Chapter Four

THE PRIME MINISTEr AND MINISTEr FOR EXTERNAL AFFAIRS*

* In this chapter, unless there is specific reason to refer to the office of the Minister for External Affairs alone, the term 'Prime Minister' has been used to denote the Minister for External Affairs also.
I

The study of the office of the Minister for External Affairs in India has been complicated by the fact that so far it has remained in combination with that of the Prime Minister. On 15 August 1947, the date of the transfer of power in India, Jawaharlal Nehru was sworn in as the Prime Minister and Minister for External Affairs. Since then new governments were sworn in 1950, 1952, 1957 and 1962. (1) But in all these governments Nehru has continued to hold the Prime Ministership and the portfolio of External Affairs. This has naturally led to some difficulty in making any abstract distinction of the office of the Minister for External Affairs from that of the Prime Minister. Two different approaches have, therefore, been resorted to in this chapter in studying the nature of this office: (i) the office as it has existed so far, viz. in combination with that of the Prime Minister; and (ii) the office of the foreign minister as such - an abstraction in the present Indian context, but always existent in the realm of practical possibilities.

(2) There was no change of government as such in 1950. From 15 August 1947 to 25 January 1950 the government was carried on under the Indian Independence Act 1947. On 26 January 1950 the new Constitution of India came into force. This necessitated the government to resign and then take oath of office under the new Constitution. The change of government in 1952, 1957 and 1962 followed the general elections of these years.
II

Functions and Powers of the Minister for External Affairs

In the conduct of the foreign affairs of the country, the Minister for External Affairs occupies a central position with regard to the various agencies that are involved in the process. He is at the head of the Ministry of External Affairs and is in this capacity in charge of the day-to-day working of the administration. He is a member of the government, and of its chief policy-making organs like the Cabinet and the Cabinet sub-committees on Foreign Affairs and on related portfolios like Defence, Commerce, Economic Affairs etc. He is also a member of Parliament and is the chief spokesman of government in matters pertaining to foreign relations before the two Houses. He is also largely responsible for moulding public opinion on foreign affairs within his own party, as well as in the country at large. It may be deduced from his position in government that he would be a leading member of his own party and of its chief policy-making organs. He is also the "regular intermediary between the state and foreign countries," (2) and in this capacity he deals with his counterparts in other countries through the diplomatic representatives of this country in other countries, or of other countries in this country. It may, thus, be seen that the Minister for External Affairs

Affairs occupies a very unique position in the conduct of the foreign relations of the country.

In accordance with the practice in all countries, on taking office, the foreign minister informs the diplomatic representatives of foreign states and customarily receives them as soon as possible thereafter, in the order of precedence in the diplomatic list to exchange greetings with them. Thus in 1947, 1952, 1957 and 1962 when new governments were formed this procedure was adopted, though in all these governments the same person had continued to be the Prime Minister and Minister for External Affairs. (3) On taking charge the Minister also informs the diplomatic agents of his own country accredited abroad.

The control of the administration of foreign affairs by the Minister is ensured by the fact that he is at the head of the Ministry of External Affairs. In the United Kingdom, in Lord Strang's words, "the Foreign Secretary is at the apex of the pyramidal structure of the departmental authority as its unquestioned master." (4) So it is in India. The Minister exercises authority over the actions of his Ministry and its field agencies. He is in charge of its day-to-day administration.

(3) Ibid. A Diplomatic List of foreign representatives in the country, with the order of precedence of Heads of Diplomatic Missions in accordance with the date of presentation of credentials, is periodically brought out by the Ministry of External Affairs. This practice of receiving foreign representatives by the Minister has not been very strictly followed on all these various occasions.

All major appointments in the Ministry and its missions and posts abroad are made by him or with his knowledge and concurrence. Ambassadors, High Commissioners and other high dignitaries are formally accredited by the President, but he is responsible for their selection for appointment and they are responsible to him in the performance of their work. Similarly, even though representatives from other countries like Ambassadors and High Commissioners are formally accredited to the President, they deal with him or the officials under him in the performance of their work.

In directing the administration of foreign affairs the Minister must keep himself in touch with developments all over the world. He studies all the important telegrams and communications received in the Ministry from the diplomatic and consular missions of the country established abroad. Foreign governments address him and he addresses them, either through the diplomatic agents of India in those countries or through their diplomatic agents in this country. In accordance with the general practices of international law, in all communications with the Government of India diplomatic agents accredited to this state address themselves to the Minister for External Affairs, whether in seeking information as to the views or practice of the government on some matter, or in furnishing
information as to the views or practice of their own
governments. (5) Documents connected with foreign relations
such as drafts of treaties and conventions, statements of fact
and law, and manifestos and declarations are drawn up under
his orders. The negotiation of treaties rests with him and he
watches over their execution. Ratifications of treaties are
exchanged by him or his agents. He recommends to the Head of
the State the appointment of diplomatic agents and issues
instructions to them regarding their work. He advises the Head
of the State as to the acceptance or not of diplomatic agents
proposed to be accredited to this state. Foreign representatives
address themselves to him in order to obtain an audience of the
Head of the State. As a general rule, notes and other communi-
cations concerning relations with other countries are signed
by him, or on his behalf. (6)

In the performance of his functions, the Minister also
keeps himself informed of the views and opinions of other

(5) The Pan-American Convention respecting diplomatic
officers, signed at Havana on 20 February 1928, lays down for
the signatory states the following rule:

"Article 13. Diplomatic officers shall, in their
official communications, address themselves to the
Minister of Foreign Relations or Secretary of State
of the country to which they are accredited.
Communications to other authorities shall also be
made through the said Minister or Secretary."

(6) Satow, n. 2, 18.
Ministers in the Government, like Defence, International Trade, Finance, Scientific Research and Cultural Affairs etc. Such co-ordination is effected through the Cabinet and its committees. Equally exacting are his functions in relation to Parliament and public opinion. He is the chief spokesman of the government on foreign policy matters.

Thus, in the conduct of the foreign relations of the country the Minister for External Affairs is the prime centre of power and responsibility. The powers vested in him are very extensive, but there are also numerous limitations on his power. He can only act in a way as would satisfy his Prime Minister, his colleagues in the Cabinet, the trends of opinion in Parliament and in his own political party and the general public opinion. He cannot also be completely indifferent to the trends of thinking within his own Ministry - the junior ministers and the senior officials in it. Decision-making is a cumulative process which involves numerous persons and stages, so that no person involved in this process can claim to be absolute, however central his role and however vast the powers vested in him are.
The Special Position of the Prime Minister and Minister for External Affairs in India

The position and powers of the Indian foreign minister have so far been much greater than that of his counterpart in Britain in the conduct of foreign affairs. Three factors have, in the main, contributed to the strengthening of the office of the Minister for External Affairs in India. These are:

(a) The combination of the offices of the Prime Minister and the Minister for External Affairs in the same person.

(b) The continuity in office of the same person over the entire period after independence.

(c) The personality of Nehru and his very dominant position in the government, party and country.

(a) The Combination of Offices: On 15 August 1947, when the first government of independent India was formed, Nehru took charge as Prime Minister and Minister for External Affairs. This combination of offices has been repeated in all subsequent governments formed in 1950, 1952, 1957 and 1962. In fact, it is possible to state that the combination of the two offices in the same person was effected from the time of the Interim Government itself. On 1 September 1946, when the Interim Government was formed, Nehru had been sworn in as both Vice-President and Member for External Affairs and Commonwealth Relations. (7)

(7) The Governor-General was himself the President of the Executive Council.
Such a combination has not been due to any constitutional requirement as in Ceylon. (8) It has primarily been due to Mr. Nehru's own personal interest in foreign affairs. He was the main architect of the foreign policy of the Indian National Congress in the pre-independence days. (9) At the same time, he has also been generally acknowledged as the most outstanding and popular among the Congress leaders who entered government in 1947 and later. The Prime Ministership and the foreign ministership thus naturally fell to him when the national government was formed. The difficulty of finding a suitable person, generally acceptable to the party to take over the portfolio has also tended to keep the office with Nehru during these years.

(8) Section 46(4), Part V, of the Ceylon (Constitution) Order-in-Council, 1946 reads as follows:

The Prime Minister shall be in charge of the Ministry of Defence and External Affairs and shall administer the matters relating to that Ministry in addition to such other matters as he may determine to retain in his charge.


(9) Nehru has almost been the only prominent national leader to take an active interest in foreign affairs even during the days of nationalist agitation. Since 1927 he has been the main architect of the foreign policy of the Indian National Congress. In 1927 at the annual session of the Congress at Madras, Nehru moved certain resolutions on world affairs in the Working Committee of the Congress and at its open session. Since then, it has been stated that all important resolutions on foreign affairs passed by the Congress have been drafted by Nehru. See also footnote 26 below.
In Britain, the practice has, however, been mostly to keep the two offices separate. During the whole of the twentieth century the only exception to this was in the short-lived Ministry of Ramsay Macdonald in 1924. Prior to this, during the nineteenth century, Lord Salisbury had attempted a similar combination of offices. (10) Salisbury was mainly prompted by his great love for the Foreign Office; Ramsay Macdonald explained it as necessary on account of the unsatisfactory course of British foreign affairs as had been evidenced by the great decline of British prestige on the Continent and the world. (11)

The office of the Prime Minister in India is similar to that of Britain and other parliamentary democracies. Of the 396 articles of the Indian Constitution there are only three which refer directly to the office of the Prime Minister; and scarcely anything of the vast powers vested in the office can be understood from them. (12) The role of the Prime Minister in the conduct of foreign affairs is second only to that of the

---

(10) Salisbury combined the offices in three terms: from June 1885 to February 1886; January 1887 to August 1892; and June 1889 to October 1900 - a total period of nearly eleven and a half years.

Ramsay Macdonald in his short-lived first Ministry of 1924 attempted a similar combination. But this was only for a few months.

(11) For more details see R. Victor Langford, British Foreign Policy - Its formulation in Recent Years (Washington D.C., 1942) 145-6.

(12) Articles 74, 75 and 78.
foreign minister and in certain instances it might even be greater. In Britain, even before World War I, the Prime Minister, according to general opinion, had to exercise his superintendence of departments, particularly with respect to Foreign Office. (13) Lord Salisbury held that in foreign affairs, the Prime Minister may lay down the broad principles of foreign policy, though the Foreign Secretary might be relied upon for its execution. (14) Balfour once said, "You cannot expect the Prime Minister not to interfere with foreign office business." (15) Eden wrote to Neville Chamberlain, a few months before his resignation, of the "very real gain of close collaboration between Foreign Secretary and Prime Minister which, I am sure, is the only way that foreign affairs can be run in our country." (16) The general supervision by the Prime Minister of the Foreign Office had been all the more greater at times of crisis or in the war years, when all important incoming and outgoing Foreign Office Communications were sent for the Prime Minister's perusal. (17)

(13) F. Gosses, The Management of British Foreign Policy before the First World War (Leiden, 1948) 125.


