CHAPTER-4
IMPLICATIONS OF INNER LINE REGULATION AND BORDER TRADE.

4.1 Introduction:

The Inner-Line Regulation (ILR) was created during the British era to protect the British interests from the marauding hill tribals who used to invade the British subjects which in turn created insecurities in the plains and neighboring hills. For the best interests of both the parties an imaginary line known as the inner-line was created to divide between the two communities so that neither party could go beyond the line without a permit from appropriate authorities. This Inner-line Regulation continues in the State of Mizoram even today. The inner-line regulation has been further safeguarded in the MNF-Government of India Accord which stated among other things, ‘the Inner Line Regulation as now in force in Mizoram would not be amended or repealed without consulting the State Government’. The Inner-Line Permit (ILP) is considered by the Mizos as a protective shield from the assimilation of the non-tribals and put their best effort to protect it from being repealed by the Government of India.

During the British period the Lushai Hills district was a non regulated district. This was a scheme to protect the simple hill people from the exploitation by the speculators, pleaders, police, traders etc. There was no attempt in any case to lift this Inner Line Regulation during the British period. This has been clearly manifested in the Government of

India Act 1935,\textsuperscript{188} which made the Lushai Hills District excluded area and kept the hill areas beyond the jurisdiction of the Assam Legislative Council.

The British were neither interested in the exploitation of the Lushai Hills nor were attracted to the natural resources of the Lushai Hills but they were interested in protecting the commercial interests of the British planters. The good prospects of the British tea industry constrained the British administration to set them free from the Lushai raids. After the British left the country, however, the Inner Line Regulation system continued to be maintained in the reverse direction in the sense that the Mizos are protected from the economically superior neighbors of the non tribal people. However, on March 19, 1933, the British Government issued notification by stating that foreigners who had been allowed to stay in the Lushai Hills and the indigenous inhabitants were to be exempted from the regulation imposed under the Inner Line Regulation. Nevertheless, the term indigenous was not defined anywhere.\textsuperscript{189}

This Inner Line Permit was introduced by the British rulers for the eastern frontier areas of Bengal in order to safeguard and protect the indigenous tribes of the regions. It is not to be noted that till the year 1850, many tribes in these areas did not have well-defined ethnical identity nor had socio-geographical recognition.\textsuperscript{190} The Governor

\textsuperscript{188} Suhas Chatterjee, ‘Making of Mizoram’ Volume 1, M.D.Publications.New Delhi, 1994, pp.3-4.
\textsuperscript{189} P. Chakraborty, Op.cit, p.22.
\textsuperscript{190} S.N Singh ‘Mizoram Histotical, Social, Economis, Political and Administrative’ Mittal Publications,New Delhi, 1994, p.114.
General-in-Council had a serious concern over the pathetic conditions of the hill tribes and had investigated the circumstances leading to such conditions, and accordingly decided to introduce special packages for the tribes of these areas and to adopt adequate measures to exempt these tribes from all types of dependence from the plainsmen, especially zamindars of the British Provinces. The hill tribes of these regions were constantly involved in fighting with the British subjects of tea and rubber planters. In this process, there had been a number of reasons to exclude these areas from the interference of the British subjects. After the Lushai expedition by the British, the boundaries of all the plain districts of Assam with neighboring hill areas inhabited by the tribes were determined by a line popularly known by the name Inner Line Regulations. This was done through the Bengal Eastern Frontier Regulation of 1873, whereby, this regulation introduced the inner-line concept and was applicable on the southern parts of the Cachar district.


