
BEYOND BORDER CONTROL: RETHINKING ILP AS A CULTURAL RIGHTS INSTRUMENT UNDER ARTICLE 29 OF THE CONSTITUTION OF INDIA

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ABSTRACT

The Inner Line Permit (ILP), originating in the Bengal Eastern Frontier Regulation of 1873, is conventionally understood as a colonial mechanism of border control and administrative containment. This paper reconceptualizes the ILP through a constitutional rights-based lens, arguing that its contemporary relevance lies less in territorial regulation and more in the protection of cultural identity under Article 29 of the Indian Constitution. Drawing on archival material, Constituent Assembly debates, jurisprudence on cultural and minority rights, and recent policy developments, the study demonstrates that the ILP now functions as a de facto cultural rights instrument safeguarding indigenous land-use patterns, demographic stability, and linguistic autonomy in the Northeastern frontier. Through a doctrinal and normative analysis, the paper interrogates whether ILP's present-day operation coheres with constitutional values, including equality, reasonable classification, and the preservation of distinct cultures. It concludes that a rights-based reframing of ILP is necessary to reconcile its colonial origins with its contemporary role in protecting vulnerable tribal communities.

Keywords: Inner Line Permit (ILP), Cultural Rights, Article 29, Indigenous Protection, Tribal Rights, BEFR.

1. Introduction

The Inner Line Permit (ILP) system, rooted in the *Bengal Eastern Frontier Regulation* (BEFR) of 1873, was originally created by the colonial administration as a mechanism to control the movement of British subjects into strategically sensitive and tribal-dominated regions.¹ While its foundational objective was administrative containment and protection of commercial interests, the regime took on a radically different meaning post-Independence. Retained under the constitutional framework, the ILP evolved into a legal shield for safeguarding the cultural, social, and land-based autonomy of indigenous communities in states such as Arunachal Pradesh, Nagaland, and Mizoram,² which later also extends to the State of Manipur.³

This paper advances a central claim that **the ILP is not merely a border-control or mobility-regulating instrument but a cultural rights framework that resonates with Article 29's constitutional guarantee to preserve distinct language, culture, and traditions.**⁴ In an era marked by accelerated migration, infrastructural expansion including new railway connectivity in Mizoram, land alienation, and cultural homogenisation. This paper examines this reorientation in light of the recent developments surrounding the Sairang–Bairabi railway corridor in Mizoram. Recent enforcement data illustrates the scale of ILP regulation in practice *Zalên News* on 14 September 2025 reports that 2,620 persons were returned from Mizoram between 2022–2025 for entering without ILP, and 35,922 ILPs were issued during that period. Home Minister K. Sapdanga cautioned that enhanced connectivity could “open a route for significantly greater entry of outsiders” and potentially create a pathway for unregulated movement into the state. He emphasised the need for more rigorous ILP scrutiny to ensure proper monitoring of incoming populations.⁵ Against this backdrop, a rights-based re-evaluation of the Inner Line Permit emerges as both urgent and normatively compelling.

Accordingly, the paper argues that ILP must be understood through the lens of cultural rights, minority protection, and constitutional morality shifting its meaning from a colonial-era

¹Bengal Eastern Frontier Regulation, No. 5 of 1873.

²See Constitution of India, art. 372.

³The Manipur Inner Line Permit (Extension) Notification, Gazette of India, Dec. 11, 2019.

⁴Constitution of India, art. 29(1).

⁵*Zalên News*, 2,620 People Without ILP Sent Back from Mizoram in Four Years; 35,922 ILPs Issued, *Zalên News* (Sept. 14, 2025) (translated from Mizo, original post available on Facebook).

regulatory mechanism to a contemporary instrument of indigenous cultural survival.⁶

