office business in the House of Commons. The Earl of Home (later Sir Douglas-Home), the Foreign Secretary, was in the Lords.

Another expedient is the appointment of Ministers without Portfolio. From 1915 to 1921 ten cases occurred of Ministers in the Cabinet without Portfolio.[6] But this system ended in 1921 after a scathing criticism in the House of Commons. It was revived in Baldwin's Ministry of 1935 when Lord Eustace Percy and Anthony Eden received Ministries.[7] Arthur Greenwood held the office of Minister without Portfolio during his membership of the War Cabinet and also for a short while in 1947. W.F. Deedes was appointed Minister without Portfolio by Harold Macmillan in a major reconstruction of Cabinet in July 1962 and October 1963 Douglas Home appointed two Ministers without Portfolio. But it is not usual for such a Minister to be created.

In the second place, there are certain Ministers who are designated as of "Cabinet rank". Attlee's Labour Government, formed in January 1949, had fifteen such ministers. The ministers of "Cabinet rank" are the heads of the administrative departments, and although they are formally of Cabinet status and are paid the same salary as Cabinet Ministers, but they are not members of the Cabinet itself. They attend the Cabinet meetings only when specifically invited by the Prime Minister to deal with matters concerning their Departments. This division of Ministers was observed by Churchill in 1951 and he had eighteen Ministers under this category. The Ministers of "Cabinet rank" vary in numbers from government to government; it is a matter

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4. Anthony Eden, who succeeded Winston Churchill after the latter retired from active politics, had eighteen Cabinet Ministers. Harold Macmillan continued with more or less the same number. Harold Wilson's Cabinet formed in 1964 had twenty-three members, though Wilson advocated 15 to 20 members, to make an ideal Cabinet, BBC Publications, *Whitehall and Beyond*, p. 26.
5. John Bright proved poor administrator at the Board of Trade in 1868, but was later valuable as Chancellor of the Duchy.
6. Keith, A. B., *The British Cabinet System*, p. 45.
7. Lord Eustace Percy found his position anomalous and resigned office, later leaving parliamentary life. Anthony Eden was given the duty of dealing with League of Nations' affairs, but on Sir Samuel Hoare's retirement in 1935, he was appointed in his place.

for the Prime Minister's discretion. In Heath's Government (1972) there were seven Ministers of this kind.

Then, come the "Ministers of State", who are "deputy minister" in Government Departments where the work is particularly heavy and complex, or when it involves frequent travelling overseas. A Minister of State may,if circumstances demand, hold independent charge of a Department, though there is no precedent so far. Compared with ten Ministers of State in Douglas-Home's Government there were sixteen in Harold Wilson's Government and eleven in Heath's Government. The Ministers of State usually have a status intermediate between that of a full Minister and of a Parliamentary Secretary. The first Minister of State ever created was Lord Beaverbrook in May 1941 and since then the practice has come to stay. "In practice the general idea of the Minister of State", says Herbert Morrison, "is to create minister of higher status than that of a Parliamentary Secretary who could relieve heavily burdened departmental ministers of material parts of their work to an extent which might not be considered appropriate in the case of Parliamentary Secretaries." It would appear that any action taken by a Minister of State who is subordinate to the Minister in charge of a Department, would be on behalf of the Minister under delegated powers. The Minister-in-charge of the Department is answerable to Parliament for all intents and purposes.

Finally, there are the Parliamentary secretaries, or 'junior ministers'. Each departmental Minister has usually a Parliamentary Secretary, but in some of the larger Departments there may be two. A Parliamentary Secretary may not be confused with the Permanent Secretary who is a senior member of the Civil Service in the Department. Parliamentary Secretaries are mostly members of the House of Commons, or if not, then, of the House of Lords. They belong to the majority party and are selected by the Prime Minister in consultation with the Minister concerned. They remain in office as long as the Ministry is there or the Prime Minister wishes them to be there. But they are not Ministers of the Crown and constitutionally have no 'power'. The primary function of the Parliamentary Secretary is to relieve their senior Ministers of some of their burden by taking part in parliamentary debates, and answering parliamentary questions, and by assisting in departmental duties. There are also five "political" officials of the Royal Household, including the Treasurer, the Comptroller, and Vice-Chamberlain. These offices carry a political complexion and their incumbents are ranked as Ministers.

All these categories of Ministers, who make the Ministry, are members of Parliament[8] and belong to the majority party in the House of Commons. They are individually and collectively responsible to the House of Commons and continue to remain in office as long as they can retain its confidence. The Ministry may, thus, consist of the whole number of Crown officials having seats in Parliament, sustaining direct responsibility to the House of Commons and holding office subject to a continued support of a working majority in the latter body. But the Ministry has no collective functions. It is the function of the Cabinet. The Cabinet is a committee of the Ministry, chosen by the Prime Minister who meet together for four or five hours each week to deliberate, formulate policy, supervise and co-ordinate the work of the whole Government machine. The Ministry as a whole never meets and it never deliberates on matters of policy. The duties of a Minister, unless he is Cabinet Minister, are individual uties relalting to the administrative Department or Departments to which he is attached. In sum, the Cabinet officer deliberates and advises; the Privy Councillor decrees; and the Minister executes. The three activities are easily capable of being distinguished, even though it frequently happens that Cabinet officer, Privy Councillor, and Minister are one and the same person.

**Size of the Ministry**

The overall size of the Ministry (excluding Parliamentary Secretaries) has more than doubled from early this century; rising from about forty five in the Governments of Balfour, Campbell Bannerman, and Asquith before 1914, to

8. It is a well settled convention that Ministers should be either Peers or members of the House of Commons. There have been however, occasional and temporary exceptions. Gladstone held the office of Colonial Secretary in 1845 for nine months without a seat in Parliament. Sir A. G. Boseawen, Minister of Agriculture, was a similar case in 1922-23. General Smuts was a Minister without Portfolio and a member of the War Cabinet from 1916 until the end of War without a seat in Parliament. Ramsay MacDonald and his son Malcolm MacDonald were members of the Cabinet though not in Parliament from November 1935 until early in 1936. MacDonalds were defeated at the General Election held in November 1935 Patrick Gordon-Walker was appointed Foreign Secretary by Harold Wilson despite his failure to get elected in October, 1964. Gordon-Walker had to quit on his defeat in the by-election too.

more than one hundred in the Wilson Government formed in 1964. This increase has created the danger of excessive executive domination of the Legislature. Although members of the House of Commons appointed to Ministerial office no longer have to secure re-election to the Commons, there do exist statutory limits on the number of Ministers allowed to serve in the Commons at any one time.

The Ministers of the Crown Act, 1937, provided that only eighteen out of twenty-one senior Ministers could serve in the House of Commons at any one time. This meant that if all the twenty-one posts were filled, at least three had to be held by members of the Lords. In addition, the Act of 1937 provided that no more than twenty Junior Ministers could sit in the Commons at any one time. During World War II, under the provisions of the emergency legislation, these figures were exceeded, while many of the ministerial posts created after the War were specifically excluded from the limitations imposed by the Act of 1937. In 1941, the Select Committee on Offices and Places of Profit under the Crown recommended that only sixty Ministers in all should serve in the House of Commons.[9] In pursuance of this recommendation the House of Commons Disqualification Act, 1957, specified that not more than seventy Minister of all categories could serve in the House of Commons at one time. This limit was not exceeded by Macmillian or Home. When the Labour Government came in power in 1964 it created the new Ministerial posts which correspondingly increased the size of the Ministry and, accordingly, the necessity of new legislation arose. The Ministers of the Crown Act, 1964, increased from seventy to ninety-one the total number of Ministers who could serve in the Commons at any one time, and abolished the limit on the number of senior Ministers that could be drawn from the Commons. Since the figure of ninety-one fixed by the 1964 Act, as the maximum number of Ministers that could be drawn from the House of Commons, was below the total number of Ministerial posts in the Wilson Government, the Act recognised the principle that some posts should be filled by the Lords. It means that Ministers over and above the number of ninety-one would come from the Lords thereby increasing the strength of the Peers in the Ministry.

## THE CABINET

### Not Known to Law

The Cabinet is the core of the British constitutional system. It is the supreme directing authority; "the magnet of policy," as Barker calls it,[10] which co-ordinates and controls the whole of the executive government, and integrates and guides the work of the Legislature. According to Bagehot, the Cabinet is a "hyphen that joins, the buckle that binds the executive and legislative de- partments together." Lowell calls it "the keystone of the political arch." Sir John Marriot describe it as "the pivot round which the whole political machinery revolves." Ramsay Muir speaks of it as "the steering-wheel of the ship of State." Sir Ivor Jennings succinctly says that the Cabinet "provides unity to the British system of government." With whatever colourful phrase it may be described and from whatever angle it is approached, the Cabinet is the motive power of all political action in Britain. And yet it is not known to law.

Like various other political institutions of the country, the Cabinet, too, is the child of chance. Until 1937, it was not even mentioned in any Act of Parliament, and in the Ministers of the Crown Act there is just an occasional reference to it.[11] As the Cabinet has no legal existence, its actions have not the force of law. The judicial acts of the Cabinet are formally made the actions of the Privy Council which body has existence in law. The machinery of the Cabinet system is, thus, based upon conventions, unwritten but always recognised and stated with almost as much precision as the rules of law. This, indeed, is the most remarkable outcome of the British Constitution.

### Development of the Cabinet

The name Cabinet referred originally to a small body of ministers whom the later Stuart Kings commenced consulting in preference to the Privy Council of their predecessors.[12] Then, came the Revolution of 1688, and the consequent increase in the powers of Parliament. Wil-

9. The Herbert Committee Report, H. C. 120 of 1941.
10. Barker, E., *Britain and the British People* (1943), p. 54.
11. The Ministers of the Crown Act, 1937, referred to it while providing higher salaries for those Ministers who were members of the Cabinet.
12. The smaller inner group of persons to whom the King came to give his special confidence was variously known as the '*Junto*'(a term first used during the reign of Charles I), the 'Cable' (after the initial letters of the inner group of 1671—Clifford, Arlington, Buckingham, Ashley and Lauderdale), the 'Cabinet Council' or the 'Cabinet' (the cabinet being the private room or closet of the King's palace in which the group met).

liam III on ascending the throne formed a Ministry drawn both from the Whigs and the Tories. But he soon realized that the Tories were very critical of his policy and their opposing views made it impossible for him to carry out smooth administration. He, therefore, gradually dismissed all the Tories from his Ministry and got, for the first time, a body of Ministers chosen from one political party. The Whig Junto of 1696 is regarded as the real beginning of the Cabinet system. Queen Anne carried the development a stage further by letting the inner circle *decide policy* while her precedecessors *tolerated only advice*. But she still continued to dismiss her Ministers when they forfeited her favour. At the same time, both William and Anne presided in person at the meetings of the cabinet

The system of Cabinet Government can be said to have really emerged when the King was excluded from the meetings of the Cabinet. This happened, by chance in 1714, when George I ceased to attend the meetings of the Council because he did not understand English. The King designated Sir Robert Walpole to preside in his place. The Cabinet thereupon ceased to meet at the palace with the Sovereign presiding, and met instead at the House of the First Lord of the Treasury. The First Lord became a kind of Chairman to the Cabinet and Walpole furnished the required leadership in the absence of the King and the colleagues looked to him for direction. As Chairman of the Cabinet, he presided at its meetings, guided and directed its deliberations, reported the decisions arrived at the Cabinet meetings to the King, and reported to the Cabinet the opinion of the King. Moreover, as a member of Parliament he served as a link between the Cabinet and Parliament. This new position and duties of Walpole in effect involved the origin of the office of the Prime Minister, although he resented and repudiated the suggestion that his position was of that kind. Necessity, thus, grafted the Premiership as well as the Cabinet constitution.

Another outcome of the absence of the King from meetings of the Cabinet was that Ministers, instead of tendering individual advice, began seeking for unanimity. Walpole could hardly go to the King with a dozen or fifteen different opinions. Differences amongst themselves the Ministers began to resolve inside the Cabinet, and thereby agreed advice was conveyed to the King. Out of this emerged another development. The Cabinet, if it were to tender unanimous advice, had to be a homogeneous body. When distinct political parties had begun to emerge, it became convenient to draw all Cabinet Ministers from a single majority party to be sure of parliamentary approval.

For twenty years Walpole headed the Government and during that period a system that was in its infancy gathered strength and a certain measure of stability. In fact, in Walpole's administration are found the essential characteristics of present-day Cabinet government. "It was Walpole who first administered the Government in accordance with his own views of our political requirements. It was Walpole who first conducted the business of the country in the House of Commons. It was Walpole who in the conduct of that business first insisted upon the support for his measures of all servants of the Crown who had seats in Parliament. It was under Walpole that the House of Commons became the dominant power in the State, and rose in ability and influence as well as in actual power above the House of Lords. And it was Walpole who set the example of quitting his office while he still retained the undiminished affection of his King for the avowed reason that he had ceased to possess the confidence of the House of Commons." It was, again, Walpole who used No. 10 Downing Street while he was in office, which subsequently became the official residence of the Prime Minister.

At the same time, there had developed the principle of ministerial responsibility; the principle that a Minister was responsible to Parliament for all his public acts, and that he could be brought to book by Parliament if ever it considered his acts prejudicial to the interests of the country. The principle of ministerial responsibility evolved slowly. For the first time Strafford in the reign of Charles I was made to answer to Parliament for what was considered the bad advice he had given to the King. The King did his best to shield him, but, and in spite of the best efforts of Charles himself, Strafford was made to pay the penalty imposed by Parliament.[13] Exactly the same happened in Danby's case during the reign of Charles

13. Strafford was impeached of high treason by the House of Commons "for endeavouring to subvert the ancient and fundamental laws and government of His Majesty's realms of England and Ireland and to introduce an arbitrary and tyrannical government against law in the said kingdom." Adams, C. B., and Stephens, H. M., *Select Documents of English Constitutional History*, p. 361.

II.[14] Since then the principle of ministerial responsibility has been recognised as the *sine quo non* of the parliamentary system of government.

It does not, however, mean that the Cabinet system of government had become an accomplished fact in the eighteenth century, and the King was a mere cipher in his relations to the Cabinet. Even Sir Robert Walpole felt himself very much the King's servant and dismissable by him. George III demanded the inclusion of some members in the Cabinet, though they belonged to the opposing party. George IV made efforts to create among the Ministers division by getting their individual opinions on Canning's foreign policy. William IV, once or perhaps, twice, contemplated the dismissal of a Cabinet which enjoyed the confidence of the House of Commons and the electorate.

Thus, the complete theory and practice of the Cabinet system, as it emerged out of the eighteenth century, did not take its present form before the reign of Queen Victoria. "Under Peel, Disraeli, and Gladstone the system reached a kind of climax : indeed the classic exposition of its working is still a chapter in the *Life of Walpole*, written by one of Gladstone's colleagues (Morley) with his master's assistance."[15]

It is early to analyse the development of the Cabinet during the twentieth century. But two significant observations may be made here. The first is, that the membership of the Cabinet has increased from twelve or less to eighteen or more. Sir Robert Peel was content with thirteen members; Disraeli in 1874 tried as few as twelve. Since then the Cabinet has tended to grow steadily until recent times. With the expansion of the functions of government, it became a practice to include in the Cabinet the heads of all important Departments as well as number of Ministers without departmental duties, like the Lord President of the Council and the Lord Privy Seal, and sometimes even the Chancellor of the Duchy of Lancaster. Between the two world Wars the number was seldom less than twenty. In 1935, it was twenty-two. But there were constant complaints against the swelling size of the Cabinet. It was contended that a Cabinet of twenty-one or twenty-two members was too large for an effective deliberative body. A Cabinet, say of twelve persons, like Disraeli's in 1874, can amicably and conveniently settle questions by intimate discussion around a table. A Cabinet of more than a score, on the other hand, verges upon "a public meeting: it must have a formal procedure, a considerable committee organisation, a substantial secretariat, and so on. A small Cabinet can usually take decisions by a consensus of opinion, a large Cabinet may find it easier to take vote."[16]

Experienced statesmen prefer a small cabinet. Attlee reduced the number of his Cabinet Ministers to seventeen in 1949, Winston Churchill still further reduced it to sixteen in 1951, with a separate provision of 'ministers not in the Cabinet.' In 1962, there were twenty Cabinet Ministers and the number increased to 23 in 1964. In January 1967, it stood at twenty. In 1974, it again went upto 21 whereas Callaghan came down to 20. Mrs. Margaret Thatcher had 22 whereas John Major, who succeeded her in November 1990, had 21. The nomenclature of Ministers was adhered to in the succeeding Cabinets, except that holders of the most of the newly created posts by Wilson Government had the formal title of Ministers whereas those who held older posts had special titles for instance, the Chancellor of the Exchequer and the President of the Board of Trade. The holders of nine offices (some ancient and other of recent creation) were known as 'Secretaries of State.' The 'Ministers not in the Cabinet' carried the same status as the Cabinet Ministers, received all the Cabinet conclusions, except those of the utmost secrecy, and took their full share in the Cabinet Committees. But they participated in the deliberations of the Cabinet only when summoned, and matters concerning their Departments were under discussion.

Closely connected with it are two other phases. First, to cope with the increased work of the Cabinet, the system of standing Cabinet Committees, which discuss and settle all contentious matters, has been introduced on the extended scale. Secondly, the Labour Government began to meet twice a week whereas before the War one meeting a week was generally sufficient. The War Cabinet of 1940-45, also, met twice a week in the ordinary way, but naturally there were many more special meetings than in peace time, some of them late at night. Now it meets for a few hours once or twice a week during Parliamentary sitting, and rather less frequently

14. See ante, Chap. III.
15. Derry, K., *British Institution of Today* (1948), p. 41.
16. Jennings, W. I., *The Queen's Government*, p. 116.

when Parliament is not sitting. Additional meetings may be called by the Prime Minister at any time.

The second significant development of the twentieth century is that the Cabinet has sacrificed much of its party character at periods of national emergencies in the efforts to achieve national solidarity. Britain, it had always been argued and the same conviction holds good even now, hates a coalition, because it is deemed distortion of the parliamentary system of government. And yet in the inter-War period of about twenty-one years, four years were occupied by Lloyd George's Coalition Ministry surviving from the previous War, and eight years by the National Government headed by MacDonald, Baldwin and Chamberlain which carried on into succeeding War of 1939. There were also two periods of minority government—again a distortion of the parliamentary system—the Labour Governments of 1924 and 1929-31. Taking, thus, the whole period between 1918 and 1945, less than six years were occupied by governments of the normal type when there was one single-party government with a working majority.[17] In October 1974 the Labour Party won 319 seats out of a total of 635 membership of the Commons. But this precarious majority was soon eroded for one reason or another and Callaghan's minority Government remained in office with the support of the Liberal and Scottish Nationalist parties till it was defeated on a vote of no confidence when both these parties withdrew their support. In the General Election held in May 1979, the Conservative Party was given a clear mandate by the electorate winning 339 seats. Mrs. Margaret Thatcher, the first woman Prime Minister Britain had, formed the Government and she remained in office for 11 years and six months and after her resignation in November 1990 was succeeded by John Major, the Chancellor of Exchequer in her Cabinet. He was really her choice.

Whatever be the demerits of coalition government, this twentieth century development is characteristic of the adaptability of the British people. Jennings, while referring to the War coalition, points out that "the coalition which saved civilization between 1940 and 1945 seems to have been at least as united as the ordinary party government.[18] The National Government in 1932 maintained its unity by strange device of an "agreement to differ,"[19] an exception to collective responsibility.[20]

## PRINCIPLES OF CABINET SYSTEM

The Cabinet is, thus, a wheel within a wheel. Its outside ring consists of a party that has a majority in the House of Commons; the next ring being the Ministry, which contains men who are most active within that party; and the smallest of all being the Cabinet, containing the real leaders or chiefs. By this means is secured that "unity of party action which depends upon placing the directing power in the hands of a body small enough to agree and influential enough to control." The Cabinet is, in brief, the driving and the steering force. But despite its importance, it has no legal status as an organ of government. Its existence and working hinge s upon some well established customs, traditions and precedents. There is, however, one supreme virtue in it. The conventional character of the Cabinet makes it a highly flexible institution easily adjustable to meet emergencies or any other special circumstances. In fact, the stupendous success of the Cabinet system in Britain, for the past two and a half centuries, may be properly attributed to the Cabinet's high degree of adaptability. The whole system is based upon the fact that the government is carried on in the name of the King, by Ministers who are members of the majority party in Parliament, and are responsible to Parliament for all their public acts both individually and collectively. These important features of the Cabinet system which have now become classical need analysis.

### A Constitutional Executive Head

Cabinet government means that the King is no longer the directing and deciding factor responsible before the nation for the measures taken. The whole of the political and executive power of the Crown is exercised in the King's

17. These were Bonar Law and Baldwin Governments from October 1922 to January 1924 and the second Baldwin Government from November 1924 to June 1929. Normal single party Government was again restored in 1945 and it continued. The October 1959 elections with a very comfortable majority for the Conservatives ensured its continuance. The Labour Party in the election of October 1964 could secure a precarious majority of five only, but in the following General Election it was able to muster a comfortable majority.
18. Jennings, W. I., *Cabinet Government*, p. 247.
19. Refer to Laski's admirable thesis, *Crisis and the Constitution* (1932).
20. The "Samuel Liberals" disagreed with the tariff policy of their colleagues. For a time an "agreement to differ" was observed. Before long, however, they withdrew from the Government.

name by political men who belong normally to the majority party in Parliament. These political men can be criticised, attacked and compelled to answer questions, and they are liable to be turned out of office, if their policy is not approved by Parliament. As the King takes no part in politics, he does not participate in the confidential discussions in which his ministers decide the advice they will give him. In other words, the King does not preside over Cabinet meetings. The abstention of the King from Cabinet meetings was originally a matter of sheer accident, but it was a step of great constitutional importance in the development of the responsible Ministry. It does not, however, mean that the King has nothing to do with the Cabinet and what it does. As Jennings has said, the Monarch "may be said to be almost a member of the Cabinet, and the only non-party member."[21] Though, he keeps off the politics, yet he commands a position to influence the decisions of the political leaders constituting the government of the day. But it must be repeated that influence is not power and in the end the Monarch is bound by the Cabinet decision.

**Chosen from Parliamentary Majority**

Ministers are members of Parliament and, generally, in modern times, of the House of Commons, and they are chosen from that party which has a majority in that House. These two facts, taken together are of fundamental importance. The membership of Parliament gives to Ministers a representative and responsible character. It also binds together the Executive and Legislative authorities and there can be no working at cross purposes between these two organs of Government. The harmonious collaboration thus brought about ensures a stable and efficient government. Such a government is always responsive to the needs of the people. Moreover, Cabinet Ministers are leaders of the majority party in the House of Commons and, consequently, they must assume direction of principal activities of Parliament. This offers an effective opportunity to the Executive to present, to advocate, and to defend its views and proposals.

It is now a well-settled convention that Ministers should be either Peers or members of the House of Commons, though there had been exceptional occasions when Ministers held office out of Parliament. General Smuts was a Minister without Portfolio and a member of War Cabinet from 1916 and until the end of the War without his being a member of Parliament. Sir A.G. Boscawen, as Minister of Agriculture, is another identical case in 1922-23. Ramsay MacDonald and Malcolm MacDonald were both members of the Cabinet though not in Parliament from November 1935 until early in 1936. Patrick Gordon Walker was the Foreign Secretary in Wilson's Government till he was defeated in the by-election. "The House of Commons is, however extremely critical of such exceptions ....... In truth, the conduct of government business in the House of Commons is such a onerous task that the absence of an important minister places a considerable burden on the rest.[22] Even in the House of Lords the representation of many Departments, the piloting of their legislation, and the explanation of their policy demand the presence of a good number of Ministers and the Ministers of the Crown Act, 1965, recognises the principle that some Ministerial posts must be filled by members of the Lords. Practical convenience as well as constitutional convention, therefore, compels the Prime Minister to confer office only upon members of Commons or peers."[23] Ministers remain out of Parliament only while they are trying to find seats. If they cannot get in, and are unwilling to be created Peers, they resign from their offices.

Cabinet government means party government. This was explained by Professor Trevelyan in his Romanes Lecture. He said, "The secret of British Constitution as it was developed in the course of the eighteenth century was the steady confidence reposed by the parliamentary majority in the Cabinet of the day. If that confidence is withdrawn every few months government becomes unstable, and men cry out for a despotism, old or new. In eighteenth-century England the requisite confidence of Parliament in the Cabinet could have been obtained in no other manner than through the bond of a party loyalty held in common by the Cabinet and by the majority of the House of Commons."[24] Party provides the machinery which secures a stable government under a unified command of the politically homogeneous and disciplined leaders.