(15) Quoted by Keith Feiling, The Life of Neville Chamberlain (London, 1947) 326.


(17) On the position of the British Premier in relation to foreign affairs see, Jennings, n. 14, 197-205; Gosses, n. 13, 125-38; Langford, n. 11, 143-88 etc.
The importance of the Prime Minister in foreign affairs is derived, on the one hand, from the nature of his office and, on the other, from the importance of foreign affairs. Foreign relations have increasingly come to involve the whole state activity in its scope and cannot, therefore, be left to the exclusive responsibility of any one minister in the government. As the head of government the Prime Minister is responsible for the selection of ministers, for the distribution of portfolios and for the appointment of the Cabinet and of its committees. In the same capacity he is also the chief co-ordinator of policy within government and is in a more authoritative position to commit the government to a new course of action or a new line of policy in its foreign relations than the foreign minister. He has also, for the same reason, responsibility to see that the foreign minister acts in accordance with Cabinet decisions. In modern times, it has been a common phenomenon that the Prime Minister plays a more important and conspicuous role in the conduct of the foreign relations of his country than in the past. This calls for continuous consultation between the foreign minister and the Prime Minister.

The exact nature of the relationship between a Prime Minister and his foreign minister would vary with persons and situations. In Britain, there have been Foreign Secretaries like Palmenston who sought to be more or less independent of the Prime Minister and even of the Cabinet. (18) There were

(18) Jennings, n. 14, 190-4; Gosses, n. 13, 123-4 and 127.
also Prime Ministers who took over the conduct of foreign affairs directly into their hands and relegated the Foreign Secretary to a very secondary position. Such, for example, were the relationship of Salisbury with Northcote (Iddlesleigh); of Roseberry with Kimberley; of Lloyd George with Curzon and Balfour; of Ramsay Macdonald with Henderson; and of Neville Chamberlain with Halifax. Some of the Foreign Secretaries like Halifax and Northcote did not seem to have registered any strong resentment about this state of affairs. But some others like Derby protested and resigned. (19)

In the absence of good understanding between the Foreign Secretary and the Prime Minister there is scope for the government to speak in discordant voices in foreign affairs. This happened, for example, when Lloyd George was Prime Minister and Lord Curzon was in the Foreign Office. (20) At the same time the necessity for consulting or even informing the Foreign Secretary was sometimes overlooked. Interviews would be granted to the representatives of foreign governments without the knowledge of the Foreign Minister and in these circumstances it is not surprising that occasions arose on which

...(contd. on next page)
time, working with good understanding, the Prime Minister and the Foreign Minister could together exercise considerable power in the conduct of foreign relations. This was what provoked Sydney Low to remark, as early as the beginning of this century, that where foreign affairs was concerned the country was at the mercy of two people, almost as much as the inhabitants of the most autocratically governed monarchies on the continent. (21) It could be readily conceded that there is a substantial element of truth in this obvious over-statement and that this element of truth has become only more pronounced with the passage of time. It is important to note this factor in understanding the role of the Prime Minister and of the Minister for External Affairs in the conduct of foreign affairs in India today. When two people work together, it calls for a large amount of adjustments and compromises from both sides. A system of mutual checks and balances ensues. The foreign minister might it seemed to other powers that the British Government spoke with two discordent voices." \[\text{Rt. Hon. the Earl of Ronaldshay, Life of Lord Curzon (London, 1928) III, 261.}\] As this went on, Lord Curzon finally drafted a protest which was not however sent owing to the resignation of Lloyd George. It said, "... there has grown up a system under which there are in reality two Foreign Offices: the one for which I am for the time being responsible, and the other at Number 10 - with the essential difference between them that, whereas I report not only to you but to all my colleagues everything that I say or do, every telegram that I receive or send, every communication of importance that reaches me, it is often only by accident that I hear what is being done by the other Foreign Office." (Ibid., 316) (21) Sydney Low, The Government of England (London, 1906) 299.
direct the foreign policy, but the Prime Minister's supervisory authority is a check on him. Neither the British Prime Minister nor his Foreign Secretary can, therefore, feel that same degree of freedom of action of Nehru as Prime Minister and Minister for External Affairs.

(b) **Continuity in Office:** A second factor that was mentioned as contributing to the unusual strengthening of the office of the Prime Minister and Minister for External Affairs is that of the continuity in office of the same person at the head of the Ministry over the whole length of period since the transfer of power - a period of more than fifteen years, from 2 September 1946 to the present day. It is to be noted particularly in this connection that these years have been the earliest and, therefore, the most formative years in the growth of the Ministry. It is natural, then, if the impact of the personality of the individual has made an abiding impress on the system.

Looking at the long list of British Prime Ministers and Foreign Secretaries in Britain over the last hundred and fifty years or more, it is not possible to find a Prime Minister or a Foreign Secretary who has held office for a longer time than Nehru. (22) Nor had Nehru to give way periodically to the

(22) Among the Foreign Secretaries during this period, the longest period of service was put in by Lord Salisbury who was in office for a total period of thirteen and a half years. But even this was not in one continuous stretch but within a period of nearly twenty-two years and in four terms. (April 1878-April 1880;
fluctuating fortunes of the electoral game, the Congress having enjoyed a predominant majority position in Parliament throughout this period. (23)

(c) **The Personality of Nehru:** The supreme importance of understanding these personal factors related to Nehru's personality and his position in the country becomes clear in this context. As both Prime Minister and Minister for External Affairs Nehru's position has been something very unique. But Nehru has been much more than the Prime Minister of India, important as that role has been. (24) Ivor Jennings has pointed out that the extensive powers enjoyed by the Prime Minister of

Contd. from last page

June 1885-February 1886; January 1887-August 1892; June 1895-November 1900). During his years at the Foreign Office, excepting for the first term, he was also the Prime Minister. Among all the Foreign Secretaries, Lord Grey still holds the record for being in office for the longest continuous period in office; he was Foreign Secretary for Britain from 1905 to 1916, a period of eleven years. (December 1905 to December 1916) But during this period he worked under three Governments /Campbell-Bannerman, Asquith (Liberal) and Asquith (Coalition)/. Among the Prime Ministers, Mr. Gladstone's record of fourteen and a half years still holds good; but this was in four terms and during this period he had to work with four Secretaries of State in the Foreign Office. (Clarendon 1868-70; Granville 1870-74 and 1880-85; Roseberry 1886 and Kimberley 1894-95).

(23) See footnote 64 in Chapter III.

Britain are derived from three sources: he is the leader of his party; he is the leader of the House of Commons; he is the chairman of the Cabinet and the co-ordinator of policy. (25) Nehru, as Prime Minister, has been all these and more. He is the leader of his party, of Parliament and of the Cabinet in a larger sense than in the case of any British Prime Minister.

Unlike most British Prime Ministers, Nehru has been the unchallenged leader of both the parliamentary and national wings of the party. Ever since the days when the Congress came to develop a consistent interest in foreign affairs Nehru has been its main architect. (26) The tradition has continued even after the advent of independence and no alternative leadership came to be developed within the party organization in the sphere of foreign relations. This position is enforced by his general leadership of the Congress party as a whole. The challenge from the orthodox and right wing sections of the Congress to his radical and progressive policies has not been very effective so far, especially since the death of Sardar Vallabhbhai Patel in 1950. (27) Since then the leadership of the Congress has


(26) See Michael Brecher, Nehru: A Political Biography (London, 1959) 122 and 565. See also footnote 9 above.

(27) Popularly known as the 'Iron Man' of the Congress, Patel was one of the foremost national leaders of the Congress, second perhaps only to Nehru. He was Member for Home Affairs in the Interim Government and later became Deputy Prime Minister...

...(contd. on next page)
fallen only on such persons who have commanded his confidence. (28) It was primarily Nehru's leadership of the Congress that provided it with an orientation in policy and programme since 1947 and, thereby, a *raison d'être*. His personal popularity in the country is one of the major factors for sustaining his party in power. His influence on the rank and file of the Congress and the loyalty and faith which his leadership evokes in them is perhaps the most important factor linking various discordant elements into a common organization.

Contd. from last page

and Minister for Home Affairs and States in the first Cabinet after the transfer of power. His death came in 1950. It is interesting to note that the office of the Deputy Prime Minister was not continued after his death, mainly because there was no generally acceptable person in the government to be elevated to that office. His views on social and political questions were orthodox. It was well-known that he had serious differences of opinion with Nehru, especially after the Congress entry into government. A brilliant organizer, he was able to challenge Nehru successfully on a number of issues, within the organization. One such instance was the election of Tandon as the President of the Congress in 1950. (See also footnote following). For more details on the Nehru-Patel differences see *ibid.*, 403-5.

(28) This was conclusively proved in 1951 when P. D. Tandon resigned the Presidency of the Congress. Tandon was elected President of the Congress in 1950. Tandon's election was interpreted as a victory of the right wing in the Congress. But after being in office for ten months he developed serious differences of opinion with Nehru. After a critical struggle for a few weeks, Tandon was forced to resign his office as President, on the ground that Nehru's leadership was indispensable to the country, even if he could not agree with its policies. Nehru now took over as the President of the Congress. Ever since these dramatic developments, his leadership of the Congress organization has been quite unchallenged. For more details, see Brecher, n. 23, 433; Palmer, n. 24, 188-9.
Within the Government also, Nehru's position is easily something more than that of *primus inter pares*, the position usually recognized as that of the British Prime Minister. (29) Mr. Brecher has described him in government as 'a giant among pigmies.' (30) Even the right wing group within the government has openly acknowledged his leadership in foreign affairs.

In relation to Parliament also, Nehru has enjoyed a very unique and privileged position. Like any other foreign minister, Nehru also depends in Parliament primarily on the support he receives from his own party men. This is all the more significant because of the very overwhelming position of the ruling party in Parliament. (31) As at the level of the party organization, at the parliamentary party level also Nehru has been in very effective leadership during these years. He has been the Leader of the Congress Parliamentary Party during the entire period after 1947. In this capacity he appoints the Executive Committee which gives policy directions to the parliamentary party on all important questions.

Nehru has, however, enjoyed a broader support than that of the ruling party. Within the opposition the most effective groups have been the leftists who have, in general, supported

(29) Jennings, n. 14, 165.
(30) Brecher, n. 26, 19.
(31) See footnote 64 in Chapter III.
the foreign policy of the government during these years. (32) It has only been, in recent times, that parties which openly challenge the foundations of the present foreign policy have made any effective appearance in Parliament. This does not, however, mean that there has always been a happy unanimity on all issues in foreign policy between the government and the opposition. The government have often come in for heavy criticism for particular actions. But these are usually on matters of detail. The opposition also makes a distinction between Nehru and some of his colleagues in Government.

