An Online Peer Reviewed / Refereed Journal Volume 3 | Issue 3 | March 2025 ISSN: 2583-973X (Online)

Website: www.theacademic.in

Inner Line Permit and Need for the Enforcemnt of BEFR Act 1873

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ARTICLE DETAILS

ABSTRACT

Research Paper

Accepted on: 20-03-2025

Published on: 15-04-2025

Keywords:

Inner Line Permit, BEFR Act 1873, Naga Hills, Excluded Areas. The British India Govt. on 27th August 1873 by the Regulation 5 Of 1873 introduced Bengal Frontier Regulation in India and on 01 Nov 1873 through the Eastern Frontier, part III, Annexure-III, 1870 under Govt. of India put in force the provision in the Assam province on various district of the Hill district as Sibsagar, Darrang, Kamrup, Nowgong, Jainta Hills, Garo Hills, Khasi hills, Cachar hills and extended to the Naga Hills. The primary aims of introducing the inner line permit was the isolation of the hill tribes and to protect he hill region from the unrestricted commercial business carried out between the hill people and the plains from the traders in exploiting the tribal's. It was also introduced to demarcate the British administration restricting people movement from certain points in order to identify certain territory or areas through the particular line so as to protect British subjects as tea planters working in the border regions of Assam and Naga Hills from the marauding Nagas.

DOI: https://doi.org/10.5281/zenodo.15222885

I. INTRODUCTION



The problem of an illegal influx of immigrants has been one of the complexes problems in the northeastern region and Nagaland is of no exception, these problems have been major challenges for the state. The government, tribal bodies and organizations has been subjected to various challenges; however there could not be any definite or concrete solution to these perplexities. The areas had undergone through various act and regulations, one of such regulations wad the Bengal Eastern Frontier Regulations under which the Inner Line Permit system was introduced in the then Naga Hills. On 01 Nov 1873, the Secretary of State for India declared the provisions of Act under Section 1 applicable to the districts of Sibsagar Kamrup, Nowgong, Cachar, Lakhimpur, Darrang, Khasi Hills, Jainta Hills and later these regulations was extended to the Naga Hills. Under the regulation, Inner line permit was introduced that authorize the local administration of the hill district to prohibit entry of outsider into these protected areas, even the British officers, subject or Indians were made no exception to these regulations. Anyone entering these areas must possess a permit issued by the competent authority.² As per these provisions if anyone crossed the area beyond the demarcated line, they were made to pay a fine amounting to Rs.500 and term extending to a year of imprisonment for an offences committed more than twice. It authorizes the administration to cancel the permit or prohibit issuing the ILP on the basis of the situation as deemed necessary. The British and Indians or any outsiders except the hill tribes inhabiting the region were not allowed to acquire or purchase land or products besides other imposed prohibitions.3 Inner Line Permit was applied on 24th Feb 1882 in the region of Sibsagar district and these were further extended towards Nagas in the Naga Hills. The inner line permit does not defined the actual British possession of the hill areas, in the writing of Aitchison to the Secretary Government of Bengal, it stated that "Any attempt to bring the country between our settled districts and Burmah under one administration even in the lowest way or to govern it as a British territory should be steadily and sternly resisted." ⁴ H. Hankey, the officiating Commissioner of Chittagong throws a light on the British annexation and the necessities of implementing the inner line boundaries; "We do not desire annexation, we do not wish to extend our boundary line... but what we do insist upon is that there shall be peace within these limits that our subject shall be able to enjoy property and follow avocations of trade or agriculture from fresh apprehension of raids of savage tribes". Thus led to the implementation of the

¹ Dimapur Police, Bengal Eastern Frontier Regulation, 1873, Eastern Frontier [Part III] Annexure-III.

²ILP Arunachal Pradesh, What Is Bengal Eastern Frontier Regulation In 1873.

³ *Ibid,op.cit.*

⁴ H.K. Barpujari, Problem of the Hill Tribes: North-East Frontier, P.10, Assam, 1981

⁵ *Ibid.pp.39-40*



regulations for administrating over the hill areas and extend British paramountcy in the North eastern frontier areas.