It was an easy task to form a Ministry from one single political party, which commanded the majority in Parliament, so long as there were only

21. Jennings, I., *Cabinet Government*, pp. 327-28.
22. *Ibid.*, p. 53.
23. *Ibid.*
24. As quoted in *The English Constitution* by Sir Maurice Amos, p. 70.

two political parties. With the emergence of the Labour Party in the beginning of the twentieth century,the position became a little uncertain because sometimes it might happen, as it did in 1924 and 1929, that no single party could command a majority with it in the House of Commons. Ramsay Mac Donald on both these times formed Govern- ment on the distinct support of the Liberal party. In times of national emergencies, as the two world wars, and grave crisis, like the Economic Depression of 1931, there were coalition Ministries. But it is a rare feature as a coalition government is essentially anomalous in Britain, because "it contradicts the fundamental principle that a Cabinet represents a party united in principle."[25] Coalition Government is a combination of strange bed-fellows who pursue rival policies and rival ambitions. The truth of the matter is that coalitions do not love each other and except in times of unusually abnormal political circumstances, the Government in Britain has always been a unified whole representing one single political party. The coalition formed in May, 1940, was a true National Government as it represented all parties. But its sole aim was the successful prosecution of the War and it failed to survive the defeat of Germany by more than a few weeks. At that point, disagreements about post-War reconstruction proved more fundamental than the common wish to go on to defeat Japan. The future of the two-party system, however, appeared bleak with the split in the Labour Party and formation of the Social Democratic Party in alliance with the Liberal Party. It was widely predicted that the three—party system had come to stay in Britain and coalition government might become the future norm. But the alliance was just short-lived and the Social Democratic Party itself could hardly make any headway. The old pattern of two-party system prevails with its past vigour.

**Leadership of the Prime Minister**

The Cabinet is a team which plays the game of politics under the captaincy of the Prime Minister. The Prime Minister, according to Morley "is the keystone of the arch." Although in the Cabinet all its members stand on an equal footing, speak with equal voice and act in unison, yet the Chairman of the Cabinet is the first among equals and occupies a position of exceptional and peculiar authority. He is the leader of the Parliamentary majority and all Ministers work under his accepted leadership. It is true that the Prime Minister is technically appointed by the King, but in practice the choice of the King is pretty strictly confined to a man who is designated as a leader of the party.

It is from the time of Walpole we have the convention that the Prime Minister selects his own Ministers. The Ministers, no doubt, are appointed by the King, but in actual practice they are the nominees of the Prime Minister. The King simply receives and endorses the list prepared and presented to him by the Premier.[26] If the Prime Minister has the power to make his Ministers, it is also his constitutional right to unmake them. The identity of the Ministers is not known without the Prime Minister. In 1931, Ramsay MacDonald tendered the resignation of his Cabinet without the knowledge of his colleagues and, in the words of Laski, "with the announcement of the national government the ministers learnt of their own demise." A party lives on party spirit and as an instrument of government it preserves its continuous corporate identity under the leadership of the Prime Minister. All this accounts for unity and close association between Ministers on the one side and the Cabinet and the parliamentary majority on the other. Or, as Barker says, "The unity and the corporate character is sustained and maintained by the dominance of the Prime Minister. This is the essence of Ministerial Responsibility."

**Ministerial Responsibility**

Ministerial responsibility is the first and foremost principle of the Cabinet system of government and collective responsibility is Britain's principal contribution to modern political practice. According to Birch the term " responsible Government " may be applied to the British political system in three main respects.[27] In the first place, it may be regarded as a characteristic of the British system that governments do not act irresponsibly. That is to say, they do not abuse wide legal powers which they possess. "In this sense, responsible government means 'trustworthy government', and is a general description of the British political culture."[28] Secondly, re-

25. Jennings, W. I., *Cabinet Government*, p. 246.
26. In 1945, King George VI "disagreed" with Clement Attlee on the appointment of Sir Hugh Dalton as Foreign Secretary and asked him to appoint Ernest Bevin in his place, which he did. *King's Diary*, quoted by Wheeler-Bennett in *George VI: His life and Reign*, p. 635.
27. Birch, A. H., *Representative and Responsible Government*, p. 131.
28. Punnett, R.M., *British Government and Politics, p. 178.*

sponsible government is responsive to public opinion, and it acts in accordance with the wishes of the majority of the people. The third and the most specific meaning of responsible government is that the government is answerable to Parliament for all its acts. This meaning is based on the principle that Ministers are members of Parliament and secondly, they must be drawn from the majority party and they remain in office so long as they can command the support of the majority of the members of the House of Commons. From this flow the doctrines of collective responsibility of the government and individual Ministerial responsibility to Parliament.

Ministerial responsibility to Parliament has two aspects : the collective responsibility of Ministers for the policies and actions of the Government, and their individual responsibility for the work of their Departments over which they preside, that is, a Minister incharge of a Department is answerable for all its acts and omissions and must bear consequences of any defect of administration. Both forms of responsibility are embodied in conventions. According to Birch, "Both conventions developed during the nineteenth century, and in both cases the practice was established before the doctrine was announced."[29] Woodward, too, states that in 1815, "the responsibility of the cabinet as a whole was difficult to establish", and that "no ministry between 1783 and 1830 resigned as a result of defeat in the House of Commons; no ministry before 1830 ever resigned on a question of legislation or taxation."[30]

Implicit in the doctrine of collective responsibility is the unity of the Government. Cabinet is a unit— "a unit as regards the Sovereign and a unit as regards the legislature." Cabinet Government is a Party Government and its members (Ministers) come into office as a unit under the leadership of a person whom the party acclaims. All Ministers stand for the political programme of the party and represent the uniformity of political opinion. They must, therefore, swim and sink together because the fall of the Ministry is the fall of the party and, consequently, its political programme.

The essence of the Cabinet is its solidarity; a 'Common front' and collective responsibility had its origin in the need for Ministers in the eighteenth century to represent a united front to the Monarch on the one hand, and to Parliament on the other. "Today, collective responsibility", writes Punnett, "enables the Government to present a common face to its party supporters inside Parliament, to the party outside Parliament, and to the electorate generally—the maintenance of a united Government front being an essential prerequisite of preservation of party discipline in the House, and to the answering of Opposition and public criticism of Government policy."[31]

Collective responsibility applies to all Ministers alike, from senior Cabinet Ministers to Junior Ministers and one who is not prepared to defend the Cabinet decision must resign.[32] General Peel and three other Ministers resigned because they did not agree with and support Disraeli's Reform Bill. Lord Morley and Burns resigned in 1914 as they could not approve of the decision to go to War. Sir Herbert Samuel and other Liberals, and Viscount Snowden resigned in 1932 because they could not support the Ottawa Agreement. Anthony Eden resigned in 1938 because he was unable to agree with the foreign policy adopted by Neville Chamberlain and the Cabinet. In 1950, when a Junior Minister not in the Cabinet criticised the Government's agricultural policy and resigned immediately afterwards, the *Economist* commented that he would "have been in a stronger position if he had resigned first and made his criticisms afterwards, rather than transgress an accepted rule of the Constitution."[33] In 1958, when the Chancellor of the Exchequer resigned because of the disagreement with other Ministers on the question of economic policy, the public could know the disagreement only when the resignation was announced. The practice, as established now, is that

29. Birch, A. H., *Representative and Responsible Government*, p. 131.
30. Woodward, E. L., *The Age of Reform*, p. 23.
31. Punnett, R. M., *British Government and Politics*, p. 178.
32. Lord Salisbury expressed this rule clearly in 1878 : "For all that passes in Cabinet, each member of it who does not resign is absolutely and irretrievably responsible, and has no right afterwards to say that he agreed in one to a compromise, while in another he was persuaded by the colleagues............

 ........It is only on this principle that absolute responsibility is undertaken by every member of the cabinet who, after a decision is arrived at, remains a member of it, that the joint responsibility of Ministers to Parliament, can be upheld, and one of the most essential principles of parliamentary responsibility established." Cecil, Gwendolyn, *Life of Lord Salisbury*, Vol. II, pp. 219-220.
33. *The Economist*, April 22, 1950.

the doctrine of collective responsibility applies even to the unpaid Parliamentary Private Secretaries. In 1965, Frank Allaun, Parliamentary Private Secretary to the Colonial Secretary, resigned his post because he could not accept Government policy towards the crisis in Vietnam. In 1967, the Prime Minister forced a group of Parliamentary Private Secretaries to resign when they declined to support specific aspects of Government economic policy.[34] But this aspect of the convention was broken in the 1970's, when Prime Minister Wilson allowed ministers to remain in office, although they openly disagreed over the continuation of Britain's membership of the European Economic Community. The breach of the convention was logically acceptable, because the final decision was left to the nation in a referendum so that neither the ministers nor Parliament had responsibility for the decision. Mrs. Margaret Thatcher, however, dismissed the Navy Minister, Keith Speed, because he had not only opposed the proposed cuts in the department but had publicly criticised the Government policy. Hal Miller,Parliamentary private secretary to the Leader of the House, Francis Pym, resigned because he did not agree with the Government policy on the steel industry.

But if a Minister does not resign, then, the decision of the Cabinet is as much his decision as that of his colleagues even if he protested against it in the Cabinet. This means that the Minister must vote for the decision in Parliament and, if necessary, defend it either in Parliament or in public. He cannot rebut the criticism of his opponents on the plea that he did not agree in the decision when the matter was being discussed in the Cabinet. Lord Melbourne emphasised this aspect upon his colleagues after his Cabinet had come to a conclusion on the Corn Laws. He said, "Bye the bye, there is one thing we have not agreed upon, which, is, what we are say. Is it to make our corn dearer or cheaper, or to make the price steady ? I do not care which : but we had better all be in the same story." That is to say, all Ministers should vote for the government and tell the same story wherever it was to be told. Gladstone would even insist that a Minister absenting at the time of division in Parliament should be censured.

The duty of the Minister is not merely to support the Government, but to refrain from making any speech which is contrary to the Cabinet policy or make a declaration of policy in a speech upon which there is no Cabinet decision.[35] In 1922, Edwin Montagu., the Secretary of State for India, was virtually dismissed, as he had permitted the Government of India to publish a telegram involving major policy without Cabinet sanction. In 1935, the Foreign secretary, Sir Samuel Hoare, was at least "allowed" by the Baldwin Government to resign, because his secret proposals with the French Premier, Laval, on the Italo-Ethiopian question had met with nationwide disapproval.[36]

The Cabinet is, thus, by its nature a unity and collective responsibility is the method by which this unity is secured. There is no other condition upon which that team work, which is the *sine qua non* of the Cabinet system,can become possible. All Ministers whether members of the Cabinet or not, share collective responsibility, including that for Cabinet or Cabinet Committee decisions in the reaching of which they have taken no part whatever. "This may sound rather rough," wrote Morrison, and "indeed from time to time it is. But the government must stand together as a whole and Ministers must not contradict each other, otherwise cracks will appear in the government fabric. That is liable to be embarrassing or possibly fatal,and indeed injurious to good government. All this is part of the contract of service. It has to be endured as condition of acceptance of office." Moreover, collective responsibility begets mutual confidence, and it makes possible that give-and-take in the shaping of policy without which any effective mutual confidence is rarely attained. There is still

34. In 1838, Lord Fitz Roy, the Vice-Chamberlain, was dismissed from his post for voting against the Government. In 1856, Queen Victoria asked Lord Palmerstone "to make it clear to the subordinate members of the Government that they cannot be allowed to vote against the government proposal about the National Gallery tomorrow, as she hears that several fancy themselves at liberty to do so."

35. The duty of the minister in respect of speeches was stated by Lord Palmerstone in a letter to Gladstone in 1864 : "A member of the government when he takes office necessarily divests himself of that perfect freedom of action which belongs to a private and independent member of Parliament, and the reason is this, that what a Member of the Government does and says upon public matters must to a certain degree commit his colleagues, and the body to which he belongs if they by their silence appear to acquiesce; and if any of them follow his example and express publicly opposite opinions, which in particular cases they might feel obliged to do, differences of opinion between members of the same government are necessarily brought out into prominence and the strength of the government is thereby impaired."

36. "Subsequently action by the Cabinet showed that it really shared the Foreign Secretary's views, and in few months he was back as First Lord of the Admiralty. For the time being however, he was encouraged to make himself a scapegoat."

another reason. If it were regarded as possible for a Cabinet Minister to free himself from the decision of his colleagues, after the course decided upon had proved unsuccessful or unpopular, both the trust and the secrecy which are so essential to the working of the Cabinet would be destroyed. This would further mean that the most private transactions in the Cabinet would of necessity be divulged to the public. "Such a position is really frightful, because it might lead to the emergence of another body to replace the Cabinet, as the Cabinet once upon a time replaced the Privy Council, as organ for the discussion of policy."

Collective responsibility means, then, that an attack on a Minister is attack on Government. It also means that members of the Cabinet express a common opinion, prudent and mutually consistent. To repeat the phrase of Lord Melbourne "they must all be in the same story." The theory of the Cabinet is that it must not disagree. Of course, it sometimes does, but not in public. To put it in the poignant words of Herbert Morrison, "It must not seem to disagree."[37] Ministers must aim at preserving not only the spirit "but the appearance of Cabinet solidarity."[38] Collective responsibility is associated with cognate principle of Cabinet secrecy. Disclosures of Cabinet discussions plague the Government and bring into open a Cabinet split. "A Cabinet split" as Jennings says, "may become a party split and a party split may lose the next election."[39]

The idea of collective responsibility, first developed in the eighteenth century as a protection for Ministers against the King, and then it grew as a device for maintaining the strength and unity of the party. In 1782, there occurred the first instance of the collective resignation of a Ministry, when Lord North resigned in anticipation of a certain parliamentary defeat. All his Ministers, with the one exception of the Lord Chancellor, resigned with him. Following this, Pitt did a great deal to develop conventions relating to collective responsibility[40] and by 1832, it was well-recognised. But the concept of "responsible government," that the Government should resign if it lost the confidence of Parliament, appears not to have been introduced "into British political debates until as late as 1829, and then in relation to Canada rather than Britain."[41] After the Reform Act, 1882, it came to be regarded as axiomatic that the Government must respond to a Parliamentary defeat on a major issue. Peel resigned in 1835 saying that he considered "that the Government ought not to persist in carrying on public affairs ........ in opposition to the decided opinion of a majority of the House of Commons."[42] Since then, collective responsibility of the Cabinet to Parliament has become a cardinal feature of British politics. The last instances where a single Minister resigned on an adverse vote of the House of Commons were those of Lowe in 1864, and Lord Chancellor Westbury in 1866. It does not, however, mean that no Minister does resign individually if ever he incurs the wrath of Parliament or his public transactions prove highly unpopular with the public. At an emergency session of Parliament on April 3, 1982 Mrs. Margaret Thatcher's Government was subjected to fierce attack on Argentina's occupation of Falkland islands and the criticism was mainly directed against the Foreign Secretary, Lord Corrington, and Defence Secretary John Nott. The Labour Opposition leader. Michael Foot, described the Government's conduct as "the great betrayal of the trust" reposed by the people of Falkland islands in Britain. The Foreign Secretary, along with his two colleagues at the Foreign Office, Humphery Atkins and Richard Luce, as also the Defence Secretary, John Nott, owned the responsibility for the crisis and resigned. The resignation of Lord Corrington and his two colleagues at the Foreign Office was accepted whereas the Prime Minister declined to accept Nott's resignation. Mrs. Margerat Thatcher felt that the debacle over Falkland islands was not so much the fault of Nott as he was relying on the information supplied to him.

If the causes of complaint were an official discretion or misconduct on the part of a Minister, he would be asked to resign voluntarily before his conduct comes under fire and is forced out of office by a hostile vote in the House. J.H. Thomas was asked to resign in 1936 because of the leakage in the budget.[43] Sir Hugh Dalton, the Chancellor of the Exchequor, had to resign because of

37. Herbert Morrison, *British Parliamentary Democracy*, p. 13.
38. *Ibid.*
39. Jennings, W. I., *The Queen's Government*, p. 119.
40. But in the first two years of his office, Pitt refused to resign despite numerous defeats in Parliament.
41. Birch, A. H., *Representative and Responsible Government, An Essay on the British Constitution*, p. 131.
42. As quoted in above, p. 135.
43. J. H. Thomas was the Colonial Secretary. He betrayed budget secrets to two friends. The information so conveyed enabled them to save themselves from some taxes.

similar indiscretion.[44] Sir Samuel Hoare resigned in 1935 before the House could condemn his Italo-Ethiopian proposals.[45] John Profumo, the War Secretary in the Macmillan Government, resigned because he had lied to the House of Commons in denying improper relations with the model, Christine Keeler. In a letter to the Prime Minister, Profumo wrote, "I have come to realize that by this deception, I have been guilty of a grave misdemeanour."

It is not possible, says Herman Finer, "to operate collective responsibility without a safety valve: individual scapegoats", and he assigns two reasons for it. First, there are more departmental policies and it becomes unreal to impute responsibility to all of them jointly. Secondly, if a Cabinet could be overthrown every time on trivial matters or it involved some error on the part of an individual Minister and Parliament was not prepared to condone it, it may mean too many reorganisations of the Cabinet. "It could not be tolerated," concludes Finer, "in the British economic and social system, where a high degree of stability and continuity to policy is essential to the standard of living and the peace of mind of the population."[46]

If the question were on policy, then, the Government would, save in very exceptional cases, assume the responsibility of that policy, treating a hostile vote as a vote of no confidence in itself. Ogg and Zink graphically sum up this aspect of ministerial responsibility : "When a Minister either because of this own action or because of actions of a subordinate for which he is responsible falls into such predicament, he is not left by his colleagues merely to sink or swim while they look on from the distant shore. Either they jump in and push him under, or they haul him into their boat and accept his fate as their own; in other words, they repudiate him and throw him out before his trouble drags him down or they rally to his support and make common cause with him. The latter course is pursued far more frequently than the former—so much so that Cabinet solidarity, and, therefore, collective responsibility may normally be taken for granted."[47] L.S. Amery, a Cabinet Minister at various times between 1922 and 1945, puts it rather more succinctly. "The essence of our Cabinet system", he says, "is the collective responsibility of its members." All major decisions of policy are, or are supposed to be, those of the Cabinet as a whole. They are supported by speech and vote by all its members, and, indeed, by all the members of the Government in the wider sense of the world. The rejection or condemnation by Parliament of the action taken upon them affects the Cabinet as a whole, and is followed, if the issue is one of sufficient importance, by its resigna- tion. The secrecy of Cabinet proceedings, originally based on the Privy Councillor's oath and antecedent to collective responsibility, is in any case the natural correlative of that collective responsibility. It would obviously be impossible for ministers to make an effective defence in public of decisions with which it was known that they had disagreed in the course of Cabinet discussion."[48]

Birch, however, is of the opinion that while the doctrine of collective responsibility remains unchanged, its practical importance has been greatly reduced with the diminution of Parliamentary power as a result of the growth of party discipline."[49] "The idea underlying the doctrine of collective responsibility," he maintains, "is that the government should be held continuously accountable for its actions, so that it always faces the possibility that a major mistake may result in a withdrawal of Parliamentary support. In the modern British political system it does not happen."[50] A major blunder in the policy of the Government may lead to an immediate and sharp swing in the public opinion, but the Government thrives upon its Parliamentary majority and firmly holds on to office. The Government, thus, gets an "ample opportunity to recapture public support before the next general election is held." The Labour Government of 1945-50 survived through the fuel crisis of 1947, the collapse of its Palestine Policy in 1948, and the fiasco of the ground-nuts scheme in 1949. In 1950 it was returned to power, though with a reduced major-

44. Sir Hugh Dalton gave a reporter some advance information in the budget and this appeared in the reporter's newspaper fifteen minutes before the Chancellor of the Exchequer rose in his place in the House of Commons to deliver his budget speech.
45. Sir Samuel Hoare concluded a secret pact with Premier Laval of France that about half of Ethiopia be given to Italy with a view to ending the war then going on between Italy and Ethiopia.
46. Finer, H., *Government of Greater European Powers*, p. 151.
47. Ogg. F., and Zink, H., *Modern Foreign Governments*, p. 103.
48. Amery, L. S., *Thoughts on the Constitution*, p. 70.
49. Birch A. H., *Representative and Responsible Government*, p. 136.
50. *Ibid.*, p. 137.

ity. The Conservative Government of 1955-59 succeeded not only in surviving after the debacle of Suez, but winning an increased majority at the next election.

Birch, therefore, concludes "that the doctrine of collective responsibility does not occupy the place in the present political system that is commonly claimed for it."A crisis that would have brought down a Government "a hundred years ago now acts as an opportunity for its Parliamentary supporters to give an impressive display of party loyalty, and stimulates its leaders to hold on to the reins of power until public attention is diverted to a sphere of policy which puts the Government in a more favourable light." It, no doubt, ensures common front, but in the zeal to maintain it, the traditional sanctity which collective responsibility carried with it does not exist any more. According to the new usage of responsibility, "a government is acting responsibly, not when it submits to Parliamentary control but when it takes effective measures to dominate it."[51] If ever it permits members, as it did in 1936, on the question of capital punishment and in 1959, on the Street Offences Bill, a free vote, the Government is accused of "evading responsibility."[52]

**Secrecy and Party Solidarity**

The Cabinet is a secret body collectively responsible for its decisions. It deliberates in secret and its proceedings are highly confidential. The secrecy of Cabinet proceedings is safeguarded by law and convention. The Privy Councillors' Oath[53] imposes an obligation not to disclose Cabinet secrets. The Official Secrets Act of 1920, forbids communication to unauthorised persons of official documents and information and provides legal penalties for disclosures made as such.[54] But the effective sanction is neither of these two. The rule is primarily one of practice. Its theoretical basis is that a Cabinet decision is advice to the King and the monarch's sanction is necessary before its publication. Its practical foundation is "The necessity of securing free discussion by which a compromise can be reached, without the risk of publicity for every statement made and every point given away."[55] There must be, as Lord Salisbury said, "irresponsible licence in discussion,"[56] if mature, rational independent contribution to the process of policy making is desired from men who are engaged in a common cause and who come together for the purpose of reaching an agreement. It is, therefore, essential that Ministers deliberating in a Cabinet meeting should speak freely and frankly, "toss their thoughts across the table, make tentative propositions and withdraw them when the difficulties are pointed out, express their doubts without reserve, discuss personalities as well as principles.[57] This kind of discussion cannot be conducted in the public. Nor can anybody express his opinions without reserve if he knows that it is likely to be quoted in Parliament or in the press. Publicity reduces the independence of mind of Ministers in relation to each other and harmony of views becomes impossible if there is a chance that whatever they speak will be broadcast. Moreover, a knowledge of divergence of opinion offers vulnerable points to the attacks of the Opposition which is always on its toes to plague the party in power. Secrecy is of special urgency in these days of high nationalism and warlike friction between impassioned nations "so that the Cabinet's state of mind may not be made the

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51. *Ibid.*, p. 138.

52 "On some issues where there is no clear party line, the members of government are sometimes allowed to join in the 'luxury' of a free vote, uninhibited by the Party Whips or by the doctrine of collective responsibility. Even on some occasion when back benchers are allowed a free vote, however, the government's collective view is often made clear. The government is expected to give lead on practically all issues, and for the government not to do so can be seen as an abdication of duty." Punnett. R. M., *British Government and Politics*, p. 180.

53. The main terms in the oath of the Privy Councillor deserve notice:
"You shall swear to be a true faithful servant unto the Queen's Majesty, as one of Her Majesty's Privy Council.......You shall, in all things to be moved, treated and debated in Council, faithfully and truly declare your Mind and Opinion according to your heart and conscience, and shall keep secret all matters committed and revealed unto you or that shall be treated of secretly in Council. And if any of the said Treaties or Councils shall touch any of the Councillors, you shall not reveal it unto him, but shall keep the same until such times as, by consent of Her Majesty, or the Council, Publication shall be made thereof."

54. Edgar Lansbury, son of the former Cabinet Minister George Lansbury, was fined in 1934 for publishing a memorandum submitted to the Labour Cabinet of 1929-31 by his father.

55. Jennings, W. I., *Cabinet System*, p. 248.

56. Lord Salisbury declared that privacy of discussion "could only be made completely effective if the flow of suggestions which accompanied it attained the freedom and fulness which belonged to private conversations—members must feel themselves untrammelled by any consideration of consistency with the past or self-justification in the future." Cecil, Gwendolen, *Life of Lord Salisbury*, Vol. II, p 223.