But the main strength of Nehru lies in the phenomenal popularity, love and confidence which he has won for himself among the people. It is this tremendous popular basis of his leadership that forms the real base of his strength within his own party. The nature of his leadership is national

(32) The Communist Party and the Praja Socialist Party have expressed support for the general approach of non-alignment in Indian foreign policy. Criticisms, when they are made, are on the ground that some particular action of the Government has been a departure from these principles. For example, the policy of the Government on the Hungarian question was severely criticized by the Praja Socialists. The Tibetan policy of the Government was similarly criticized by the Communists, though on the border disputes they have supported the Government throughout. The Hindu Communalist parties have, however, always been dissatisfied with the Government for its 'weak, halting and inconsistent' policy towards Pakistan. The right wing parties, like the newly formed Svaratna Party, want to have closer alliance with the Western bloc in the same way as the Communist Party could be happier if there is closer alliance with the Soviet bloc.
and transcends party frontiers. It is truly 'charismatic.' (33)

In the normal course no British Prime Minister or Foreign Secretary can expect to have the advantages of such a commanding leadership of the country as Nehru's. The emergence of such leadership in India is a sociological phenomenon which has been reproduced in certain other countries with more or less similar social and political conditions. This phenomenon of leadership is not liable to be reproduced in Britain under the present circumstances. Even a comparison between the position of Nehru to-day and of Winston Churchill during his tenure of office as Prime Minister of Britain during the war years would not be suitable. The British war-time leader had undoubtedly tremendous personal popularity and the support of all the important political parties in the country behind him during these years when he led the destinies of the nation in a most gigantic and challenging task. The general elections of 1946, however, proved that it was a passing phenomenon. (34) In India, at present, Nehru can certainly feel a larger reservoir of power behind him than any British national leader in history could have. "In India, as in other parliamentary systems, the Prime Minister is the most important official of the state, but the present Prime Minister is


(34) In the general elections of 1945 the Conservative Party led by Churchill was defeated and the Labour Party came into power.
particularly important because he is Jawaharlal Nehru." (35)

All these numerous factors have combined themselves so effectively as to make a virtual identification of the foreign policy of the country with Nehru. The political biographer of Nehru, Michael Brecher, points out,

In no other state does one man dominate foreign policy as does Nehru in India. Indeed, so overwhelming is his influence that India's policy has come to mean in the minds of people everywhere the personal policy of Pandit Nehru. And justifiably so, for Nehru is the philosopher, the architect, the engineer and the voice of his country's policy towards the outside world. (36)

This does not mean, as Brecher also hastens to point out, that he operates in a vacuum. (37) As the Prime Minister and Minister for External Affairs of a country with a democratic constitution Nehru is also limited by the balancing forces of the constitutional system. But his advantage lies in the fact that his unique position has enabled him to deal with these various institutions of democratic control with a lesser degree of effort than in the case of other Prime Ministers or foreign ministers. This become evident on examining the relationship between the Prime Minister and Minister for External Affairs and the various other organs involved in the process like the administrative department, Cabinet, Parliament and public opinion.


(36) Brecher, n. 26, 564.

(37) Ibid.
IV

Relations with the Cabinet

The Minister for External Affairs is a member of the Council of Ministers. So far, he has also been in the Cabinet. This is not necessarily because of the fact that so far the Prime Minister has himself been the Minister for External Affairs. It is difficult to imagine that in the present conditions, when international relations play such a significant part in national life and politics, the Minister in charge of foreign relations could be kept out of the chief policy-making and executive body in the government. This is evidenced from the British experience. In Britain, in the past, the Foreign Secretary had not always been regarded as a definite nominee for Cabinet membership, but in modern times he is invariably in the Cabinet and is one of the most important members of it. (38) The Minister is also necessarily included in the Cabinet Committee on Foreign Affairs which, as was noted earlier, disposes of on behalf of the Cabinet a good part of its work.

The political importance and position of the Minister for External Affairs in the government is hardly second to that of anybody except the Prime Minister. It has been said that in Britain, even during the years before World War I," ... on the one hand the office of Premier was the only one for which a

former Foreign Secretary was eligible, so on the other hand the Foreign Office was the only department important enough for even a former Premier." (39) The recent experiences of Britain substantiates this further. (40) In India, only a few Ministries in the government, like Finance or Home Affairs or Defence can possibly enjoy the same importance as External Affairs. Much would, however, also depend on the personality of the incumbent of the office, a factor which has come to be of considerable importance in the present context. Besides, the fact that the Prime Minister himself has been in charge of the Ministry has enhanced its prestige considerably. This importance is bound to be sustained largely, even if the present arrangements are given up, for, in modern times, no nation can afford to relegate foreign affairs to a position of secondary importance.

In the normal course, the Minister for External Affairs may be expected to be able to carry his policies more or less successfully in the Cabinet. The foreign minister is, in fact, liable to enjoy a greater freedom of action and independence from the Cabinet than most other Ministers on account of the nature of his portfolio. Though all important policy questions are usually placed before the Cabinet, it is more or less within the personal discretion of the foreign minister, in consultation with the Prime Minister, to decide what questions are important.

(39) Gosses, n. 13, 146.

(40) For example, Sir Anthony Eden and Harold Macmillan were Secretaries of State for Foreign Affairs before they became Prime Ministers.
enough to be placed before the Cabinet for discussion, and what are not. At the same time, any member of the Cabinet is free, with the consent of the Prime Minister, to raise any particular issue for discussion in the Cabinet. If the Minister is able to carry with him the Foreign Affairs Committee of the Cabinet, which is a small body and includes himself, his position in the Cabinet is enormously strengthened.

The combination of the offices of the Prime Minister and the foreign minister in India has had important consequences in the working of the Cabinet and its Committee on Foreign Affairs, both of which are primarily selected by the Prime Minister himself. Due to the general importance of the Prime Minister in the government, members of the Cabinet are likely to feel a certain restraint in discussing matters relating to portfolios under his personal charge. This feeling is liable to be aggravated when the Prime Minister is of the stature of a person like Nehru. Moreover, Nehru possesses a greater experience of administration than almost all his colleagues in the government. (41)

In consequence, discussions on foreign affairs in the Cabinet and the Foreign Affairs Committee might tend to become perfunctory and incomplete. The advantages of collective discussion and leadership in foreign affairs may suffer on this account.

(41) There is, however, one exception. Mr. Jagjivan Ram, at present Minister for Transport and Communications, has also been associated with the administration as long as Nehru. Like Nehru, he joined the government in September 1946 and has been in it ever since. But during these years, he has changed his portfolios at least thrice.
Certain criticisms made about the working of the Indian Cabinet, particularly in relation to foreign affairs, go to substantiate these possibilities to a considerable extent. Dr. B. R. Ambedkar, Minister for Law from 1947 to 1951 pointed out that the Cabinet had come to be a "mere recording and registration office" of the decisions already arrived at by the Committees of the Cabinet, like the Foreign Affairs and the Defence Committees. Dr. Ambedkar was also very critical of the constitution and working of the Committees. In his opinion, personal considerations formed the basis of the constitution of the Committees. The Committees also worked behind an iron curtain, because of which "others who are not members of the Committees have only to take responsibility without any opportunity of taking part in the shaping of policy." (42)

There have also been so far two resignations from the government due to differences on foreign policy, while in two other instances foreign policy was also mentioned among the different reasons that prompted the persons to resign. (43) The resignations of Dr. Shyama Prasad Mookerjee and K. C. Neogy in April 1950 were on account of differences with "the weak, halting and inconsistent" policy of the Prime Minister.

(42) The Hindu (Madras) 12 October 1951, 4.

(43) It may be noted that the persons about whose resignations references are made here were non-Congressmen. The government that was formed immediately after the transfer of power included a few non-Congressmen, though Congress had an absolute majority in the legislature during these years.
towards Pakistan. The immediate issue for resignation was the Nehru-Liaquat Pact of the year. (44) Questions relating directly to the administration of foreign policy in the country were raised by two other members of the government who resigned soon afterwards, Dr. John Mathai and Dr. Ambedkar. (45) Dr. Mathai had "grave misgivings" about the Nehru-Liaquat Ali Pact, and "the policy of appeasement" behind it. He also mentioned certain irregularities in the working of the government on the administrative side and said that the departments under the direct responsibility of the Prime Minister were the "worst offenders" in this respect. These related to the relationship of these departments with the Finance Ministry and the Standing Finance Committee of Parliament. (46)


The Nehru-Liaquat Pact related to an agreement signed in 1950 by the Prime Ministers of India and Pakistan, Nehru and Liaquat Ali Khan. The agreement related to the treatment of the minority communities in the two countries.

(45) Dr. Mathai's resignation was mainly due to differences on the role and status of the Planning Commission. Dr. Ambedkar's resignation was due to differences of opinion on the modifications made in the Hindu Code Bill by the Government.


The Standing Finance Committee of Parliament was in existence before the Constitution of India came into force in January 1950. It was presided over by the Finance Minister and had the responsibility of approving all new demands and individual items of expenditure costing over Rs. 5 lakhs. It was abolished when the Estimates Committee was formed. For details see W. H. Morris-Jones, Parliament in India (London, 1957) 296-7.

The incident referred to here related to the construction of the Embassy building and the appointment of staff at Dublin.

...(contd. on next page)
Dr. Ambedkar was also very apprehensive about the foreign policy of the government towards Pakistan. (47)

Even under normal circumstances, owing to the nature of foreign affairs, the Cabinet is in a disadvantageous position to maintain a steady control over the conduct of foreign affairs. Further, not all members of the Cabinet may have either enough interest or time to follow the intricate developments of international relations and attempt to relate them to the foreign policy of the country. They may have, in such circumstances, a general inclination to be guided by the foreign minister. This situation has been accentuated by the personal position of Nehru in the government and the country. The general consequence has been a strengthening of the Minister vis-à-vis the Cabinet and a weakening of the role of the latter in the conduct of foreign relations. At the same time, it would be an exaggeration to say that the Cabinet has only been a passive on-looker in the process. With a person of lesser stature at the head of the Ministry the role of the Cabinet might have been greater.

Contd. from last page

The Cabinet sanctioned the expenditure under pressure from V. K. K. Menon, India's Ambassador to Eire at the time. This sanction was against a previous assurance on the question made to the Standing Finance Committee. See Brecher, n. 26, 453-4.

(47) The Hindu, 12 October 1951, 4.
Assistance to the Prime Minister: Junior Ministers and Personal Advisers (48)

Assistance to the Prime Minister at the political level comes from two main sources: (i) the junior ministers and parliamentary secretaries serving in the Ministry; and (ii) the circle of personal advisers. The nature of assistance rendered from each of these sources is different and varies with persons and circumstances.

