



# drishti

## Indepth- 6th Schedule & ILP

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### Context

- Over the recent enactment of the **Citizenship Amendment Act (CAA)**, massive protests were held in the North-eastern states and several references have been made to the Inner Line Permit system in the large parts of the region.
- Citizenship Amendment Act (CAA) is inapplicable to the to the tribal areas of **Assam, Meghalaya, Mizoram, and Tripura** included in the **Sixth Schedule of the Constitution** and to the areas falling under the **Inner Line Permit (ILP) system**.

- On December 19, the Meghalaya Assembly unanimously adopted a resolution urging the Centre **to implement Inner Line Permit in the state.** Earlier on December 11, the inner line permit regime was extended to Manipur with President signing the order to this effect.
- The concept of the Inner Line Permit comes from the colonial area. Under the **Bengal Eastern Frontier Regulation Act, 1873**, the British framed regulations restricting the entry and regulating the stay of outsiders in designated areas.
- The **ILP system** is in force in four Northeastern states — **Arunachal Pradesh, Nagaland, Mizoram and now Manipur** — and no Indian citizen can visit any of these states without permit unless he or she belongs to that state, nor can he or she overstay beyond the period specified in the ILP.

## 6<sup>th</sup> Schedule

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- The Sixth Schedule of the Constitution provides for the administration of tribal areas in Assam, Meghalaya, Tripura and Mizoram to safeguard the rights of the tribal population in these states. This special provision is provided under **Article 244(2) and Article 275(1)** of the Constitution.
- Passed by the Constituent Assembly in 1949, the Sixth Schedule was formulated to provide the limited autonomy to the tribal regions of North-East.
- It was based on the reports of **Bardoloi Committee** formed by the Constituent Assembly.
  - The committee report stated that there was a need for a system of administration that would allow tribal areas to become developed.
  - The report also called for the protection of these tribal areas from exploitation by the people in the plains and preserving their distinct social customs.
- It gives the tribals freedom to exercise legislative and executive powers through an autonomous regional council and **autonomous district councils (ADCs)**
- The ADCs are the districts within the state to which the central government has given varying degree of autonomy within the State Legislature.

## The various features of administration contained in the Sixth Schedule are as follows

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- The tribal areas in the four states of Assam, Meghalaya, Tripura and Mizoram have been constituted as **autonomous districts**. But, they do not fall outside the executive authority of the state concerned.
- The governor is empowered to organise and re-organise the autonomous districts. Thus, he can increase or decrease their areas or change their names or define their boundaries and so on.
- If there are different tribes in an autonomous district, the governor can divide the district into several autonomous regions.

- Each autonomous district has a district council consisting of 30 members, of whom four are nominated by the governor and the remaining 26 are elected on the basis of adult franchise. The elected members hold office for a term of five years (unless the council is dissolved earlier) and nominated members hold office during the pleasure of the governor. Each autonomous region also has a separate regional council.
- The district and regional councils administer the areas under their jurisdiction. They can make laws on certain specified matters like land, forests, canal water, shifting cultivation, village administration, inheritance of property, marriage and divorce, social customs and so on. But all such laws require the assent of the governor.
- The district and regional councils within their territorial jurisdictions can constitute village councils or courts for trial of suits and cases between the tribes. They hear appeals from them. The jurisdiction of the high court over these suits and cases is specified by the governor.
- The district council can establish, construct or manage primary schools, dispensaries, markets, ferries, fisheries, roads and so on in the district. It can also make regulations for the control of money lending and trading by non-tribals. But, such regulations require the assent of the governor.
- The district and regional councils are empowered to assess and collect land revenue and to impose certain specified taxes.
- The **acts of Parliament** or the **state legislature do not apply to autonomous districts and autonomous regions** or apply with specified modifications and exceptions.
- The governor can appoint a commission to examine and report on any matter relating to the administration of the autonomous districts or regions. He may dissolve a district or regional council on the recommendation of the commission.

## Autonomous Districts under 6<sup>th</sup> Schedule

<p><b>MEGHALAYA</b></p> <ul style="list-style-type: none"> <li>● Khasi Hills Autonomous District Council</li> </ul>	<ul style="list-style-type: none"> <li>● Mara Autonomous District Council</li> </ul>
<p><b>MIZORAM</b></p> <ul style="list-style-type: none"> <li>● Jaintia Hills Autonomous District Council</li> <li>● Garo Hills Autonomous District Council</li> <li>● Chakma Autonomous District Council</li> <li>● Lai Autonomous District Council</li> </ul>	<p><b>TRIPURA</b></p> <ul style="list-style-type: none"> <li>● Tripura Tribal Areas Autonomous District Council</li> </ul> <p><b>ASSAM</b></p> <ul style="list-style-type: none"> <li>● Dima Hasao Autonomous Council</li> <li>● Karbi Anglong Autonomous Council</li> <li>● Bodoland Territorial Council</li> </ul>

## Drawbacks associated with the Sixth Schedule

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- It has created **multiple power centres** instead of bringing in a genuine process of autonomy in the region.
- There are frequent **conflict of interests between the District Councils and the State Legislatures**. For example, in Meghalaya, despite the formation of the state, the whole of the state continues to be under sixth schedule causing frequent conflict with the state government.
- Demand for special provisions for other groups.
- **Lack of Development:** In terms of financial autonomy, there is a huge gap between the approved budget and the funds received from the state government which has a direct impact on the development of these tribal communities.
  - In February 2019, **125<sup>th</sup> Constitutional Amendment Bill** was introduced in the Parliament to amend the provisions related to the Finance Commission (Article 280) and the Sixth Schedule of the Constitution.
  - It seeks **to increase the financial and executive powers of the 10 Autonomous Councils** in the Sixth Schedule areas of the northeastern region.

## Inner line Permit System

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- An Inner Line Permit is a document that allows an Indian citizen to visit or stay in a state that is protected under the ILP system.
- The ILP is obligatory for all those who reside outside the protected states.
- It can be issued for travel purposes solely.
- An ILP is issued by the state government concerned.
- The Inner Line Permit was established by the British government under the Bengal Eastern Frontier Regulation, 1873 to safeguard tribals of eastern part of Bengal. This 1873 Regulation is also known as ILR or ILP.
- Under Section 2 of the Regulation of 1873, the ILP was only applicable to the three North Eastern States such as, Mizoram, Arunachal Pradesh and Nagaland. Recently, on December 11, the President signed the order extending ILP to Manipur, which became the fourth state where the ILP regime is applicable.

- **Foreigners need a Protected Area Permit (PAP) to visit tourist places which are different from Inner Line Permits needed by domestic tourists.**
  - Under the **Foreigners (Protected Areas) Order, 1958**, all areas falling between the 'Inner line', as defined in the said order, and the International Border of the State have been declared as a Protected Area.
  - Currently, Protected Areas are located in the following States:
    - Whole of Arunachal Pradesh
    - Parts of Himachal Pradesh
    - Parts of Jammu & Kashmir
    - Whole of Manipur
    - Whole of Mizoram
    - Whole of Nagaland
    - Parts of Rajasthan
    - Whole of Sikkim (partly in Protected Area and partly in Restricted Area)
    - Parts of Uttarakhand
  - A foreign national is not normally allowed to visit a Protected / Restricted Area unless it is established to the satisfaction of the Government that there are extraordinary reasons to justify such a visit.
  - Every foreigner, except a citizen of Bhutan, who desires to enter and stay in a Protected or Restricted Area, is required to obtain a special permit from a competent authority delegated with powers to issue such a special permit to a foreigner, on application.