II. REASON FOR INTRODUCING INNER LINE PERMIT

The Inner Line Permit was implemented primarily for three reasons,

- i. Administration of the frontier areas: the British Government of India was reluctant to administer the Frontier tribes directly as the British were aware that the governance of these areas will not bring much revenue to the government but rather would need to spend an extraneous expenditure in administrating and governing the frontier areas.⁶
- ii. Isolation policy of the Hill areas: The British wanted to keep the hill areas in isolation from the mainland India, it wanted to safeguard and control unrestricted commercial activities between the hills men and the plainsmen. The British found out that the hills tribes were exploited in the process of barter system and business transaction and therefore ILP was introduced to limit the entry of the outsider so as to protect the hill tribes from economic exploitation of the hill tribes.
- iii. Protection of the British subject: One of the primary reasons for the British expedition and annexation of the Naga Hills was to bring the Nagas under control so to minimize the causality of losses caused by the marauding Nagas on the British subject in the border areas of Assam. There has been a number of instances that the Hill tribes cross the boundaries and committed raid in the British territory killing number of British subject and therefore to stop the attack of the hill tribes into the British territory, it was necessary to demarcate the areas to restrict people's movement from certain points to protect British subjects working in the teagarden from the attack of the Nagas. The British realize that to attain a permanent pacification of frontier tribes would be impossible unless the hill tribes are brought under the control of the government through a form of arbitrary use of arm force or through administration.

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⁶ Triblals in the Northeastern states of India, Nyishis, Daflas, Mishmis, Abors- Adis, Miris, Singhpos, Khamtis, Akas are found in Arunachal Pradesh, Bhutias in Sikkim, Lushai in Tripura and Nagas in Nagaland, Region of upper Assam, Arunachal Pradesh in the region of Tirap, Changlang, Longding.

⁷ T.N. Mannen IAS (Rtd), Inner Line (Restriction of entry into Nagaland) 13th June 2013, Morung Express.



III. PROVISIONS OF BEFR ACT OF 1873

The BEFR Act was introduced through regulation 5 on 27 August 1873 as per the proposal by the Lt. Governor of Bengal to the Governor General in Council of India over the hill districts of Assam with an objective to bring peace in the region and thus under the Secretary of State for India through the provisions of Act 33 Vict., Section 01, Chapter 3 under the Scheduled Districts Act, 1874 XIV of 1874 section 5 introduced the BEFR Act. These Regulations were published in the Gazette of India and in the Calcutta Gazette. As per the provisions under the regulations (1) provided that; If any person after notification of prohibition crossed the demarcated boundaries as warned under the section 2 of BEFR Act without procuring a valid pass shall be liable to be convicted before a Magistrate with an imprisonment of 1 year and a fine of Rs.1000 or both. The provision (2) gives the authority to the provincial administration for issuing a pass and conviction for the offence. As such the provincial administration through notification as prescribed in the Gazette may in such form fix such restrictions or conditions as may deem necessary and fit also for the payment of such dues and fees for such passes as may seem proper. If any holders of such pass breach any restriction or conditions as prescribed shall be liable on conviction to imprisonment one year or to a fine not exceeding one thousand rupees or both. Under sub-clause (ii) and (v) authorize to impose a fine not exceeding Rs.100 for the first offence and Rs.500 or to simple or rigorous imprisonment, which may extend to three months or to both, for each subsequent offence and under point 4 clause (i) made any person possessing the following items as ivory, wax, rubber, manuscript, picture, maps, photograph, film, book, diary, article of religious or scientific items or other jungle products if found in the possession of any person authorizes to be confiscated and be convicted by the Magistrate. Under the provision 6 of the BEFR Act authorize the Executive Officer in Chief of the district the power to issues warrant of arrest of any person under the prescribe conditions for violation as prescribed, if any person been prohibited to cross the Inner Line are found beyond the line and unable to produce his pass or refuse to produce shall be liable to convictions as per the directives of the regulations. Under provisions (7) it declared, unlawful and prohibited any British officers to own a land or its products beyond the demarcated line without the prior approval and sanction of the government.