2. Historical Evolution of ILP

The Inner Line Permit (ILP) traces its origins to the **Bengal Eastern Frontier Regulation (BEFR), 1873**, enacted by the British colonial administration to control the movement of British subjects into sensitive frontier areas.⁷ The colonial has two objectives on one hand to **protect commercial interests** especially control over forests, frontier trade routes, and strategically sensitive hill regions and on the other, to shield tribal communities and hill peoples from disruptive external influences that could undermine their social institutions and cultural autonomy. Verrier Elwin, drawing closely on Jawaharlal Nehru's philosophy, emphasized that this protective approach should not become a means of isolation or paternalism, but rather a framework for allowing tribal groups to "develop along the lines of their own genius," with their land, customs, and traditional institutions respected and free from premature or imposed assimilation.⁸ These regions were designated as "**non-regulated**" or "**excluded areas**", reflecting the British belief that tribal societies required a distinct mode of governance.⁹

After Independence, the ILP system continued under **Article 372**, which preserved pre-constitutional laws unless repealed.¹⁰ Over time, ILP became embedded within the constitutional framework of **tribal autonomy**, especially in areas governed by the **Sixth Schedule** and **special provisions under Article 371**. ILP was gradually adapted to the sociopolitical needs of different northeastern states, applied to **Nagaland in 1958**¹¹, **Arunachal Pradesh in 1980**¹². In contrast with Nagaland and Arunachal Pradesh, In contrast, Mizoram did not receive ILP through a new notification, but rather continued the colonial Inner Line framework already applicable to the Lushai Hills (consolidated in 1936), carried forward through Union Territory reorganisation in 1972 and subsequently given explicit constitutional protection under Article 371G upon statehood in 1987. This constitutional continuity and political consensus were strongly reaffirmed in the emergent session of the Mizoram Legislative Assembly on 25 September 1994, where the then Minister in-Charge of Home, Pu

⁶B.R. Ambedkar, Constituent Assembly Debates, vol. VII, at 780–81 (arguing for substantive protection of vulnerable groups).

⁷ Bengal Eastern Frontier Regulation, Reg. V of 1873 (India).

⁸Verrier Elwin, A Philosophy for NEFA 45–52 (1957).

⁹ Government of India Act, 1935, S.91–92.

¹⁰INDIA CONST. art. 372.

¹¹Notification S.R.O. 247(E) (Nov. 18, 1958)

¹²Notification S.O. 361(E) (Apr. 28, 1980)

J. Lalsangzuala's moved a resolution emphasising that Mizoram had historically been a totally Excluded Area under the Government of India Act, 1935, governed by special regulations such as the Bengal Eastern Frontier Regulation, 1873 (Inner Line Regulation) and the Chin Hills Regulation, 1896, and that these remained in force through Article 372 and adaptation orders. The Resolution recalled Paragraph 8 of the 1986 Mizo Peace Accord, which guaranteed that the ILP system would not be amended or repealed without consulting the State Government.¹³ Expressing deep concern over reports that the Government of India might seek to revoke the ILR, the Assembly unanimously resolved that ILP must continue to safeguard indigenous interests, protect peace and social stability, and promote national integration, and subsequently referred the matter to the Ministry of Home Affairs.¹⁴ Parliamentary discussions during these periods reveal a consistent narrative ILP was increasingly viewed not as a mere regulatory tool but as a **mechanism for ethnic and cultural survival**.¹⁵

In the contemporary era, ILP witnessed renewed expansion, most notably with the **2019 extension to Manipur**.¹⁶ This step was driven by widespread concerns that demographic changes especially after the constitutional developments surrounding Article 370 could threaten indigenous identity, land security, and cultural cohesion. Civil society organisations, tribal councils, and student bodies actively supported the expansion, framing ILP as essential for preserving the socio-cultural fabric of indigenous populations. In response to a Lok Sabha query on 20 September 2020, Shri G. Kishan Reddy, Minister of State for Home Affairs, affirmed that the Government of India had “no proposal to abolish the ILP system,” emphasising that the ILP was originally instituted “to preserve the culture and traditions of the tribes living in the area beyond the Inner Line and to safeguard their title to tribal land and protect their resources.” This official position underscores that the ILP is not viewed as contrary to national integration, but rather as a constitutional and policy mechanism necessary to prevent displacement, exploitation, and cultural erosion in vulnerable tribal regions.¹⁷