During these years, the Prime Minister has had, at various times, assistance from Minister of State, Deputy Minister and Parliamentary Secretaries in the performance of his work relating to external affairs. For a short while, a Minister without Portfolio was also attached to the Ministry. There is, however, nothing permanent about the arrangements regarding the number of junior ministers and parliamentary secretaries in the Ministry. This is largely dependent on the pressure of work in the Ministry as felt by the Minister and the Prime Minister, though at times other considerations - political or personal - might also become important.

The junior ministers are members of the Council of Ministers and their appointment is, therefore, made by the

---

(48) The term 'junior minister' is used in this section to include the different categories of Ministers in the Ministry, excluding the Cabinet Minister in charge. They are the Minister of State and the Deputy Minister.
President on the advice of the Prime Minister. (49) In the choice of the junior ministers the Prime Minister may also consult the particular Minister under whom they are to work. As parliamentary secretaries are not members of the Council of Ministers, the constitutional formality of appointment by the President does not arise in their case. The Prime Minister himself appoints them. This practice is the same as in Britain. (50)

A Minister of State was first appointed in the Ministry in 1954. (51) He remained in office till 1957. In the new government formed in 1957, after the general elections of that year, there was no Minister of State in the External Affairs Ministry. In the new government formed after the general elections in 1962 the office of the Minister of State for External Affairs has, however, been revived. (52) The Minister

(49) The Council of Ministers in India consists of three categories of Ministers - Cabinet Minister, Minister of State (called Minister of Cabinet rank from 1952 to 1957) and Deputy Minister. They correspond respectively to Cabinet Minister, Minister of Cabinet rank and Minister of State in Britain. / For details on the organization of the Council of Ministers in India see, Asok Chanda, Indian Administration (London, 1957) Chapter III. / On the appointment of the Council of Ministers see Article 75(1).

(50) Jennings, n. 14, 62.

(51) Ministers of State were also called Ministers of Cabinet rank in India during 1952-57. The practice of describing them as Ministers of State was reverted to in 1957. Ministers of State in Britain correspond to Deputy Ministers in India.

(52) Dr. Syed Mahmud was Minister of State for External Affairs from 1954 to 1957. The present Minister of State in the Ministry is Mrs. Lakshmi N. Menon, who was Parliamentary Secretary in the Ministry from 1952 to 1957 and Deputy Minister from 1957 to 1962.
of State is not a member of the Cabinet, but enjoys other privileges of a Cabinet Minister. This office is similar to that of the Ministers of Cabinet rank in Britain. Ministers of State may be in independent charge of Ministries, or of departments within a Ministry under the charge of a Cabinet Minister. (53) The Minister of State in the External Affairs Ministry does not, however, belong to either of these categories. She is not exclusively in charge of the Ministry or of any particular department in the Ministry. The Minister of State performs such work as is assigned to her by the Prime Minister.

A Deputy Minister was first appointed in the Ministry in 1948. Since then, the office has continued to be in existence without any break. (54) Deputy Ministers in India correspond to Ministers of State in Britain. The Deputy Minister is a member of the Council of Ministers and has such work as is assigned to him by the Minister in charge of the Ministry. This work has more especially been in the sphere of the parliamentary responsibilities of the Minister. As members of the Council of Ministers they may take part in the proceedings of both the Houses of Parliament. (55)

(53) See Appendix IV.

(54) The four Deputy Ministers so far have been B. V. Keskar (1948-1952); A. K. Chanda (1952-1957); Mrs. Lakshmi N. Menon (1957-1962); and Dinesh Singh (1962-).

(55) Article 88.
A third level at which political assistance is rendered to the Minister for External Affairs is that of Parliamentary Secretaries. (56) Parliamentary Secretaries are Members of Parliament. As their designation itself indicates, their assistance is mainly in relation to the discharge of the parliamentary responsibilities of the Minister in Parliament. Originally, there were three Parliamentary Secretaries in the Ministry, but since 1957 their number has been reduced to two. As they are not members of the Council of Ministers, they can appear only in that particular House to which they belong.

Both the Parliamentary Secretaries in the Ministry today are members of the Lok Sabha. They do not hold any administrative responsibilities in the Ministry. The External Affairs Ministry is one of the very few Ministries in the Government of India having Parliamentary Secretaries. (57)

For the short duration of nearly fifteen months, from February 1956 to May 1957, a Minister without Portfolio was also attached to the Ministry. On his return from London where he

(56) Satish Chandra and S. N. Misra were appointed as Parliamentary Secretaries to the Prime Minister in June 1951. They were appointed as Deputy Ministers in other Ministries in May 1952. J. N. Hazarika was appointed in August 1952 and continued till 1962. Mrs. Lakshmi N. Menon was appointed in July 1952, but on the formation of the new Government in 1957, was appointed as Deputy Minister in the same Ministry. Sadath Ali Khan was appointed in November 1953 and continued till 1960. The two Parliamentary Secretaries to the Minister for External Affairs, at present, are D. Ering and S. C. Jamir.

(57) See Appendix IV/Table showing the strength of the Council of Ministers including Parliamentary Secretaries.
was High Commissioner for India (and Ambassador in Dublin concurrently), V. K. Krishna Menon was appointed as Minister without Portfolio and attached to the External Affairs Ministry. Like the two earlier Ministers without Portfolio, Menon was also included in the Cabinet. (58) Till he became Minister of Defence in 1957 he remained attached to the Ministry. This method of making temporary arrangements in an overworked Ministry by attaching a Minister without Portfolio has often been resorted to in Britain also. But Jennings points out that in Britain the House of Commons has generally shown itself antagonistic to the creation of new offices, like that of Ministers without Portfolio. (60) Whenever the need for further political assistance is felt the British practice, in recent times, has been to appoint a Minister of State. A Minister of State (corresponding to the Deputy Minister in India) has been found to be much less provocative than a Minister without Portfolio. (61)

Unlike the Prime Minister of Great Britain, the Prime Minister of India does not have at his disposal such officers as that of Lord Privy Seal or the Chancellor of the Duchy of

(58) N. Gopalaswami Ayyangar and C. Rajagopalachari in 1948. In the present government, T. T. Krishnamachari was first appointed as Minister without Portfolio, but within a few weeks he was given a definite portfolio.


(60) Ibid., 65.

(61) Ibid., 68.
Lancaster or the Lord President of the Council to whom he can assign special work when such need arises. (62) But, the Prime Minister can seek assistance from any of his colleagues in government for particular tasks. For example, referring to the method of conducting the numerous negotiations and conferences with Pakistan, the Prime Minister said:

In these matters with Pakistan I have associated always, because the matters are very complicated, one of my colleagues. Usually, one senior colleague has been associated repeatedly in our dealings with Pakistan. Lately, one or two others have been associated for a couple of years. Sardar Swaran Singh has been associated with it. In fact he was present at one of these agreements and, if I may say so, it was due to him very largely that an agreement took place, and took place to our advantage. These matters have been pursued not in a single-handed way largely all the time. The Home Minister has been most intimately connected with every conference and every thing is referred to him. (63)

But assistance rendered at all these levels - junior ministers or other Ministers in government - cannot be described as adequate to relieve the Prime Minister of any significant part of his responsibilities. One of the reasons for this has been that the position of the junior minister in the organization of government has remained more or less vague so far. In 1948, attempt was made to define better

(62) For example, in 1932 Anthony Eden who was Lord Privy Seal was placed in charge of Britain's relations with the League of Nations. More recently, Lord Peckham who was Chancellor of the Duchy of Lancaster was given charge of the occupied areas in Germany and Austria. The Lord Privy Seal has been attached to the Foreign Office since 1961.

(63) Statement by Prime Minister, Lok Sabha Debates 49 (1960) col. 6557.
their position in government. Gopalaswami Ayyangar suggested in his Report on the Machinery of the Government of India, that junior ministers should not have specific administrative responsibilities for the conduct of business of any department, but should be given full opportunities to acquaint themselves with the organization and methods of administration and to train themselves up for the eventual exercise of administrative responsibilities, if and when appointed as Ministers. (64) They were to render assistance to the Minister in his parliamentary and political functions. They might also be asked to undertake a study or investigation of particular problems which are entrusted to them by the Ministers concerned. (65) The report was not fully endorsed by the Cabinet as it was felt that any rigid definition of the number and functions of the junior ministers would curtail the freedom of action of the Prime Minister and the Ministers concerned and, further, that relationship among Ministers should not be rigidly defined by law. It was thought that each Cabinet Minister was to make such use of a Deputy Minister as he chose. (66)

(64) Gopalaswami Ayyangar was Minister without Portfolio in the government from 1948 to 1949. He was asked by the Cabinet to make a study of the Machinery of the Government of India and submit proposals on its reorganization. The reference here is to this report prepared by him.

(65) Cited by Asok Chanda, n. 45, 66.

(66) Ibid., 68.
The British Foreign Secretary has been provided with greater assistance at the level of junior ministers than the Minister for External Affairs in India. For example, at present, the Foreign Secretary receives assistance in his work from the Lord Privy Seal who is also attached to the Foreign Office, two Ministers of State for Foreign Affairs and two Parliamentary Under Secretaries of State. In India, till 1962, there were only a Deputy Minister and two Parliamentary Secretaries. A Minister of State was in existence in the Ministry only from 1954 to 1957, though the office has been revived since 1962. The need for more assistance to the Minister at the level of junior ministers becomes obvious when the number of junior ministers in the Ministry and in other Ministries in the Government of India are compared. It may be seen that till recently in many other Ministries, Ministers of State and Deputy Ministers had been more liberally provided. (67) The revival of the office of Minister of State in the Ministry may be taken as an indication of a new awareness in the Ministry of the inadequacy of the earlier arrangements.

