



# KUKI INPI MANIPUR

*(Apex body of the Kuki Tribes)*

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## MEMORANDUM

To:

**Shri Amit Shah**

Hon'ble Union Home Minister

Ministry of Home Affairs

Government of India

North Block, New Delhi – 110001

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**Subject:** *Urgent Prayer for Immediate Halt and Reconsideration of the Proposed Border Fencing between India and Myanmar in Kuki Ancestral Territories*

**Respected Sir,**

The **Kuki Inpi Manipur**, representing the constitutional, customary, and indigenous interests of the tribal Kuki people of Manipur, humbly submits this urgent memorandum expressing our deep anguish and strong opposition to the ongoing construction of the Indo-Myanmar border fencing. This project threatens to permanently divide the ancestral lands of the Kuki-Zo people, severing communities, destroying centuries-old familial ties, and violating the spirit of constitutional safeguards and international norms governing indigenous peoples' rights.

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### **I. Legal and Constitutional Violations:**

The proposed fencing—carried out without consent or consultation—violates multiple provisions of the Indian Constitution and established legal safeguards:

1. **Article 371C** of the Constitution of India guarantees the protection of the Hill Areas of Manipur and mandates consultation with the Hill Areas Committee for any development or legislative measures affecting tribal regions. Proceeding without such consultation renders the project legally untenable.
2. **Article 300A** protects the right to property. The fencing project will amount to deprivation of property without authority of law, particularly in Scheduled Areas where customary landholding is the norm.
3. The **Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (LARR Act)** mandates *prior informed consent*, *social impact assessment*, and *fair compensation* before land acquisition—none of which has been undertaken for this project.
4. The **Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989** criminalises the alienation of tribal land and any actions that disrupt tribal habitation or insult their dignity. Fencing without ST consent violates this law.

5. The **Samatha Judgment** of the Hon'ble Supreme Court (1997) ruled that tribal lands in Scheduled Areas cannot be transferred or encroached upon by the state or private entities without appropriate legal processes. The fencing project directly contravenes this precedent.
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## II. Violation of Free Regime Movement:

The **Indo-Myanmar Free Movement Regime (FMR)**—a bilateral arrangement between India and Myanmar—permits tribal communities living within 16 km of the international border to move freely across it without a visa, in recognition of their ethnic, familial, and cultural ties.

- The proposed fencing runs contrary to the very purpose of the **FMR**, as it physically obstructs indigenous peoples' traditional mobility and interaction.
  - Fencing will disrupt cross-border religious, social, and economic exchanges and contradicts India's declared policy of respecting the indigenous way of life.
  - Implementation of fencing without bilateral renegotiation of the FMR violates India's commitment to international and regional cooperation on indigenous rights.
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## III. Historical and Humanitarian Context:

Historically, the Kuki ancestral territory was an **undivided hill country**, and even under the British colonial administration, no fencing or hard boundaries were ever imposed. The post-colonial state's attempt to erect a permanent barrier across this region is unprecedented, unjustified, and deeply traumatic for the affected populations.

- The fencing will *forcibly divide homogeneous tribal populations*—a scenario comparable to the Berlin Wall, but in a peaceful and demographically integrated landscape.
  - Tribal communities on both sides of the border continue to share **kinship, language, religion, land, and livelihood systems**. This social and cultural fabric will be irrevocably damaged.
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## IV. Destabilisation of a Conflict-Sensitive Region:

The Indo-Myanmar tribal belt is already witnessing ethnic unrest, insurgency, and humanitarian crises. Imposing a unilateral territorial barrier will:

- Aggravate community grievances;
- Undermine India's internal security efforts by fueling resentment;
- Alienate border communities and weaken state legitimacy.

Fencing also disregards the customary land rights of the Scheduled Tribes, recognised under Indian constitutional frameworks and the **UN Declaration on the Rights of Indigenous Peoples (UNDRIP)**.

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#### IV. Affected Villages:

Please find enclosed a **list of 40 villages** (20 in India, 20 in Myanmar) with a **combined total of over 4,000 tribal households** directly affected by this fencing proposal. These include:

Sl.No.	India		Myanmar	
	Name of Village	No. of Houses	Name of Village	No.Houses
1.	Houlenphai	70	Nanphalong	250
2.	Chonjang	25	Valpabung	220
3.	Bongmol	50	Saya San	60
4.	Ch.Tengnoupal	40	Voksu	80
5.	Yangngoubung	150	Teijang	230
6.	T.S.Laijang	60	Tongkyaw	280
7.	Thingphai	70	Phailen	190
8.	Gamphajol	50	Mantong	80
9.	Joldam	25	Zedi	36
10.	Changpol	15	Mongjang	45
11.	C.Gamnom	20	Aungzeyah	50
12.	Nampao	35	Lallim	50
13.	Khangtung	28	Khomunnom	130
14.	Phaisen	29	Janglenphai	90
15.	Khengjang	35	Twidimjang	42
16.	Molcham	156	Twivang	75
17.	Samtal	57	Bokkan (Zoumun)	800
18.	Lajang	36	Kanmahgyi	200
19.	Yangnomphai	15	Kanan	200
	<b>Total affected</b>	<b>986</b>		<b>3108</b>
	<b>Total families affected from both sides=4094</b>			

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#### VI. Our Humble Prayers:

In view of the foregoing, we humbly appeal to the Hon'ble Home Minister to:

1. **Immediately halt** the ongoing construction of the Indo-Myanmar border fencing in Kuki-inhabited regions;
2. **Respect the Free Movement Regime (FMR)** and ensure no fencing is undertaken that violates its provisions or displaces its beneficiaries;
3. **Initiate meaningful consultations** with affected tribal communities, the Hill Areas Committee under Article 371C, and local customary authorities;
4. **Constitute an independent review commission**, including representatives from the Ministry of Tribal Affairs, Ministry of Home Affairs, NHRC, and indigenous institutions to evaluate the social, legal, and cultural impact of the fencing;
5. **Uphold all constitutional and legal protections**, including those under Article 300A, LARR Act 2013, SC/ST (PoA) Act 1989, and the Samatha judgment;
6. **Develop alternative non-intrusive border management solutions** that uphold both national security and indigenous rights.

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**Copies Forwarded To:**

1. His Excellency, The Governor of Manipur
  2. The Hon'ble High Commissioner, United Nations Human Rights Council
  3. The Chairperson, National Human Rights Commission, New Delhi
  4. The United Nations Permanent Forum on Indigenous Issues (UNPFII), New York
  5. Ministry of Tribal Affairs, Government of India
  6. The Chairperson, National Commission for Scheduled Tribes
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**With utmost respect and constitutional faith,**

**(Lenin Haokip)**

*Legal Affairs Secretary*

*Kuki Inpi Manipur*

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Date: 26th July, 2025

**Enclosures:**

1. List of affected villages on both sides of the Indo-Myanmar border
2. Community statements from Kuki village authorities
3. Map highlighting disputed fencing areas (if available)