¹³Memorandum of Settlement (Mizo Peace Accord), India–Mizo National Front, New Delhi, 30 June 1986

¹⁴Mizoram Legislative Assembly, Resolution on Continued Enforcement of the Bengal Eastern Frontier Regulation, 1873 (Sept. 25, 1994) (statement of Pu J. Lalsangzuala, Minister in-charge of Home) (copy forwarded to Ministry of Home Affairs, Letter No. F.22015/54/90-HMP, dated Sept. 19, 1994; forwarded to Chief Secretary, Govt. of Mizoram, Letter No. MAL.56/94/47, dated Aug. 30, 1994).

¹⁵India, Lok Sabha Debates, 23 July 1976 (statements on cultural protection in hill areas).

¹⁶The Manipur Inner Line Permit (Extension) Notification, Gazette of India, Dec. 11, 2019.

¹⁷India, Lok Sabha Debates, Unstarred Question No. 1503, Inner Line Permit, answered by Shri G. Kishan Reddy, Minister of State for Home Affairs (20 Sept. 2020).

Recent infrastructural developments have also added new concerns. The introduction of the broad-gauge railway into Mizoram, especially the Sairang rail line, has made travel into the State much easier. After the trains started running, several government reports and civil society observation showed that many people were entering Mizoram without obtaining an ILP. Most of them were migrant labourers who arrived directly by train, making it difficult for authorities to check ILP documents at the entry point. This raised fears about whether the ILP system can be properly enforced in the future.

Because of these issues, organisations such as the Mizo Zirlai Pawl on 30th October, 2025 submitted six key reform proposals to the Home Minister to strengthen ILP administration in light of the new railway link. Their recommendations included improved administrative efficiency, better traveller access, digitalisation, stricter enforcement, penalty reforms, and a centralised online ILP portal¹⁸. **Thus, ILP's 150-year persistence indicates a deeper constitutional function like the protection of vulnerable cultural communities, far beyond its original role in colonial border control.**

3. Constitutional Location of ILP

The Inner Line Permit (ILP) occupies a unique space within India's constitutional framework, sitting at the intersection of cultural rights, tribal autonomy, and regulated mobility. Although originally a colonial regulation, its post-Independence continuation reflects deeper constitutional concerns. Under **Article 29(1)**, minorities have the right "to conserve their distinct language, script, and culture."¹⁹ The tribal communities of the Northeast clearly constitute such a distinct "section of citizens" residing in defined territories and possessing unique linguistic and customary institutions vulnerable to demographic pressure. Under Article 14, differential treatment is valid where it rests on an intelligible differentia and bears a rational nexus with the law's objective 'Budhan Choudhry v. State of Bihar, 1955; State of W.B. v. Anwar Ali Sarkar, 1952'. ILP differentiates between residents and non-residents to prevent demographic disruption and preserve indigenous institutions, meeting both prongs of the test. ILP-protected states are Nagaland, Mizoram, Arunachal Pradesh, and, since 2019, Manipur the regulation of population movement directly supports this right. By controlling large-scale in-

¹⁸ "MZP hruiatute'n Home Minister hnenah rawtna an thlen," Hnahthial Post (Oct. 30, 2025),

¹⁹INDIA CONST. art. 29(1).

migration, ILP helps preserve “not only for the conservation of land but also for the culture of the tribes.”²⁰

ILP also functions as an additional layer of **federal autonomy** for constitutionally protected regions. States with ILP regimes are governed by special provisions such as **Article 371A (Nagaland)**, **Article 371G (Mizoram)**, and in some areas, the **Sixth Schedule**. These provisions safeguard customary laws, land ownership, and local institutions.²¹ ILP complements these safeguards by limiting external intervention and ensuring that tribal communities retain control over their cultural and socio-political environment.

Because ILP restricts free movement, it interacts with **Article 19(1)(d) and (e)**, which guarantee mobility and residence rights.²² However, the Constitution allows reasonable restrictions to protect vulnerable groups. ILP is justified on grounds such as preventing land alienation, reducing economic exploitation, and securing indigenous cultural survival.