It may also be noted in this context that the responsibilities of a junior minister are such as those assigned to him by the Cabinet Minister. This delegation of work in the Ministry

(67) See Appendix IV. Tables showing the number of Cabinet Ministers, Ministers of State, Deputy Ministers and Parliamentary Secretaries in the various Ministries of the Government of India.
has not so far been in a way as to reduce to any worthwhile extent the very heavy pressure of work on the Prime Minister. Policy questions have been rarely delegated to them. In the previous government the Deputy Minister was primarily concerned with administrative matters, while political or policy questions used to be dealt with by the Minister himself and the permanent officials. Under the existing arrangements the junior ministers and parliamentary secretaries have been found to be most helpful to the Minister in the discharge of his parliamentary responsibilities. They answer questions on his behalf and take part in the debates on foreign affairs in Parliament when occasions arise. The nature of this assistance is, however, limited by certain facts. Firstly, on the more important discussions, questions and debates members of Parliament naturally expect the Prime Minister himself to take part in the proceedings. Secondly, under the present system of delegation of work and responsibility the junior ministers are considerably handicapped to deal directly with any important policy or administrative questions. This is true of even the Minister of State. This was recently demonstrated in the Lok Sabha over an adjournment motion concerning a television interview by the Indian Ambassador in Washington. The Prime Minister was out of station at the time and the Minister of State had to appeal for a postponement of the discussion till the Prime Minister's return, even though the issue under discussion had not involved any important question of policy. The Speaker of the House was constrained to remark
that the excuse for postponement offered by the Minister of State did not "do much credit to the ruling party." (68)

Thirdly, under the present administrative arrangements in the Ministry, junior ministers are quite ill-equipped to answer questions, particularly the supplementaries for additional information. Often they can only read out the main answers as prepared by the Ministry and answer the supplementaries on the basis of the note which the Ministry has prepared and supplied them with. It is not impossible that the Deputy Minister or Parliamentary Secretary who answers a question has not at all seen the actual files relating to it. There have consequently been occasions when the Prime Minister or the junior ministers make subsequent corrections of their earlier statements made in Parliament. Needless to say, these are mot embarrassing and reduce further the value of junior ministers in Parliament. (69)

Regarding similar problems of Parliamentary Under Secretaries in Britain, Herbert Morrison has suggested that there might be delegation of some administrative responsibilities to them. (70)

The assistance which the junior ministers render to their chief does not take away from the latter his constitutional responsibility. The fact is, as Lord Strang says, there cannot


(69) See, Sadat Ali Khan, Brief Thanks Giving (Bombay, 1959) 62. Sadat Ali Khan was Parliamentary Secretary in the Ministry from 1953 to 1960.

(70) Morrison, n. 19, 62.
well be more than one Minister responsible to Parliament for foreign affairs. (71) This is a further factor limiting the extent of assistance by junior ministers. They can assist as and when, and to the extent, the Minister requires them to do so, but they cannot in any constitutional sense share his responsibility. Sharing of responsibility comes only with sharing of power. The junior ministers do not share power with their chief. Power may be delegated to them, but not constitutional responsibility.

This naturally creates problems of delegation of work. In Britain, it has been said that "try as they may, Foreign Secretaries rarely succeeded in delegating enough responsibility to their junior ministerial colleagues." (72) Attempts to delegate work to junior Foreign Office Ministers, regularly made by every Foreign Secretary, have tended to break down. (73) Difficulties arise not only because of the question of constitutional responsibility, but also because there are numerous kinds of work which require the personal attention of the Minister himself. Temperamentally also, certain Ministers are not happily inclined to delegate authority to others.

There has also been some difficulty in defining the relationship between the top civil servants in the Ministry and the junior ministers. The Secretary General in the External

(72) Ibid., 298.
(73) Ibid., 299.
Affairs Ministry is recognized as the "principal official adviser to the foreign minister on matters relating to foreign policy" and as "responsible for the supervision and coordination of the Ministry as a whole;" the Deputy Minister "assists the Foreign Minister in his work." (74) Under the present delegation of work and authority in the Ministry the position of the junior ministers is said to be very weak in comparison with that of the senior officials like the Secretary General and the three Secretaries in the Ministry. All major policy questions are dealt with by the Secretaries, who are responsible only to the Secretary General and the Prime Minister. Only on specified matters can even the Minister of State intervene in any effective form, but even this is done only by appealing directly to the Prime Minister and not by virtue of any authority directly vested in her or exercised by her. This distinction is reflected even in the Warrant of Precedence of the Government of India. Under this the Secretary General of the External Affairs Ministry is given precedence over the Deputy Minister. (75) It was explained to be on account of the need for the Secretary General to deal directly with foreign diplomats of Ambassadorial status who are given more or less the same status as Cabinet Ministers of the Union. (76)


(75) For Warrant of Precedence see, India: A Reference Annual 1961 (Delhi, 1961) 524-5.

(76) Statement by the Deputy Prime Minister, Constituent Assembly (Legislative)Debates, I (1949) Part I, 672-3.
It is, however, seen that in Britain, where also the same need may be said to be in existence, the Minister of State (who corresponds to the Deputy Minister in India) is ranked higher than the Parliamentary Under-Secretary (corresponding to the Secretary General in India). Secretaries in other Ministries in the Government of India are also ranked below Deputy Ministers. The relative positions of the Secretary General and the Deputy Minister in the External Affairs Ministry are thus unique.

Besides junior ministers and parliamentary secretaries, a further source from which the Prime Minister receives assistance is that of his personal advisers. One important difference should, however, be noted immediately in this respect. While the form of assistance discussed earlier could be described as 'official' in a sense, the nature of assistance which the Prime Minister receives from this circle is strictly 'personal.' Such personal advisers have often grown up around important executives in other countries also. (77) Nehru is also known to have gathered around him a circle of personal advisers who have to varying degrees influenced him in the performance of his work. On foreign affairs this group has been a very diverse crowd, consisting of foreigners like Lord and Lady Mountbatten, officials and ex-officials like Girja Shanker Bajpai, B. N. Rao and N. Gopalaswami Ayyangar, and his colleagues in government like V. K. K. Menon, Maulana Abul Kalam Azad, Govinda Ballabh Pant etc., and other important persons like S. Radhakrishnan etc. In other words, this circle

(77) For example, see Sir Charles Petrie, The Powers behind the Prime Ministers (London, 1958).
is more personal than political. It has also been a dwindling circle for with the years most of the persons whose names have been mentioned above have been removed from it by death or by other reasons. V. K. K. Menon and Radhakrishnan are possibly the most important persons who can claim to be in the circle today. (78)

It is, of course, difficult to assess with any degree of exactness the extent of influence or the part played by these official, political and personal advisers and assistants. These necessarily vary with persons and situations. But, whatever be the degree of assistance which the Minister gets from these sources the constitutional responsibility for all decisions and actions taken in the Ministry is exclusively of the Minister himself. The Minister might delegate or share his work and authority, but not his constitutional responsibility.

One disconcerting thing about the present arrangements regarding junior ministers and personal advisers has been that the system has failed so far to evolve any effective alternate leadership in the field. Gopalaswami Ayyangar had stated in his Report that the office of the junior minister should be something like a training ground for future Ministers. (79)

(78) For more details on this circle of personal advisers see, Brecher, n. 26, 569-75; Vincent Shean, Nehru The Years of Power (New York, 1960) 231-55; Frank Moraes, Jawaharlal Nehru (New York, 1956) 480-2.

(79) Asok Chanda, n. 49, 68.
This has not, however, been realized to any satisfactory extent in the Ministry. (80) According to Asok Chanda, an important reason why this has not happened in the government as a whole has been that, often, senior men have been appointed as junior ministers for political expediency. (81) This has not however been quite true of the Ministry of External Affairs where relatively junior men have been appointed as parliamentary secretaries and Deputy Ministers. But the persons who have been actively associated with the conduct of foreign affairs in the country in the capacity of junior ministers or personal advisers of Nehru or otherwise have not generally been men of importance in or of general acceptability to the party in power or the country at large. They have mostly been personal choices of Nehru and even after years of work in the Ministry none of them seemed to have politically matured enough to be considered a likely choice as Minister for External Affairs if called upon to do so. (82)

---

(80) B. V. Keskar, the first Deputy Minister in the Ministry (1948-1952) was later appointed as Minister for Information and Broadcasting. A. K. Chanda who succeeded him (1952-57) was also sent to other Ministries. S. N. Misra and Satish Chandra, the first Parliamentary Secretaries to the Prime Minister (1951-52) are also no longer associated with the Ministry. Sadat Ali Khan who was appointed as Parliamentary Secretary in 1953 has since been given a foreign diplomatic assignment. The only exception to this has been Mrs. Lakshmi N. Menon, the present Minister of State; she was Parliamentary Secretary from 1952 to 1957 and Deputy Minister from 1957 to 1962 in the External Affairs Ministry.

(81) Asok Chanda, n. 49, 68.

(82) The only person closely associated with the conduct of foreign affairs at the political level and enjoying some standing in the ruling party is V. K. K. Menon. But he has been too controversial a figure within the ruling party and in international politics, particularly in USA, that it is unlikely in the present set-up that he would be called upon to take over the leadership of the Ministry.
VI

Relations with the Ministry

In the performance of his work, administrative assistance is rendered to the Prime Minister and Minister for External Affairs by the Ministry of External Affairs. The Ministry consists of its headquarters in New Delhi, which is part of the Central Secretariat of India, and its numerous missions and posts established abroad. These are manned by the foreign service personnel. The Secretary General of the Ministry is the head of the foreign service.

The assistance which the Ministry renders to the Minister is of various kinds. It supplies the information without which sound policy cannot be formulated. In supplying information it also places its views on alternate courses of action before the Minister. Lord Strang has described this advisory function of the British Foreign Office as follows, a description equally applicable to the Indian Ministry.

It is the duty of the officials of the Foreign Office to present to their Minister in as clear and as comprehensive, and yet as succinct, a form as possible, an analysis of each problem as it arises, in the light of the information which has been assembled and of the advice which has been tendered. Together with this, they will submit their recommendations as to the action to be taken, based upon their experience, upon their estimate of the practical possibilities of the situation, and upon their best judgement of the public interest. (83)

The value of this advice lies in that it possesses an 'expert' character. On many complicated negotiations or problems the

Minister cannot be expected to be well-conversant with all the innumerable and minute details. He is usually concerned only with the general principle. For example, describing the negotiations leading to the various Indo-Pakistan agreements, Prime Minister Nehru described the very important role played by his officials. He said:

... before the Prime Ministers (of India and Pakistan) had met, there have been long consultations, so far as I remember twice at Karachi and Delhi between officials, officials at the highest level, who may make a mistake or not, but whom I considered far more competent to go into the details than I was, because it was of a complicated nature. Certainly our Commonwealth Secretary knew more about them than I could presume to know. I was often guided by his advice. In matters of principle, of course, I come in. In matters of detail, he has mastered them completely ... (84)

The officials were also engaged in consultations with the representatives of the various states like Assam, West Bengal, Punjab etc. whose borders with Pakistan were involved in these negotiations. (85) The advice of the officials is important because it is based on rules, precedents and past experience and because it supposedly represents the abstract merits of a case, free from political or other considerations. This advice is, therefore, of immense value to the Minister in arriving at a decision. Needless to say, the final decision should be his own, however much he may allow himself to be influenced by the advice.

(84) Lok Sabha Debates, 49 (1960) col. 6553.
(85) Ibid., col. 6554.
The different forms of relationship between the Minister and the Ministry are governed by the operation of certain well-established principles. On the one hand, the Minister is vested with full power and authority over the Ministry, extending over its organization, management and personnel. The Minister has the authority to decide on the organization and management of the Ministry for the most convenient and efficient transaction of business in it. He also exercises control over the appointment, promotion, transfers and postings and disciplinary conduct of the personnel of the Ministry. For example, all senior promotions and appointments in the Ministry such as those of the Secretary General, the Secretaries, heads of major missions etc. are done by him or on his recommendations; the less important ones are done with his knowledge and concurrence and he has the right to review them if it becomes necessary. (86) The chain of command runs from him downward to the subordinate levels in the Ministry. He issues orders and gives directions which are carried out by the Ministry. Senior officials in the Ministry like the Secretary General and the three Secretaries may advise the Minister, but the authority for taking the final decision on all important matters is of the Minister. When once the decision has been taken it is the responsibility of the Ministry to carry out the policy.

