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Inner Line Permit in Assam

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ABSTRACT

India is a diversified country with diverse resources, cultures, and identities. However, entry into many Indian states for economic or domestic purposes is now restricted without a legitimate government permit. Inner line permits are the name for this type of permit (ILP). ILP was primarily requested by the northeast state region in order to safeguard their cultural identity and manage the population of their tribes and races within their own state by prohibiting others from entering. It has already been implemented in some north-eastern states (Arunachal Pradesh, Mizoram, and Nagaland), although some north-eastern states have demanded that the ILP system be introduced in their states. As a result, the state of Manipur petitioned the federal government to establish the ILP system in the state. Most restricted/protected places require ILPs for Indian people, whether they are residents or non-residents. However, for acquiring an ILP, the requirements of having a minimum number of travellers and restricting the duration of travel to specified restricted/protected areas are either absent or greatly reduced, but central personnel are not prohibited in those states. The purpose of this paper is to analyse the major issues of ILP in the north-east state of Assam.

Keywords: Assam, Citizenship Amendment Act.

I. INTRODUCTION

Hundreds of thousands of people have demonstrated against the Citizenship (Amendment) Act of 2019 (CAA) and the proposed National Register of Citizens across the country (NRC). Since the CAA's implementation, there have been significant protests in the North-Eastern states against the proposed Citizenship Act, prompting the Centre to proclaim that the Act will not apply to the Inner-Line Permit (ILP) system of states and areas governed by the Constitution's Sixth Schedule.³ In some tribal areas of Assam, Meghalaya, and Tripura, democratic councils and districts have been established under the Constitution's Sixth Schedule. Certain legislative and executive functions are delegated to autonomous councils and constituencies.⁴ The Sixth

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³ Sehgal, D., 2021. *Inner line permit and Citizenship Amendment Act - iPleaders*. [online] iPleaders. Available at: <<https://blog.ipleaders.in/inner-line-permit-citizenship-amendment-act/>> [Accessed 13 August 2021].

⁴ The Hindu. 2021. *Inner-Line Permit is Centre's biggest gift to Manipur, says Amit Shah*. [online] Available at: <<https://www.thehindu.com/news/national/other-states/inner-line-permit-is-centres-biggest-gift-to-manipur->

Schedule protects Karbi Anglong, Dima Haso, and Bodoland in Assam. They make up only seven of Assam's 33 districts, which highlights the state's long-standing dread of illegal Bangladeshi immigration. The people of Assam have long demanded that the ILP system be implemented throughout the state in order to protect the state from illegal immigration. However, the government has repeatedly rejected the proposal, claiming that it would result in a heavy struggle between unemployment and economic growth in Assam.

II. MEANING OF INNER LINE PERMIT

Inner Line Permit (ILP) is an official document issued by the state government that allows Indian citizens to commute to the state for a set amount of time under the ILP. Residents from outside selected states, as well as foreigners, must apply for a permit to enter a secure state.⁵ Employees of the central government and security officers, on the other hand, are excluded from entering the state without an ILP document.

Permits are currently required in states like Manipur, Nagaland, Arunachal Pradesh, and Mizoram. In India, this system is designed to protect tribal tribes in the northeast and to allow the government to regulate and track movements of certain areas along India's international boundary. This material is available both online and in person. Permits are issued in a variety of formats and are issued separately to visitors, renters, and other individuals for a specific amount of time. Outsiders from other states are prohibited from purchasing property in these north-eastern states for any purpose, and residents of the state are subject to various rules and limitations in order to purchase the land.

The Bengal Eastern Frontier Regulations (BEFR) of 1873 apply to the ILP rule. Residents of other states must have an ILP to enter Arunachal Pradesh, Nagaland, or Mizoram under Section 2 of the BEFR 1873. ⁶The fundamental purpose of the ILP system is to reduce the number of other Indian nationals who reside in these three states in order to protect the indigenous population.

III. LEGAL PROVISION

The Citizenship (Amendment) Bill aims to make it easier for non-Muslim refugees to obtain Indian citizenship from Bangladesh, Pakistan, and Afghanistan. If it is introduced with clauses

says-amit-shah/article33431967.ece> [Accessed 13 August 2021].