Although the Supreme Court has not adjudicated directly on ILP’s constitutionality, related judgments such as *Naga People’s Movement v. Union of India*, upholding special protections,²³ and *State of Kerala v. Mother Provincial*, interpreting Article 29 broadly support the notion that protective mechanisms for cultural groups are constitutionally valid and consistent with equality principles.²⁴

Modern Sense of ILP as a Cultural Rights Instrument

The Inner Line Permit (ILP) has increasingly been understood not merely as a regulatory mechanism for movement, but as a cultural rights instrument designed to protect the unique identities of small tribal communities. In the states where ILP operates, indigenous groups are numerical minorities in India but form majorities within their own territories. This internal demographic imbalance makes these communities particularly vulnerable to the cultural pressures created by large-scale migration. When migration occurs without regulation, it gradually alters land-holding systems, weakens indigenous linguistic presence, and disrupts tribal customary practices. Scholars of ethnic studies describe this dynamic as a form of

²⁰Sarkar, Sukanta. “Inner Permit Line: A Traditional Method of Controlling Migration in Tribal Areas in North-East India.” (with Rohini Prasad). ResearchGate, 29 Aug 2023.

²¹Id. arts. 371A, 371G; Sixth Schedule.

²²INDIA CONST. art. 19(1)(d)–(e).

²³*Naga People’s Movement for Human Rights v. Union of India*, (1998) 2 SCC 109.

²⁴*State of Kerala v. Mother Provincial*, AIR 1970 SC 2079.

“internal colonization,” where dominant populations reshape the cultural and economic landscape of smaller groups.²⁵ ILP operates as a preventative measure against such demographic and cultural erosion. To understand the constitutional significance of the Inner Line Permit (ILP) for Mizoram, it is essential to examine the State’s linguistic composition. The most recent publicly available data though drawn from the 2011 Census.

Rank	Language	Percentage (%)
1	Lushai / Mizo	73.164
2	Bengali	9.828
3	Lakher (Mara)	3.816
4	Tripuri	2.974
5	Pawi (Lai)	2.608
6	Paite	2.024
7	Hmar	1.638
8	Hindi	0.972
9	Nepali	0.819
10	Manipuri	0.204
11	Others	1.953

Table:1

Although the figures reflect the 2011 Census, more than a decade has passed, during which migration flows, urban expansion, and new transport connectivity especially rail access have intensified. The data nonetheless reveals a structurally vulnerable linguistic landscape: with Mizo at 73.16% and Bengali already at nearly 10% even then, the demographic balance is sensitive to relatively small population shifts.²⁶ For constitutionally protected communities, such shifts directly affect linguistic vitality in education, markets, and public life.

In this context, the Inner Line Permit (ILP) becomes more than a regulatory mechanism; it operates as a cultural-rights safeguard under Article 29, helping stabilise the linguistic ecology

²⁵ Dipankar Dey, India: The Context of Its Current Internal Colonialism, in *Shifting Forms of Continental Colonialism: Unfinished Struggles and Tensions* 249, 249–72 (Crystal Ennis, S. Madheswaran & Arie Kacowicz eds., Springer 2019).

²⁶Prof. Mallikarjun, “Multilingualism in Northeast India, Language in India”, ISSN 1930-2940, at 131–132 (2020)

necessary for Mizo to remain dominant in its own homeland. The table thus underscores why regulating demographic change is essential for preserving linguistic identity and why contemporary ILP debates must be interpreted through the lens of constitutional protection rather than mere administrative control.

Critics of ILP argue that it restricts mobility guaranteed under Article 19 and creates economic barriers restricting labour and investment.²⁷ Yet the Indian Constitution itself embraces asymmetric federalism through the Fifth and Sixth Schedules and Articles 244 and 371, recognising that the cultural survival of small tribes sometimes requires stronger safeguards.²⁸ Within this constitutional vision, ILP emerges as a legitimate and necessary instrument for protecting vulnerable indigenous communities.