192 The British government was very much concerned about the safeguarding of its frontier which came under its direct governance. Because of that, the British Government had decided to create a line called inner-line to separate the hill tribes of Assam with the plain people of eastern frontier people. Hence, under the provision of the inner-line the Lt. Governor was empowered to draw a line to be called the inner-line in each of the tribal areas beyond which the British subjects and certain classes of foreigners were not allowed to penetrate without a pass. As per the Eastern Bengal Regulation of 1873, an inner-line regulation was created for peace, tranquility and good administration of the frontier districts on the eastern Frontiers of Bengal. Accordingly, the Governor-General- in council notified the inner-line on the southern frontier of Cachar District. The inner-line regulation laid down various conditions to which the non-tribals could carry trade and other activities. The restrictions of the entry of non-tribals into the Lushai Hills and all the hill areas of Assam were reinforced by the enforcement of the Chin Hills Regulation of 1896, and in a modified form inner-line regulation was extended to all the hill areas of Assam. Since the introduction of the inner-line
4.2 Modifications of Inner-Line Regulations to Suit the Changing Circumstances:

This Inner Line Regulation has been modified and regulates periodically to suit the circumstances. This inner-line regulation has been continued to enforce in the State of Mizoram. When the Mizo District was formed under the State of Assam, the inner-line regulation was continued in the Mizo District, and when the District was upgraded into a Union Territory, the inner-line, still continued to prevail in the State of Mizoram. Again, when Mizoram was upgraded to the Statehood after the signing of the agreement between MNF and the Government of India on 30th June 1986, it was agreed to continue the inner-line as it existed. There has been criticism leveled on the inner-line clause of the Mizo Accord on the ground that the inner-line clause embedded in the Accord was not strong enough because there is a room for the Central Government to lift the Inner Line Regulation in the State. In this context, the Central Government may just consult the State Government and then abrogate the Inner Line Regulation that has been in force in the State. However, such situation is unlikely to occur in the State of Mizoram considering the political implications that may result in such event.

When Mizoram became a Union Territory, the Government servants and their immediate members have been exempted from the requirement of pass under the regulation. Prior to that, in September regulation, several notifications have been issued to suit the circumstances within the basic structure.

193 Memorandum of Understanding Between the Mizo National Front and the Government of India signed in Dew Delhi on 30th June, 1986, Clause, 8.
1972, by the notification dated 28.09.1972, the Government of Mizoram has declared that they had agreed for the Border Road Task Force, Public works Department and civilian contractors to import non-tribal laborers from other States on the condition that the Border Road Task Force should register the laborers imported by them and issue identity cards and that the other contractors if they were to import laborers should obtain permission from the Deputy Commissioner, Aizawl District and register the names of the laborers imported.

4.3 Categories of persons who are outside the purview of the Inner-Line Pass:

There are certain categories of people who are outside the ambit of the Inner Line Regulations. These categories are members of security forces and the families of such non-indigenous and permanent government servants, employees of government undertakings and corporations, retired government employees settled in Mizoram by virtue of his or her marriage to an indigenous tribal of Mizoram. Government advocates as well as advocates of defence personals of Government all shall be exempted from the purview of Inner Line Permit.

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194 Ibid, p.22.
195 The Mizoram Gazette Extra Ordinary Published by authority, vol-xxxv, Aizawl, 8.9.2006, p.2
4.4 Regular and Temporary Inner Line Permit:

Regular Inner Line Permits are issued by the competent authorities for a period not exceeding six months on the condition of availability of a sponsor who is a bonafide indigenous resident. On the other hand, temporary Inner Line Permit may be also issued to bonafied visitors or business representatives by giving information to the concerned Deputy Commissioners for a period not exceeding 15 days.\textsuperscript{196} Renewal Inner Line Permit (ILP) shall be on the condition of good conduct of the ILP holders that he / she does not involve in any criminal activities in the State.

4.5 Merits and Demerits of the Inner-Line Regulation:

However, some critics have observed that the Inner Line has kept the people of Mizoram separate,\textsuperscript{197} from the mainstream of the country. It is true that the segregation protects the hill tribals from assimilations from plain people but it also hampers cultural contact with the mainland India to a great extent. However, the Inner-line regulation is useful in so far as it safeguards the hill tribals from cultural assimilation and economic exploitation from the surrounding plain people. These are the reasons for which even after 1987 and after the Mizoram attained Statehood, the Inner Line continued to maintain ethnic and cultural identity.