⁵ The Hindu. 2021. *Inner-Line Permit is Centre's biggest gift to Manipur, says Amit Shah*. [online] Available at: <<https://www.thehindu.com/news/national/other-states/inner-line-permit-is-centres-biggest-gift-to-manipur-says-amit-shah/article33431967.ece>> [Accessed 13 August 2021].

⁶ EastMojo. 2021. *Inner Line Permit regime in Northeast India: Boon or bane?*. [online] Available at: <<https://www.eastmojo.com/news/2020/01/31/inner-line-permit-regime-in-northeast-india-boon-or-bane/>> [Accessed 13 August 2021].

to exempt States under the ILP system from its ambition, it means that CAB beneficiaries will become Indian citizens but will not be able to settle in those three states. The same restriction applies to existing Indian citizens.⁷

Three areas of Assam, however, already come under the Constitution's Sixth Schedule, which protects tribal parts. The government made it clear that the States will be exempted from CAA under the ILP. According to an article published by IAS Express, in 1985, an agreement was signed between the Centre and the protesters related to the agitations in 1970 which, led to an increase in the number of undocumented immigrants.

If the CAA passes without the restrictions of ILP then the recipients under this Act can settle anywhere in the nation which will be a threat to the North-Eastern states. Inner Limit Permit is demanded by the natives of the states because they have a fear of losing their identity and certain other interests.

The Citizenship (Amendment) Bill proposes to make it simpler for non-Muslim refugees from Bangladesh, Pakistan, and Afghanistan to obtain Indian citizenship. CAB beneficiaries will become Indian citizens but will not be able to settle in those three states if it is introduced with stipulations exempting States under the ILP system from its aim. Existing Indian citizens are subject to the same restrictions.

However, three sections of Assam are already covered by the Constitution's Sixth Schedule, which safeguards tribal territories. The government made it clear that under the ILP, the States will be immune from CAA. According to an article published by IAS Express, in 1985,⁸ the Centre and demonstrators linked to the 1970 agitations reached an agreement, which resulted in an increase in the number of undocumented immigrants. If the CAA is passed without the ILP restrictions, recipients of the Act will be able to settle anywhere in the country, posing a danger to the North-Eastern states. The natives of the states are seeking an Inner Limit Permit because they are concerned about losing their identity and other interests.

IV. HISTORY OF INNER LINE PERMIT SYSTEM

When the British developed the "Inner Line Permit" in the early 1870s, it was solely for the purpose of jurisdiction. It has no say in the sovereignty of the land beyond its borders. The

⁷ The Indian Express. 2021. *Explained: What is Inner Line Permit, what is its CAA context?*. [online] Available at: <<https://indianexpress.com/article/explained/inner-line-permit-what-is-its-caa-context-6441390/>> [Accessed 13 August 2021].

⁸ Desk, S., 2021. *ILP (Inner Line Permit) must be introduced in Assam: Samujjal Bhattacharya - Sentinelassam*. [online] Sentinelassam.com. Available at: <<https://www.sentinelassam.com/top-headlines/ilp-inner-line-permit-must-be-introduced-in-assam-samujjal-bhattacharya/>> [Accessed 13 August 2021].

District Officer's active control did not have to be extended all the way to the border, but it could not be carried any further⁹. Beyond the lines, the tribes were left to conduct their own affairs, with only such political intrusion from the frontier officers as was deemed necessary in order to create personal influence for the good among the leaders and tribes.

In fact, the Inner Line Permit was established in 1872 solely to protect the interests of rubber and elephant dealers, as well as the lives of British subjects in Assam and Cachar. Bengal was undivided at the time, and Assam and Cachar were part of it. In a Resolution dated January 17, 1872, the Governor General in Council of British India decided to define the line of ordinary jurisdiction to be exercised by officers of the Government of India in the rubber producing districts; to declare that the Government will not be responsible for the protection of life beyond that line; and to require that movements of British subjects beyond that line be supervised.

The Governor General in Council also believed that particular precautions should be taken to prevent hill men from selling their land on the plains to European or local planters. As a result, the Lt. Governor of Bengal has been instructed to draught a regulation that meets the aforementioned criteria.¹⁰

V. IT'S RATIONALE FOR THE INNER LINE PERMIT DRAFT REGULATION

On March 1, 1873, the Government of Bengal forwarded a draught Regulation drafted by the Department of Agriculture, Revenue, and Commerce under Act 33, Victoria, Chapter 3, Section 1, which grants Executive Governments the ability to enact brief legislation for backward regions. Acts passed before 1963 in the United Kingdom were given the year/s of the monarch's reign for the session of Parliament in which they were passed, as well as the Act's number. At the opening of each legislative session, a new set of numbers is assigned.