57. Jennings, W. I., *The Queen's Government*, p. 121.

subject of distracted and inflammatory debate until it has arrived at a considered policy". Secrecy is, thus, an essential part of the Parliamentary system. Secrecy helps to produce political unanimity and political unanimity is a very important condition of party solidarity, which in its turn assists secrecy. Both "help to concentrate responsibility on a single unit, the Cabinet, and since no exact discrimination appears before the real and supposed authors of a policy until long after the event, the more care has to be taken about the inclusion of people in the Cabinet, for no one may be included who is so incapable as to cause its better members to fall."

A difficulty obviously arises when a Minister or Ministers feel bound to resign as a result of serious Cabinet division. A Minister who resigns from the Cabinet usually desires to make an explanation in Parliament. Since this involves an explanation of Cabinet discussion, the Minister concerned must secure the permission of the King through the Prime Minister,[58] and it is always given. But the Minister's right is limited to the explanation of the circumstances which led to his resignation. It "gives no licence to make further disclosure."[59] He must not disclose other occasions on which he differed from the rest of the Cabinet. This is an important precaution. "Usually the issue on which a Cabinet Minister resigns is not an isolated incident. It is the culmination of a series of disagreements, the straw which broke the camel's back. If he gives a long history of disagreements the other members must disclose why they disagreed with him, and much of the procedure of the Cabinet will inevitably come into public discussion. Such discussion is not merely unfortunate for the party in power; it is undesirable in the public interest; for if there is a risk that his remarks will be discussed, no Minister will be able to speak freely and frankly.[60]

Some other means also exist by which more or less reliable information respecting views expressed or decisions taken often get out. "There are few Cabinet meetings," observes Laski, "in which the modern Press is not a semi-participant."[61] During the War of 1914-18, the representatives of the press were able to secure information from the Prime Minister's Secretariat in the "Garden suburb." Since then the Prime Minister or some other Minister, on his behalf, gives to the press a guarded statement, in order to promote opinion about the policy they intended to pursue. Professor Laski makes a bold statement when he says, "and there have been fewer Cabinets still in which some member has not been in fairly confidential relations with one eminent journalist or another."[62] Revelations also occasionally appear in writings of former Cabinet Ministers, especially when in a Cabinet crisis like that of 1931, Ministers are keen to have their position and the stand they took clarified.

Down to the time of the First World War no record was kept of matters discussed or actions taken in the Cabinet meetings. The taking of notes other than by the Prime Minister was long forbidden. The Ministers would simply indicate to their Departments what the decisions were if they could remember what exactly concerned their Departments.[63] This system of Cabinet proceedings, however, completely broke down under the stress of War and one of the first acts of Lloyd George was to institute a Cabinet Secretariat to organise the business of the War Cabinet. The Machinery of Government Committee in 1918 recommended that the Secretariat should be permanently maintained "for a purpose of collecting and putting into shape agenda, or providing the information and the material necessary for its deliberations, and of drawing up the result for communication to the departments concerned."[64] In 1922, Bonar Law desired to abolish it, but its utility by then had been clearly established and it was decided to continue with it

58. Lord Melbourne objected in 1834 to the King's giving consent without consultation with the Prime Minister. He maintained that for the King to act direct would be "subversive.....of all the principles upon which the government of their country has hitherto been conducted."

59. Lord Derby in 1878 received the Queen's permission to make an explanation to Parliament after his resignation. In reply to Lord Derby's explanation, General Ponsonby wrote : "Her Majesty expects that, whenever a Privy Councillor makes any statement in Parliament respecting proceedings in Her Majesty's Council, the Queen's permission to do so should first be solicited, and the object of the statement made clear; and that the permission thus given should only serve for the particular instance, and not be considered as an open licence."

60. Jennings, W. I., *The Queen's Government,* p. 121.

61. Laski, H. J., *Parliamentary Government in England,* p. 255.

62. *Ibid.*

63. During Asquith's Government it was quite common for a minister's private secretary to telephone to the Prime Minister's private secretary to ask what the decision had been.

64. As quoted in W. I., Jennings' *Cabinet Government,* p. 226.

though its functions were narrowly defined.[65]

Cabinet records are strictly confidential and no formal reports of proceedings are published.[66] Great care is taken to ensure the secrecy of the Cabinet minutes. The Secretary to the Cabinet has instructions that while drafting minutes he should avoid reference to opinions expressed by any individual member and to limit the minutes "as narrowly as possible to the actual decision agreed to." The minimum staff is employed in the reproduction of the minutes and all notes are destroyed as they are transcribed. Then, the copies are sealed immediately in special envelopes addressed to the Ministers, and law officers entitled to receive them. Theses envelopes are locked in the Cabinet boxes and delivered by special messengers. A record copy is kept in the Cabinet office under the immediate control of the Secretary.[67]

**Relationship with the Monarch**

One of the important powers of the Queen is to give her advice to the Cabinet and Prime Minister. She can correspond with and summon for consultation the prime minister as well as other ministers and even opposition leaders. The ministers patiently listen to her views and are influenced by them. MacDonald was influenced by the suggestions of the monarch to such an extent that he betrayed his own Party losing its sympathy and leadership. The Queen remains in constant touch with the Foreign Affairs Ministry and her influence on British foreign policy is not negligible. She not only meets members of the cabinet but can hold consultation with the opposition leaders. George V participated in this type of 'conspiracy' against the ruling Labour Party in 1931.

The monarch maintains close relationship with Defence Ministries and exercises influence in the appointments of senior military officers. When some military officers were threatening a civil war in 1914 on the question of freedom for Ireland, the king was considered a patron of these conspirators who were ready to resist the grant of home rule to the Irish people even by violence. That is why Dr. Jennings thought that the monarch is one of the most forceful members of the Cabinet, the weight of whose authority may ultimately impose a decision on the British government.

The Cabinet's relationship with the monarch remains shrouded in mystery. The public cannot know it during the reign of a particular monarch. Publication of records after the death of Queen Victoria, or Edward VII, or even George V have shown how they were constantly pressing their cabinets to accept their views on such significant issues as division of Ireland, the Bolshevik Revolution in Russia, Labour Cabinet's policies towards Egypt and India, formation of the National government in 1931 etc. Roger Fulford suggests that George VI opposed the appointment of Dalton to head the Foreign Affairs Ministry and prevailed upon Attlee to give the job to Conservative Bevin in 1945.

When the official biography of George VI is published, it may confirm the guess that he exerted the same pressure for the partition of India in 1947 with Churchill's support and Lord Mountbatten's complicity, who was related to him as his father, George V, did for the division of Ireland with Tory connivance. Those documents, which may enable us to evaluate the role of George VI in giving a reactionary orientation to the foreign policy of the Labour Government of 1945-51 are still not available for research. Similarly the actual nature of Elizabeth II's relationship with her cabinets cannot be fully known in her life-time.

The monarchy, as Laski says, is greatly eulogised by conservative writers on the British constitution. This is because he or she, due to his or her social upbringing, has natural preference for the conservative values and ideals. For a conservative cabinet, the Queen's weight in politics today amounts to a fragrant flower, but a Labour cabinet should be ready to receive her affectionate scoldings and pinpricks. If a really progressive Socialist government ever came to power in England determined to push an anticapitalist programme into a action, it will probably encounter stiff resistance from the queen.

65. The functions of the Cabinet Secretariat are :
   (a) to circulate the memoranda and other documents required for the business of the Cabinet and its Committees;
   (b) to compile under direction of the Prime Minister the agenda of the Cabinet and under the direction of the Chairman, the agenda of a Cabinet Committee;
   (c) to issue summons of meetings of the Cabinet and its Committees;
   (d) to take down and circulate the conclusions of the Cabinet and its Committees and to prepare the reports of Cabinet committees; and
   (e) to keep, subject to the instructions of the Cabinet, the Cabinet papers and conclusions.
   During World War II an Economic Section and a Central Statistical Office were added to the Cabinet Secretariat.
66. Two partial Reports were, however, published in 1917 and 1918.
67. Jennings, W. I., *Cabinet Government*, p. 254.

# CHAPTER V

# The Cabinet at Work

### Meetings of the Cabinet

The Cabinet now meets usually twice a week during sessions of Parliament and once a week out of it or possibly not at all during the autumn recess. Additional meetings may be called by the Prime Minister at any time, if a matter urgently requiring discussion should arise. It is not tied to any one place but ordinarily meets at 10 Downing Street, the official residence of the Prime Minister. Sometimes it meets in the Prime Minister's room at the House of Commons. The agenda for the meetings is prepared by the Cabinet Secretariat which is circulated among the members before they meet. A Minister who wishes to place an item on the agenda, after setting it with his officials that the matter is worth the Cabinet's consideration, writes a paper on it for the use of his colleagues. The Secretariat will print it and circulate it among all the members of the Cabinet, if possible a week before the meeting. The other Ministers look into it, partly for the general principles involved and partly for its probable effects on the Departments under their charge. They may discuss its implications with the Minister initiating the proposal for the policy or his officers in the Department and if they feel necessary print papers of their own on it for the Cabinet. It is from these communications that the Secretariat prepares the agenda in consultation with the Prime Minister.

The Prime Minister opens the meetings informally and he may bring any matter not on the agend, if he deems it necessary. The members discuss issues and reach decisions, avoiding details. As a rule, it concentrates on principles only. The Ministers discuss until agreement is reached. Votes are not taken. The Prime Minister interprets the consensus. "That would be shocking!" says Herbert Morrison, "That would give the whole thing away. That would exhibit a disunity in the Cabinet"[1]

### Cabinet Committees

The burden of the Cabinet, as Finer says, is titanic. It cannot adequately meet its huge tasks. In its traditional form, it is a general controlling body and it usually meets twice a week and that too for a few, generally two, hours at a time. Then it, has too many members for effective discussion and many of them are departmental Ministers and they are too pre-occupied in their departmental duties. The Cabinet, therefore, neither desires nor is able to tackle all the numerous details of Government. The result is the emergence of the Cabinet Committees.

The origin of the system of standing Cabinet Committees can be traced back to the committee of the Imperial Defence, which was formed in 1902 as a permanent committee to supplement the Cabinet's general responsibility for defence. Cabinet Committees had been formed earlier too to deal with particular questions, but the Imperial Defence Committee was the first Standing Committee of the CAbinet. A Home Affairs Committee was created in 1919 and more Standing Committees emerged in the inter-War period. With the Second World War an extensive Cabinet Committee system was adopted as the basis of the means of co-ordinating the expanding governmental machine. Attlee retained this committee system in 1945, and he had some fifteen committees composed of Cabinet and non-Cabinet Ministers, each presided over by a senior member of the Cabinet.

Some of the Cabinet Committees are continuous and , thus, permanent bodies; other are ad hoc, i.e. created for single time-limited matter; dealing with a special problem or a critical situation and composed of the Ministers primarily concerned. They deliberate, report and disband. Some important Standing Committees of the

1. Morrison, Herbert, *British Parliamentary Democracy*, p. 14. If there is a narrow division of opinion and the Prime Minister does not know which side of the argument is in the minority, the problem is solved by the stratagem of "collecting the voices." The Prime Minister "goes right round the table saying to each Minister : 'Are you for or against'? This is collecting the voices. Somebody under the counter, so to speak, probably the Secretary of the Cabinet, is making a little slip and counting up those for and against. Certainly he adds up the figure on each side. Now that's not taking a vote. The British will not wish to admit doing naughty things even if we have to remedy matters 'under the counter'. So that is collecting the voice". *Ibid.*

Cabinet are : (1) The Legislation Committee formerly known as the Home Affairs Committee. The functions of the Legislation Committee are to review legislation proposed by individual Ministers, make recommendations to the Cabinet on legislative priorities, set their time-table and to consider the Parliamentary procedure to be followed to help the passage of the Bill; (2) The Defence Committee is one of the largest and most important. It was first set up in World War II with the Prime Minister as Chairman. Its membership includes the Minister of Defence, the Lord President of the Council, the Foreign Secretary, the Chancellor of the Exchequer, the Minister of Labour, the Minister of Supply, the First Lord of the Admiralty, and the Secretaries of State for War, Air, Commonwealth Relations, and Colonies. It is advised by the Chiefs of Staff Committees consisting of the professional heads of the three military services. The Defence Committee concerns itself with the present and future defence problems, the preparation of plans over the whole field of government activity, both civil and military, for mobilising the entire resources of the nation in case of war and then the problems of reconstruction in the post-war period; (3) The Lord Presi dent's Committee, presided over by the Lord President; (4) The Economic Policy Committee, with the Prime Minister as Chairman; and (5) The Production Committee.

The number and composition of the Cabinet Committees are largely determined by the Prime Minister, and he is guided by his own working methods, the nature of the problems which his Cabinet faces, and the talents and temperaments of his ministerial associates. Names of the committee members and their chairmen are kept private. The chairmen of the committees are responsible to the Cabinet, and not to Parliament, for their role as committee chairmen. "Despite the anonymity," writes Punnett, "the chairmanship of a Cabinet Committee involves a lot of work, and the need to include in the Cabinet sufficient men capable of filling the role is one of the factors that a Prime Minister has to bear in mind when forming his government."[2]

"The Cabinet Committees," says Herman Finer "are deliberative or action-integrative, sometimes both,"[3] They provide a means whereby certain problems and issues can be studied and discussed by Ministers most concerned and some kind of compromise reached before they are brought before the whole Cabinet. It obviously assists consideration of a subject in Cabinet meetings if the principal issues involved have been identified and thrashed out by a small ministerial group and agreed recommendations submitted. Cabinet Committees are also useful to co-ordinate policy and administration. The political, economic, social and administrative implications of the most vexed and the complex problems can be investigated and ways and means devised to mobilize efforts for their fulfilment and, at the same time, help to eliminate conflicts or duplication of programmes. Moreover, committees can be employed to keep a critical problem under continuous review. It is neither possible nor desirable for the whole Cabinet to concentrate its attention on any aspect of national policy for an indefinite period of time. Finally, by including non- Cabinet Ministers the Committee system can extend the Cabinet's co-ordinating activity to wider areas of governmental affairs. It is not also uncommon for senior members of the permanent services to attend as advisers to their Ministers. There are certain Cabinet Committees which have no political importance and civil servants are made fullfledged members of these committees with the right to speak when they are asked for advice maintaining, of course, the responsibility of the Ministers for policy.

The Cabinet Committees, thus, combine two functions: co-ordinating the Departments, and decentralizing the policy. They customarily report to the whole Cabinet and seek to submit agreed reports and recommendations. But a Minister who is not satisfied with the recommendations of a committee can appeal to the Cabinet, where, under the chairmanship of the Prime Minister, differences are tried to be resolved. If the dissenting Minister still does not reconcile himself to the Cabinet decision, the only course left for him is to resign.

**Cabinet Secretariat**

We traced in the last Chapter the origin of the Cabinet Secretariat. Today, the Secretariat has become an indispensable part of the machinery of government. It prepares an agenda of business, under the guidance of the Prime Minister, to come before the Cabinet and circulates to Cabinet Ministers any memoranda or Cabinet

2. Punnett, R. M., *British Government and Politics*, p. 209.
3. Finer, H., *Governments of Greater European Powers*, p. 164.

Committees' reports that they must study before undertaking the discussion of items on the agenda of the Cabinet meeting. It keeps a record of the minutes and advises members of the decision reached in the meetings. It also serves the various Cabinet Committees and inte- grates their progress.

During the Second World War the Cabinet offices were expanded to include besides the Secretariat proper an Economic Section and a Central Statistical Office. The Economic Section maintains a constant watch on the economic trends and developments and advises the Cabinet as they affect the country and its people. It prepares the annual *Economic Surveys* of the nation's targets and the planning for production and capital investment. The Central Statistical Office was established "to produce a developing statistical series, general and comprehensive in nature, to be an index to economic, and social trends." It publishes the *Monthly Digest of Statistics*. In addition, a Central Policy Review staff has been appointed to work under the supervision of the Prime Minister, with and through Departments to assist Cabi- net Ministers collectively by providing them with an assessment of Government policies and programmes as a whole.

## FUNCTIONS OF THE CABINET

"Thus, the Cabinet is surrounded by expert help channelled to it or its committees or to individual Ministers, marshalled as and when the Cabinet needs it to be used as its wisdom requires. Going up to the Cabinet are sifted facts and sifted evaluations and ideas. From, it, outward and downward to the departmental officials flow will policies, and desires asking guidance, counsel, facts."[4] This is how the Cabinet is enabled to perform its arduous and complex functions of governance. The Report of the Machinery of Government Committee officially defined the functions of the Committee as :[5]

(i) The final determination of policy to be submitted to Parliament;

(ii) The supreme control of the national executive in accordance with the policy prescribed by Parliament; and

(iii) The continuous co-ordination and delimitation of the activities of the several Departments of the State.

### Policy-Determining Functions

The Cabinet is a deliberative and policy formulating body. It discusses and decides all sorts of national and international problems and attempts to reach unanimous agreements among members regarding the Government's policy concerning each. However much the members may disagree among themselves, they must present to Parliament and to the world a united front. If an individual member finds it impossible to agree with the conclusions of the Cabinet, the only course left for him is to resign.[6]

When the Cabinet has determined on a policy, the appropriate Department carries it out either by administrative action, with in the framework of the existing law, or by submitting a new Bill to Parliament so as to change the law in conformity to the policy. Legislation is, thus, the handmaid of administration and Cabinet is instrument, which, according to Bagehot, links the Executive branch of government to the Legislative. The Cabinet directs Parliament for action in a certain way and so long as it can command a majority in the House of Commons, it gets the approval of the sovereign organ of the State Parliament. This is how the Cabinet asks Parliament to take necessary steps with a view to carrying of the policy determined into effect.

These are essentially the legislative functions of the Cabinet. But we cannot make a vivid and precise distinction between legislation and administration. "In the modern state," writes Jennings, "most legislation is directed towards the creation or modification of ad- ministrative powers." The Cabinet, accordingly, plans the legislative programme at the beginning of each session of Parliament. Public Bills are introduced and piloted in Parliament usually by a Cabinet Minister or by some other Minister acting on Cabinet's approval. In legislation, the control of the Cabinet over the Ministry is complete for no Bill can be promoted except with its sanction, and the Legislation Committee of the Cabinet discusses at the beginning of each session what Bills shall be promoted in a session. In short, it is no exaggeration to say that the Cabinet legislates with the advice and consent of Parliament. Ogg has aptly said that Cabinet Ministers formulate policies, make decisions and draft Bills

4. Finer, H., *Governmentsof the Greater European Powers*, pp. 167-68.
5. The Committee was set up in 1918 to review the machinery of Government in Britain. It was presided over by Lord Haldane and is popularly known as the Haldane Committee.
6. No action was taken against Eric Heffer, Minister of State for Industry in Harold Wilson's minority government, when he publicly criticised sale of four warships to Chile.

on all significant matters which in their judgment require legislative attention, asking of Parliament only that it give effect to such decisions and policies by considering them and taking the necessary votes. As long as the Government has a majority in Parliament, it is rare to challenge Cabinet policy. The Cabinet takes office if it thinks it enjoys the confidence of Parliament, and once in office Cabinets tend to act as masters rather than servants of Parliament.

**Supreme Control of the Executive**

The Cabinet is not an executive instrument in the sense that it possesses any legal powers because it is entirely a product of non-legal conventions. Legally, the Executive power still vests in the King, though practically the Crown is the Executive. But the Crown is rather a concept than a tangible authority. The real authority that acts for the Crown and in its name are Ministers. These Ministers, except for the holders of three or four sinecure offices,[7] preside over the major Departments of government and carry out the policy determined by the Cabinet and approved, by Parliament. In carrying out the work of their Departments, Ministers, whether in the Cabinet or not, scrupulously follow the directions of the Cabinet and enforce its decisions and policies. Any deviation thereform is against the rigid discipline of the party government and may consequently lead to the removal of Minister.

As heads of the Departments, the Ministers are responsible for the policies pursued by their Departments and for their administrative efficiency. They decide policy issues that arise in their Departments, give instructions to their principal subordinates and supervise the Departmental activities to such an extent as to enable them to know that their Departments work in the desired direction. The Ministers are also answerable to Parliament for all acts of omission and commission and, accordingly, they must look for the efficient management of departmental business and see that it is responsive to the needs of the people. John Staurt Mill appropriately said that the Minister must receive "the whole praise of what is well done, the whole blame of what is ill"[8] in the work of his Department, and that in consequence he must resign if serious blunders are exposed.

The Cabinet may adopt the device of Orders-in-Council, instead of going to Parliament for approval, to give effect to some more general line of policy including even a declaration of war. Both the World Wars were declared by Orders-in-Council. The supreme national executive is, therefore, the Cabinet. The power of delegated legislation has still more enhanced Cabinet's Executive authority. Parliament may give to the King-in-Council, to individual Ministers of the Crown or to other persons or bodies the right to make rules and regulations. Legislation, during recent times, has become more voluminous and more technical. Parliament frequently passes laws in skeleton form, leaving it to the Cabinet or Ministers to fill the gaps and make rules and regulations in order to give effect to those laws as and when need arises.

**Cabinet as Co-ordinator**

The essential function of the Cabinet is to co-ordinate and guide the functions of the several Departments of Government. Administration cannot be rigidly divided into twenty or more Departments. The action of one Department may affect the work of another Department and, indeed, every important problem cuts across departmental boundaries. A foreign policy decision must often be made in relation to defence and trade policy. An educational policy decision may affect health, labour or taxation policy. Even if no other Department is affected, it certainly concerns the Treasury Department. The Cabinet does the vital task of co-ordinating policy and its implementation. "This means not only the linking of specific administrative decisions by reference to a general policy, but the expression of the same general policy in legislation." On purely inter-departmental matters the Departments endeavour to resolve their differences and try to reach agreement. If they cannot agree, the Prime Minister might act as an arbitrator and co-ordinator. In the last resort, there is appeal to the Cabinet.[9]

The emergence of the Cabinet Committees and the increased problem of co-ordination has

7. Non-Departmental Ministers are : The Lord President of the Council, the Chancellor of the Duchy of Lancaster, the Lord Privy Seal, the Paymaster-General and Ministers without Portfolio.
8. Mill, J. S., *Consideration on Representative Government*, p. 246.
9. The Cabinet instructions are that proposals affecting other Departments must not be submitted to the Cabinet until they have been thoroughly discussed with those Departments at the official level and if necessary with the Ministers. Wherever there is a conflict of interests between Departments, it should not be submitted to the Cabinet unless all possibilities of agreement at lower level have been explored and exhausted, Jennings, W. I., *Cabinet Government*, p. 228.

brought about a significant expansion in the work of the Cabinet office. The Prime Minister and the Chairmen of the Cabinet Committees now primarily rely upon the corps of expert assistants in the Cabinet Secretariat to supply them with the requisite information and advice in integrating the work of the different departments. The functions of the Cabinet Secretariat, *inter alia,* are: to take down and circulate the conclusions of the Cabinet and its Committees and to prepare the reports of Cabinet Committees. "The Cabinet Secretariat," writes Herbert Morrison, "has now become an important element in the organisation of Government. It serves not only the Cabinet but also its Committees and at times, *ad hoc* meetings of selected Ministers to settle a particular matter which may be a subject of inter-departmental disagreement."

Apart from the Cabinet Committees, the most ambitious post-1945 experiment in the co-ordination of government Departments was the system of "Overlords" introduced by Sir Winston Churchill in his 1951-55 Government. In the 1951 Cabinet of sixteen members, formed by Churchill, there were six Peers three of whom were "Overlords" entrusted with the task of co-ordinating various Departments. Lord Leathers was Minister for the Co-ordination of Transport, Fuel and Power; Lord Cherwell was Pymaster-General and he was to Co-ordinate scientific research and development; and Lord Woolton, Lord President of the Council, was to co-ordinate the work of the Ministry of Agriculture and Fisheries and the Ministry of Food. Lord Alexander was made Minister of Defence in 1952 thereby increasing the number of "Overlords" to four. The object of Churchill's scheme was to group and co-ordinate the Departments by means other than the Cabinet Committee system and to reorganise the nature and structure of Cabinet composition.

But there were a number of weaknesses in the system, especially the confusion that it caused as to who was the responsible Minister, the Departmental Minister or the "Overlord". Since the "Overlordis" were Peers and not accountable to the House of Commons, the Opposition attacked the system as it threatened the authority of the House of Commons. After the 1952 Transport crisis, the experiment of "Overlords" was gradually abandoned.