\textsuperscript{196} Ibid
\textsuperscript{197} Ibid, p.47.
4.6 The Inner-Line Regulation In Connection With the Development of Indo-Myanmar Border Trade:

On the surface, it may be difficult to find the exact linkage between the Indo-Myanmar border trade and the Inner Line Regulation which is still enforced in Mizoram. One of the reasons may be cited is that in the Indo-Myanmar border trade, foreigner issue and foreign goods are involved which is outside the purview of the so called Inner Line Permit. The main principle involves the Inner Line Permit today is to curb the influx of the non-tribals into the State of Mizoram in order to safeguard the people of Mizoram from the assimilation of the plain people. However, with regard to Indo-Myanmar border trade, both the Myanmarese and the Mizos are involved. But when we delve deep into the Inner Line Regulation and the Indo-Myanmar border trade, we came to know that there is a fine line of connection between the two. It is a matter of true that the Border Road Transport Force which imports many of their work forces through the Inner Line Pass have been facilitating cross border movements across the Indo-Myanmar border. The BRTF has constructed roads in the border areas which actually promotes border trade facilities. In this way, the Border Road Transport Organization indirectly promotes border trade across the international borders. However, These days, the Border Road Task Force,\(^{198}\) are employing more and more local people to meet the requirement of labor. They are also dependent on labors from outside Mizoram and there is substantial visibility of non Mizo laborers in Mizoram. This has also implication for the ILP.

\(^{198}\) The author’s interview with BRTF officials in their Headquarters at Aizawl on 25.07.2009
In this context, it will be pertinent to note that the Deputy commissioner of Aizawl District, Lunglei District, Kolasib District, Mamit District, Serchhip District, Lawngtlai District and Saiha District or, any officer authorized by them may issue provisional passes for laborers with validity for fifteen days, on the recommendation of the Chief Engineer, Pushpak, Engineer–in-Chief, Public works Department and the Zonal Chief Engineers below him, as the case may be. Before submission of such recommendation to the Deputy Commissioner, Aizawl, the sponsoring department or, authorities shall obtain no objection certificate from the Labor and Employment Department, Government of Mizoram.  

Once the laborers are recruited from outside the inner-line area, it has become the responsibility of the concerned recruiting agency to first produce the laborers along with their list to the inner-line check-gate through which they will enter. It is also the responsibility of the department or, the contractor of the Government undertaking or, corporation concerned to see that all laborers recruited under inner-line regulation to get their inner-line pass regularized from the concerned Deputy Commissioner within fifteen days of entering the inner-line areas. Keeping in view of the rules and regulations that have been issued with regard to the inner-line permit a large number of inner-line passes are often issued in the State of Mizoram.

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Other companies such as airtel, BSNL etc., also import labors through the inner-line regulation which facilitate communication in the State, and the labors imported by the above mentioned companies facilitate and improve transport roads and communication in Mizoram, thereby, enhancing the movement of people from one place to another in border areas as well. In this way the Inner Line Permit also indirectly influences the Indo-Myanmar border trade. Due to the development of tele-communications Indo-Myanmar border trade improves remarkably because traders reap the benefits of transport, road and communication. The improvement in communication is very vital for the quick transfer of money in the Indo-Myanmar border trade, the money transaction from Mizoram to Myanmar is usually done through telephonic communication.

The Inner Line Regulation also will be extremely useful when the Indo-Myanmar border trade, as per agreement develop in full swing, because the non tribals from other States by utilizing the Inner Line Regulation will engage in border trade activities. The fact that the non tribals are not allowed to do business in Mizoram without proper inner-line permit will highlight, the importance of the Inner Line Regulation for greater development of the Indo-Myanmar border trade to take place in Mizoram.