"A Regulation for the Security of Certain Districts on the Eastern Frontiers of Bengal, and for the Better Ordering of Trade with Hillmen Living on the Borders of Those Districts," read the draught regulation. With effect from April 1, 1873, the Regulation was to be extended to the districts of Cachar, Chittagong Hill Tracts, Kamroop, Durrang, Nowgong, Seeksagur, Lukhimpour, and the Naga Hills, Khassiah (Khasi), Jyeteah (Jaintia), and Garo Hills. There were ten sections in the draught Regulation. Section 2 and Section 7 of the Resolution were the

⁹ Desk, S., 2021. *ILP (Inner Line Permit) must be introduced in Assam: Samujjal Bhattacharya - Sentinelassam*. [online] Sentinelassam.com. Available at: <<https://www.sentinelassam.com/top-headlines/ilp-inner-line-permit-must-be-introduced-in-assam-samujjal-bhattacharya/>>

¹⁰ Sehgal, D., 2021. *Inner line permit and Citizenship Amendment Act - iPleaders*. [online] iPleaders. Available at: <<https://blog.ipleaders.in/inner-line-permit-citizenship-amendment-act/>> [Accessed 13 August 2021].

most essential provisions, as follows:¹¹

Section 2. It shall be lawful for the Lt. Governor of Bengal to define, and from time to time to alter, a line up to which the ordinary protection of the officers of the Government shall extend in each or any of the above named districts, and to prohibit all British subjects or any persons residing in or passing through such districts from going beyond such line without permission, by notification in the Calcutta Gazette.

Section 7. Without the express consent of the Lt. Governor, or such official as he may appoint, no British subject may acquire lands or any interest in land, or in the produce of land, or in any produce under the soil, beyond the line defined under Section 2 of this Regulation.¹² Any lands or interests acquired in this way may be dealt with how the Lieutenant Governor sees fit. The provision, however, shall not apply to inhabitants of the tract beyond the line designated in Section 2 as the location of any lands purchased by him.

VI. NEED FOR THE INNER LINE PERMIT

Purpose to create the inner line permit is to limit the migration of people to certain areas near India's international border.

1. Protecting the indigenous communities of these nations.
2. Minimizing the likelihood of any unsavoury accident.
3. Allowing enough time to grow these states economically without any outside intervention.
4. Purpose of security.

Many such remote parts of the country as a way of securing the native culture and interests of indigenous peoples by imposing excessive restrictions on the influx of outsiders and their ability to purchase and/or live permanently in these regions for the protection of national security, and sensitive regions adjacent to international borders for the protection of national security¹³.

Although it is still possible to travel to certain locations, one must plan ahead and apply for an ILP before doing so. To be clear, PIOs, NRIs, OICs, and Foreign Nationals must also obtain authorization to enter certain areas. They cannot, however, apply for an ILP; instead, they must apply for a Protected Area Permit (or a Restricted Area Permit based on the categorization

¹¹ Ashok Meetei "Inner Line Permit System in North East India" 4 IJRAR 43 (2017).

¹² Govt. of Assam. 2021. *Assam Accord and its Clauses*. [online] Available at: <<https://assamaccord.assam.gov.in/portlets/assam-accord-and-its-clauses>> [Accessed 13 August 2021].

¹³ Ibid.

assigned to the Protected Area).

Furthermore, such regions may be restricted in other ways, such as not being open to non-Indian nationals or requiring groups of people to commute together by denying individual travel permits, among other things. As a result, if you're considering a vacation to one of these places, it might be worth your time to hire a reliable, certified local tour guide to help you file for re-entry¹⁴.

VII. CONNECTED TO CITIZENSHIP AMENDMENT ACT

Non-Muslim refugees (Hindus, Jains, Sikhs, Buddhists, Parsis, and Christians) from Pakistan, Bangladesh, and Afghanistan who arrived in India before December 31, 2014 can now obtain Indian citizenship under the Citizenship (Amendment) Act, 2019.

While the majority of mainland India opposes the divisive Act because it is anti-Muslim, the North East has a different issue. The claimants under the CAB will become Indian citizens and be allowed to settle anywhere in the globe if the Act is enforced without the ILP. Nonetheless, the ILP System prohibits refugees from settling in ILP System-bearing countries.

