

# RULING ON A POINT OF ORDER RELATING TO THE KUTCH BORDER AGREEMENT

MR. CHAIRMAN: On Thursday last, when the Prime Minister moved the motion for the consideration of the statement made by him earlier in relation to the Indo-Pakistan Agreement relating to Gujarat-West Pakistan border, Shri Atal Bihari Vajpayee raised a point of order and objected to the discussion of the motion. After hearing Shri Vajpayee and the Prime Minister, I permitted the discussion to continue as I was of the view that there were *prima facie* no grounds to stop the discussion.

I have given the matter further consideration and I am of the opinion that the objection raised by Shri Vajpayee cannot be upheld. The Government entered into an agreement with Pakistan and the present motion is for discussion of the Prime Minister's statement in relation to that Agreement. Shri Vajpayee's point of order is based on the ground that the Agreement or parts of the Agreement violate certain provisions of the Constitution and, therefore, the Agreement is *ultra vires* the Constitution. While these arguments may be advanced in the course of discussion on the motion before the House, they will not by themselves constitute any bar to a discussion of the motion. The House may take into account these arguments in recording its opinion thereon, but they cannot constitute a point of order to bar the discussion of the motion by the House.

We may, now, continue the discussion on the motion.

## MOTION RE INDO-PAKISTAN AGREEMENT RELATING TO GUJARAT-WEST PAKISTAN BORDER—*contd.*

DR. ANUP SINGH (Punjab): Mr. Chairman, the treacherous role of Pakistan in the recent happenings in

Kashmir has rendered the discussion on the Kutch Agreement unreal and irrelevant, because, obviously our [THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) in the Chair.]

minds are pro-occupied with what is happening in Kashmir. We are wondering whether we are about to witness a replica of the tragic happenings of 1947 or it is a prelude to something even more disastrous. In spite of that, I submit, Sir, that the intrinsic validity of the terms of this Agreement should be judged only in the proper context of the situation that prevailed at the time the Government entered into this agreement. Otherwise, if we allow our judgment to be influenced by the treacherous and ignominious role of Pakistan in Kashmir today, we will not be able to assess the real value of the Kutch Agreement. I personally, along with many others, naturally listened to the speeches of the Opposition and of them, notably Mr. A. B. Vajpayee excelled his previous performance both in eloquence and vehemence. I think, Sir, with all due respect to him, I would like to say that he unwittingly perhaps substituted sentiment for reason and rhetoric for logical arguments.

SHRI AKBAR ALI KHAN (Andhra Pradesh): But he kept up his standard of parliamentary discussion.

DR. ANUP SINGH: That he certainly did as he always does. The whole discussion, from the point of view of the Opposition, finally culminated in a demand for the resignation of the Government. I think, in view of the terms of the Agreement that I shall refer to in a moment, this demand is certainly extraordinary. Prices go up and the Government should go down; some infiltrators come—and it is a very ominous thing, I admit, their coming into Kashmir—and the Government should go out. Governments resign or can be forced to resign on something more formidable and of stronger foundation but the unfortunate fact is that the splinter groups of the Opposition are