**Cabinet and the Budgets**

Two more functions may be added to those enumerated above :

The Cabinet is responsible for the whole expenditure of the State and for raising necessary revenues to meet it. The annual Budget Statement is excluded from the scope of the Cabinet decisions, but being a matter of political importance, it is always brought before the Cabinet and the Chancellor of the Exchequer makes an oral statement about it a few days[10] before his Budget speech in the House of Commons. The reason for this peculiar procedure is the fundamental importance of secrecy. But it is within the discretion of the Cabinet to ask for longer notice and effective discussion.[11] On the estimates, the control of the Cabinet is complete.[12] With regard to new proposals for taxation, if they involve any major change of taxation policy, they must be considered at length before the Budget is produced. Winston Churchill said in 1937, that "although the general layout of financial policy should emanate from the Chancellor of the Exchequer personally, and should be submitted to the Cabinet only in its final form, there ought to be, and there nearly always has been a special procedure in respect of new and novel imposts......... It would be in my opinion, a departure from custom, for any Chancellor of the Exchequer to present to a Cabinet, only a few days before the opening of the Budget, some great schemes of new taxation, which had not been examined." Moreover, the Cabinet can always insist on modifications after the Budget has been presented to Parliament. The Cabinet can also overthrow a Budget altogether, at the risk of the resignation of the Chancellor of the Exchequer, in deference to parliamentary or public opinion.

But Mrs. Margaret Thatcher, fearing opposition to her £ 33 billion deflationary budget, which had raised taxes all around, avoided holding any pre-budget Cabinet meeting to discuss the Government's overall economic strategy. By thus springing a surprise on her colleagues she grievously undermined the principle of collective cabinet responsibility, demanding their loyalty without respecting their views. Lord Carrington,

10. The usual time is four or five days.
11. In 1860 the Cabinet asked for details of Gladstone's Budget a month before it was announced. As the financial year had not then closed, Gladstone was unable to agree, but he gave a week's notice.
12. It was a result of Cabinet disagreement on the estimates that Lord Randolph Churchill resigned in 1866 and Gladstone in 1894.

Lord Soames, Sir Francis Pym, Ian Gilmour, Jim Prior and Walker, all senior Cabinet Ministers, were extremely unhappy with the Prime Minister's methods and her monetarist policies. The budget provoked open rebellion in the Conservative Party. At the end of the four-day budget debate in the House of Commons, the Government's proposal to impose a 15 per cent increase in petrol taxes was passed by 295 votes to 281, a margin of only 14 when her Government had a majority of 44. Eight Conservative MPs voted against the Government while 25 others abstained. Brocklebank-Fowler caused a sensation by crossing the floor to join the ranks of the Labour dissidents who soon formed the Social Democratic Party.

**Cabinet and Appointments**

Appointments do not normally come before the Cabinet. But all major appointments to great offices of the State, at home and abroad, are the responsibility of the Cabinet. The employment of a member of the Royal Family as Governor-General must always be dealt with by the Cabinet. Similarly, certain key positions like the Secretaryship to the Treasury, and the Chief Planning Officer might be made with the approval of the Cabinet. In the case of the Viceroy of India, the Cabinet had on several occasions intervened because this post had always been considered of special importance. In the case of Sinha's appointment to the Governor-General's Council the Cabinet was consulted. "The King objected to the principle of appointing to that Council any Indian and only agreed to the appointment when the Cabinet unanimously advised that the appointment should be made as part of the reform scheme in India."

**Dictatorship of the Cabinet**

"A body which wields such powers," observes Ramsay Muir, "as these may fairly be described as 'omnipotent' in theory, however, incapable it may be of using its omnipotence. Its position, whenever it commands a majority, is a dictatorship only qualified by publicity. This dictatorship is far more absolute than it was two generations ago."[13] A Government which has a real majority can be reasonably certain of maintaining itself in power as long as Parliament lasts. This almost mechanical source of power makes Cabinet a powerful institution. It determines how most of the time available in the House of Commons shall be used. It decides which proposals to change the law it will submit to Parliament. Then, it possesses the means to see that all measures so submitted become the Acts of Parliament. The rigidity of the party discipline enjoins upon all members to attend Parliament at the crucial moment of voting and the "energy of whip's organisation" assures blind support to the party. Woe betide a member who has no satisfactory explanation for ignoring a three line whip. But the most effective weapon to keep the House under control is the Prime Minister's power of dissolution. The dissolution, as Jennings says "can hold the member's head like a big stick." No individual member likes to take the risk of an election contest. It demands both time and money and at the end of it he may not be returned. There is, therefore, unflinching obedience to the Whip and so long as the rank and file of the Government supporters obey the Whip, the Cabinet will remain supreme. Amery had maintained that Parliamentary Government was already dead and had been replaced by Cabinet government. Summing up the whole process of development Brogan and Verney maintain : "The struggle of the seventeenth century was between the House of Commons and the King. More recently the Commons have fought the Lords, and in both battles the Commons was triumphant. Or at least it appeared to be. It is apparent today, as it was not to Bagehot a hundred years ago, that much of the power has in fact been transferred not to the Commons but to the Cabinet."[14]

Flushed with the majority and intoxicated with power, a Government, can press unplatable measures on the House of Commons. It might even violate the solemn pledges which it made at the time of the General Election, as it happened in 1938. The Conservative Party, in 1935, won a heavy majority in the House of Commons on its professions of fidelity to the League of Nations and its unequivocal condemnation of the rape of Abyssinia by Italy. The Party's election manifesto, *inter alia*, stated, "The League of Nations will remain, as heretofore, the keystone of British foreign policy.......We shall, therefore, continue to do all in our power to uphold the Covenant and to maintain and increase the efficiency of the League. In the present unhappy dispute between Italy and Abyssinia, there will be no wavering in the policy we have hitherto pursued." In later years, the Government followed a policy which

13. Ramsay, Muir, *How Britain is Governed*, p. 89.
14. Brogan, D. W., and Verncey, D. V., *Political Patterns in Today's World*, p. 75.

was a grave departure from the principles of the League and a complete violation of the promises given by the Conservatives at the time of the General Election. Britain was negotiating under an ultimatum with Italy, although the latter had violated the League Covenant in Abyssinia and was making frantic efforts to make Spain its protectorate in pursuance of its policy of establishing Italian hegemony in the Medi- terranean, and replacing Britain in control of Egypt and the Suez Canal. "If this is to be taken as a precedent," observed Keith, "then, any Government can feel fully entitled boldly to ignore, if in power, any limitation imposed upon it by the terms of its election promises."[15]

Then, once in power the Government is subject to no Parliamentary limitation, except the Standing Orders under which the House of Commons functions. These Standing Orders are not Statutes. They are passed by the House of Commons alone by means of majority resolutions. A Government can, so long as it continues to command its majority, alter these Orders when it wishes in order to facilitate the passage of its measures. This danger was much in evidence during the tenure of office of the Labour Government of 1945-50. The Government wedded to a programme of nationalisation pushed it too fast in Parliament. It applied guillotine to the proceedings on the Transport Bill and the Town and County Planning Bill both in the Standing Committee and in the subsequent stages in the House of Commons. It was for the first time in the history of the House of Commons that such a drastic procedure had been applied to proceedings on a Bill in the Standing Committee. "As a result, 37 Clauses and 7 Schedules of the Transport Bill were not discussed at all in the Standing Committee, and the discussion on several more was cut short by the guillotine. In the case of the Town and County Planning Bill, about 50 Clauses and 6 Schedules were not discussed at all in the Committee. On the Report stage the guillotine was applied again."[16] While summing up these episodes Professor Keith remarked, "What is clear, however, is that a Government, with a large majority is limited in its legislative programme only by its own good sense and its respect for those rules of debate which generations of men in all parties have agreed upon."[17] It is further argued that debates are mere formalities, tolerated by the Government only because they do not affect the result in the lobby division.

There are bitter criticisms of the growth of delegated legislation and of the consequential growth of Administrative Law and it is maintained that the Rule of Law and freedom of the citizens are gravely menaced by these developments. "When the legislature confers," says Barker, "a measure of legislative powers on the executive it takes something away from itself; but when it confers upon the executive a measure of judicial power, it is diminishing not itself, but an organ other than itself." Delegated legislation and administrative justice have, therefore, immensely added to the powers and supremacy of the Cabinet.

It does not, however, follow, and "it is not true," as Jennings observes, "that a government in possession of majority forms a temporary dictatorship."[18] The House of Commons is not a place in which a victorious party exhibits its unchecked authority and dictates to the defeated and politically important minority. Nor can it remain oblivious of outside influences. The process of Parliamentary government involves parliamentary forbearance. The minority agrees that the majority should govern, and the majority agrees that the minority must criticize. The Standing Orders are, no doubt, constructed to ensure that the will of the majority shall prevail. But the Orders do not present the complete picture of the Government's position. They are supplemented by the customs of the House. The customs of the House demand a scrupulous observance and respect by the majority for those rules of debate "which generations of men in all parties have agreed upon." Originally, these customs arose for the protection of the individual member of the House and today they continue for the "Private Member," as he is still called, and, as such, for His Majesty's Opposition. The Speaker is the impartial custodian of the rights of the members of the House. His conduct really reflects the spirit which, according to Brier, is ultimately more important than the forms of government.

The customs of the House very considerably modify the rigours of the majority rule. Take, for example, the Standing Order relating

15. Keith, A. B., *The British Cabinet System*, p. 248.
16. *Ibid.*
17. *Ibid.*, p. 249.
18. Jennings, I., *Cabinet Government*, p. 442.

to a Private Member's right to put questions to Government in order to elicit information on any matter of public importance or with regard to administration. So important is this right that the Select Committee on Parliamentary Procedure maintained in its Report that the exercise of the right of asking questions "is perhaps the readiest and most effective method of parliamentary control over the action of the executive. But custom goes much further." Parliamentary time is allowed to the Opposition so that it may criticise the Government's work. The various stages through which a Bill passes in its career in the House-the First and Second Readings, Committee Report, and Third Readings-are arranged with this end in view. In the Committee of Supply the choice of subjects for discussion rests with the Opposition. The actual time to be spent on various stages of business is, as far as possible, arranged "behind the Speaker's Chair" or through the usual channels; that is to say, the Government and Opposition Whips, in consultation with their respective leaders, settle the time to be allowed by informal discussion. They even settle the subjects to be debated, the information to be provided and the line of attack.

His Majesty's Opposition is second in importance to His Majesty's Government. The public duty of the Opposition is to oppose. It must attack upon the Government and upon individual Ministers. Diligent performance of this duty by the Opposition is the major check which the Parliamentary system provides upon corruption and defective administration. It is also the means by which individual injustice can be prevented. The Government, too, recognizes its duty that it must govern openly and honestly, and that it should meet criticism not by suppressing Opposition, but by rational arguments which should have the approbation of the electorate. A Government which does not respect the traditions of the House and neglects the Opposition does so at its own peril. His Majesty's Opposition is the prospective Government. The lapses of the Government are its opportunities and it uses them to appeal to the public opinion. "The House is its platform, the newspapers are its microphones, and the people is its audience." The Government which loses the popular support will ultimately lose its majority and when majority disappears, the government, too, will disappear. The Cabinet, no doubt, is normally the master of the House of Commons, but, as Laski, says "there are always limits to its mastery of which it must take account."[19]

Nor is the Government insensitive to the reaction of its own followers. It is true that a member of Parliament is returned on the party support and his political career depends upon the support he gives to his party. But it does not mean that he is entirely docile and immune to influences other than of his party leaders. He is in constant touch with his constituency and keeps himself abreast with the flow of public opinion therein. If he feels that the popularity of the Government is receding, he becomes clamorous because it means a fall in his electoral support. Then, there are interest-groups within the party. These groups maintain a constant watch on the activities of Government and they are vocal on issues that concern them. Thus, the government works against a background of constant outside appraisal which also finds its echo in the lobbies of the House and it is a function of the Whips to keep informed on trends of opinion both in the country and in the House. Signs of unrest in the constituencies, amongst interested groups, or on the part of sufficient number of backbenchers, may lead to changes in a Government's plans and proposals. A Government which is not susceptible to those influences and does not alter its direction is not a government of the people and by the people. It ignores the maxim of parliamentary democracy that tomorrow is the day of election.

The Cabinet is, therefore, the supreme interpreter of majority opinion and it rules both majority and minority. It dare not ride roughshod over public opinion. The ultimate appeal rests with the people, and it must remember those to whom it will have to account in the future as well as those who entrusted it with power. In 1934, there was a great outcry against the provisions of the Incitement of Disaffection Bill. The National Government had an unprecedented majority and, no doubt, the Bill was passed, but the Bill as passed was very different from the Bill as presented; and public opinion had amended it. So, spontaneous was the outburst against the Anglo-French proposal for a settlement of the Italo-Ethiopian dispute in December 1935, that the Cabinet was forced to reverse its decision. It "felt that there could not be that volume of public opinion which it is necessary to have in a democ-

19 Laski, H. J., *Reflections on the Constitution*, p. 96.

racy behind the Government in a matter so important as this." Sir Samuel Hoare, the Foreign Secretary, resigned because, as he put it, he had not "got the confidence of the great body of opinion in the country, and I feel that it is essential for the Foreign Secretary, more than any other Minister in the country to have behind him the general approval of his fellow- countrymen. I have not got that general approval behind me today, and as soon as I realized that fact, without any prompting without any suggestion from anyone, I asked the Prime Minister to accept my resignation." In 1940, public opinion compelled the Government under Neville Chamberlain to resign. Again, in 1946 the Government had to concede considerable alterations over the powers and functions of the Steel Board. In the Suez crisis of 1956, the Government had ultimately to bow before the public opinion. Members of Parliament, too, have not completely surrendered themselves to the Party and they protest, though it is quite rare, against the policy of the Government. In February 1962, for instance, three conservative M.Ps voted against the scheme for reorganisation of Greater London. In May 1963, fifteen Conservative M.Ps either abstained or voted against the Government decision to deport Chief Enaharo to Nigeria. In 1988, Prime Minister Margaret Thatcher suffered her most embarrassing rebuff when 38 members of her own Conservative Party joined Opposition members in voting against the controversial tax legislation that sought to impose a flat rate local tax on all adults. Another 12 abstained inspite of heavy pressure from Government Whips. The Bill could pass with a majority of 25 votes only 320-295. "Defections of this kind," says Brasher, "are not followed by the immediate retribution of the withdrawal of the whip. For the Conservative Party particularly, if any penalty at all is incurred it is more likely to be the penalty of not being readopted for the next election than expulsion from the Parliamentary party......Even when the Chief Whip interviews M.Ps hostile to some aspect of Government policy his primary purpose is persuation rather than coercion."[20] Laski, has, therefore, said that "the public feeling is always a fact in determining the breaking-point of members' loyalty to the Cabinet they normally support."[21]

The fate of the Government today, as before, is normally determined by a General Election and not by a vote in Parliament. The real function of Parliament is not to govern but to see that it governs according to the wishes of the people. The Cabinet leads Parliament and the country on the clear understanding that the Government is not the master but the servant of the people. It was cogently said by Bagehot that the real function of Parliament was to "express the mind of the people", to "teach the nation what it does not know" and to make the people "hear what we otherwise should not." This Parliament does admirably well.

Yet, it cannot be denied that changing political, social and economic circumstances in modern Britain demand a strong Executive. It requires additional powers to meet additional demands, but such powers are used, in general, with discretion, and with the full realisation that the Cabinet is answerable to Parliament, and ultimately, to the electorate itself. Moreover, as Brasher says, " there are restraints on the Cabinet less tangible than so far described, but more effective. These are the restraints which spring from the habitual attitudes of governors and governed, from conventions, from tacit assumptions on what constitutes a reasonable degree of Government control over the activities of the people it rules. These are the real limitations on Cabinet authority. Their effectiveness will last as long as public opinion is sufficiently educated to recognise them."[22]

## THE PRIME MINISTER

### Informal Basis

"The Prime Minister ", said John Morley, "is the keystone of the Cabinet arch." It would, however, be more accurate, says Jennings "to describe the Prime Minister as the key-stone of the Constitution." The phrase is as precise as it is picturesque, for, as Jennings, again says,"All roads in the Constitution lead to the Prime Minister. From the Prime Minister lead the roads to the Queen, Parliament, the Ministers, the other members of the Commonwealth, even the Church of England and the Courts of law."[23] The Prime Minister is by far the most powerful man in the country. He has been the principal benefi-

20. Brasher, N. H., *Studies in British Government,* p. 25.
21. Laski, H. J., *Reflections on the Constitution,* p. 96.
22. Brasher, N.H, *Studies in British Government,* pp. 34-35.
23. Jennings, W. I., *The Queen's Government,* p. 40.

ciary of the Cabinet's growth in power. The prerogatives lost by the King have fallen for the most part into the Prime Minister's hands. Those which have not been acquired by him have gone to the Cabinet. But the Prime Minister "is central to its formation, central to its life, and central to its death."[24] He forms it; he can alter it or destroy it. "The Government", as Greaves puts it, "is the master of the country and he is the master of the Government."[25]

And yet the office of the Prime Minister remained unknown to the law until recently. Like the various other institutions of the country, it is the result of mere accident, the child of chance. No statute settled the status of the Prime Minister and his salary is still drawn in part as First Lord of the Treasury, an office bound up with Premiership since 1721.[26] Not until 1878 did the term make its appearance in any public document when Lord Beaconfield who signed the Treaty of Berlin was referred to in the opening clause as "First Lord of Her Majesty's Treasury, Prime Minister of England". This designation, in the opinion of Sir Sidney Low, was just "a concession to the ignorance of foreigners, who might not have understood the real position of the British plenipotentiary if he had been merely given his official title.[27] It was only in 1906 that the formal position in the order of precedence in State ceremonials was accorded to the office. The Prime Minister was made the fourth subject of the realm, just after the Archbishop of York. The Chequers Estate Act, 1917 referred to "the person holding the office popularly known as Prime Minister" and provided for the use of Chequers by the incumbent of the office.[28] The Ministers of the Crown Act, 1937, recognised for the first time, the office of the Prime Minister by giving him the salary of £10,000 a year as Prime Minister and First Lord of the Treasury.[29] The Ministerial Salaries and Members' Pensions Act, 1965, and the Ministerial and Other Salaries Act, 1972, reiterated it. But these provisions do not confer any powers on the Prime Minister. "These are casual recognitions of a constitutional situation, not the legislation of that situation." The Prime Minister has no legal powers as such. His powers are derived from and are limited by constitutional conventions. Basically it is as true today as when Gladstone said it that "nowhere in the wide world does so great a substance cast so small a shadow; nowhere is there a man who has so much power, with so little to show for it in the way of formal title or prerogative."[30]

**Choice of the Prime Minister**

The formation of a Cabinet depends essentially on the Royal choice of a Prime Minister. During the eighteenth century, it frequently happened that there was no proper cohesion within the Cabinet and the royal favour was as necessary as the popular support for the Chief Minister of the Crown. In the early part of the reign of George III an attempt was made to reassert the power of the King, the object being to choose such Ministers as were acceptable to himself. This attempt failed and by 1832 the position of the Prime Minister as the leader of the predominant party in the House of Commons had become recognised.[31]

It is a well-settled rule now that the Prime Minister must be either a Peer or a member of the House of Commons. Every Prime Minister since Sir Robert Walpole has been in one of the Houses. No Peer had been Prime Minister since the resignation of Lord Salisbury in 1902. In 1923, the question, whether a Peer should be a Prime Minister, was definitely raised. The resignation of Bonar Law left the King with a choice between Lord Curzon and Stanley Baldwin. Long before this it had been felt that the Prime Minister must belong to the House which made and unmade a government. It had also been asserted that the House of Commons had a right to expect that "its chief representative should be within its influence and personally accountable to it."[32] Curzon, no doubt, was a Peer, but it was not the only issue.

24. Laski, H.J., *Parliamentary Government in England*, p. 228.
25. Greaves, H. R. G., *The British Constitution*, pp. 108-09.
26. "The Prime Minister", declared Balfour, "has no salary as Prime Minister, his name occurs in no Acts of Parliament, and though holding the most important place in the constitutional hierarchy, he has no place which is recognised by the laws of his country. This is a strange paradox." As quoted in Marriot's *English Political Institutions*, p. 85.
27. Sidney Low, *The Government of England*, p. 156.
28. Chequers is now the official country house of the Prime Minister.
29. ....There shall be paid to the person who is Prime Minister and First Lord of the Treasury an annual salary of ten thousand pounds."
30. Quoted in Marriot's *English Political Institutions*, p. 86.
31. For the choice of the Prime Minister see Chapter III, *ante*.
32. Hercourt quoted in Jennings *Cabinet Government*, p. 22.

The scales were heavily weighted against him because of his personality.[33] Both these factors put together resulted in the selection of Stanley Baldwin, whose Cabinet experience was limited to eight months of Bonar Law Government, as Prime Minister. It is claimed that the decision of the King was finally determined by the advice given by Earl Balfour,[34] although George V had also consulted other prominent Conservatives including Lord Long, Lord Salisbury and L.S. Amery. Lord Stamfordham, on behalf of the King, explained to Lord Curzon that "since the Labour Party constituted the official Opposition in the House of Commons and were unrepresented in the House of Lords, the objections to a Prime Minister in the Upper Chamber were insuperable."[35]

A single precedent, however, does not create a rule that a Prime Minister must necessarily be from the House of Commons. But "the Election of a peer," as Keith rightly remarks, "for that office would be abnormal."[36] If the Government owns responsibility to the House of Commons alone, a vote in that House only can compel the Government either to resign or to advise a dissolution. Moreover, the Prime Minister is also responsible for the party organization. Party organization matters only in the House of Commons and not in the House of Lords. If, in brief, the Prime Minister is to correctly feel the pulse of Parliament and in the ultimate analysis that of the electorate, he can do so in the House of Commons. "The precedent that the Prime Minister should belong to the House of Commons must, therefore, be regarded as decisive. Baldwin did not show the slightest desire to continue his Premiership on his transfer to the House of Lords. Professor Keith is of the opinion that had Baldwin decided to continue, such a decision would certainly have been popular enouggh in the country after he had established his reputation by his brilliant handling of the abdication of Edward VIII. He holds that "it remains possible that a Prime Minister might retain that office after transfer to the Upper House.[37] But it is doubtful if any Prime Minister will ever venture it now. Earl Home disclaimed his peerage, under the peerage Act, 1963, and became Sir Alec Douglas-Home and succeeded Harold Macmillan as the Prime Minister. The new methods of choosing a prime minister adopted by both Labour and Conservative parties preclude the possibility of a Peer being elevated to this august office now.

**Functions of the Prime Minister**

The Prime Minister is the corner-stone of the Constitution. In his hand is the key of Government. His duties are onerous and his authority enormous. Gladstone described these thus: "The Head of the British Government is not a Grand Vizier. He has no powers, properly so called, over his colleagues: on the rare occasions when a Cabinet determines its course by the votes of its members, his vote counts only as one of theirs. But they are appointed and dismissed by the Sovereign on his advice. In a perfectly organised administration as that of Sir Robert Peel in 1841-46, nothing of great importance is matured, or would even be projected, in any department without his personal cognizance and any weighty business would commonly go to him before being submitted to the Cabinet. He reports to the Sovereign its proceedings, and he also has many audiences of the august occupant of the throne."[38] There is much truth in what Gladstone had said. But nearly all recent developments have tended to increase the authority of the Prime Minister. "Indeed, the tendency of the British politics has been to steadily transfer power, not only from the House of Commons to the Cabinet but within the Cabinet to a small group and from the small group to one man, the Prime Minister."[39] There are and were very many good reasons for this change. The extension of the franchise, the prestige which Gladstone and Disraeli conferred upon the office give to the Prime Minister position and authority almost comparable with the President of the United States. He is even likened to a dictator, not perhaps the 'ideological dictator' of our times, but the 'benevolent despot' of the eighteenth century history with his all perva-

33. The defects of Lord Curzon's character are immortalised in the lines :
"George Nathaniel, Viscount Curzon,
Is really a very popular person."
34. Keith, A. B., *Cabinet System of Government*, p. 29.
35. Jennings, W. I., *Cabinet Government*, p. 23.
36. Keith, A. B., *Cabinet System of Government*, p. 29.
37. *Ibid.*
38. Quoted in Keith's *British Cabinet System*, p. 65.
39. Brogan, D. W., and Verney, D. V., *Political Patterns in Today's World*, p. 75.

sive influence in society. This is, indeed, an exaggeration, although the powers of the Prime Minister are very wide, and his status and prestige enviable.