VIII. CONCERNS OF ASSAM

Since they share the longest borders with Bangladesh and have been exposed to the largest number of Bengali-speaking illegal migrants since partition, Assam and Tripura have been outspoken in their opposition to the Act.

Since the 1970s, Assam has become a hotbed of conflict. In 1979, the state saw a massive rebellion against illegal immigration, which lasted until the Assam Agreement Accord in 1985.¹⁵ The Northeast is home to 238 indigenous communities, which account for 26% of the region's population, and their leaders claim that the ongoing inflow of Bengali-speaking immigrants is threatening their survival.

According to numerous research, international visitor movement has increased considerably, resulting in a population gap in the area. If that wasn't enough, the war has also been fuelled by illegal trafficking from Bangladesh, Nepal, and Myanmar. It has caused communities to be concerned about job opportunities and resource availability.

In order to prevent this, the North East Students' Union, the umbrella body representing all student organisations, has constantly pressed for the implementation of the Inner Line Permit

¹⁴ Ashok Meetei "Inner Line Permit System in North East India" 4 IJRAR 43 (2017).

¹⁵ Ashok Meetei "Inner Line Permit System in North East India" 4 IJRAR 43 (2017).

(ILP) in all states across the country.

The Union Cabinet gave its ex-post-facto approval to the 2019 Adaptation of Laws (Amendment) Order, issued by the President pursuant to Clause (2) of Article 372 of the Constitution, revising the BEFR, according to an official release released on December 24, 2019.

The Union of Students, on the other hand, believes that this is being done to impose CAA in Assam since, under the BEFR, the state of Assam is entitled to an inner-line permit system and is covered by the BEFR, but the central purposefully changed the clause to impose CAA.¹⁶

The Presidential Order was challenged in the Supreme Court by the Asom Jatiyatabadi Yuba Chatra Parishad (AJYCP) and the All Tai Ahom Student Union (ATASU). The petitioners claimed that just before the Citizenship (Amendment) Act (CAA), 2019, was approved, the Presidential Order had excluded numerous Assam districts from BEFR. Kamrup, Darrang, Nowgong, Sibsagar, Lakhimpur, and Cachar were among the districts. BEFR gives some states the authority to bring districts into the inner line zone. In light of Area 6B (4) of the CAA, the CAA could not be applied to the degree of awarding citizenship to illegal immigrants in Assam once the districts had entered the 'inside line' section.¹⁷

Section 6B(4) of the CAA restricts its application to tribal regions defined in the Constitution's Sixth Schedule and areas protected by the Inner Line approved under the Bengal Eastern Frontier Regulation (1873).

The CAA simplifies the eligibility conditions for certain groups of migrants seeking Indian citizenship from three countries (Pakistan, Bangladesh, and Afghanistan) and exempts other regions, such as those covered by the Inner Line programme. Because Assam is the entrance to North-East India, the state government claims that the ILP cannot be implemented there. The ILP's implementation would result in a higher unemployment rate. The tea industry as well as the oil industry would be affected. BEFR, according to the petitioner, may have been the solution to Assam's and its people's current difficulties with illegal immigrants.

The Supreme Court heard arguments from the Centre on the petitions of two Assam Student Unions challenging the Presidential Order repealing the Bengal Eastern Frontier Regulation (BEFR) of 1873 to deny the system of state inner-line permits (ILP) and removing it from the

¹⁶ Hindustan Times. 2021. *Understanding the history of the Inner Line Permit in the Northeast*. [online] Available at: <<https://www.hindustantimes.com/analysis/understanding-the-history-of-the-inner-line-permit-in-the-northeast/story-dvA0y8Nd6yxMprtxZAYpUM.html>> [Accessed 13 August 2021].

¹⁷ Lexlife India. 2021. *NRC: What is 'Inner Line Permit'?*. [online] Available at: <<https://lexlife.in/2020/06/25/nrc-what-is-inner-line-permit/>> [Accessed 13 August 2021].

Citizenship Amendment Act on June 3, 2020. (CAA).¹⁸

Ex-part stays on the presidential order were also refused by Chief Justice S. A. Bobde, Justices A. S. Bopanna and Hrishikesh Roy, who were conducting the case via video conferencing. The Supreme Court served notice on the Centre and scheduled a hearing for two weeks later.