IV. CREATION OF EXCLUDED AREA AND FRONTIER TRACTS

The British Government of India through the passing of various ACT as Act of 1873, 1919 and 1935 isolated the hill areas as a measure of checking illegal traders and commercial activities, protecting the



hill tribes from more advanced community of plains from exploiting their natural resources 8 Under the scheduled district, the Khasi Hills, Garo Hills, Jaintia and the Naga Hills were declared as the Scheduled districts in 1974 and were brought under the Chief Commissioner of Assam. The Act also empowered the Chief Commissioner over the Frontier Tracts for maintaining law and order and maintains peace with the hill tribes. Under the Government of India Act 1919, a provision was made to safeguard the hill tribes and therefore the hill districts were kept out from the constitutional reforms. Meanwhile Naga Club submitted a memorandum to Simon commission when the commission visited the Naga Hills on 10 January 1929, and therefore on the basis of this memorandum submitted by the Nagas; the Simon commission recommended the British govt. of India to keep the frontier tract out of the provincial jurisdiction in the new reform constitutional framework. Thus, the govt. of India Act 1935 9 made a special provision for the Frontier Tracts and the other hill tribes and consequently these Frontier tracts were kept outside the purview of the proposed constitutional reforms and declared as 'Excluded Area' on 03 March 1936 consisting of Lushai hills, Balipara tracts, North Cachar, Sadiya tracts, Lakhimpur tracts and Naga Hills, placed under in charge of the Governor of Assam. As a result in 1937, the Tribal affairs department under a secretary was opened in Assam with J.P mills as advisor on Tribal affairs and in 1943 under the governor of Assam. Consequently in 1938- Naga Hills District was formally declared as Excluded Area. 10

In 1866, British headquarter was established at Samaguting¹¹ Prohibition was also imposed on the Nagas surrendering their arms and weapons at the check gate at Samaguting to enter into Dimapur for carrying out any sort of business with the plains. NNC also passed a resolution in October 1946, demanding the Deputy Commissioner to prohibit entry of any Indian political party into Naga Hills without the consent of NNC. On the 16 point agreement proposed by the Naga Peoples Convention, point 16 in the agreement referred the inner line permit and continuation of implementation of the protected area act 1958.¹² And therefore the inner line permit are under implementation to the present times to both foreigner and the domestic visitors, tourist or legal Indian citizens as per the agreement between the

⁸ Ashish Kundra, Understanding the history of the Inner Line Permit in the Northeast, 22 December 2019.

⁹ Ibid.

¹⁰ Robert Reid, History of The Frontier Areas Bordering On Assam, 1983, New Delhi.

¹¹ Now Chumoukedima, earlier known by the name Samaguting, nicheguard, nichugate chimakudi, chumukedima.

¹² Hukavi T Yeputhomi, The 'Inner Line', its Permit and the Boundary, 29th August 2018, Morung Express.



Nagas and Govt. of India however ILP was partially lifted in 2011 permitting foreign national's free movement within the confinement of Nagaland state as an effort to promote tourism in the state through the initiative of Hornbill festivals. There could be a varied factors and reason or strategic policies of the British govt. behind the implementation of the ILP system under the BEFRA 1873 however it is certainly clear that British understood the indigenous and unique cultures of the Nagas and the Hill tribes and therefore made an effort to protect the Nagas from outside exploitation and interferences by Isolating the areas through implementing administrative policies under its control, the British government also understood the cultural difference of the hill tribes with the rest of its subject in India and consequently made an effort to safeguard the hill tribes proposing for the creation of trust territory or crown colony scheme under Captain Robert Reid and Lt. Reginald Coupland but the lack of support from the Nagas failed to transform these proposal to reality however at the current scenario, these same protected hills areas are being exposed open to illegal immigrants leading to a breeding ground for immigrants, a paradise destination of many illegal immigrants from the neighboring subcontinent countries especially from Bangladesh, Nepal and Myanmar that safely gets a shelter in the hill region of Northeastern states through cultural and religious affinity and affiliations.