The Prime Minister makes the government. With the selection of the Prime Minister the essential work of the King is completed, for it rests with the former to make up his list of Ministers and present it for the Royal assent. Technically, the last word rests with the King, because it is he who appoints them, But in practices, the decision belongs to the Prime Minister and the Royal assent is more or less a formality. Even Queen Vectoria never carried her objections on political grounds.

The Prime Minister in constituting his Government has to consider the claims and views of leading members of his party in both Houses. But, as Amery puts it, "subject to Parliament putting up with his selection of his colleagues and his arrangement of offices, he has a very free hand in shaping his government according to his own view of what is likely to work best and according to his personal preference."[40] It is for him to decide on the size of the Cabinet and the Ministers to be included in it. In fact, the British Prime Minister has never been under any sort of direct dictation either from Parliament or from a Party Executive in making his government. He may even select colleagues outside the ranks of his Party, or even outside Parliament, if in his judgment a particular person is specially fitted for particular job. For example, in 1903 Balfour offered the Colonial Office to Lord Milner, when he was still the High Commissioner in South Africa and had no parliamentary experience to his credit. MacDonald in 1924, made Lord Chelmsford, a non-party ex-Viceory of India, First Lord of the Admiralty. The most remarkable example is that of Baldwin's appointment in 1924 of Winston Churchill as Chancellor of the Exchequer. The Conservative Party was vehemently opposed to this appointment. But "the appointment was made and the Conservative Party in Parliament, though never quite reconciled to it, grumbled and submitted.[41] Harold Wilson appointed Patrick Gordon-Walker to such an exalted office as the Foreign Secretary, though defeated in the General Election. L.S. Amery while summing up this power of the Prime Minister says, "Few dictators, indeed, enjoy such a measure of automatic power as is enjoyed by a British Prime Minister while in process of making up his Cabinet."[42]

Many of the choices of the Prime Minister, however, are obvious. He must include among his Ministers men of standing with the Party. The history of how Arthur Henderson became Foreign Secretary in 1929, shows that in a party's government a vital member of the party can always set limits to the discretion a Prime Minister can exercise; he must include "essential men" This is perhaps particularly important in fact of the diverse elements within the British parties. In 1964 and 1974, Harold Wilson included in his Cabinet Ministers drawn from various sections of the Labour Party, including 'militants' like Frank Cousins and Barbara Castle. Harold Macmillan included in his Cabinet in 1957 both the left and right wingers like R.A. Butler and Lord Salisbury. The Prime Minister, while composing his Cabinet has often to decide whether a particular extremist in the party would be a threat to party in or out of the Cabinet. He may decide to 'buy silence' from a potential rebel by entrusting him with Ministerial office. This perhaps influenced Attlee's inclusion of Aneurin Bevin in his Cabinet, and Wilson's inclusion of Cousins and Barbara. Nevertheless, Prime Minister's discretion, as Laski puts it "is both wide and mysterious." Herman Finer expresses the same view in his own characteristic way. He says, "The Prime Minister has to make the Cabinet work; it is his; he must give it cohesion; he must arbitrate differences of view and personality; he must fit all the necessary talents together into a reputable team."[43]

In the allocation of offices, as well, the Prime Minister offers posts in his discretion, although politicians of standing can safely decline what is given, if they command so much support in the party as to make it unwise to dispense with their services. But rarely the Prime Minister's final allocation is rejected, because refusal may mean exclusion from office not merely for the term of that Parliament, but, perhaps, for ever. Sir Robert Horne, who had been a successful President of the Board of Trade and Chancellor of the Exchequer, refused in 1924 the Ministry of Labour that Baldwin offered him and

40. Campion and Others, *Parliament : A Survey*, p. 63.
41. *Ibid.*
42. Campion and others, *Parliament: A Survey*, p. 63.
43. Finer H. *Governments of the Greater European Powers*, p. 144.

he was never considered again for any future office. "It is only exceptionally forceful or fortunate political rogue elephant," says Amery, "that once extruded from the governing herd, can find their way back into it, as both Mr. Churchill and the present writer (Amery himself) discovered for a decade after 1929."[44]

If the machinery of the government is to work efficiently and effectively, then, it is the undoubted right of the Prime Minister to appoint, reshuffle, or dismiss his colleagues. He is free, in the exercise of his impartial judgment, to make what appointments may seem good to him. He must also, from time to time, review the allocation of offices among his various colleagues and consider whether that allocation still remains the best that can be effected. Both as captain of the team and at the helm of administration, it is his duty to request any of his colleagues, whose presence in the Ministry is, in his opinion or judgment, prejudicial to the efficiency, integrity or policy of the government, to resign.

The Prime Minister can also advise the Sovereign to dismiss a Minister. According to law a Minister holds office at the pleasure of the King and he can be dismissed whenever it pleases His Majesty. It is now a well-established custom that the prerogative of dismissal is exercised solely on the advice of the Prime Minister. It is, however, doubtful if ever a Prime Minister would advise dimissal except in very extreme cases. All the same, the right of the Prime Minister is there. Sir Robert Peel maintained that, "under all ordinary circumstances if there were a serious difference of opinion between the Prime Minister and one of his colleagues, and that difference could not be reconciled by an amicable understanding, the result would be retirement of the colleague, not of the Prime Minister.[45] But such a crisis would never come. In Britain "there is a tradition—a kind of public school fiction—that no minister desires office, but that he is prepared to carry on for the public good.[46] This tradition implies a duty to resign when a hint is given. There are many instances of such resignations, Lowe and Aryton resigned in 1873, Seeley in 1914, and Austin Chamberlain in 1917. Montagu in 1924; and Sir Samuel Hoare in 1935. But Mrs. Margaret Thatcher dismissed the Navy Minister, Keith Speed, when he was asked to resign and made "excuses", and forced another, Hal Miller, Parliamentary Private Secretary, to resign.

To sum up, it is a purely personal authority of the Prime Minister to ask a colleague to resign or to accept another office. Removal from office is always a stronger step and it may have its repercussions in the House of Commons and in the constituencies.[47] It may even lead to the breaking up of the Cabinet. Moreover, it is a declaration of weakness and defective judgment in placing the Minister in office, or suggests error of policy on the part of the Prime Minister. No Prime Minister will, therefore, go to the extreme of dismissing a colleague. There are other polite methods of doing things. The Prime Minister can rid himself of an undesired colleague by a general reshuffle of the Ministry and it is the best way of avoiding a slight on a person who may have considerable parliamentary and popular support.[48] The recent tendency, begun by Churchill, continued by Attlee and invariably followed by his successors, has been to make changes more frequently to weed out unwanted incumbents. In a major reshuffle of her Cabinet on 14 September 1981, Mrs Thatcher dropped three so-called "wets"—persons who had openly questioned her economic policies and shifted Keith Joseph from the Industry Ministry to the comparatively innocuous department of education. Among those dropped were Mark Carlisle, Lord Soams and Peter Thorneycraft. In fact no British Prime Minister has sacked more Ministers than Mrs. Thatcher and at the time of her resignation from the office of Prime Ministership in November 1990, only three of her original Cabinet Ministers remained in office. To remain more dignified some Prime Ministers "elevated" the offending Ministers in order to get rid of them. This is one of the chief, though least used arguments for the retention of the House of Lords.

Then, the Prime Minister is the leader of

44. Amery, L. S., *Thoughts on the Constitution,* p. 64.
45. As cited in Keith's *British Cabinet System,* pp. 82-83.
46. Jennings, W. I., *Cabinet Government*, p. 197.
47. Lord Salisbury dared not dismiss his Home Secretary, Mathews, in 1890. He wrote to the Queen : "At present Lord Salisbury does not think that a bare dismissal would be admissible. It would be looked upon as very harsh and beget numberless intrigues.....There is no instance of dismissal, and it would require some open and palpable error to justify it."
48. In September 1947, on rearranging the government, Attlee asked Greenwood, one of his senior colleagues, to retire on grounds of age. Some quarters hold the opinion that Attlee exercised a clear power of dismissal.

his Party. The general election is in reality the election of a Prime Minister. The wavering voters who decide elections support neither a party nor a policy. They support a leader. The Prime Minister has, therefore, to give effective leadership. He must feel the pulse of the people and try to know true and genuine public opinion on matters which confront the nation. He must also guide public opinion by receiving deputations, and discuss issues by public speech at party conferences, and on other important occasions which demand proper attention. He should also give the Opposition a feeling that the Government will not ride rough-shod over the wishes of the minorities. For all this, he needs strength of character, the gift of leadership, patience, tact and a devotion to principles. He must also guide and inspire those he has chosen as Ministers and should enjoy the confidence of a majority in the House of Commons. In short, the Prime Minister must be a capable evaluator of public opinion and at the same time an expert in propaganda. He must know what to say, when to say, and when not to say anything.

Jennings gives a graphic picture of the qualities which a Prime Minister should possess. He says: "Since his personality and prestige play a considerable part in moulding public opinion, he ought to have something of the popular appeal of a film actor and he must take some care over his make-up—like Mr. Gladstone with his collars, Mr. Lloyd George with his hair, Mr. Baldwin with his pipes and Mr. Churchill with his cigars. Unlike a film actor, however, he ought to be a good inventor of speeches as well as a good orator. Even more important, perhaps, is his microphone manner, for few attend meetings but millions look to broadcasts. Finally, it is essential that he should be able to retain the loyalties of his political friends; and it helps considerably if he remembers their names, asks the right questions about their families, realizes when sympathy or congratulation is required, and generally is good mixer with exactly the right measure of condescension.[49]. To this, we should add now his television appeal and mannerism, including debating skills.

A party which has not a leader cannot function. Its condition, in fact, becomes hopelessly chaotic. In the same way, a party with a weak leader is in a weak position. It is not possible for it to attract popular support and be in a position to form government. It has been claimed that in 1964 and 1966 the Labour Party won and the Conservatives lost the elections largely because of the impression, made by their leaders. During the winter of 1965-66 the Rhodesian crisis had raised Wilson's stature as a Prime Minister, whereas by March 1966 Heath had been leader of the Conservative Party for only seven months, "and was still very much the 'new boy'. In the Conservative Party the leader is the Party. He controls the Party organisation and its funds. He also carries with him disciplinary authority and uses this weapon of decisive power against anyone who dare challenge his authority. The Chairman and Leader of the Labour Parliamentary party is recognised as the Leader of the Labour Party not only in Parliament but also in the country; he is *ex officio* a member of the National Executive Committee of the Labour Party and he is free to attend any of the Sub-Committees of the Executive as an *ex officio* member if and when he wishes to do so. In fact, the prestige of the Prime Minister and the party are closely intertwined. It is the party which makes the leader, but once the leader had been elected the party support is concentrated in the leader. The majority which the party receives at the polls is a party majority, but it owes its allegiance to the leader and it is spoken of as his party. Party prestige with the electorate demands it and this is the real strength of the Prime Minister. A Prime Minister must, therefore, strive for the unity of his party and his personality should be capable of inspiring loyalty in his colleagues and trust in the country.

The Prime Minister is the Chairman of the Cabinet. He must pick a team and keep it as a team, and, accordingly, his task as Chairman of Cabinet meetings, in which Government policy is hammered into shape and decisions taken, is of crucial importance. The Prime Minister is the leader of the Party and his colleagues in the Cabinet owe him a personal as well as a party allegiance. He controls agenda and it is for him to accept or reject proposals for discussion submitted by Ministers. The Ministers always consult him before important proposals are put forward and his support solicited. It is also well recognized that in Britain and the Anglo-Saxon countries generally the "Chairman of any committee attracts a special kind of loyalty engendered by the vague feeling that business is expe-

49. Jennings, W. I., *Cabinet Government*, p. 163.

dited and improved by order and that one must be prepared to suffer the Chairman's ruling for the sake of the collective enterprise.[50] A casting vote, too, is inherent in the Chairman.[51] All this gives pre-eminent authority to the Prime Minister as Chairman of the Cabinet. But Cabinet in Britain does not take decisions by votes now.[52] Since votes are not taken, the Prime Minister's power to sum up in Cabinet discussions is very important. Jennings says, "A team of politicians is probably the most difficult to handle because, though each of them knows that his political future depends on the success of the team, there will usually be a few who are anxious to become captain.[53] The management of the Cabinet is, thus, certainly the Prime Minister's most difficult function "because it compels him to take difficult decisions not only on the substance but also on the tactics.[54] The Prime Minister may seek to persuade a minority or convince a majority. He may feel it necessary sometimes to give way to the majority even when he does not agree or try to force his own opinion on the Cabinet as Gladstone almost always did. But in the latter case the Prime Minister must run the risk of splitting the party. He must reconcile the differences of opinion between Ministers. If he fails, he may shatter the Government and the Party and "leave his leadership self-condemned, as Balfour's was by 1905.[55]

Some Prime Ministers had really been good Chairmen. They had always striven to see the main issues and the questions of principle. By dint of their commonsense and good judgment they guided the discussions towards a definite conclusion ensuring harmonious and efficient teamwork. Lord Samuel has given an excellent description of Ramsay MacDonald as Chairman of the Cabinet. He says, MacDonald "was a good Chairman of Cabinet, carefully preparing his material beforehand, conciliatory in manner and resourceful. In the conduct of a Cabinet when a knot or a tangle begins to appear, the important thing is for the Prime Minister not to let it be drawn tight; so long as it is kept loose it may still be unravelled. MacDonald was skilful in such a situation—and there were many.[56]

As the guide to the Cabinet the Prime Minister is the chief co-ordinator of the policies of the several Ministers and Ministries. He, more than anyone else, must endeavour to see the work of the Government as a whole and bring the variety of Government activities into reasonable relationship with one another. He is, in fact, the Manager-in-Chief of the Government's business. Sir Robert Peel is universally acclaimed the model Prime Minister. He supervised and was genuinely familiar with the business of each Department. Though he had an able Chancellor of the Exchequer, in whom he had full confidence, he himself introduced the budgets in 1842 and 1845. The War Office, the Admiralty, the Foreign Office, the administration of India and Ireland felt his personal influence as much as the Treasury and Board of Trade.

Such close attention is no longer possible now. The functions of Government have expanded so widely and its activities have become so complex that even if a Prime Minister is to regard Sir Robert Peel as a model and intervene when he considers it necessary, the result will be equally disastrous to him and to the country. But the Prime Minister must keep an eye on what goes on in the Departments and must know enough to be ready to intervene if he apprehends that something is going wrong. Usually, he exercises supervision through the eagerness of the Ministers to consult him, but he must have the ability to give sound advice almost on the spur of the moment. "If he is intellectually lazy like Baldwin or difficult of approach like MacDonald, he cannot exercise these functions properly."[57]

The work of co-ordination is done by the various Committees of the Cabinet, but the Prime Minister is, as Herbert Morrison said, "eminently a co-ordinating Minister." He decides what Cabinet Committees there will be, appoints the Chairmen and presides over some Commit-

50. Finer, H., *The Theory and Practice of Modern Government*, p. 592.
51. The decision to arrest Dillon in 1881 was carried by Gladstone's casting vote.
52. The practice of taking votes and deciding by a majority did not originate until 1880. The question of the removal of the Duke of Wellington's statue from Hyde Park in 1883 was decided by a show of hands. But votes are not taken now. "Now this is not done by voting for the holding up of hands or the calling of 'Aye' and 'No'," "would not only be regarded as a breach of Cabinet decorum but would also be felt to symbolize and demonstrate, nakedly and unashamedly, a lack of Cabinet unity and solidarity which is always deprecated." Morrison, H., *Government and Parliament*, p. 5.
53. Jennings, W. I., *The Queen's Government*, p. 137.
54. *Ibid.*, p. 138.
55. Brasher, N. H., *Studies in British Constitution*, p. 39.
56. As cited in Jennings, W.I., *Cabinet Government*, pp. 176-77.
57. Jennings, W. I., *The Queen's Government*, p. 139.

tees himself Attlee was Chairman of the Committee for Commonwealth Affairs, Far Eastern Affairs, Economic Policy, Housing, National Health Service, Food and Fuel, and Indian Affairs, during the two Ministries, 1945-51. The Prime Minister must also keep in touch with the work of the other Cabinet Committees. And with a wide ministerial experience to his credit before stepping into 10 Downing Street the Prime Minister can perform this function efficiently and effectively, as did Winston Churchill, Clement Attlee, Harold Macmillan and Harold Wilson, to take just a few examples from a long list of modern Prime Ministers.

The Prime Minister must be in the closest contact with the Foreign Secretary and the Chancellor of the Exchequer. For the rest, his door must ever be open, "his mind clear and his judgment rapid and efficient." Foreign affairs are always on the agenda and decisions of great importance demand speedy determination. There may be no time to summon a meeting of the Cabinet. In such cases the Prime Minister and the Foreign Secretary consult each other and a decision is reached. The Prime Minister may even man the entire policy. Neville Chamberlain adopted a foreign policy of his own, forced it on the Foreign Office and compelled the Foreign Secretary, Anthony Eden, to resign. But foreign policy cannot be divorced from the defence and trade policy. Chamberlain used the Principal Economic Adviser to the Government as his principal assistant in the conduct of his foreign policy. Churchill's task was fundamentally different. In war-time there is one supreme function of the Government and it is to win the war, and it must inevitably be the Prime Minister's personal concern. All else is subordinated to it. In the main, the nature of international relations today, with 'summit meetings' of Heads of States and the need for speedy military decisions in the nuclear age, forces the direct and personal involvement of the Prime Minister in foreign affairs. The effect of two Wars on the machinery of Cabinet government was to concentrate power in the hands of the Prime Minister and his close advisers. This increased authority has been retained to some extent in peacetimes too.

The Prime Minister's responsibilities for the co-ordination of the administration are further indicated by the fact that he leads the Civil Service Department established in 1968, in pursuance of the recommendation of the Fulton Committee. The Civil Service Department is under the control of the Prime Minister as Minister for Civil Service, with responsibility for the day-to-day work of the Department delegated to a senior Minister assisted by a Parliamentary Secretary. The Department's Permanent Secretary is also the official head of the Home Civil Service.

The Prime Minister is the real leader of the House of Commons. Now the tendency is that he designates another colleague as Leader of the House and delegates to him the specific function of arranging the business of the House,[58] but this delegation cannot deprive the Prime Minister of his function as leader of the Government. "The problem is not," as Jennings says, "that the Government runs the risk of defeat—for unless the party breaks up, or has no majority, or has a very small majority,[59] the Government cannot be defeated—but that it runs the risk of being worsted in the argument." The House is 'the finest platform in Europe', "the only debating society in Britain whose debates are read, or at least glanced at, by millions. If the Government is to keep its majority in the country, it must consistently make a good case."[60] All principal announcements of policy and business are made by the Prime Minister and all questions on non-departmental affairs and upon critical issues are addressed to him. He initiates or intervenes in debates of general importance, such as those on defence, foreign affairs, and domestic issues of primary character. In fact, the House always looks to him as the fountain of policy. He is also recognised to have an immediate authority to correct what he may consider the errors of omission and commission of the colleagues.

The party Whips in the House are under the Prime Minister's direct supervision and through them he issues orders to the rank and file of the party. He assists the Speaker and the Chairman in maintaining order and decorum in the House.

58. Asquith separated the offices of Prime Minister and leader of the House of Commons in 1915. Since 1945 no Prime Minister has attempted to combine the two roles.

59. Harold Wilson's minority Government, which assumed office in March1974, was defeated quite a number of times on major issues of economic policy. But the Conservative Party did not demand its resignation. Similar had been the lot of James Callaghan who headed a minority government throughout his tenure, except for a brief spell to begin with. But Callaghan's Government was defeated on a vote of no confidence when the Liberals and the Scottish Nationalists withdrew their support in early 1979.

60. Jennings, W. I., *The Queen's Government*, p. 139.

In brief, the House comes to a large extent under the control of the Prime Minister. The management of the Government's majority and the maintenance of smooth relations with the Opposition depend upon his inspiring lead and parliamentary skill. The Prime Minister ought to be what is called 'good House of Commons man', a man who observes its traditions and knows to handle it, a man like Baldwin or Churchill.

The Prime Minister wields the supreme power of dissolution and, thus, "holds the security of Members on both sides of the gangway in the House in his hands." It means that the members of the House of Commons hold their seats at the mercy of the Prime Minister's use of this "terrifying power," for it means new elections without certainty that they will be elected. "Men do not like to run the risks," observes Byrum Carter, "which are involved in this process, if little is to be gained from incurring the danger."[61] The threat of dissolution, thus, hangs over their heads, "restraining them, restricting their independence, leading them into the government's body."[62]

There is some divergence of opinion among the authorities on the question whether the King can refuse a dissolution to a Prime Minister who asks for it. Winston Churchill stated during the course of the debate on the Education Bill in March, 1944, that although advice to dissolve comes from the Prime Minister, it is only advice and may, in exceptional circumstances, be disregarded.[63] What those exceptional circumstances can be have been explained by Sir David Keith in his *Constitutional Histroy of Modern Britain.* He writes : "The King's prerogative, however circumscribed by convention, must always retain its historic character as a residue of discretionary authority to be employed for the public good. It is the last resource provided by the Constitution to guarantees its own working."[64] It is, however, difficult to imagine circumstances in which the King could refuse dissolution to a Prime Minister. Laski clearly stated that this part of the royal prerogative is as obsolete as the royal veto power.[65] If the King refused a dissolution to a Prime Minister, he would be substituting his judgment about the need for and timing of a General Election for that of his Chief Minister. The Prime Minister, under such circumstances, will presumably resign, though he had with him a clear majority in the House of Commons. When the Prime Minister resigns, the King will naturally send for the Leader of the Opposition and commission him to form the Government. Such a Government cannot continue in office unless it is supported by the House of Commons. As there is no majority for the new Government, the King will be compelled to dissolve Parliament and General Election held. But the King could hardly grant a dissolution to the second Prime Minister after refusing to the first. If he does and he must do it, his neutral position will be fatally compromised. Jennings concludes that "thus, while the King's personal prerogative is maintained in theory, it can hardly be exercised in practice.[66] During the last more than hundred years there has been no instance of a refusal of a dissolution by the King when advised.

The right to advise a dissolution was long assumed to belong to the Cabinet. The decision to dissolve now rests with the Prime Minister and this has been done since 1918. In fact, since that time no decision to dissolve "has been brought before the Cabinet, and Prime Ministers now assume a right to tender advice to dissolve on their own account.[67] This aspect was further explained by Sir John Simon in 1935. He wrote that "the decision whether there shall be an immediate general election, and, if so, on what date the country should go to the polls, rests with the Prime Minister, and until the Prime Minister has decided, all anticipations are without authority.[68] Keith is of the opinion that the Cabinet should be consulted and decide the issue of dissolution and if the older practice has been departed from, to some degree, it is no ground that

61. Carter, Byrum, E., *The Office of the Prime Minister,* p. 274.
62. *Ibid.,* p. 275.
63. Keith, A. B., *British Cabinet System,* p. 30. Also refer to Asquith's affirmation in 1924. But Asquith had a design to put Ramsay MacDonald into difficulty while in office, so that the King would turn to him to form the Ministry.
64. Keir, D; *Constitutional History of Modern Britain,* p. 491.
65. Laski, H. J., *Reflections on the Constitution,* p. 72.
66. Jennings , W. I., *Cabinet Government,* p.395.
67. Keith, A. B., *The British Cabinet System,* p. 304.
68. As cited in above, *Ibid.* Harold Wilson did not succumb to the demands of his colleagues in the Cabinet, especially the Chancellor of the Exchequer, Mr. Healy and the Employment Secretary, Mr. Michael Foot, to dissolve Parliament and hold new elections.

further departure should take place. "It is derogatory," he says," to the dignity of other Cabinet Ministers, and tends to make them appear in the public eye the servants, rather than equals, of the Prime Minister. It runs counter to the best aspects of the Constitution, the doctrine of collective responsibility and deliberation, and it presumes that for some reason or other, in this vital issue, the Prime Minister has pre-eminence in other issues denied to him."[69] Morrison said that the presence of members of the Secretariat at Cabinet meetings precludes the discussion of such matters as the political factors involved in a dissolution.[70] But in 1966 and on other past occasions, informal discussions took place between the Prime Minister and some of his colleagues.