IX. INNER LINE PERMIT & THE LUSHAI HILLS DISTRICT

The 1930 extension of the Inner Line Permit in the Lushai Hills District (modern-day Mizoram) makes for fascinating reading. Lushai Hills was not an administered British region when the Inner Line Permit was implemented in Cachar District in 1875, but terra incognita populated by head-hunting savages (as per Govt of Assam letter No. Pol-1552/7312 A.P. dt 4th June 1930). Lands in Cachar district near the Lushai Hills had been leased out for tea, and it was important to keep adventurous planters, traders, and shikaris from crossing the boundary lines, which could cause political issues.

The Lushai Hills then became an administered area under resident British officers, and the Lushais quickly grew more civilised than any other hill tribes on the North East Frontier, hence the old Cachar Inner Line became obsolete.¹⁹ In 1895, the then Chief Commissioner of Assam, Sir William Ward, issued orders to the Political Officer, North Lushai Hills, in letter No. 399 Foreign-3593P dated July 22, 1895, that the Inner Line Regulations be allowed to lapse insofar as they affected the free egress and ingress of all natives of India from the districts of Cachar and Sylhet into the Lushai Hills. However, orders were issued at the same time requiring all Lushais to obtain permission before travelling to the plains or the Manipur States.

The Lushai Hills district later became one of Assam's most peaceful, and it was discovered that, rather than safeguarding the plainsmen from the Lushais, it was required to protect the Lushais from unwelcome foreign immigration. Bengali traders and Nepali graziers were among the immigrants. The reasons for restricting foreigner immigration were due to the bazaar sites' modest size and inability to expand. The communities were already overcrowded, making water, sanitation, and fuel supply extremely difficult.

The government believed that allowing Bengali traders unrestricted access to the Lushai Hills would encourage them to engage in illegal enterprises such as arms and ammunition (which the Lushais prize), drugs, and possibly women prostitution. The Bengal Eastern Frontier

¹⁸ Sehgal, D., 2021. *Inner line permit and Citizenship Amendment Act - iPleaders*. [online] iPleaders. Available at: <<https://blog.ipleaders.in/inner-line-permit-citizenship-amendment-act/>> [Accessed 13 August 2021].

¹⁹ Epao.net. 2021. *Epao.net*. [online] Available at: <http://epao.net/epSubPageExtractor.asp?src=news_section.Inner_Line_Permit_ILP_Demand.History_of_Inner_Line_Permit_System_By_M_Ranjit> [Accessed 13 August 2021].

Regulation of 1873 was never extended to the then Lushai Hills district until 1930, but successive Superintendents have attempted to control the ingress of foreigners into that district through executive orders since 1910, and have punished disobedience under Section 188 of the Indian Penal Code. Later, at the Assam Legislative Council, these executive orders were the subject of inquiry and criticism.

As a result, the Government of Assam filed a request with the Government of India to extend the Bengal Eastern Frontier Regulation to the Lushai Hills district, citing the control of foreigners by the Deputy Commissioner, Naga Hills, under the authority of Foreign Department letter No. F. 59X/29, dated March 8, 1929, and by the Political Officer, Sadiya Frontier Tract, under the authority of Foreign Department letter No. F. 59X/29, dated March 8, 1929.

The Lushai Hills inner lines were approved on July 25, 1930, by Foreign and Political Department letter No 209-X, which also eliminated the Cachar inner line. The Inner Line System is now in use exclusively in the states of Nagaland, Mizoram, and Arunachal Pradesh.

X. CONCLUSION

The administration is opposed to implementing the concept of an Inner Line Permit in Assam because the state's tribal lands are already protected under Schedule Six of the Indian Constitution. ILP's principal goal is to protect the environment, tradition, and culture against exploitation. The administration claims that the Indian constitution already fulfils the goal of the ILP. As a result, there is no need to implement ILP in Assam. The residents of the state, on the other hand, filed a court petition claiming that the state has the longest border with Bangladesh and has been fighting the flood of illegal migrants from that country. As a result, the state is especially vulnerable to exploitation by non-natives and Bangladeshi migrants. As a result, the ILP must be granted to this state in order to safeguard it against exploitation or misuse. On June 3, 2020, the Supreme Court of India dismissed a petition seeking a stay of the President's directives. As a result, the Supreme Court decided in favour of the petitioners.