(86) Promotions and appointments of members of the permanent service in the Ministry are normally governed by the principle of seniority. But beyond a certain level, appointments to what are known as 'selection posts' are not necessarily on the basis of seniority alone. For details see below, Chapter IX.
The Minister takes the decision after bringing into consideration all the various facts of the situation, including the advice tendered by his official advisers. Before arriving at the decision he might have discussions with the Prime Minister or some of his colleagues in the government or with some personal advisers. If the matter is very important he might decide to place the matter before the Cabinet or its Foreign Affairs Committee and abide by its decision. The decision arrived at is communicated to the Ministry, which carries it out.

But, it is obvious that no Minister can carry out his responsibilities without considerable delegation of work. It is not physically possible for him to attend personally to all the innumerable papers, telegrams and questions that come up in the course of the work of the Ministry. The situation calls for considerable delegation of work by the Minister to his officials. Lord Strang has described the nature of this delegation of work as follows:

A Secretary of State cannot take all the decisions. His officials must act on his behalf, without reference to him, many times a day. It is an inestimable advantage to them if they can put themselves in his place and be reasonably sure that they are acting as he would wish them to act. (87)

But, whatever be the nature of this delegation of work, it is governed by the principle of ministerial responsibility. (88)

(87) Strang, n. 71, 293.
(88) This was discussed briefly in Chapter III.
The Minister is constitutionally responsible to his colleagues in government and to Parliament for all actions of the Ministry. It is not taken into consideration if a particular action involving a serious error of judgement was the consequence of a decision made by the Minister himself or by one of his officials without the knowledge of the Minister. In the latter case, the authority of the official to take the decision or to act was in consequence of the delegation of authority by the Minister. It is, therefore, with the Minister that the constitutional responsibility for the action lies. In extreme cases he may even have to resign. (89)

The different forms of relationship between the Minister and his Ministry raise particular problems for which no easy solutions are possible. In delegating authority to his officials the Minister always faces the problem of making the distinction between policy and administration or between the more important and the less important work. An act of administration like negotiation involves also an act of policy-making. What seems unimportant one day might prove itself to be very important the next day due to some unforeseen development in international relations. There is, therefore, no sure standard by which the Minister may judge what may be delegated and what may not be. In delegating work the Minister, therefore, runs a continuous

(89) See Chapter III,
risk. This is also true in large part regarding the advice which a Minister receives from his official advisers in the Ministry. It is natural for Ministers and civil servants to disagree, for the considerations that weigh with both are often different. As Lord Strang has pointed out, "The recommendations which the professional advisers make to their Minister and the decisions which the Minister will take upon them, are equally affected by certain limitations upon the liberty of action of their authors." (90) A Minister, for example, is hedged in by what might be called as political considerations, such as the views of his colleagues in the government or in the party or the trends of public opinion. The professional advisers might take these also into consideration before formulating their advices, but primarily they are swayed by other considerations. This is why in all situations the Minister should be able to arrive at a decision as a result of his independent judgement. This calls for a very dynamic understanding between the Minister and his officials. In tendering advice to the Minister or in acting on his behalf the officials should seek to understand the problem on its merits, no doubt, but it would also be of inestimable advantage if the officials could also bear in mind, among other things, the political factors that might weigh with the Minister in arriving at a decision. Similarly in considering the advice or action of the officials the Minister should also seek to understand the considerations that might have weighed with them to tender the particular advice or take the particular action.

(90) Strang, n. 83, 100.
The personality of the Minister is an important factor in determining the nature of this relationship. The special factors strengthening the office of the Minister for External Affairs in India, like the personality of Nehru, his pre-eminent position in the government and country and the comparative success of his foreign policy are important factors to note in this respect. For example, Nehru's continuous leadership of the Ministry for the last fifteen or more years has endowed him with as much as or greater experience of foreign affairs than in the case of many of his official advisers. As one writer has pointed out, "While it is the Minister who comes and goes, and the Under-Secretary who remains in the U.K., in India it is the Secretary that comes and goes and the Minister who is permanent."(91)

During the long tenure in office of Nehru as Prime Minister and Minister for External Affairs there have been three Secretaries-General in the Ministry. (92) Such a situation naturally strengthens the position of the Minister in relation to his civil servants. This does not, however, necessarily mean, as the same writer has asserted that "when the Minister is someone of the personality, the knowledge, experience and the political prestige of the Prime Minister, one cannot but presume that the


(92) Mr. Girja Shanker Bajpai - 1947-1952
    Mr. N. R. Pillai - 1952-1960
    Mr. R. K. Nehru - 1960-
Ministry of External Affairs is playing a negligible part in the formulation of policy." (93) Such a conclusion without further evidences to substantiate it, is derived from a false assumption that the Minister's control of the Ministry and the Ministry's contribution to policy-making can operate only in opposite directions. While it can be agreed upon that the basic premises and formulations of foreign policy have undoubtedly been of Nehru as Prime Minister and Minister for External Affairs - as it should have been - the contribution made by the Ministry in the process has not been 'negligible.'

The Ministry has benefited considerably from this strong leadership during these initial years of its existence. The fact that the Prime Minister has himself been in charge of the Ministry during these years has helped it considerably to strengthen its position in relation to other Ministries and within the general organization of the government. To a large extent this must account for the considerable growth and expansion of the Ministry during these few years. To this should also be added undoubtedly the personal interest and imagination of the person occupying the office of the Minister for External Affairs.

(93) Ruthnaswami, n. 91, 35.
Relations with Parliament

The Minister for External Affairs in India has so far been a member of the Lok Sabha or the Lower House of Parliament. Moreover, in recent years, junior ministers have also mostly been from the Lok Sabha. (94) It is, however, too early to say that this would be maintained as convention in future also. In Britain, the general practice during nearly the whole of this century has been to choose the Foreign Secretary from the House of Commons, even though during the last century the practice had been mostly to select them from the House of Lords. (95) Sir Anthony Eden has recorded in his memoirs that in choosing his successor at the Foreign Office in 1953 when he became the Prime Minister, he desisted from appointing Lord Salisbury to the office, though he had seemed to him to be "exceptionally experienced and qualified for the post," because of "the very serious difficulties which must arise if the Foreign Secretary were to be a member of the House of Lords in present times." (96) However, there was a departure from this practice in 1960, when Mr. Macmillan took in the Earl of Home to the Foreign Office;

---

(94) At present the Minister of State (Mrs. Lakshmi Menon), the Deputy Minister (Dinesh Singh) and the two Parliamentary Secretaries are all from the Lok Sabha.

(95) Gosses, n. 12, 140-1.

but this led to strong protests from the opposition and sections of the press.

It has been said that due to a variety of reasons the relationship between the Minister and Parliament in India is not as active and alive as it is in Britain. (97) An attitude of general distrust of administration still lingers as a hang-over of the pre-independence days. The picture is often one of the 'impatient minister' and the 'irresponsible critic.' (98) Parliament has not also developed successfully so far, what Laski called as, the selective process, i.e. developing leadership for government through successful parliamentary careers. (99) The present ministers have not necessarily been thrown up to their offices as a result of a successful career in parliamentary work; their claims are based more on their past leadership of the nationalist movement. This has also naturally contributed its share to weakening the relationship between Parliament and the Minister. (100) Further, Ministers in India spend less time with their own House than the Ministers in Britain, as it is

(97) Morris-Jones, n. 46, 151-4.

(98) Ibid., 154.


(100) It can as well be argued that the political background of most members of Parliament is also the same. But while there are definite trends for a changing composition of Parliament the Ministers continue to be drawn almost exclusively from the circle of persons with the 'nationalist' background.
necessary for them to divide their hours between the two Houses. (101) This naturally gives them less time to grow familiar and intimate with their colleagues in Parliament individually and collectively than would be the case otherwise. They come to be looked upon as "of very different and distinct status." (102)

The parliamentary responsibilities of a foreign minister are extremely taxing. Dr. Gosses has noted that one of the reasons which had led in the past to the choice of the Foreign Secretary in Britain mostly from the House of Lords during the 19th century was that "it has always been considered impossible to combine the control of such an exacting department as the Foreign Office with the parliamentary duties of a minister in the Lower House." (103) And these duties of the office, both in the department and in Parliament, have only increased many-fold with the passage of the century. And yet, on account of the demand for greater democratic control of foreign affairs, Foreign Secretaries of more recent decades have been chosen mostly from the Lower House. But in order to make up for this increase in work, Foreign Secretaries have been provided with larger personnel and better organization for assistance in his work.

(101) Under Article 88 of the Constitution of India members of the Council of Ministers may be present in either House.
(102) Morris-Jones, n. 46, 151.
(103) Gosses, n. 13, 140.
For various reasons, the parliamentary responsibilities of the Prime Minister and Minister for External Affairs in India are, in general, considerably heavier than those of his counterparts in Britain. Firstly, while in Britain Ministers take part in the proceedings of only that particular House of which he is a member, in India the Minister is entitled to and is expected to be present in both Houses of Parliament when important discussions on his subject take place in either. (104) Business in either House on the same subject-question hour, discussions and debates - is so arranged that they do not clash and the Minister is enabled to be present in both the Houses when questions or discussions relating to his subject are taken up. (105) These arrangements put a great burden on the Ministers. Secondly, while in Britain, the Foreign Secretary receives considerable assistance from the Prime Minister in his parliamentary work, in India due to the combination of offices, the foreign minister is denied this assistance and is at the same time burdened with the additional responsibilities of the Prime Minister. Sir Anthony Eden has stated that one of the reasons which dissuaded him from appointing Lord Salisbury as Foreign Secretary was the fact that this would have made it

(104) See footnote 101 above.

(105) For example, regarding questions, particular days of the week are assigned to particular Ministries. This is done by placing all the Ministries in three groups so that each Minister's turn in a particular House comes twice a week and does not coincide with his turn in the second House. This is done with regard to other business also. For details see, Morris-Jones, n. 46, 220-1
necessary for himself as Prime Minister to be the chief
spokesman on foreign affairs in the Commons, "a heavy additional
load upon any Prime Minister." (106) Thirdly, the Indian
Prime Minister has taken upon himself other departmental
responsibilities which also add a good deal to his parliamentary
work. (107) The British Prime Minister does not usually take
up any specific departmental responsibilities; the Foreign
Secretary also is not given any other departmental work.
Finally, the Prime Minister has also been the Leader of the House
in the Lok Sabha. There is, however, no constitutional
compulsion for this. The British Prime Minister similarly used
to be the Leader of the House in the House of Commons, but due
to the increasing pressure of work on the office of the Prime
Minister this practice was given up. Some other Minister in
the government is designated Leader of the House and the day-
to-day management of the office is left to his care. (108)
Though, thus, the parliamentary responsibilities of the
Minister are much heavier than that of his counterpart in
Britain, the assistance he receives, as noted earlier, is at
the same time very inadequate.