The Prime Minister is the only channel of communication with the Crown on matters of public concern, although there are many examples of the Crown's connection with individual Ministers "behind the back of the Prime Minister."[71] Apart from the Cabinet conclusions, which are drawn by the Cabinet Secretariat and a copy sent to him, the King has no official means of knowing of the Cabinet discussions, except what the Prime Minister may choose to tell him. This account "is not revised by his colleagues." He is also the chief adviser of the Sovereign and in emergencies the Monarch will first consult the Prime Minister. The Prime Minister advises the King on royal activities of an official character such as a visit to a foreign country, or tour of a part of the kingdom or empire or Commonwealth countries. The consultations between Queen Elizabeth II and Macmillan, which preceded the royal visit to Ghana in 1961, when there seemed to be an element of personal danger involved for the Monarch, is a recent example. Stanley Baldwin regarded it both a duty and right to offer counsel to Edward VIII on his contemplated marriage with Mrs. Simpson. He consulted the Cabinet only at that stage when differences of an irreconcilabe nature had developed between him and the King. The Prime Minister, then, became" as usual the link between the King and Cabinet interpreting the opinions and decisions of one to the other."[72]

The Prime Minister has wide powers of patronage including the appointment and dimissal of Ministers. In 1962, Harold Macmillan virtually dismissed a third of his Cabinet. Margaret Thatcher repeated it in 1981 and again in 1986. Sir Geoffery Howe, Deputy Prime Minister in Thatcher's Government resigned on November, 1990 over differences with the Prime Minister on her approach to European Economic and Monetary Union. In an age when professional politicians predominate, the Prime Minister's ability to affect the career of ambitious Members of Parliament, inevitably gives him or her considerable power and authority. In a BBC programme early in 1988, Margaret Thatcher's former Defence Minister Sir John Nott accused her of "going over the top" in her dealings with cabinet colleagues, promoting a cult of personality. "The Cabinet was never more than a rubber stamp", he said.

The distribution of general patronage through the Honour list gives the Prime Minister an influence in many sectors of national life. Though Lloyd George's abuse of patronage discredited the whole system, and since 1922, a Committee of the Privy Council has vetted all proposed awards, but no grant is made without the Prime Minister's recommendation. The patronage, therefore, remains a valuable political weapon in the hands of the Prime Minister.

The Prime Minister's power of appointment is not as extensive as that of the President of the United States, but it is considerable nevertheless. All Ministerial positions are his gifts. So is the allocation of Ministerial offices. He will either himself select new occupants or be consulted by the Minister concerned when there are vacancies in the chief diplomatic, military, judicial and ecclesitical offices. Though Departmental Ministers have particular responsibility for their departmental officials, the Civil Service as a whole is controlled by the Treasury under the direction of the Prime Minister as First Lord. The Permanent Secretary of the Treasury advises the Prime Minister and he himself makes appointments of the Permanent Secretary or the permanent UnderSecretary, Deputy Secretary or the Deputy Under- Secretary and the principal establishment officers in each of the Government Departments. Thus, as with the Ministerial hierarchy, the Prime Minister can be seen as head of the permanent administrative structure. Then, there are a good many special appointments in

69. *Ibid.*, p. 305.
70. Morrison, Herbert, *Government and Parliament*, p. 24.
71. Finer, H., *The Theory and Practice of Modern Government*, p. 592.
72. Greaves, H. R. G., *The British Constitution*, p. 110.

which the Prime Minister is interested—Governors-Generals in the Dominions, High Commissioners in the Commonwealth countries, British representatives to important international organizations, and Board members of nationalised industries. He will certainly be consulted about many of these, and frequently the choice is his.

The Prime Minister also recommends to the Sovereign for the appointment of Church of England Archbishops, bishops and certain other senior clergy, as well as for appointments to high judicial offices, such as Lords of Appeal in Ordinary, Lord Chief Justice and Lord Justices of Appeal. He also advises the Crown on appointment of Privy councillors, Lord Lieutenants of counties[73] and certain civil appointments, such as, Lord High Commissioner of the General Assembly of the Church of Scotland, Poet Laureate, Constable of the Tower and some University appointments which are in the gift of the Crown.

The Prime Minister may occasionally attend and participate in international conferences or meetings. Lord Beaconsfield attended the Congress of Berlin, Lloyd George participated in the Peace Conference at Paris, and Neville Chamberlain led the meetings in Germany preceding the Munich Agreement. Churchill attained new heights during the Second World War in his six meetings with President Roosevelt and two with Stalin. Ramsay MacDonald personally discussed with Dr. Dawes in 1929 on the most important phase of Anglo-American relations. He also went to the United Staes to confer with President Hoover on the limitation of armaments. The recent practice of holding Summit Conferences has further enhanced the powers and prestige of the Prime Minister.

He conducts relations in matters of Cabinet rank with the Commonwealth countries. A classical example was afforded by the negotiations over the mode in which effect was to given to the abdication of King Edward VIII.

The Prime Minister acts, though infrequently, either without authorization by the Cabinet or even against previously determined Cabinet policy. Lloyd George decided upon his own initiative to call a session of the Imperial War Conference and announced it in Parliament without receiving the proper authorization of the Cabinet. Stanley Baldwin raised in 1923 the issue of protection without previously consulting his Cabinet. Baldwin also took the initial steps in the action which led to abdication of Edward VIII without previously consulting his Cabinet. In the Second World War, Winston Churchill made a speech on 22nd June 1941, offering all possible assistance to the Soviet Union without consulting the Cabinet and he added, "nor was it necessary."[74]

Whenever the prime Minister acts as such, the Cabinet is rather in a difficult position, for it must either accept the policy enunciated by the Prime Minister or run the risk of losing its leader "unless it is possible to find a compromise which will save the prestige of both." But such a course of action is unusual as it endangers Cabinet unity and at the same time the security of the Prime Minister.

**Prime Minister's position**

Such is the magnitude of the powers of the Prime Minister. But what is his position as compared with his colleagues ? Lord Morley described him as *primus inter pares*. He said, "Although in Cabinet all its members stand on an equal footing, speak with equal voice, and, on the rare occasions when a division is taken, are counted on the fraternal principle of one man and one vote, yet the head of the Cabinet is *primus inter pares,* and occupies a position which so long as it lasts, is one of exceptional and peculiar authority." Herbert Morrison also held the same estimation of the position of the Prime Minister. He says, "As the head of the Government he (Prime Minister) is *primus inter pares* . But it is today far too modest an appreciation of the Prime Minister's position."[75] Ramsay Muir considers such a description as "non-sense" when "applied to a potentate who appoints and can dismiss his colleagues. He is, in fact, though not in law, the working head of the State, endowed with such a plenitude of power as no other constitutional ruler in the world possesses, not even the President of the United States."[76] Another writer says, "if one must have a Latin phrase, a better one, no doubt, is Sir William Vernor Harcourt's *luna inter stella minores*—a moon among lesser stars—although even this may not really be strong enough."[77] Jennings says that the Prime

73. The office of the Lord Lieutenant of the county was first created in the sixteenth century. Its holder was chief among the county justices and commander of the county milita.
74. Churchill, W., *The Grand Alliance,* p. 370.
75. Morrison, H., *Government and Parliament,* p. 97.
76. Ramsay Muir, *How Britain is Governed,* p. 83.
77. As quoted in Ogg and Zink, *Modern Foreign Governments,* p. 90.

Minister is not merely *primus inter pares*. He is not even *luna inter stellas minores*. "He is, rather, a sun around which planets revolve."[78]

The earlier conception of the Prime Minister as first among equals, *primus inter pares*, does not reflect real difference in status and responsibility between the person who holds the first position, and is the Prime Minister, and even his senior colleagues. Sir Winston Churchill clearly expressed this distinction and it bespeaks of the Prime Minister *vis-a-vis* his Cabinet colleagues. He says, "In any sphere of action there can be no comparison between the positions of number one and number two, three, or four. The duties and problems of all persons other than the number one are quite different and in many ways more difficult. It is always a misfortune when number two or three has to initiate a dominant plan or policy. He has to consider not only the merits of the policy, but the mind of his chief; not only what to advise, but what it is proper for him in his station to advise; not only what to do, but how to get it agreed, and how to get it done. Moreover, number two or three will have to reckon with numbers four, five, and six, or may be some bright outsider, number twenty.......

"At the top there are great simplifications. An accepted leader has only to be sure of what it is best to do, or at least to have made up his mind about it. The loyalties which centre upon number one are enormous. If he trips, he must be sustained. If he makes mistakes they must be covered. If he sleeps, he must not be wantonly disturbed..."[79] Among his colleagues the Prime Minister has never been the first among equals at any time since Gladstone became Prime Minister in 1868. If he is described first among equals even now, it is simply to stress the democratic nature of his position. The Prime Minister is really a sun around which planets revolve and in the blaze of the sun the planets even lose their identity. The actual power of the Prime Minister, however, varies according to his personality and the extent to which he is supported by his party. "But within the limits of prudence and commonsense", as Byrum Carter observes "he may exercise a directing authority which is the envy of political leaders of other states."[80]

At the root of the primacy of the Prime MInister is the fact that since the Reform Act of 1867, the elections have become the issues of personality. Many members of the electorate equate the party with its leader. The party leader has become the hub of the party's appeal and the centre of the party loyalty. A General Election is now a plebiscite between alternative Prime Ministers, Gladstone, while referring to the election of 1857, rightly said, "it is not an election like that of 1784, when Pitt appealed on the question whether the Crown should be slave of an oligarchic faction, nor like that of 1831, when Grey sought a judgment on reform, nor like that of 1852, when the issue was the expiring controversy of protection. The country was to decide not upon the Canton river, but whether it would or would not have Palmerston for Prime Minister." Again, in the election of 1880, Gladstone, in his famous Midlothian campaign, carried a relentless criticism of Beaconsfield Government. The only question which electors asked themselves was whether they wished to be governed by Lord Beaconsfield or Gladstone, though the latter was no longer the leader of his party. It was the personal triumph of Gladstone and he became Prime Minister by the choice of the people. The General Election of 1945 was a personal appeal to the electors by Churchill to re-elect him. The Conservative Party hoped to "cash in on his personal popularity." Every hoarding had a picture of the Prime Minister headed by slogan : "Help him finish the job" and underneath in comparatively small letters was the almost irrelevant injunction to "vote for the Bloggs."

The Conservative Party did not even issue its manifesto. But Churchill issued one of his own and it began appropriately with the word "I". Candidates, too, ignored their party labels and called themselves "Churchill candidates." The newspapers played their own part by emphasising that the issue lay between "Churchill or Chaos" or "Churchill and Laski, Harold Laski being the current bogyman."[81] The electorate was, in other words, asked to choose for or against Churchill and they chose against.

The object of this sort of electioneering , "necessarily, is to give the Prime Minister a national standing which no colleague can rival so long as he remains the Prime Minister."[82] It

78. Jennings, W. I., *Cabinet Government, p. 183.*
79. Churchill, W., *Their Finest Hour*, p. 15.
80. Carter, B. E., *The Office of the Prime Minister*, p. 334.
81. *Ibid.*, p. 186.
82. Laski, H. J., *Parliamentary Government in England*, p. 241.

strengthens his hands against his colleagues in the Government and Parliament. And, then, he appoints and dismisses his colleagues. He can shuffle his pack as and when he pleases. He alone determines whether and when Parliament shall be dissolved. In the inter departmental disputes he is the arbitrator and if these disputes become a Cabinet question, his voice carries weight. To defy authority of the Prime Minister and to challenge his position is suicidal to the political ambitions of a Minister unless the Prime Minister "has handled his job so badly that there is a widespread feeling" of his unfitness for it.

But the Prime Minister's position is bound up with the party system. His prestige, no doubt, is one of the elements that make for the success of the party. He is also responsible for party cohesion. But, without his party, he is nothing. He goes to the electorate not as an individual, but as a leader of the party. Whatever he is and whatever he can claim to be is due to what the party has made him. So long as he retains the hold of his party, "he is able, within limits, to dictate his policy." Once the party disowns him, he meets the fate of Ramsay MacDonald. Sir Robert Peel lost his party in 1845 and it ended his career. Gladstone returned to power in 1892, because he had never left his position in the party. The Prime Minister's power in office, thus, depends in part on his personality, in part on his own prestige, and in part upon his party support. Defined powers legally conferred do not determine the position of the incumbent. "The office is", as Jennings says, "necessarily what the holder chooses to make it and what other ministers allow him to make of it". His authority is great, but his authority is a matter of influence in the context of the party structure. If he is a popular and dynamic figure, it is difficult for his colleagues to oppose him. Even the resignation of a leading Minister as that of Lord Salisbury in 1957 and of Thorneyeraft, Powell and Birch in 1958, may not unhinge the Prime Minister from his position. But he can be forced from office when faced with a substantial discontent in his Cabinet or his party. The resignations of Asquith in 1916, Lloyd George in 1922, MacDonald in 1935, and Chamberlain in 1940 came primarily as a result of discontent within the Government. Anthony Eden in 1957 and Harold Macmillan in 1963 were widely criticised within the party before 'illness' brought their resignations. Within the first two years of her tenure as Prime Minister there was a silent but sizable revolt against Mrs. Margaret Thatcher in the Conservative Party. The Party Chairman Thornycraft and the leader of the House of Commons, Francis Pym, publicly criticised her economic policy. There was again difference of opinion between Mrs. Thatcher and her Foreign Secretary Francis Pym on the Falkland Islands issue and it became evident in the House of Commons on May 13, 1982 when certain supporters of the Prime Minister seemed to back up Enoch Powell's call for Pym to resign. Sir Harold Wilson, the former Labour Prime Minister, had earlier predicted that she would be ditched by her own colleagues. It came out true. Mrs. Thatcher's position within the party and the Ministry had always been frail and ultimately she was compelled by her Party colleagues to resign on November 23, 1990, after she failed to get the requisite votes in the first round of balloting to the post of the Party leader. Ideally, the Prime Minister should have a personality which earns him or her not only the loyalty of her own Party but also a measure of ungruding respect from the Opposition. Mrs. Thatcher lacked both.

**Comparison with American President**

The office of the British Prime Minister is often compared with that of the American President. The comparison is significant for both resemble in many respects. But it would be too much, as Laski says, "to say that the position of a modern Prime Minister has approximated to that of an American President."[83] Even Churchill who attained new heights of power and authorty had not the personal powers of the President of the United States. Harry Hopkins, in a report to President Roosevelt, wrote, "Your former 'naval person' (Winston Churchill) is not only the Prime Minister, he is the directing force behind the strategy and the conduct of war in all its essentials. He has an amazing hold on the British people of all classes and groups. He has particular strength both with the military establishments and the working people."[84] Churchill, too, admitted that "never did a British Prime Minister receive from Cabinet colleagues the loyal and true aid which I enjoyed during the five years from these men of all parties in the State. Parliament, while maintaining free and active criticism,

83. *Ibid.*
84. As cited in Jennings, W. I., *Cabinet Government*, p. 181.

gave continuous, overwhelming support to all measures proposed by the Government, and the nation was united and ardent as never before."[85] But Churchill accomplished all this because he had a united Cabinet, a united Parliament, and a united people behind him. Both the Cabinet and Parliament supported his policy. He could not act without his Cabinet as President Roosevelt could do. To illustrate the difference in the position and powers of the President of the United States and the British Prime Minister, Jennings says that "the President pledged the United States in the realization of the objectives of the Atlantic Charter while the War Cabinet, not the Prime Minister, pledged the United Kingdom."[86]

This is the essence of the difference between the authority of a Prime Minister and a President of the United States. Churchill had to observe the constitutional norms by seeking the approval of the Cabinet and the Cabinet was dependent upon the unswerving support of the House of Commons. The Prime Minister is not the master in his Cabinet as the American President is in his. The Cabinet of the President is essentially a group of advisers appointed by and responsible to him. They are bound to give advice to the President should he ask for it, but have no authority to it. They do meet regularly and consider what the President likes to put before them, but they have no corporate rights which are recognised by custom. The difference between the British Cabinet and the American becomes clear by these two anecdotes. Melbourne ending the discussion on Corn Laws said, "It does not matter what we say, but we must all say the same story." Lincoln, on the other hand, could say on putting the question in his Cabinet. "Noes seven, ayes one, the ayes have it."

The Prime Minister can less easily brush aside the opinions of his colleagues. His powers are large, but he has to secure the collaboration of his colleagues. His Cabinet consists of the party's most important leaders. They all share publicity with him to a greater extent. Sometimes one of them may even attract greater public interest and popular enthusiasm. Then, the Prime Minister is still officially the first among equals in his Cabinet. His status must not, therefore, be thought of involving his superiority to and independence of his Cabinet, though in time of crisis or when he happens to be a man of outstanding personality, he may become the complete master of the situation. All the same, the Prime Minister "is solid with his colleagues; the party has cemented them together as a multiple but a corporate executive."[87] Churchill had such effective power that no British Prime Minister had had before. But the War Cabinet or Parliament could have ejected him if he would have lost the confidence of either of the two. The thought, therefore, that the Prime Minister stands high above and aloof from his colleagues and that he orders and decides "top policy", like the President of the United States is, according to Herman Finer, "ridiculous : it is wishful thinking; it is misleading for Britain and for the United States." Even Harry Hopkins, who had reported in 1941, to President Roosevelt that "Churchill is the government in the every sense of the word,"[88] could find the differences between the authority of the Prime Minister and the President of the United States when he observed during three days of the Conference in the Atlantic that Churchill was constantly reporting and consulting the War Cabinet.[89] Whereas Roosevelt took all the decisions by himself, subject only to the advice of his immediate and self-selected entourage, which advice he could accept or reject, Churchill could do so only by inspiring those whom he had chosen as Ministers, and carrying them with him.

In his book, *The Office of Prime Minister,* Byrum E. Carter observes, "Comparisons between unlike systems are always inherently misleading, but it does seem safe to say that the power of the Prime Minister and his senior colleagues is substantially greater than that of the American President."[90] Carter assigns two reasons for his conclusion. First, the American President has no power to dissolve Congress and it sits for its specified period of time in the Constitution. The Congress may and it very often does drastically amend proposals which emanate from the administration. The President has, no doubt, certain means by which he can attempt legislation, "but they are not comparable in effectiveness to those wielded by the Prime Minister."[91] Secondly, the

85. Churchill, W. *The Second World War, Vol. II.*, p. 24.
86. Jennings, W. I., *Cabinet Government*, p. 181.
87. Finer, H., *The Theory and Practice of Modern Government, op. cit.*, p. 593.
88. Sherwood, Robert E., *Roosevelt and Hopkins.*, p. 243.
89. More than thirty communications passed between Churchill and Clement Attlee, the Lord Privy Seal.
90. Carter, B. E., *The Office of the Prime Minister*, p. 336.
91. *Ibid.*

President is the head of the party, "but it is party in which the central organisation has little control."[92] The real basis of a party organisation in the United States has historically rested in the States and it is difficult for the central party to exercise discipline. The Prime Minister, on the other hand, heads a disciplined party and since a General Election is now fought on personalities this "inevitably enables the party leader to extend his power against that of the rank and file members of the Party, and even as against those individuals who exercise substantial intra-party influences themselves."[93] Summing up the differences in the powers and position of the British Prime Minister and the American President, Punnett says, "Certainly, the Prime Minister's power is greater than the authority of the President within the United States system, where the federal nature of the Constitution and the separation of powers raise barriers to the President's authority which do not exist for Prime Minister in Britain."[94] In Britain, the unitary nature of the Constitution, and the unification rather than separation of powers make the authority of the Prime Minister, no matter how much he may be limited by the Cabinet, necessarily greater than that of the American President. But the President, wrote Woodrow Wilson, just before his first inauguration, "is expected by the Nation to be leader of his party as well as the Chief Executive officer of the Government, and the country will take no excuses from him. He must play the part and play it successfully or lose the country's confidence. He must be Prime Minister as much concerned with the guidance of legislation as with the just and orderly execution of law, and he is the spokesman of the Nation in everything, even in the most momentous and most delicate dealings of the Government with foreign nations." Laski puts it in a matter of fact way when he says that "The President of the United States is both more and less than a King; he is also both more and less than a Prime Minister. The more carefully his office is studied, the more does its unique character appear."[95]

**Prime Ministerial Government**

The confussion in not clearly demarcating the powers and position of the Prime Minister and the American President is closely linked with the popular belief that Britons no longer have Cabinet Government, but instead live under Prime Ministerial Government. Crossman argues that ".......The post-war epoch has been the final transformation of Cabinet Government into Prime Ministerial government........"[96] Mackintosh also said : "Now the country is governed by a Prime Minister, his colleagues, Junior Ministers and civil servants with the Cabinet acting as a clearing house and court of appeal."[97]

Is it true, then, that the Prime Minister, for all practical purposes, is the Executive in Britain? Are the members of the Cabinet little more than his dependants, selected at his will and hold office so long the Prime Minister wishes them to ? What real influence other Ministers exercise in the formulation of Cabinet policy in the context of the individual responsibility for the Departments under their charge as well as collective responsibility for Cabinet decisions ?

It is now generally agreed that the Prime Minister's powers are today great, and in many respects are growing. The post-war period has many instances to provide the primacy of Prime Minister's power. For example, the decision to make the atom bomb by the first Labour Government was not taken in the Cabinet but in the Defence Committee of the Cabinet. The Suez adventure of 1956 was largely the personal policy of the Prime Minister, Anthony Eden. The decision to try to take Britain into the Common Market in 1961 was essentially that of the Prime Minister, Harold Macmillan. The decision of the Labour Government in 1965 to attempt a new approach to Europe also rested ultimately on the Prime Minister, Harold Wilson. The first seventeen months of Labour Government's regime after the 1964 General Election disclose how greatly the Prime Minister was personally responsible for the tone and decisions of the Government as a whole. The decision to dispatch the Royal Navy Armada on April 5, 1982 to recapture the Falkland Islands seized by Argentina, was Mrs. Thatcher's alone. Similarly, the British Government's policy against the racist regime of South Africa was essentially the determination of Prime Minister Margaret Thatcher, though

92. *Ibid.*
93. *Ibid.*
94. Punnett, R. M., *British Government and Politics*, p. 307.
95. Laski, H. J., *The American Presidency*, p. II.
96. Crossman, R. H., *Introduction to English Constitution*, p. 51.
97. Mackintosh, J.P., *The British Cabinet*, p. 524.

compelling reasons obliged her to soften and to bring in a streak of flexibility. Tony Blair joined Bill Clinton on his own in synchronizing British bombing attacks on Iraq in 1999.

Even then it does not mean that the Prime Minister is assuming the role of 'Presidential authority' and that the increase in the authority of the Prime Minister has produced a basic change in the system of the Cabinet Government in Britain. Herbert Morrison rejected the thesis of Prime Ministerial Government and said that the Prime Minister, "....is not the master of the Cabinet", and he ".......ought not to, and usually does not, presume to give directions or decisions which are proper to the Cabinet or one of its Committees."[98] Morrison is supported by many other writers and statesmen. They all accept that the Prime Minister is powerful, yet assert that he is not overwhelmingly supreme as the Cabinet remains a collective executive body. A Prime Minister cannot ride roughshod over the will of the Cabinet. And as stated earlier, "he is both a captain and a man at the helm."[99] But he can remain at he helm only if he plays the game of politics like a captain. A captain must carry the team with him. Without a team there can be no captain just as without a captain there can be no team. The reality of collective responsibility, therefore, is not disproved by the great power of the Prime Minister in modern political conditions. Prime Ministerial power must be understood as varying with political circumstances and with the personal fortunes of the man who wields it. "The fundamental fact about the position of the Prime Minister is that he must operate flexibly within parliamentary and cabinet system in which power is distributed and which gives the Prime Minister as much command of the political situation as he can earn."[100] If his influence is as great as that of the American President, even then he is very far from having the powers of the President who is accountable to nobody except the electorate and that too after a specified period of four years. The Prime Minister, in varying degrees, is, on the other hand, accountable to his Cabinet colleagues, his party and even, in some degree, to the Opposition, as he considers it his duty to consult with the Leader of the Opposition at moments of national crisis, as for example, in the case of Falkland Islands.

98. Morrison, Herbert, *Government and Parliament*, p. 52.
99. Amery, L. S., *Thoughts on the Constitution*, p. 72.
100 Ronald Butt, *The Power of Parliament*, p.427.

**Prime Minister and Monarchy**

When no single party emerges as the majority party in Parliament, the monarch has to exercise his discretion in appointing the Prime Minister. In 1924 and 1929, the king appointed Ramsay Mac Donald as Prime Minister who formed minority Labour Governments with the outside support of the Liberal Party. In both cases, George V exercised his discretion correctly. However, in 1931 the political developments that followed the resignation of Mac Donald have aroused considerable controversy. The king, according to Laski and Greaves, played an activist role in the formation of the Coalition Government with MacDonald, traitor to his own Labour Party, presiding over a predominantly Conservative Cabinet in which few defectors from the Labour and Liberal parties were also included. The new government passed the National Economy Act, dissolved Parliament, fought a general election with the king's blessings under conditions of mass hysteria and received a massive electoral victory."