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200 The author’s survey at the Inner-line Cell, Office of the Deputy Commissioner, Aizawl.
201 The author’s interview with traders who are engaged in Indo-Myanmar border trade.
4.7 Guwahati High Court Interim Order on Inner Line Permit:

However, of late, Inner Line Permit has become a burning issue in Mizoram. North Eastern Plains People Traders and Youth Federation filed a court case against the Government of Mizoram in the Guwahati High Court on June 2, 2008. Meanwhile, the same petitioner filed additional affidavit in the same High Court stating that while the case was pending in the High Court, the Government of Mizoram sent back 90 to 100 non Mizos from Mizoram who did not possess pass permit. Consequent upon that the Guwahati High Court issued an Interim Order on June 13, 2008, informing the Government of Mizoram not to apprehend and send them back those who do not possess Inner Line Permit. This evoked strong reaction amongst the Mizos. On July 3, 2008, the Mizo people organized total band throughout Mizoram to register their protest against the High Court order. The Mizo people were determined to get back their rights under the Inner Line Regulation. The same Interim Order has been challenged by the Government of Mizoram in the same Guwahati High Court.

In order to show their dislike and abhorrence the act of Public Interest Litigation (PIL) submitted to the Guwahati High Court by the North East Plain Peoples Traders and Youth Federation and the issue of the interim order by the High Court on the same issue, the Mizos under the guidance of the Mizo Zirlai Pawl, organized sitting demonstration in front of Raj Bhavan Gate on July 21, 2008. Due to the Interim Order of the High Court, the Mizoram Government was trying to summon

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203 Vaqnglaini, Aizawl, July, 22, 2008, p.1
Mizoram Legislative Special Assembly on July 8, 2008, to discuss the matter concerning inner-line permit. In the meantime, the Guwahauti High Court has decided to deliver its final decision on July 22, 2008. The Government of Mizoram also cancelled its Special Assemble Session slated to be held on July, 8, 2008.  

The Guwahati High Court has made a decision setting aside the Public Interest Litigation (PIL) submitted by the North East Plain Peoples Traders and Youth Federation, and accepted the present practice of the State Government concerning Trading Regulation. It is to be noted once again that the Mizo Peace Accord puts a safeguard on the inner-line regulation in Mizoram.

4.8 Latest Guidelines for the Enforcement of the Inner-Line Regulations:

The latest guidelines for the enforcement of inner-line regulation in Mizoram have been issued by the Government of Mizoram on September 1, 2006 in supercession of the existing guidelines for the enforcement of inner-line regulation in the State. In pursuance of the Council of Ministers meeting held on 11th August 2006, and in the interest of the people of Mizoram, the Governor of Mizoram has issued fresh guidelines for regulating the entry of non-indigenous persons within the Inner Line of Mizoram.

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204 Vanglaini, Aizawl, July, 7, 2008, p.1
205 Vanglaini, Aizawl, August 28, 2008, p.1
As per the new guidelines, the authorities for issue of regular inner-line pass are the Deputy Commissioner of Aizawl, Lunglei District, Kolasib District, Mamit District, Serchhip District, Champhai District, Lawngtlai District and Saiha District, or any other concerned subordinate officers authorized by them on their behalf shall be competent to issue the inner-line permit for a period of not exceeding six months, on the condition of the availability of a sponsor who is a bonafide indigenous resident.

Temporary inner-line regulation also can be issued by the Resident Commissioner, Government of Mizoram at New Delhi, the Lioson Officer, Silchar, Shillong, Guwahati, Kolkata, the Deputy Superintendent of Police, in charge of Airpot Security, officer in charge of Kanhmun Police Station, Administrative officer, Bairabi and Sub Divisional Officer(C) Ngopa are authorized to issue temporary inner-line permit.