(106) Eden, n. 96, 273.

(107) Besides being Prime Minister and Minister of External Affairs,
Nehru has also been chairman and Minister in charge of the
Department of Atomic Energy since 1957. In 1953 he held the
portfolio of Defence for a few months and in 1955 and 1958
the portfolio of Finance.

(108) Jennings, n. 14, 162.
Nehru has been described as setting a good example to his colleagues in his attitude towards Parliament. (109) He takes care to be present in the House and to take part in its proceedings as far as possible. At the same time, there have also been criticisms that Parliament has not always been treated with proper respect by government. For example, there have been criticisms that neither the facts relating to India's abandonment of her special rights in Tibet nor even the Sino-Indian treaty, which incorporated the five principles of peaceful co-existence, was ever placed before Parliament for formal approval. In the same way, though the text of the Nehru-Noon agreement of 1958 was placed before Parliament, no opportunity was given for any discussion on it. Severe criticisms have been made against the government from all sides for not taking Parliament into confidence in time about the facts relating to the differences between India and China on the borders. Members of Parliament have sometimes complained that the Prime Minister enters into international commitments of a serious character without consulting Parliament. (110)

One of the ways in which the Minister for External Affairs might keep himself in touch with Members of Parliament


who are interested in foreign affairs is through the Informal Consultative Committee on External Affairs. (111)

This Committee is broadly representative of all major parties in Parliament. Discussions in the Committee could therefore be of assistance to the Government to find out the broad trends of opinion within Parliament on important matters. But the effectiveness of the Committee is largely dependent on the extent to which the Government itself is prepared to consult it. Here again, personal factors are likely to play a very important part, particularly since discussions in the Committee are held in camera and do not, therefore, hold out prospects of public acclaim to the critic. Moreover, the fact that preliminary discussions on these might have already been made in the Congress Parliamentary Party of its Standing Committee on External Affairs is also likely to reduce the importance of the discussions in the Consultative Committee. (112)

In short, as in the case of the Cabinet, the Minister has enjoyed a very commanding position in relation to Parliament regarding the conduct of foreign affairs. The

(111) The nature and working of this Committee was discussed earlier in Chapter III.

(112) The organization and working of the Congress Parliamentary Party and its subject committees are described in Morris-Jones, n. 46, Chapter IV.
reasons have already been discussed. Traditions of strong executive leadership in relation to the legislature; the unique personal position of Nehru; the unchallenged leadership of Nehru in the ruling party, particularly on questions of foreign affairs; the overwhelming strength of the ruling party in successive Parliaments; the weakness of the opposition and the support by the leftists to foreign policy; the comparative success of the foreign policy and its wide popularity in the country etc. may be mentioned as particularly important factors in this respect. But there has also been, though not very obviously, another side to the picture. On a few occasions government policies came in for severe criticism from different sections of opinion in Parliament. Such were, for example, the debates in Parliament on Hungary, Tibet and the Sino-Indian border dispute. Government had, on a few occasions, to make compromises, on policy, however slight, to pacify the angry Parliament. It was interesting to note that on many of these occasions criticisms of government policy came from across party frontiers, in the same way as general support to the foreign policy has also come.
VIII

Minister and Public Opinion

To maintain a dynamic contact with public opinion is one of the foremost requirements and responsibilities of the foreign minister. This involves the twin process of keeping track of trends of public opinion in the country in formulating policy and of trying to mould it in its favour.

These dual tasks are performed at two levels - official and political. At the official level the Ministry of External Affairs is developing specialized agencies within its Secretariat to conduct studies on the trends of public opinion on various issues and to mould public opinion in its favour. (113) At the political level, these tasks are performed by the Minister and his colleagues in the Ministry and the Government. The Minister maintains contacts with public opinion through their party organization. The party machinery seeks to cultivate public opinion in favour of government policies, particularly during election months. It might be noted in this context that the foreign policy of the Government has been one of the most appealing election slogans of the present ruling party in India.

As in other matters, the personality and popularity of Nehru have been important factors moulding public opinion on foreign affairs. His statements and speeches carry important 'news value' in the Indian press. He speaks to the country

(113) See below, Chapters five and six.
from his official platforms in Parliament or at his monthly press conferences or in the course of his innumerable public engagements. Equally important is, however, the direct contact which he establishes with the people in the course of his periodic tours to different parts of the country where he meets and speaks to them in mammoth gatherings. Foreign Affairs is a constant theme of these talks. "In Parliament and party caucus, in the village square and at official functions, within India and abroad, Nehru has hammered on these themes with remarkable consistency." (114) Here he "partakes of the character of the pedagogue rather than the demagogue." (115)

This interaction between government and public opinion and the importance of Nehru's personality in the process have been demonstrated very clearly in certain instances. For example, it has been said, that the final formula adopted regarding India's membership of the Commonwealth represented the impact of public opinion. (116) There was very little in the earlier attitudes of the Indian National Congress and the nature of its relations with the British Government during the pre-independence days to suggest that on the attainment of independence the country would take the decision to remain within the Commonwealth. The ultimate formula of India's

(114) Brecher, n. 26, 564.
(115) Fisher, n. 33, 64.
membership of the Commonwealth, which was "almost metaphysical in its refinement," as Professor Mansergh describes it, (117) represented a compromise. The insistence on the republican status was a recognition of the possible public feelings in the matter. There was stiff opposition from the major opposition parties and from within the Congress itself to India's continuing association with the Commonwealth. (118) Nehru's personality was undoubtedly an important factor in persuading public opinion to accept this decision.

A much more recent instance was that of the transfer of Berubari to Pakistan, under the Nehru-Noon Pact of 1958. (119) Public opinion on the issue was quite unfavourable to the Government action, particularly in West Bengal, where this small territory was situated. The legislation was, however, pushed forward and was adopted by Parliament. (120) The West Bengal Chief Minister, Dr. B. C. Roy, who had earlier opposed the Agreement in very strong terms, stated that though he still felt strongly on the issue he would stand by the decision of the


(118) See, for e.g., Constituent Assembly (Legislative) Debates, 24 (1949) and the debates on the Demands for Grants of the External Affairs Ministry in the succeeding years.

(119) This was briefly discussed in the earlier Chapter.

(120) Lok Sabha Debates, 49 (1960) col. 6233; Rajya Sabha Debates, 31 (1960) col. 3194.
Prime Minister as he could not lower his prestige. (121) The personality of Mr. Nehru had certainly been an important factor in persuading the West Bengal Government, as well as Indian Parliament, to arrive at the final decision.

It is, however, possible to exaggerate this point beyond limits. There have been occasions in the past when strong expressions of public opinion have made changes in emphasis on the foreign policy of the country. Reference has already been made to the Indian policy on the Hungarian question in 1957, and other questions where the impact of public opinion pursued the government to make slight variations in emphasis in policy. (122)

The formation and impact of public opinion in relation to foreign affairs have shown, at once, two definite aspects. On the one hand, it has allowed itself to be led to a large extent by the Government. The personality of Nehru and the confidence and trust in his leadership have acted as an important factor in this respect. At the same time, it has also been demonstrated that there are limited beyond which the administration would find it difficult to carry public opinion with it and when public opinion may assert itself against the administration.

(121) Statement by B. C. Roy in the West Bengal Legislative Assembly, The Hindu (Madras) 13 December 1960.

(122) Chapter III.
IX

Decentralization of Power and Responsibility

The discussions on the preceding pages demonstrate that the Minister for External Affairs occupies the central place in the foreign policy process as a whole. Under an able and efficient Minister, it is one of the most important offices in the country. It was also noted that due to the operation of certain factors, the office of the Minister has been greatly strengthened in relation to other agencies engaged in the conduct of foreign relations.

This had had very important consequences regarding the administration of foreign relations. On the one hand, it has considerably helped to foster a better understanding and appreciation of the importance of foreign relations, both within the government and outside. It has also opened up the scope for the better co-ordination of foreign affairs with other activities of government, the Prime Minister being in a specially advantageous position to effect such co-ordination. It has also meant greater stability, continuity and unity within the government in the formulation and implementation of foreign policy.

But it has also resulted in too great a centralization of power in a single individual, a situation accentuated by the personal position of the present incumbent of the offices. Bagehot said that in the British system of Government there
operated a system of 'checks and balances' which kept the constituent parts in general equilibrium. (123) In foreign affairs, the departmental authority of the foreign minister and the powers of general supervision by the Prime Minister check and balance each other. In combining the two offices this check and balance are lost. Moreover, it has led to the strengthening of one part of the Constitution in relation to others. This has, as noted above, led to a weakening of the role of the Cabinet, the Foreign Affairs Committee of the Cabinet and Parliament in the foreign policy process. The direct assumption of responsibility for any department by the Prime Minister could weaken other departments of the government in their relation with the former. The Prime Minister, who is in the most advantageous position to have a proportionate and balanced view of all the branches of government and to keep this view in mind in the co-ordination of the working of all the departments, is handicapped from doing so, like any other Minister, due to his own specific departmental responsibilities. Gladstone gave expression to some of these fears when Salisbury attempted the same combination of offices in 1886. He wrote:

Some of the objects are palpable on the surface of it. But there is one which cannot be fully appreciated except by persons who have had a large experience either of my office (i.e. the Prime Minister's) or of the Foreign Office, where the Foreign Minister

The government must in this country be a government of departments; and (2) There is no one either to assist or at all check the Foreign Minister. (124)

The question as to how far the present circumstances have come to affect the normal working of government in relation to the conduct of foreign affairs is one difficult to answer in any exact form. But there is no doubt that during these years Nehru has been able to exercise a much more decisive role in the conduct of foreign affairs than would have possible for any Foreign Secretary in Britain or possibly for his own successors in office under normal circumstances. In the course of answering criticisms in Parliament that in arriving at some of the agreements on the borders with Pakistan the Prime Minister had proceeded largely in a "single-handed way" all the time, Nehru said:

Take all these border problems. I must have looked at them in the course of these years dozens of times. I confess quite frankly that some of them are so complicated - these revenue papers and others - that I could not master them. I did not try to master those details. I had to leave them to officials who went into them carefully and reported to me the result of their observations. I did not rely on myself. My colleagues in the Foreign Affairs Committee of the Cabinet considered these matters again not with that specific detail, but broadly I kept the Cabinet informed from time to time. Again, I cannot make the Cabinet responsible for any particular decision, but broadly they were kept informed, because it was an important matter. In this background of consultations, this, that and the other, an occasion arises when one has to take a decision this way or that ... (125)

(124) Gladstone to Algerton West dated 12 July 1886, cited by Victor Langford, n. 11, 145.