V. INFLUX OF ILLEGAL IMMIGRANTS AND IMPACT

One of the primary factors for the migration of these immigrants is in search of better job prospects that are scarcely available in Bangladesh. It is estimated as per 2013 report that an almost 60 percent of its population lives below the poverty line. Illegal immigrants have been one of the most sensitive issues for the Bangladesh however as per Ashwani Gupta, the Bangladeshi politicians have never acknowledged this phenomenon in any of political forum. 13 India shares an approximate 4097 km porous border with Bangladesh, Assam, Mizoram, Tripura and West Bengal. These areas lack defined demarcated boundaries; a huge loophole in defense measures and checking open the areas vulnerable for the immigrant to easily penetrate into these bordering states. The religious and cultural similarities of the people of these regions also make it easier for the immigrants to quickly assimilate with the local populations that give an ease of access to different states in the Northeastern region. 14 A report in Nagaland daily, 'Another Bangladeshi Destination', in reference to Dimapur clearly indicates an

¹³ Aswani Gupta, Changing Demographics in India's Northeast and its impact on security, p. 60, 2016, New Delhi.

¹⁴ Ibid.

¹⁵ M. Amarjeet Singh, Another Bangladeshi Destination, 11 August 2006, Outlook.



alarming rate on the increasing influx of illegal Bangladeshi immigrants in Dimapur, this area are not fully covered by the Inner Line Permit as been a metropolitan, it was brought under the purview of inner line permit only on 23 April 2023 after much hue and cry from the public and through the pressure given by the Naga civil bodies however the proper checking of the ILP still remain a major concern for the state. The newly formed district of Chumoukedima and Niuland was brought under the purview of ILP on July and September 2022 respectively but it is surprising that out of probable estimated number of about a lakhs of influx immigrants just a few have been recorded, the Govt. of Nagaland reported that between January to 16 Sept 2022. Only 15,851 ILP were reported to be issued by the govt. ¹⁶ Dimapur alone is believed to have more than lakhs of illegal immigrants however these assumptions doesn't align with the above mentioned data provided by the govt. In 1999 under the then chief minister Dr.S.C Jamir, it was reported that about 60,000 illegal Bangladeshi immigrants were recorded from Dimapur alone. In 2003, the report by *Nagaland State Directorate of Agriculture* revealed that about 71.73 % estimating to about 23,777 commercial shops in the state of Nagaland are controlled by the outsiders, only an approximate 28.27 % of shops i.e about 6,722 are said to be owned by the Nagas.

As the survey reported that out of 13,000 shops in the district of Dimapur, Chumukedima and Niuland, it is reported that the number of outsiders as approximately numbering as much as 45815 earned a total of about 450 crore annually.¹⁷ These figures show the availability of opportunities in the state however indicates the control of the economy in the hands of outsider's workforce as contrasting figure of an inflated 25% of Naga unemployed in the state. The state of Nagaland recorded one of the highest percentage figures of about 93,000 educated registered unemployed in employment exchange register as per 2022 report and approximately 70,000 in the year 2024-25. The Naga youngster who wanted to engage into entrepreneurial areas fails to even get a small shop in their own homeland but the outsider's runs the shop in the best locations in the state shows the contrasting scenario of the state.

VI. MEASUES TAKEN TO CHECK AND IMPLEMENT INNER LINE PERMIT.

The Naga Students Federation passes a resolution and on 10 Aug 2003, imposed restriction on Naga girls marrying illegal immigrants. Western Sumi Hoho also passed a resolution prohibiting the Sumi girls marrying the illegal immigrant. These inter marriage with non Nagas are regarded to the rise of the

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¹⁶ Nagaland Tribune, Nagaland assembly raises concern of Bangladeshi Illegal Immigrant, 22 September 2022.

¹⁷ MEX, Business sector dominated by non-Naga workforce in three dists of Nagaland, 24th September 2022.