It is also important to note the types of persons of non-indigenous residents who are exempted from the inner-line permit are such as the Security Forces and the families of such non-indigenous or, regular or permanent government servants and employees of government under takings and corporations are also be exempted from the purview of the inner-line permit. The retired government employees are also exempted by virtue of his or, her marriage to indigenous tribals of Mizoram.
4.9 Comparison of Guidelines for Regulating Entry of Myanmarese Migrants into Mizoram and Guidelines for the Enforcement of The Inner-Line Regulation In Mizoram:

Inner Line Permit was born out of the ashes of struggle and war between neighboring plain people of the British subjects and the savage hill tribes who used to attack each others. It was the handiwork of the British administration to protect their economy and to create peace in the region. The Mizo people were also not allowed to cross the line demarcated by the British without a valid pass. The British subjects also were not allowed to cross the inner-line without a valid pass. The inner-line was framed in order to maintain peace and tranquility in the region. But with regard to Indo-Myanmar border crossing by both sides of the indigenous people residing in the border areas, the Government of India and the Government Myanmar agreed to provide free movement of people within the radius of 40 km. The reasons cited for this free movement were to facilitate trade across the border and people to people contact. These things were done considering ethnic cultural affinities of the Myanmarese tribals and the Mizos. But after July 31, 1968 the Government of India unilaterally introduced permit system for the Myanmarese entry into India due to security reason.\textsuperscript{207} But these ethnic Chins from the Chin State of Myanmar continue to entere Mizoram in large scale and permit system remains virtually non existent which have far reaching repercussion in socio-cultural and political spheres in the State of Mizoram.

\textsuperscript{207} \textit{Ibid.}
Guidelines for the entry of Myanmarese nationals in the State of Mizoram have their roots in the ethnical links between the Mizos and the Myanmarese tribals. The Myanmarese tribals from the Chin State have entered the State of Mizoram in large number in violation of rules and many of them integrated in the Mizo society. In this sphere, rules are more honor in violation than in observance.

According to the guidelines every sponsor of Myanmarese nationals shall be responsible for the peaceful and bonafide stay of the persons sponsored by him or by her and shall also responsible for the good conduct of the person so sponsored during his or her stay in Mizoram. A temporary stay or residential permit shall remain valid normally for three months from the date of its issue, and the same may be renewed or a further period of three months at a time, but in any case, not exceeding eight months. These are the rules framed by the Government of Mizoram. But whatever are the rules and the regulations put forwards by the government, to implement them in letter and in spirit in the Myanmar front will always be a difficult task because of cultural and ethnic similarities between the Mizos and the Chins of Myanmar.

When comparisons are made between the inner-line regulations and the guidelines for Myanmarese entry in the State of Mizoram, there are some similarities in their mode of operations, like the enforcement of permit system, sponsorship and fines etc. But there are vast differences in the implementation of rules by the authorities and support given by the public in the State because many Myanmarese migrants have been

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208 Ibid.
absorbed into the Mizo society whereas people entering through the inner-line permit mostly keep themselves apart from the Mizo society.

Table.4.1
Entry of people to the State of Mizoram through the Inner Line Regulation (IRL) for the year from 1.4. 2008 to 1.3.2009. (Fresh entry)

<table>
<thead>
<tr>
<th>No. of months</th>
<th>April</th>
<th>May</th>
<th>June</th>
<th>July</th>
<th>Aug</th>
<th>Sept</th>
<th>Oct</th>
<th>Nov</th>
<th>Dec</th>
<th>Jan</th>
<th>Feb</th>
<th>Mar</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. of people</td>
<td>620</td>
<td>443</td>
<td>261</td>
<td>256</td>
<td>174</td>
<td>534</td>
<td>417</td>
<td>179</td>
<td>289</td>
<td>394</td>
<td>389</td>
<td>637</td>
</tr>
</tbody>
</table>

Total no. of entry = 4593

Source: Inner Line Division, office of the Deputy Commissioner, Aizawl.