(125) Lok Sabha Debates, 49 (1960) col. 6552-3.
The statement contains no reference that either the Foreign Affairs Committee or the Cabinet took the final decision. The Foreign Affairs Committee "considered" these matters "broadly" and the Cabinet was also "broadly kept informed" of it, but the decision was not taken by them. The Prime Minister, in the course of the same statement has thrown further hints about the role of the Cabinet and its Committee. He said:

Having consulted everybody repeatedly all the time, the last actual decision is taken. ... I am responsible for that undoubtedly. I consulted some of my colleagues in the Cabinet at the time, but they too had to take broadly the facts that I placed before them. So I take the full responsibility. (126)

In the same way, after describing how certain individual members of the Cabinet and the Home Minister had been kept associated with these negotiations the Prime Minister referred to the role of the Cabinet Committee on Foreign Affairs in this matter. He said,

Sometimes people imagine it (i.e. the Committee) is not meeting. It meets, sometimes very frequently, sometimes not so frequently. We always confer with all matters or some of them in regard to these matters. There are many telegrams received and many of them come to me every morning, a bunch of them. So, we have proceeded in this way. What am I to do. (127)

Obviously, the role of the Cabinet and its Committee was only one of just being available for information and consultation, but no further. It is, of course, true that, often, in conducting international negotiations a stage comes when the

(126) Ibid., 6554.
(127) Ibid., 6557.
executive - the Minister or somebody authorised by him - has to take the final decision. It may not always be possible that before the decision is taken the Cabinet or even its Committee is consulted on all the innumerable minor details, but it is also essential that no international agreement should be signed without giving an opportunity to the Cabinet to express its opinion on it.

Along with this concentration of power, there is also the question of the great concentration of responsibility. It is undoubtedly, too exacting for one individual. The responsibilities of the foreign minister and the Prime Minister are, each in itself, very heavy for one person. As in all foreign offices, the volume of work in the Ministry of External Affairs in India is also on the increase all the time. The complexity, unpredictability and speed in international relations are on the increase day by day. The problem of the office of the Foreign Secretary in Britain has been to find out means of easing his persistent over-work. (128) Herbert Morrison has remarked that he learned during the seven brief months he held the office of Foreign Secretary of Britain that it was "probably the most onerous peace-time job in government, though the Treasury runs it close." (129) Eden once remarked that there

(128) For example see, Morrison, n. 19, 68-9; Strang, n. 71, 296-300.

has been a doubling of the work in the British Foreign Office between 1945 and 1951. (130) On account of the heavy work Eden experienced grave illness in 1953 when he was the Foreign Secretary. (131) It has been said that 'Bevin succumbed in the end to the killing task of being Foreign Secretary.' (132) The responsibilities of the Minister for External Affairs in India are not essentially less taxing than that of the British Foreign Secretary.

This is also true of the office of the Prime Minister. Under the British system the Prime Minister gives effective assistance to the Foreign Secretary. In India, due to the combination of offices, this assistance is denied to the foreign minister; further he has also to shoulder the additional responsibilities of the Prime Minister. And even as Prime Minister, unlike his British counterparts, Nehru has taken upon himself other departmental responsibilities from time to time. Added to all these are such other responsibilities of Nehru as arise from his unique personal position in the government, Parliament, party and country. (133) All these have naturally led to a tremendous concentration of power and responsibility in Nehru, unknown to any Prime Minister or Foreign Secretary in Britain.

(130) Morrison, n. 19, 63.

(131) Ibid., 68.

(132) Strang, n. 71, 297; Francis Williams, Ernest Bevin (London, 1952) 270.

(133) From 1951 to 1954 he was Congress President and from 1947 till today a member of the Congress Working Committee. See also footnote 107 above.
It is not alone the physical burden of the volume of work involved that counts. This can be reduced to some extent by proper delegation of work. But, whatever be the extent and nature of this delegation of work, the constitutional responsibility cannot be delegated. The Prime Minister may delegate any part of his work to the Minister of State, the junior ministers and parliamentary secretaries; he may have the widest possible consultations with the Foreign Affairs Committee, the Cabinet or his personal circle of advisers before arriving at a decision; he may also seek the maximum form of assistance from his officials in the Ministry. But none of these can absolve him of or release him from his constitutional responsibility in the performance of his work. In the normal course a Minister may, to an extent, depend upon his Prime Minister and share this feeling of responsibility, but for a Prime Minister who has taken upon himself important departmental responsibilities there is no such recourse at all. This puts too heavy a strain on the physical and mental abilities of the person. At some stage or other, it is also likely to affect the efficiency of the system.

In other words, the present combination of offices should be avoided if it can be done within the limits of political and other considerations. The fact is that both the offices of the Prime Minister and the Minister for External Affairs are each in itself full-time jobs and demand the exclusive attention of separate individuals. The Prime Minister should not have
departmental responsibilities as in Britain. The functions of the Prime Minister of leadership and co-ordination in government demand more than ever the full-time attention of a person on account of the increasing multiplication of governmental responsibilities. With the great expansion of the area of foreign relations this is true of the foreign minister also. According to Lord Strang, the Foreign Secretary

... would be best if he were a man without wide party responsibilities and with no keen concern for advancement. He should regard the Foreign Secretaryship as a full-time job, absorbing the whole of his energies, and not allow himself to be distracted by active party work or by immersion in general governmental business. If he could be in the House of Lords, this would certainly be an advantage, though in modern conditions, this is perhaps asking the impossible. (134)

As noted earlier, the prevailing tendencies in other countries have been to keep the two offices in different hands, even when there were distinct possibilities to the contrary. H. R. G. Greaves has pointed out that the combination of the offices of the Prime Minister and the Foreign Secretary in Britain had proved itself very unsatisfactory. (135)

(134) Strang, n. 71, 300.

The Foreign Secretary sat in the House of Lords from 1868 to 1905. When Sir Edward Grey became Foreign Secretary in 1905 there was some doubt whether he could combine departmental duties with parliamentary duties. Anthony Eden (now Sir) did not choose Salisbury to succeed him to the Foreign Office on the ground that he sat in the House of Lords. But contrary to all the precedents of this century Macmillan chose Earl Home to the Foreign Office. 'The impossible' has thus happened.

(135) H. R. G. Greaves, The British Constitution (London, 1938) 118. See also Gosses, n. 12, 137.
Ramsay MacDonald did not repeat the combination of offices when he formed his second government in 1928, though the reasons he had advanced for this combination some four years back could still be held valid. (136) As Prime Minister, Neville Chamberlain, "in marked contrast with his predecessors, took the closest possible interest in foreign affairs and continually intervened in the making of policy," (137) but after Eden's resignation in 1937, he preferred to appoint Lord Halifax as Foreign Secretary, even though he was urged to take over the Foreign Office himself. (138) Eden and Macmillan did not decide to retain the Foreign Office with them on becoming Prime Ministers though both of them had been Foreign Secretaries not long back. In the same way, though due to historical reasons the Prime Ministers had themselves been in charge of the Departments of External Affairs in many Commonwealth countries in the past, the practice has become more or less unusual in all of them today. (139)

(136) In the short-lived government of Ramsay Macdonald in 1924 he had held the two offices together.

(137) Macleod, n. 16, 209.

(138) Feiling, n. 15, 339.

(139) The close liaison between the Prime Minister's office and the External Affairs Department had been mainly due to the nature of 'external affairs' in the Dominions in the past. In most of the Dominions, till the beginning of World War II, 'external affairs' had simply meant relations with

...(contd. on next page)
The suggestion that there should be a full and separate Minister for External Affairs in India has occasionally been voiced in Parliament. The argument was never pressed forward too much, primarily because of a feeling of 'indispensability' of Nehru's direct leadership in foreign affairs and also of the difficulty of finding a generally acceptable person to succeed him to the Ministry. To release the Prime Minister from his departmental responsibilities of the External Affairs Ministry need not and should not mean that his general control of and leadership in foreign affairs suffers in consequence. This has not happened in Britain where the Prime Minister has no

Contd. from last page

Britain, and these were naturally under the responsibility of the Prime Minister. In foreign policy, they had not assumed a full role and, to the extent they did, they were mostly guided by the British Foreign Office.

Thus, in Canada, though a separate Department of External Affairs had come into existence in 1912, there was no separate Minister for External Affairs till 1946. The Department was till then under the direct responsibility of the Prime Minister. In Australia, from 1901 to 1916 (the Department was abolished in 1916 and revived in 1921) and 1921 to 1924 the Department of External Affairs was very closely attached to the Prime Minister's Department. There was also no separate Minister for External Affairs. The Department got an independent lease of life only in 1935 when a Minister for External Affairs was appointed. In New Zealand, the Department of External Affairs came into existence only during World War II. There had also been a considerable degree of interchangeability of personnel between the Prime Minister's Department and the Department of External Affairs. In South Africa, till 1927, there was no separate Department of External Affairs at all.

In Australia the Prime Minister has also been the Minister for External Affairs since 1958, following the retirement of R. G. Casey as Minister for External Affairs.
departmental responsibilities and yet retains sufficient control of and leadership in foreign affairs. It leaves the foreign minister free to be wholly concerned with foreign affairs, and it releases the Prime Minister from the exacting, though not necessarily important, administrative responsibilities of the Ministry. The Prime Minister will also be in a better position now to exercise his leadership over the whole government and to co-ordinate the policies and activities of the various branches of government with due consideration to all.

In the present circumstances, the Prime Minister and Minister for External Affairs should also be provided with greater assistance in his work. This could, for example, be done by the creation of further levels of junior ministers in the Ministry. Besides providing immediate political assistance to the Minister this also enables the training up of younger men for the eventual assumption of full responsibilities by them in the Ministry, as and when occasions arise. This latter purpose is particularly important in India where parliamentary institutions have not yet successfully evolved the 'selective process' of training up future ministers through participation in their work and where, therefore, the process of training up the future leaders of government has to be more consciously planned and accomplished. The re-creation of the office of a Minister of State in the Ministry, which had been in abeyance in the 1957–62 period, is perhaps an indication of the increasing realization in this respect in the administration.
The creation of further levels of junior ministers in the Ministry would not, however, be sufficient by itself. It is also necessary that greater opportunities are provided to them in getting themselves acquainted with the work of the Ministry in the transaction of its business. This would, in other words, call for greater delegation of powers to the junior ministers and for enhancing their status *vis-a-vis* the civil servants. A greater delegation of powers would also enable the junior ministers to perform their administrative and parliamentary responsibilities with greater efficiency and usefulness.