new breed of generation locally refer by the term 'Sumiya'. There had been a continuous issue of the prohibitory regulations on the inter marriage and adoption of immigrants however the effective implantation of the resolution has always questionable. In the year 1994-1997, it is reported that the Govt. of Nagaland had deported approx. 20,000 illegal immigrants but was found to return back over a period of time after procuring and making necessary documents as Aadhar card from the neighboring states making the state machinery to allow the entry of such immigrant possessing the required documents 18 Lack of implementation of ILP has made Nagaland a safe haven for illegal immigrants, claimed a Naga students federation but even after implementation how effectively are the students bodies able to curb the influx in the state and in their own jurisdiction is also need a deeper introspection and evaluation. Illegal immigrants are a threat to security problem stated by the then Home minister Y. Patton in 2014. 19 If the govt. and the politicians are aware of the threat and danger it would pose on the citizens of the state then why are they turning a deaf and dumb ear to such a grievous threat that are destabilizing the prospect of future generations. In 2023, the Nagaland assemblies discussed on Bangladeshi Illegal Immigrants but are the Govt. really concerned about the future Naga generations in terms of protecting their economic future. When Hornbill TV interviewed an immigrants about the Inner Line Permit, the journalist reported that majority of almost 98% of non Nagas are not aware of what ILP is or have never been heard of it. Who then now are responsible for it? It was only in April 2023, Dimapur was brought under ILP. In 2018 the Naga Civil bodies urged the govt. to bring action plan to check the illegal immigrants and demanded introduction of RIIN- Register of Indigenous of Nagaland with cutoff date as 1 Dec 1963. But govt. fixed the 21 Nov 1979 as its cutoff date, Dimapur was thus brought under ILP with a cut out date of 1979 by which it means that those immigrants who entered Dimapur after 21 Nov 1979 were to obtain the ILP but made an exception to those entering prior to the date.

It is doubtful whether ILP are being checked properly at the village level is a matter of concern the younger Naga generations. As per the reported figure by National Socialist Council of Nagaland the media it is estimated that there are about two lakh illegal immigrants from Bangladesh in Dimapur. In 2000, as reported by the Union Home Ministry of India, about 75,000 immigrants and an estimated

¹⁸ MEX, Illegal immigrants in Nagaland: The Ticking Time-bomb, 28th June 2010, Morung Express.

¹⁹ MEX, Patton calls for concerted efforts to address 'illegal migrant' issues, 11th May 2019, Morung Express.



However there has not been any such data about the deportation of these illegal immigrants to their origin points. In the year 2009, the Angami Students Union carried out a verification drive for checking the ILP of illegal immigrants and found out that about 8,000 immigrants without possessing ILP engaging in various professions. ²¹ The Ao student's bodies undertook a free illegal immigrant policy for Mokokchung district in its annual conference and therefore in the district of Mokokchung majority of business transaction are being carried out by the Naga locals residing in the district. Chumoukedima Tribal Union in 2017, Medziphema Town Youth Organization in 2006 and 2019, Western Sumi Hoho in 2018, and Meriema village adopted a resolution for checking and prohibiting illegal immigrants within their village jurisdiction however the effective outcomes are not been seen in this regard, however this internal measures are not sufficient in protecting the areas from outside threat and intervention in various field, it required an extensive policies at the central and state level to check its porous borders and stringent application of BEFR in the areas. It is surprising at the same time and gravely saddening that out of 1355 and 11 hamlet villages in Nagaland only few awakened villages are taking steps to preserve the identity and future of their younger generations.

VII. CONCLUSION

One of the main reason for the migration had been due to the existence of the porous borders in the bordering areas of India and Bangladesh, The Britishers though being the colonizer in the region of North east had a concern for the hill tribes and thus administrative measures and regulations like Scheduled tracts' 'Backward tract' 'Excluded Area' and BEFR was implemented over the hill tribes so as to protect and safeguard the region from the external influences and exploitation of various forms. If the colonizers as the British could have a concern for the Nagas in protecting and safeguarding the hill tribes and areas from the outsiders influence by introducing various reform measures as such as, Inner line permit under the BEFR Act to preserve and protect the identity, culture, land from the exploitation in the hands of an outsiders, it is a grave concern for the Nagas themselves to ponder on to what kind of precautions, action plan are been taken to implement to preserve the identity and land from the commercial and economic invasion on the future of younger generations. In one fire incident at Burma

²⁰ M Amarjeet Singh, A The Case of Nagaland, IDSA Occasional Paper No.8, November 2009, New Delhi.

²¹ Pangersenla, Dr. Vinod Cv , A Case Of Illegal Immigrants In Nagaland., Volume 9, Issue 5, 2019, pp. 482-83, Pramana Research Journal.



camp colony, a non Naga was seen holding a machete resisting the local firefighters because the fire truck arrived late, it showed the audacity and impunity of the outsiders to challenge the law of the land that portrays how grievous the future time bomb of illegal immigrant can be for the Nagas and the state. It is therefore a concern and challenges for all tribes of Nagaland to take concrete steps, to protect and preserve the identity and economy of the Nagas before being over shadowed by external forces of illegal immigrants.

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