Both Laski and Greaves severely criticise the monarch's activist role in influencing his Labour Prime Minister so that he conspired secretly to bring the downfall of his own party's cabinet without its knowledge and without consulting his own Parliamentary Labour Party. In the name of 'Nationalism', the nominal rulers of Italy and Germany put dictators like Mussolini and Hitler in power so that they could safeguard capitalism. The British monarch used his political influence to overthrow the Labour Government and assemble the so-called National Coalition under MacDonald, the defecting Labour Prime Minister, so that he could resolve the economic crisis in England on the terms acceptable to the British capitalist class. The new Prime Minister, in fact, implemented the actual Tory policies in a 'national' disguise.

It is an established historical fact that monarchy, despite its cloak of neutrality, is emotionally and practically an essential part of the Conservative establishment. Some Liberal and Labour Prime Ministers have often felt that there is a certain degree of apathy and aloofness, even antipathy and aversion occasionally, in their relations with the monarch. Asquith in 1910 and Attlee in 1951 faced pressure from George V and

George VI respectively to dissolve the House of Commons, as demanded by the Conservatives at those occasions. Despite this, no Prime Minister has ever felt the need for abolishing monarchy as an institution. Even Lord Attlee believed "that it is right to have a certain amount of pageantry, because it pleases people and it also counteracts a tendency to other forms of excitement." (*The Times, July* 9, 1952). The present Prime Minister of the Labour Government, Tony Blair, is trying to abolish the institution of hereditary peers in the House of Lords and may succeed in doing so but he has no quarrel with hereditary monarchy. The reason is that no Prime Minister ever feels threatened or thwarted by the existence of a ceremonial monarchy. The monarch cannot influence him in changing any of his policies unless he is himself willing to be influenced in that direction.

The present initiative of the Labour Prime Minister, Tony Blair, is playing an activist and supportive role to the American President, George Bush, in the Afghan War against the Taliban and Osama bin Laden's *Al Quaeda*, without obtaining the concurrence of his cabinet, shows that the British Prime Minister is supreme in determining the foreign policy of his country. The cabinet lacks real control over his authority.

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# CHAPTER VI

# The Machinery of Government

## THE DEPARTMENTS AT WORK

### Working of the Departments

The preceding Chapter analyses how the Cabinet does its work. But the Cabinet is only policy formulating body. All details with the working out of policies so formulated, and all routine business connected thereto are left to the various Ministries or Departments of the State located in the Whitehall, just in the vicinity of Parliament. These Departments are presided over by Ministers—usually, but not without exception, Cabinet Ministers—no matter what they are called, First Lord, Chancellor of the Exchequer. Foreign Secretary, President of the Board, or by any other designation. The Minister, who is a political chief, is responsible for all activities of organisations within the Department with a view to successful implementation of policy of the Government. As the Minister cannot himself know about all the activities and operations of a large Government Department, he must rely upon subordinates in whom he has confidence. A successful Minister is one who can develop a competent team of principal assistants and who can infuse the entire staff in the Department with his personality so that the organisation functions in a desirable and creditable manner. Harold Nicholson has written : "A Minister of strong personality immediately alters the whole atmosphere of his department and in the shaping of events, atmosphere is a far more important element than written word."

Below the Minister in a typical Department are one or two Junior Ministers designated as Parliamentary Under-Secretary of State or Parliamentary Secretary, who is also a member of the Ministry.[1] It is a frequent practice for one of those two Ministers to be chosen from the Lords and the other from the Commons in order that there may be some person in each House competent to represent the Department and answer queries with regard to its work.[2] They all go in and out of office with the change in the party control of Government. Hence their tenure of office is temporary and is dependent on the life of the Ministry. The function of the Junior Ministers is to relieve their senior Ministers of their burden by taking part in Parliamentary debates and answering Parliamentary questions, and by assisting in their departmental duties. Writing about the duties of a Parliamentary Under-Secretary, Winston Churchill said that he was often changed, "but his responsibilities are always limited. He has to serve his chief in carrying out the policy settled in the Cabinet, of which he is not a member and to which he had no access." He cannot dictate or determine policy that is the function of the Minister alone. This point came into prominence during the investigations of the Lynskey Tribunal in 1949. The Tribunal brought out that one Parliamentary Under-Secretary had on occasions overruled the advice of the permanent officials in his Department without consulting the Minister. When this was revealed, Prime Minster Attlee laid down the definite ruling that a Junior Minister should not override the advice of the permanent officials in his Department without reference to his political chief, who alone is responsible to Parliament for the policy and efficient functioning of his Department.

Below in the departmental chain is the Permanent Secretary[3] who occupies a position of the very highest responsibility and importance. Then, there are a Deputy Secretary, Under-Secretary, Assistant Secretaries, Principals, Assistant Principals, and many others who do merely Secretarial work of a purely routine character.

1. Where a Senior Minister is a Secretary of State, the Junior Minister has the title of Parliamentary Under-Secretary.
2. The Ministers of the Crown Act, 1937, specified that only eighteen out of twenty-one Ministers listed in the Act could serve in the House of Commons at one time. The House of Commons Disqualification Act, 1957, declared that not more than twenty- nine senior Ministers listed in the Act, and not more than seventy Ministers in all, could serve in the House of Commons at one time. The Ministers of the Crown Act, 1964, increased from seventy to ninety-one the total number of Ministers to serve in the House of Commons and abolished the limit on the number of senior Ministers.
3. Known as the Permanent Under-Secretary of State in those Departments where the Minister is a Secretary of State.

Highest and lowest, these non-political agents of administration make up, in general, the Civil Service. Civil Servants are those servants of the Crown, other than holders of political or judicial offices, who are employed in a civil capacity, and whose remuneration is paid wholly and directly out of moneys voted by Parliament.[4] Their tenure of office is permanent and they continue to function regardless of all political changes in the country. They are outside the domain of politics and this is one of the most characteristic features of the Civil Service in Britain. The permanent heads have in most cases been so long attached to their respective Departments that they acquire a complete grasp of affairs within their own spherers. With their expert knowledge, they help the Ministers to see that the Department works efficiently and in a particular direction determined by the policy of the Government. Lord Balfour has given a true picture of the position which Civil Servants occupy in Britain. "They do not control policy; they are not responsible for it. Belonging to no party, they are for that very reason an invaluable element in Party Government. It is through them, especially through their higher branches, that the transference of responsibility from one party or one minister to another involves no destructive shock to the administrative machine. There may be change of direction, but the curve is smooth."[5] Indeed, to a large extent they direct the actual working of the Department, and the Minister who controls the Department relies mainly upon the Civil Service for any new course of action which he desires to take.

The Permanent Secretary of a Department is the chief civil servant of the Department and he occupies a pivotal position. In the first place, he is the general manager in charge of the administrative work of the Department. At the head of the entire administrative hierarchy he is responsible to the Minister for the proper functioning of the Department. Secondly, he serves as chief adviser to the Minister on all matters of departmental policy and administration. But between the Minister and the Permanent Secretary these must exist mutual trust and confidence.

Below the Permanent Secretary the organisation of the Department fans out. Usually he has below him one or two Deputy Secretaries who supervise various branches of Ministry. They in turn have under them one or two Under-Secretaries each controlling several Assistant Secretaries and below the Assistant Secretaries come the Principals and Assistant Principals. All lines of responsibility within the Department converge inward and upward to the permanent Secretary and through him to the Minister.

The functions of the Departments may be said to be four. First, a Department must answer for its administration to the public. To put it more accurately, the officials of the Department must provide to their political chief all relevant information so that he may defend the actions of his Department in Parliament and on the public platform. That is to say, the policy of the Department is so framed that it must be capable of "articulate rational defence." The second function of the Department is the drawing up of its policy. It performs this both from its own administrative experience and from the direction given to it by its political chief. The Department prepares the draft of the scheme, works out its details in accordance with the general policy of the Ministry and consults the interests likely to be affected by it. If the scheme of policy cannot be carried out within the existing framework of the law, then, it passes into the stage of proposals for the Bill. After its approval by the Cabinet Committee, it is sent to the Parliamentary Counsel to the Treasury to be drafted as a Bill to be laid before Parliament. The Bill is sponsored and piloted by the Minister and it is his responsibility to see it through. But permanent officials of the Department will have to be in attendance in the "box" of the House and Committees to assist him with information and advice. It will, thus, be clear that even if the inspiration for the Bill may have come from the Minister, the preparatory work is the task of the Departments and in great part the result of the influence exerted by the Civil Servants.

Finally, it is the implementation of the policy. When the policy has been determined, presented, and sanctioned, it becomes the duty of the permanent officials of the Department to see that it is faithfully carried out, even if it is not exactly what they might have advised. There is little evidence in Britain on civil servants sabotaging the policy of the responsible political head of their Department.

Most modern statutes are "skeleton legislation." Parliament legislates in general terms only, empowering the Department concerned to work out the detailed regulations necessary to

4. Based on a definition given by the Royal Commission on the Civil Service 1929-31 (The Tomlin Commission).
5. Introduction to Bagehot's *English Constitution*, p. XXIV.

give effect to the Statute. It may also merely empower a Department to make rules with regard to a specific matter. The regulations made by the Department have the force of law. The "statutory in- struments" are so numerous that ever since 1890, Parliament has provided for the publication of an annual volume of "statutory rules and orders." Thus the Department will, probably, concurrently with its preparation of the Bill, have been working out regulations and other acts of subordinate legislation, and shortly after the Bill becomes law will issue them in a form drafted by its own lawyers. This process of delegated legislation had been the subject of severe criticism and Lord Hewart, in his book, *The New Despotism*, characterised this practice, cou pled with administrative adjudication—as "the new despotism" of the civil service.

Some administrative policy-making takes a quasi-judicial form. For example, the Minister of Town and Country Planning is empowered to decide what "development charge" shall be levied on land developers and where a new town shall be located. Similarly, it is for the President of the Board of Trade to determine what regions of the country shall be declared "development areas" in which industry will be financially encouraged to locate. Decisions of these kinds are not truly judicial as they do not determine legal rights. "They are, however, an extremely important means by which administrators make policy and shape the nation's future, within the framework of powers agreed to by Parliament."[6]

**Departments of Government**

It is not possible within the compass of this book to give a thorough description of work done by each Department. But it is worthwhile to look into the working of Departments arranged in groups by reference to similarity of work undertaken. The main Departments may be grouped thus:

(1) *General Departments.*
 The Treasury.
 The Home Office.
 The Scottish Office.

(2) *Economic Departments:*
 Ministry of Agriculture, Fisheries, and Food.
 Board of Trade.
 The Board of Customs and Excise.
 Ministry of Fuel and Power.
 Ministry of Labour and National Service.
 Ministry of Supply.
 The Post Office.
 The Ministry of Works.
 Ministry of Housing and Local Government.
 Ministry of Transport and Civil Aviation.

(3) *Social Welfare Departments:*
 Ministry of Education.
 Ministry of Health.
 The Department of Technical Co-operation.
 Ministry of Pensions and National Insurance.
 The Department of Scientific and Industrial Resarch.

(4) *Imperial and Foreign Departments :*
 The Foreign Office.
 The Colonial Office
 The Commonwealth Relations Office.

(5) *Defence Departments:*
 The Admiralty.
 The War Office.
 The Air Ministry.
 The Ministry of Aviation.
 The Ministry of Defence.

This is not a comprehensive list. A full list is published at intervals by the Stationery Officer under the title : "His/Her Majesty's Ministers and Heads of Public Departments." The Ministry formed by Sir Winston Churchill in 1951 contained the holders of thirty-eight offices. In October 1961 there were thirty-five in the Government of Harold Macmillan. The Labour Government of Harold Wilson created five new Departments and also made certain major adjustments in the jurisdiction and functioning of the already existing Departments. The newly created Departments were : The Department of Economic Affairs, The Ministry of Technology, The Ministry of Overseas Development, The Ministry of Land and Natural Resources, and the Welsh Office.

The "Senior" Department is the Treasury. Nominally, the heads of the Treasury are the Lords Commissioners : The First Lord of the Treasury (now always the Prime Minister), the Chancellor of the Exchequer and five junior Lords. In practice, the Lords Commissioners never meet as a Board and their responsibilities are carried by the Chancellor of the Exchequer assisted by the Chief Secretary to the Treasury, the Financial Secretary and the Minister of State. There is also a Parliamentary Secretary to the Treasury, who is the Chief Government Whip in

6. Marx, *Foreign Governments (1952)*, p. 87.

the House of Commons.

The functions of the Treasury fall under four main headings : finance, control of expenditure, general civil service establishment matters, and co-ordination of economic policy. Since the Treasury has "the power of the purse", it has won for itself a position of supremacy and from the very early stage it is the most powerful Department of the Government. "The power of the purse of the Treasury," Sir Robert Chalmers, the Permanent Secretary to the Treasury, told the MacDonald Commission, "means that all acts of administration requiring money (and practically all do in one form or another) come before the Treasury, and as a sort of shadow of that, there necessarily follow, and there are, intimately connected with, all the staff questions as to how to carry out the administrative problems that come before the Treasury."[7] One of the Permanent Secretaries of the Treasury is the Head of the Civil Service.

*Parliamentary Council to the Treasury.* The office of the Parliamentary Council is responsible for the drafting of all Government Bills, except those Bills or provisions of Bills extending exclusively to Scotland, which are handled by the Lord Advocate's Department. The office drafts all financial and other parliamentary motions and amendments moved by the Government during the passage of the Bills. It advises Departments on questions of parliamentary procedure, and attends committees and sittings in both Houses. It also drafts subordinate legislation when specially instructed, and advises the Government on legal, parliamentary and constitutional questions falling within its special experience.

**Advisory Bodies**

There are several hundred Committees and Councils attached to Government Departments for the purpose of consultation or expert advice, of which about 500 are permanent bodies attached to the main Departments. The advisory bodies are appointed by the Minister concerned and their membership includes civil servants, industrialists, trade unionists, university and industrial scientists, local government officials and experts from many other walks of life. There are three main types of such bodies, in which representatives of the Government meet representatives of groups outside Government; expert bodies, which formulate recommendations for action in a particular field; and bodies which have advisory status but which in practice decide matters themselves, e.g. the Central Training council in child care, the Air Transport Advisory Council, the Safety Board, etc.

In addition to these advisory committees there are *ad hoc* committees which the Government frequently sets up to examine and make recommendations on specific matters. For certain important inquiries a Royal Commission, whose members are selected on the grounds of their wide experience and diverse knowledge of the subject under study, may be appointed by Royal warrant. A Royal Commission examines written and oral evidence from Government Departments and other interested organisations and individuals. The Commission makes recommendation which the Government may accept in whole or in part or may take no action thereon. Public inquiries are also undertaken by departmental committees appointed by the head of the appropriate Department.

## CIVIL SERVICE

**Growth of the Civil Service**

The Civil Service, as Graham Wallace said, "is the one great political invention in nineteenth century England."[8] Originally, the work of Government was done by persons of the Royal Household. With the development of the Cabinet system of government they came to be recruited by patronage, though it did not assume the form of Spoils System as it had prevailed in the United States. Once appointed, an official could expect to be retained so long as he was in good health and reasonably efficient. But in the late eighteenth and early nineteenth centuries such a system of recruitment was severely condemned by persons like Burke, Bentham and Carlyle. The Haileybury experiment, which aimed to give a rigorous training for youngmen destined to go to India in the service of the East India Company, provided an impetus for immediate reform of the British Civil Service. By the middle of the nineteenth century competitive examinations were introduced, first for the Indian Civil Service, and then, in 1870, for the British Civil Service. A Civil Service Commission was established through the initiative of Gladstone, which was alone empowered to admit persons to the service. Since that time several careful studies and a number of Orders-in-Council have furnished the basis of increased efficiency in matters of re-

7. See Finer., H., *The British Civil Service* (1937), p. 51.
8 *Ibid.*

quirement, division of the services into different grades, admission of women, determination of pay scales, etc. The result has been a large degree of unification.

In 1966, the Government appointed a Committee under the chairmanship of Lord Fulton, then Vice-Chancellor of the University of Sussex, to examine the structure, recruitment and management, including management training, of the Civil Service. The Fulton Committee submitted its report on the Civil Service in June 1968 and as a result of which an important programme of reconstruction and reform was undertaken.

The programme launched by the Civil Service is designed to make it more effective in carrying out its changing and expanding tasks, and will take several years to complete both because of its complexity and because of the resources in money and manpower that its full implementation requires. Nevertheless, since the Government's acceptance of the main Fulton proposals, action has been taken on quite a number of points. The Civil Service Department, under the control of the Prime Minister, has been in operation since November 1968; the Civil Service College has been opened since June 1970, with two centers in England and one in Scotland, and a greatly extended training programme has been introduced throughout the service; and a merger into a new administration group of the former administrative, executive and clerical classes, up to assistant secretary level, was effected in January 1971. In addition, a plan to absorb all posts from permanent secretary down to and including Under-Secretary and equivalent grades into a single, separate unit is now complete.

The number of civil servants is more than 500,000[9] and out of these 200,000 are industrial civil employees (primarily post office Engineers and employees in naval dockyards and Royal Ordinance Factories). But the term civil servants is generally used to cover non-industrial members of the staffs of the various Government Departments in the United Kingdom or working overseas. The total number of industrial and non-industrial civil servants employed in all Departments ( at home and overseas), is about 855,000 nearly one-third are women. The great expansion in State planning is essentially responsible for this huge number of civil servants. It has also led to further reorganisation.

**Organisation of the Service**

The guiding principles of Civil Service organisation are simple and obvious. They are three: a unified service; recruitment by open competition; and classification of posts into intellectual for policy and clerical for mechanical work, to be filled separately by separate examinations. In 1920, as a result of the recommendations of the Reorganization Committee—a Committee of the National Council—Civil Service was reorganized and an executive grade was interposed between the administrative and clerical. The report set out a simple two-fold division. "The administrative and clerical work of the civil service may be said, broadly, to fall into two main categories. In one category may be placed all such work as either is of a simple mechanical kind or consists in the application of well-defined regulations, decisions and practice to particular cases; in the other category, the work which is concerned with the formulation of policy, with the revision of existing practice or current regulations and decisions, and with the organization and direction of the business of Government." Each of these two main categories contains two of the four existing general classes.

The top administrative group is the pivotal and directing class of the whole Civil Service. They "are responsible for transmitting the impulse from their political chief, from the statutes and declarations of policy through the rest of the service and out of the public."[10] On this group rest the responsibilities for advising Ministers on questions of policy, and for controlling and directing Departments. It is a body of advisers, "a permanent brains trust," who find solutions for various administrative problems that arise outside the normal routine of departmental work, supply suggestions which may form the ingredients of supreme policy, and interpret regulations applying them to difficult cases. Sir Warren Fisher cogently explained the principles on which civil servants act : "Determination of policy is the function of Ministers, and once a policy is determined it is the unquestioned and unquestionable business of the civil servant to strive to carry out that policy with precisely the same goodwill whether he agrees with it or not. That is axiomatic and will never be in dispute. At the same time, it is the traditional duty of civil

9. Including part-time Staff—two part-time officers being reckoned to one whole time officer.
10. Finer, H., *The Theory and Practice of Modern Government*, p. 767.

servants, while decisions are being formulated, to make available to their political chiefs all the information and experience at their disposal, and to do this without fear or favour, irrespective of whether the advice thus tendered may accord or not with the minister's initial view. The presentation to the minister of relevant facts, the ascertainment and marshalling of which may often call into play the whole organization of the department, demands of the civil servant greatest care. The presentation of inferences from the facts equally demands from him all the wisdom and all the detachment he can command."[11]

The Administrative class itself formulated its duties in a statement submitted to the Tomlin Commission.[12] These duties have been succinctly summed up by Jennings. He writes that the civil servant's function is "to advise, to warn, to draft memoranda and speeches in which the Government's policy is expressed and ex plained, to take the consequential decisions which flow from a decision on policy, to draw attention to difficulties which are arising or are likely to arise through the execution of policy, and generally to see that the process of government is carried on in conformity with the policy laid down."[13] Sir Horace Wilson, then Permanent Secretary in the Ministry of Labour, defined the duties of the Administrative class to the Tomlin Commission. He said : "Broadly speaking, the main quality that is required seems to me to be a capacity to take the facts about a particular subject, to put them into shape, to suggest the deductions that might be drawn from them, to propose the lines of policy that might be adopted in relation to them, and generally to apply a constructive analytical mind to what I would call the policy of the Ministry.

For the efficient performance of these arduous duties the Administrative Officers must necessarily possess a trained mental equipment of a high order capable of the ready mastery of complex and intricate problems. The qualities exactly wanted in an Administrative Officer are judgment, *savior faire,* insight and fairmindedness. For, the men who enter this class are not, as Finer says, "merely secretarial; they are the young shoots who may twenty years hence be permanent heads of the departments or very closely associated with it."[14] Its members are, in majority of cases, university graduates who attained front rank eminence at the universities. After having entered service, through competitive examination, they get a general training, in more or less every branch of administration up to a comparatively late age. This is, according to the argument of Macaulay and Jowett, a better qualification for intellectual work than a special training, and that success in that training is likely to indicate desirable qualities of character. It also accounts for the liberal outlook of the civil servants in England.

The members of administrative class are recruited by a severe competitive examination. Recruitment to this class is by no means confined to ordinary competition entrants and to candidates of University standard who entered by special competition in the two post-war periods. About 40 per cent of the total are recruited from other classes, within the service, by promotion, limited competition, or transfer. This is partly due to the pressure from staff associations representing the other classes, anxious to secure opportunities of promotion for their members and partly due to the greater needs of government than could be met from the regular planned intake into the class.

The specialist classes (General and Departmental), which number about 130, 000 include Scientific, Professional and Technical classes and other classes which carry out the wide range of specialised activities now undertaken by the Government. The categories include Accountants, Architects, Doctors, Economists, Engineers, Lawyers, Librarians, Statisticians, Surveyors and Scientists in all branches of science. The recruitment to such jobs is not subject to competitive examination. Specialists who possess duly recognised qualifications and a particular standard of training and experience are appointed for individual jobs. Vacancies are advertised and the selection is made through the method of interview.

In addition, there are many other departmental classes where employment is peculiar to one Department, for example, Post Office, Factory Inspectorate of the Department of Employment and Productivity, School Inspectorate of the Ministry of Education and Science, the Inspectorate of Children's Department of the Home

11. As cited in Jennings' *Cabinet Government,* pp. 114-115.
12. It is reproduced in full in Herman Finer, *The Theory and Practice of Modern Government,* pp. 769-770.13.
13. Jennings, W. I., *Cabinet Government,* p. 116.
14. Finer, H., *The Theory and Practice of Modern Government,* p. 770.

Office, and the Mines Inspectorate of the Ministry of Power.

The Diplomatic Service is a separate self-contained service of the Crown, which provides the staff (comprising some 6,200 civil servants) for services in the Foreign Office and Commonwealth Office and at United Kingdom diplomatic missions and consular posts in foreign and in independent Commonwealth countries. Its functions include advising on policy, negotiating with overseas governments and conducting business in international organization, promoting British exports and the advancement of British trade; presenting British ideas; and protecting British interests abroad.

The service has its own grade structure, corresponding by salary with the grades of the Administrative, Executive and Clerical classes of the Home Civil Service. It also has Secretarial, Communications and Security Guard branches. Various specialists and advisers from Home Departments or the armed forces may serve at overseas posts on secondment or attachment to the Diplomatic Service.

## CIVIL SERVICE EVALUATED

### Role of the Civil Service

The growth of the Civil Service in Britain is a comparatively modern phenomenon. During this period the British Civil Service has assumed a great constitutional prominence. Three factors are of particular importance in this respect. The first is the change from the negative State to the positive State. As the functions of the State increased, the services of a professional staff were increasingly recognised necessary and the complexity of the work involved compelled the Minister's to leave to their officials all but the largest decisions on major policy. But when the issue is one which must be submitted for the Minister's personal decision, it has even then to be fully and fairly presented to him so that all the material facts and considerations are before him. Civil Servants matter in the determination and presentation of the relevant material.