ILP: Constitutional Morality & Pluralism

The Constitutional vision for India is not built on homogeneity but on a deep respect for pluralism. Within this framework, constitutional morality a term consistently emphasised by B. R. Ambedkar requires the State to protect vulnerable groups whose identities, cultures, and ways of life face structural disadvantages. Ambedkar argued that equality cannot be reduced to formal sameness; rather, it must achieve substantive justice, especially for communities historically exposed to exploitation and demographic pressures.²⁹ Viewed through this lens, the Inner Line Permit (ILP) is not an exclusionary instrument but a constitutional safeguard that upholds the dignity, autonomy, and cultural survival of tribal groups in Northeast India.

The ILP also aligns with the broader project of transformative constitutionalism, which envisions the Constitution as a tool for restructuring unequal social relations.³⁰ Tribal areas in the Northeast have long experienced extractive policies, land alienation, and demographic marginalisation. By regulating the entry of outsiders, ILP helps prevent the intensification of these historical vulnerabilities and allows indigenous institution customary law, community land systems, local governance to function without external distortion.³¹ Far from contradicting constitutional principles, ILP fits squarely within India's asymmetric federal design, reflected

²⁷ Geetarth Pathak, "The Inner Line Permit (ILP) System in Northeast India – Balancing Protection with Freedom, FirstNE (2025)".

²⁸ INDIA CONST. arts. 371A, 371G.

²⁹ B.R Ambedkar, Constituent Assembly Debates, Vol. VII (4 Nov 1948), p. 38.

³⁰ Gautam Bhatia, The Transformative Constitution 2019.

³¹ Tamo Mibang & M. C. Behera eds., 'Tribal Studies: Emerging Frontiers of Research, 2007'.

in provisions such as the Fifth and Sixth Schedules and Article 371.

Ultimately, ILP strengthens India's commitment to pluralism by ensuring that small tribal communities are not overwhelmed by demographic or economic forces beyond their control. It operationalises a form of constitutional morality that values diversity, protects minority cultures, and ensures that constitutional promises reach those at the margins.

4. Policy Evaluation

- i. The Inner Line Permit (ILP) continues to function as an essential cultural and demographic safeguard, but its effectiveness depends on practical improvements that match Mizoram's ground realities. While proposals for full digitisation of ILP records appear attractive, many rural and border villages still lack reliable internet connectivity. A purely online system would therefore exclude the very communities responsible for frontline monitoring. A more realistic approach is a *hybrid model* digital systems in urban centres combined with offline, paper-based ILP verification at village checkpoints and entry routes.
- ii. Local institutions such as **Village Councils** and the **Young Mizo Association (YMA)** already play a decisive role in regulating movement, reporting ILP violations, and maintaining demographic records. Their involvement must be formally integrated into ILP administration through training, recognition, and resource support.
- iii. Additionally, there is a strong case for involving **students and researchers**, particularly those studying law, sociology, and public administration. Field internships such as assisting ILP counters, conducting migration data surveys, and documenting border-movement patterns would not only strengthen monitoring capacity but also ensure that the next generation gains real-world experience in safeguarding Mizoram's cultural and linguistic rights. A community-centred, practical ILP system is therefore both achievable and necessary.

5. Conclusion

The Inner Line Permit (ILP) must be understood not merely as a mechanism of border regulation but as a constitutional safeguard essential for protecting the cultural rights of indigenous communities. It reflects the deeper constitutional commitments embedded in

Article 29, the Sixth Schedule, and Articles 371A and 371G, all of which recognise India's pluralist foundations. In an era of increased mobility, infrastructural expansion, and market penetration, the ILP's relevance has only grown. Far from isolating these regions, ILP enables vulnerable tribal societies to exercise autonomy over land, language, and identity. Reinterpreting ILP through the lens of constitutional pluralism strengthens indigenous self-determination, supports linguistic preservation, and deepens participatory democracy ensuring that development proceeds without erasing cultural foundations.