This is, indeed, a rough classification, but the fact remains that a very large number of decisions is taken by senior Civil Servants. Even if the decision is taken by the Minister or the Cabinet, the case must be prepared. Information is collected by an Executive and he gives his suggestions, if he is asked to do. His memorandum goes to the Administrative Secretary who gives his own comments and if he does not approve the work of the Executive he may prepare it anew. Then, the file may travel to others in the same Department or in other Departments, if it concerns any other, for their remarks, and all concerned may add their comments of agreement or disagreement. At the end, when the file goes to the Minister, it contains a definite. statement of the practicable alternatives, with the arguments for and against each of them. He can see the file if he wishes, but generally there is no need, because the combined wisdom of the Department has brought the question down to an issue where commonsense and political *savoir faire* are the qualities required. If he says that he must consult the Cabinet, he makes up his own mind and gets an Executive to state the case in a Cabinet Memorandum.

The second is the method of recruitment by open competition conducted by an independent body, the Civil Service Commission. The open competitive examination is not an examination in special and professional subjects deemed necessary as a preparation for a career of professional administration. Such a system of examina tion has, no doubt, certain tangible defects. But the British system of competitive examination aims at testing the general ability of candidates. Coupled with the written test is the *viva voce* test. The object of the interview is to fathom their intelligence and alertness, vigour and strength of their character, and potential qualities of leadership so that the administrators of tomorrow may not only think, argue, and write but also devise, act and lead.

It does not, however, mean that there is in Britain no political or purely personal influence on appointments or promotions. But the grossest forms of patronage are certainly absent. This is one of the very important reasons of the high standard of efficiency maintained by the Civil Service. The civil servant in Britain is not so ruthlessly subjected to the disappointment and irritation caused, as for instance in Canada, and for many reasons in India, by the imposition over their heads of ministerial proteges of minor capacity. The British public service traditions encourage honest opinion and fearless criticism. But so long as politicians can influence in any vulgar sense appointments, promotions and the distribution of honours there is, as Jennings aptly says, "a risk of toadying, flattery and self-seeking."

The third important reason is the ethics of the British Civil Service or the code of conduct

which every civil servant is required to observe. This is a code laid down partly in Acts of Parliament and partly in orders, regulations, and instructions issued by the Government and by Departments of the Government. "It is a stringent code," as Barker put it, "designed to pre vent any chance of economic corruption and any opportunity of political influence." The principles it enjoins and the standards it sets work as effectively as the professional codes of the doctor and the lawyer in that country and like them the British administrative code of ethics, too, rapidly became a moral for the whole world.

The British civil servant is rigidly neutral and rigorously impartial in economic and party political issues. He "may not make political speech, print a partisan article or tract, edit or publish a party newspaper, canvass for a party candidate or serve on a party committee." He probably by nature, but most certainly by training, stands somewhat aloof from political parties. He has neither any personal motive nor any design. By virtue of his security of tenure he represents the principle of continuity in government. He is a link between successive Ministries, and the repository of principles and practices which endure while governments come and go. He serves with equal fidelity whatever be the complexion of Government. In 1932, when Britain became protectionist the officials of the Treasury and the Board of Trade did their best to produce the most efficient protective system that their ingenuity could devise. When MacDonald succeed- ed Lord Curzon, in 1924, at the Foreign Office, the official who had served Lord Curzon continued as MacDonald's Private Secretary. The Labour Party had really no occasion in 1924, in 1929 or in 1945, as also in 1964, in 1966 and in 1974 to change the occupants of some of the key positions in public service. "To prevent any possible difficulty in foreign policy," writes Jennings, "Mr. Arthur Henderson, who became Foreign Secretary in 1929, circulated in the Foreign Office copies of the official Labour Party programme, *Labour and the Nation.* By 1945, however, the views of Labour politicians were sufficiently well understood to make such a precaution unnecessary." The fact is, that the civil servants are servants of Her Majesty, the Government—whatever the political colour of that Government may be—and of the nation as a whole.

There is no evidence to show any kind of intrigue between Civil Servants and the Opposition. All civil servants feel a temporary allegiance to the party in power and its programme, no matter what their bias or personal conviction. All do their jobs with honesty. The men at the top give their advice frankly until their chief has reached his decision. But once the decision is there they deem it their duty to carry that out loyally. The British Civil Service is loyal to the Government of the day. Herbert Morrison relates an important incident to illustrate it. "Some American officials", he writes, "in attendance on the United States Government representatives at the Potsdam Conference in 1945 had an experience which to them was surprising. During the first part of the Potsdam discussions between representatives of the Governments of the United States, the Soviet Union and the United Kingdom, the British General Election was proceeding. some of the Americans said to some of the British: 'If there is a change of Government as a result of the election in your country there will be, we suppose, changes in your important civil servants. So may be we shan't see these British civil servants any more.' They were assured though they were not wholly convinced, that this would not happen; they were genuinely surprised and could not follow it when Mr. Attlee turned up as Prime Minister and head of the British delegation in the second part of the Conference, instead of Mr. Churchill, accompanied by the same civil servants as served Mr. Churchill."[15]

Confidential communications—and they are numberless — the Civil Servants treat as secret even from their next parliamentary chief. If one Minister prepares a scheme which never materialises, the permanent Secretary of the Department may refuse to show the relevant documents to the succeeding Minister and the beauty is that the latter would recognise the propriety of such a course. Here is an anecdote given by Herbert Morrison. He writes, " In talking in my younger days to a high civil servant who had formerly worked under me I was vigorously—perhaps in the circumstances too vigorously—denouncing the policy of his new master, my successor in office. At a moment when it became clear that I was somewhat embarrassing him, he said, "Well, Mr. Morrison, I can only say that different Ministers have different ways, which illustrated the meritorious loyalty which the civil

15. Morrison, H., *Government and Parliament,* pp. 319-20.

service quite properly owes and practises towards Ministers."[16] Nor must the civil servant use any information gained through his work to improve his personal position or to gain pecuniary benefits. Examples are very rare when a Permanent Secretary, as it happened in 1936 when Secretary of the Air was dismissed for using his knowledge of public negotiation for his own private advantage, may be removed from office for violation of the principles of the civil service code. Morrison says, "We are proud of the British Civil Service. As a whole, they are efficient, public spirited, incorruptible; very,very rarely does a British Civil Servant get convicted of bribery, corruption, nepotism, treachery or favouri- tism."[17]

**Should Ministers be Experts ?**

It is very often complained that ministers are amateurs in the art of government and the administration is actually carried on by the civil service. It is, no doubt, true that Ministers are laymen[18] with no knowledge of the Department they have to preside.[19] Then, their appointment and allotment of portfolios is a matter of political consideration and expediency rather then their liking or aptitude for the work they are expected to perform. Even if a Minister is able to get a Department of his own choice, it is impossible for him to qualify as an expert. The work of a Department is a vast mass of administrative details. It is not possible for the Ministers to follow all the details and go into the heaps of files to master the case, particularly when their attention is largely engrossed in the more active field of politics; the Cabinet, Parliament, the press and the platform. They have, therefore, no decisions of their own to make and simply endorse what their subordinates tell them to do. It is, accordingly, suggested that only those persons should be appointed Ministers and Departments assigned to them who have adequate professional experience related to the work they will be expected to supervise. It is further asserted that if in France and other Continental countries it is not uncommon to put military and naval men in charge of War and Marine Ministries, why cannot a similar practice be followed in Britain ? Another example cited is that of the United States where there is now a growing tendency to place at the head of at least a few of the Executive Departments, like agriculture and labour, experts in the work with which they are concerned.

But this is not the problem of the Parliamentary system of government. The essence of Cabinet Government is ministerial responsibility; responsibility for which the electorate had given its verdict at the time of the General Election and responsibility which the Government must conscientiously own and discharge during the tenure of its office. The government is wedded to a particular policy and its first concern is to see it through to the satisfaction of those who have returned them to authority. Perhaps, the best simple statement of the basic principle involved is that of Sir George Cornewell. It is quoted by Bagehot and has been times out of number repeated : "It is not the business of a Cabinet Minister to work his department. His business is to see that it is properly worked." Ramsay MacDonald put it still more graphically "The Cabinet," he said, "is the bridge linking up the people with the expert, joining principle to practice. Its function is to transform the message sent along sensory nerves into command set through motor nerves. It does not keep the departments going; it keeps them going in certain directions." The work of a Minister is, thus, to helps framing general policies and to see that they are carried out by the staff employed for the purpose. The authority of the Civil service and for that matter of the experts is one of influence, not of power. "it indicates," as Laski says, "consequences; it does not impose commands. The decision which results is the Minister's decision; its business is the provision of the material within which, in its judgement, the best decision can be made."

There are many advantages if the head of a Department is a layman. A layman sees the De-

16. *Ibid.*, pp.38-39.
17. Morrison H., *British Parliamentary Democracy*, p. 17.
18. Sir Winston Churchill was successively Under-Secretary of State for Colonies, President of the Board of Trade, Home Secretary, First Lord of the Admiralty, Chancellor of the Duchy of Lancaster, Minister of Munitions, Secretary of State for War and Air, Secretary of State for the Colonies, Chancellor of the Exchequer, First Lord of the Admiralty, and the Prime Minister.
19. "We require," wrote Sidney Low, "some acquaintance with technicalities of their work from the subordinate officials, but none from the responsible chiefs. A youth must pass an examination in arithmetic before he can hold a second-class clerkship in the Treasury, but a Chancellor of Exchequer may be a middle-aged man of the world who has forgotten what little he ever learnt about figures at Eton or Oxford", *The Government of Britain*, p. 201. Disraeli, while forming a Ministry, offered the Board of Trade to a man who wanted instead the Local Government Board. " It does not matter", said Disraeli, "I suppose you know as much about trade as the First Lord of the Admiralty knows about ships."

partment as a whole. His vision is broad and his attitude compromising and progressive. The mental attitude of an expert is narrow and he is apt to exaggerate the importance of technical questions. When an expert supervises the work of an expert, there is likely to be friction and disagreement, for it is the habit of experts to disagree and are rigid in holding their point of view. In order to produce really good results and avoid the dangers of friction, and, consequently. inefficiency and bureaucracy, it is necessary "to have in administration a proper combination of experts and men of the world."[20] An amateur Minister may again serve as an intermediary between one Department and the other and his own Department and the House of Commons, to which body he is responsible for carrying out a certain policy. Government is one single whole and there is and must be an organic unity in the various aspects of administration. A layman who takes a general view of a Department considers himself and his Department a part of the bigger whole and endeavours to shape his policy in accordance with the general policy, and will see that its various parts keep in line, and in particular watch that experts remember that they are to work as members of a team as servants of the Crown, that is to say, of the Queen's Ministers, and that they provide a store of knowledge and experience.

It is true that the political head of a Department should be well informed of the work to be carried on under his direction. But it does not mean that he is expected to qualify as an expert. In every Department there is division of labour and scores of problems come which demand high order of practical and technical proficiency, and even departmental experts with permanent tenure cannot claim specialisation in all those problems. How can, then, it be possible for a Minister, whose tenure of office is short and precarious, to master everything which concerns his Department ? The permanent heads of Departments cannot be experts in the sense that a great physicist, a great surgeon, or a great artist is an expert. But, "They do not live in a realm", says Laski, "into which the ordinary cannot enter." Any one who remembers the intellect and power of grasping details of Sir John Simon or Sir Stafford Cripps will agree that these are the qualities which a Minister requires in his relation with his Department. "We send men into the Treasury," concludes Laski, because "they have good general minds, not because they are trained economists; so also in the Ministry of Agriculture or the Board of Education. They are valuable as administrators less because they have expert knowledge of a technical subject-matter but because we believe, on the evidence rightly, that their training will endow them with qualities of judgment and initiative without which no Government can be successfully run. But these are exactly the qualities a politician must have if he is to be successful, normally, in the struggle for place."[21]

**Tendency towards Bureaucracy**

An important criticism against Whitehall is the danger of bureaucracy. Ramsay Muir maintains that "bureaucracy" in Britain "thrives under the cloak of ministerial responsibility." He asserts that the continuous and persistent influence of the permanent civil service in the three functions of administration, legislation and finance is the dominating fact of British governance today and, as such, the element of bureaucracy is of vital importance, "though its strength is masked by the doctrine of ministerial responsibility."[22] This criticism implies that permanent officials control the life of the nation. Various, and not without much truth, arguments are advanced in this connection. First, it is contended that in the carrying out of established policy, many acts are done every day which involve a policy. The Minister simply conveys the general direction of a policy approved by Parliament and directs the Department to carry it through. He has no time to look to the daily working directions. The permanent civil servant is an expert fully conversant with the details and their implications and he, accordingly, tends to shape the day-to-day policy of the administration.

Secondly, in devising new policy, which may take the form of Bills to be put before Parliament, the influence exercised by the civil servants is supreme. Ministers simply receive vague indications of policy from their party or Cabinet. But the material to serve the basis for a draft Bill has to be provided by officials of the Department concerned. Then, the actual drafting of a Bill is a complicated and a difficult task. A layman will make the worst of a job if he attempts

20. Lowell, A. L., *The Government of England,* Vol. I., p. 173.
21. Laski, H.J., *Parliamentary Government in England,* p. 293.
22. Ramsay Muir, *How Britain is Governed,* Chap. 11.

it. It is done by the officials of the Parliamentary Counsel under the Treasury. "Only an expert can fit the new policy into the old administration; and the permanent official may often have to suggest to the political Ministers what can and what cannot be done, as well as how to do what can be done. Thus, new policy is very often the actual product, and still more often the result of corrections and suggestions of the permanent civil servants."[23] It is not the civil servants at the top who exert the influence alone and shape policy. There are many less important decisions and even some elements of policy which are influenced by the lower ranks of the civil service. In every Government Department responsibility must be delegated. This involves giving some control over policy of civil servants lower on the ladder.

Thirdly, the method of asking questions in Parliament is deemed to be method by which the governed can exercise some control over the acts of the administrative departments and getting redress of wrong done. But the critics point out that this method "is crude and largely ineffectual." The questions are, undoubtedly, answered by the political heads of Departments, yet the answers are formulated by the permanent officials. It is very difficult for a Private Member to get information if the answers prepared by experts tend to obscure the issue. More than this, even if the officials be willing and keen to tell the whole truth, the questioner is often at a disadvantage, because he does not know enough to frame an effective question. And even if the question is effective, it is put after the administration has acted and there is no effective method yet devised to control the day-to-day policy of a Department before it is formed.

Then, there is actually a clear and rigid hierarchy of authority from the Minister down to the most junior official and all this inevitably creates what is popularly known, "red tape." It means that many official decisions "are taken by rather wooden, rule-of-thumb methods." The citizens feel aggrieved, because of the stereotyped method of disposal of the cases and rigid application of the rules without taking cognisance of the peculiarities involved therein. The system also takes pretty long time to dispose of finally. All this is nothing short of bureaucracy which defeats the purposes of a democratic government, more so parliamentary democracy. "The faults most commonly enumerated are over-devotion to precedent; remoteness to the rest of the community, inaccessibility, and faulty handling of the general public; lack of initiative and imagination; ineffective organization and misuse of man-power; procrastination and unwillingness."[24] The officials regard the routines more important than the results and value the means employed more than the needs aimed at. "The trained official," as Bagehot said, "hates the rude, untrained public. He thinks that they are stupid, ignorant, reckless."[25]

But the real danger of bureaucracy it is pointed out, is the process by which the Departments have been made a source of legislation in the shape of orders and regulations issued in supplement of the legislation passed by Parliament and source of jurisdiction, in the sense of issuing decisions on a number of contentious issues which arise in the course of their work. In other words, the exercise of what is described as delegated legislation and administrative adjudication are really a great enhancement in the powers of the Executive. It is true that, in form, such powers of legislation are exercised in the name of the political chief of the Department, but, in fact, they are actually exercised by administrative officials. Then, the Executive goes a step further by establishing departmental tribunals or quasi-tribunals, which decide disputes arising under these orders and regulations. As long as the decision is within the scope of broad grant of powers given by Parliament, it is legal and the justice or wisdom of the Minister's decision cannot be questioned in a court of law; it is final. But at the back of this final decision of the Minister is some anonymous civil servant. Moreover, the Minister, or rather the civil servant, is not governed by the rules of judicial procedure, which are incumbent upon the courts, and may, therefore, make decisions without giving an opportunity to the affected party to submit evidence or to plead and argue his case. It would, accordingly, seem that both these powers of legislation and jurisdiction have made the authority of the administrative departments arbitrary and unduly free from restraint. For, both the methods oust Parliament and the courts of law from the exer-

23. Burns, C.D., *Whitehall*, p. 69.
24. Report of the Committee on the Training of Civil Servants (1944).
25. Bagehot, W., *The English Constitution*, p. 172.

cise of their respective authority and the natural outcome is omni-competent bureaucracy.[26]

But this is, again, not a correct appraisal. Lowell suggested in his now classical book, *The Government of England,* that in England the danger of bureaucracy had disappeared through the particular type of relationship between amateur and professional involved in the clear distinction of political from non-political agents.[27] Bureaucracy, according to Laski, "is the term usually applied to a system of government, the control of which is so completely in the hands of the officials that their power jeopardizes the liberties of ordinary citizens." The permanent officials in Britain are not the masters of the situation. The Civil Service is, no doubt, the reservoir of experience and knowledge. They furnish the Cabinet and Parliament with much of the information and material which is required in shaping and enacting policies on a multitude of subjects. But they do not dominate the administration and fix the tone and character of the Government. At the head of every Department is a responsible political chief who really rules. It is he who is responsible to Parliament and the people for carrying out the policy, and the civil servants must adjust themselves to carry out that policy. If a member of Parliament, who represents the people, feels that an injustice has been done to an individual or a wrong principle is being applied, he may ask the Minister privately for an explanation. And all Ministers do it readily. If the explanation offered does not satisfy him, he can ask the question in the House. If the answer, again, does not meet his criticism, he may raise like subject in a debate. But a responsible Minister will like to avoid such an eventuaity, because, as Jennings remarks, "even more important than the fact that questions are asked is the fact that questions may be asked."[28] This fact makes the Minister alert. He must not make mistakes because he is responsible. He will exercise a greater degree of care and caution because he can be questioned in Parliament about the mistakes of the most junior official. The Civil Servants, also, know the precarious position of their political chief, and, therefore, they, too, must not make mistakes. This they have to remember all the time and at every step.

A bureaucracy controlled by Parliament, and subject to Parliamentary chiefs is not a bureaucracy. The Civil Service in Britain is part of a democratic and responsible form of government in which abuse of power would lead to a quick and drastic public reaction which would cause some "heads to roll". The responsible Minister, who is at the head of the civil servants, would continue reminding them the inner meaning of Sir William Hercourt's remark "what the public won't stand."[29] This is the primary function of a Minister and this is the real meaning of Cabinet Government. The whole development is, accordingly, permissive development proceeding from Parliament, subject to Parliament, and terminable by Parliament. The difficulties created by 'red tape' are perhaps a small price to pay for compensating advantages.

**Bureaucratic Influence**

A contrary view of the British bureaucracy was expressed by Professor Graham Wallas in his *Human Nature in Politics* (p. 249) as follows: " The real 'Second chamber', the real 'constitutional check' in England, is provided not by the House of Lords or the Monarchy, but by the existence of permanent Civil Service appointed on a system independent of the opinion or desires of any politician, and holding office during good behaviour".

Senior bureaucrats exercise great influence on Cabinet ministers and even the Prime Minister unobtrusively. James Harvey and Katherine point out in *The British State* (p-196-197): "Since Mr. Attlee was from the beginning surrounded by Mr. Churchill's advisers on foreign affairs, it is not at all surprising that the foreign policy of the Labour governments received the general approval of the Conservative Opposition throughout their period of office. The immense influences which the highest officials in the Foreign Office can exercise over the Foreign secretary... is very great indeed because the Foreign secretary is almost completely dependent on his officials and ambassadors for all his information about foreign countries."

The power of the leading civil servants is still further enhanced by the fact that some matters are so secret that even the Cabinet and most of the Ministers are kept in ignorance about them. This applies chiefly to military affairs and to the

26. Hewart, Lord, *The New Despotism.*
27. Vol. I, Chap. VIII.
28. Jennings, W. I., *The British Constitution, op. cit.,* p. 134.
29. As quoted in H. J. Laski's *Parliamentary Government in England,* p. 288.

secret police. For example, the war-time atomic energy agreement between Churchill and Roosevelt, though known to certain bureaucrats, was not revealed to Attlee who was at that time deputy Prime Minister of the War Cabinet."

Professor Chester rightly observes. "The Characteristics (of the Whiteball Machine) which struck me most forcibly were : the great weight and vastness of the machine which on occasion almost amounted to an immovable object, if you were against it, but was an irresistible force if you were on its side; and the tremendous power which lay in the hands of Ministers and in the hands of their nearest personal advisors." (*Lessons of British War Economy, p. 19*) It is not difficult to imagine the degree of immorality which this bureaucratic machine would present to a government desirous of making radical socio-economic changes.

While political leaders in England wear specific party labels, administrative elites are not expected to be partymen. On the contrary, the claim is made that they are politically 'neutral' and their exclusive concern is to advance the business of the state 'under the direction of their political masters.' However, the top civil servants are not mere executants of their policies, as they themselves play a significant role in their determination. Regarding the manner in which this power is exercised, the notion of 'neutrality' is surely misleading, because the bureaucrats undoubtedly are not likely to be free of certain definite ideological inclinations, which must affect the orientation and character of their advice and action. Ideological inclinations of top civil servants, in England are bound to be generally conservative due to their social upbringing and elitist education and so they may be neutral, more less, as between different conservative groupings and parties which succeed each other in office. As Ralph Milihand rightly points out, " Nor even need there be any departure from such 'neutrality' when that spectrum is somewhat widened, as when social-democratic governments accede to office." (*The State in Capitalist Society,* p. 108).

Any government bent on 'radical' changes is most likely to find many of these bureaucrats quite possibly hostile. This is because the civil servant's "profession requires him to care more for the continuity of the realm than for the success of party." (C.H. Sission, *The Spirit of Administrati*on, p, 124.) This conservatism of British civil servants should be seen in specific terms, related to their national hierarchies and class configurations. Their objective is simply the defence of the particular social order prevailing in England. Bureaucrats are, therefore, conscious and unconscious allies of existing social and economic elites in contemporary capitalist order of Britain.

Ralph Miliband says : "The state bureaucracy, in all its parts, is not an impersonal, un-ideological, apolitical element in society, above the conflicts in which classes, interests and groups engage. By virtue of its ideological dispersions, reinforced by its own interests, that bureaucracy, on the contrary, is a crucially important and committed element in the maintenance and defence of the structure of power and privilege inherent in advanced capitalism. The point applies at least as much to economic 'technocrats'... contemporary capitalism has no more devoted and more useful servants than the men who help administer the state's intervention in economic life." (*The State in Capitalist Society, pp. 115-116).*

Perhaps even more than the members of the administrative elites, top military men are portrayed as altogether free from the political and ideological biases and partisanship, who are dedicated to a 'national interest' and to 'martial virtues' like honour, discipline, courage etc. Here too, as in the case of the bureaucracy, the notion of the military elite as ideologically uncommitted and politically unbiased is manifestly false. The weight of the high ranking military officers in influencing state decision is considerable, and not only in matters pertaining to the armed forces but also foreign policy, internal security and even economic policies.

Like civil servants, their beliefs and convictions are essentially conservative not only in general sense but also in the specific sense of preserving the social and economic status quo and opposing any meaningful alternative to that system. In this perspective, the important point is not so much that the military elite does weild a great deal of influence in the British state system. More important is the fact that the military hierarchy is very likely to use this influence to reinforce the conservative bias of their governments and do their best to limit the impact of any radical proposal put forward by a liberal or social democratic regime. "Given their whole ideological orientation, military and police elites may always be expected to support with particular zeal the determination of the civil power to combat 'internal subversion', at least from the Left."

zeal the determination of the civil power to combat 'internal subversion', at least from the Left." (*Ibid.*, p. 123).

In periods of strife and class conflict, these managers of the state's coercive function reliably and loyally serve any conservative regime in suppressing the striking workmen, agitating left wing political activists, and other such enemies of peace and challengers of the status quo. On the other hand, this could not quite so readily be taken for granted in the case of political dissenters and activists at the other end of the political spectrum such as neo-fascists and fascists of all hues.

Political sociology is concerned with the changes brought about by bureaucracy in a modern state. Max Weber suggested that the process of bureaucratization and democratization have acompanied each other. This may be true of political developments in Britain or france. Weber thought that bureaucracy represents rational legal authority based on recruitment of administrators from broad sections of society. They possess the technical means to operate the engines of a modern state but the administrative processes serve the community through the programmes of the party in power and not the private interests of an administrative elite.

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