



TEERTHANKER MAHAVEER UNIVERSITY MORADABAD

Teerthanker Mahaveer College of Law and Legal Studies
Samyak Darshan • Samyak Gyan • Samyak Charitra



★ CORDIALLY INVITES YOU TO ★

1ST TEERTHANKER MAHAVEER NATIONAL MOOT COURT COMPETITION, 2026 (Virtual & Paperless)

In Pursuit of Advocacy, Argument & Justice

28 – 30 OCTOBER 2026

MODE OF CONDUCT Virtual & Paperless Online via video-conferencing	OPEN TO UG & PG Law Students Law schools across India	TEAM OF 2 OR 3 2 Speakers + 1 Researcher
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CASH PRIZES WORTH ₹30,500/-

+ Certificates | Registration Fee ₹2,500/- per team

Last Date of Registration: **22 October 2026**

Register at: https://docs.google.com/forms/d/e/1FAIpQLSef_J1TECfxnOqgAHymHcmOUGadXLImfRnG1F4DWRXxDV20BA/viewform?usp=dialog



Scan to Register



Scan for Moot Proposition

tmumootcourtcommittee@gmail.com

Dr. Bishnanand Dubey (Convener): 9717497957

Mr. Ansh Jain: 6006117723 | Ms. Guncha Jain: 9411460021

VIRTUAL • PAPERLESS

ABOUT THE UNIVERSITY



Teerthanker Mahaveer University (TMU), Moradabad, was established in 2008 under Act No. 30 of the Government of Uttar Pradesh and is recognised by the University Grants Commission (UGC). Situated approximately 144 km from New Delhi along National Highway 9, the university is spread across a **140-acre campus** and provides a comprehensive environment for academic, professional and personal development.

Inspired by the teachings of Lord Mahaveer (**Right Philosophy, Right Knowledge and Right Conduct**), TMU integrates these values into its academic and institutional activities. As a multidisciplinary university, TMU offers undergraduate, postgraduate and doctoral programmes in diverse fields, including Medicine, Dental Sciences, Pharmacy, Nursing, Engineering, Management, Computer Sciences, Education, Law, Fine Arts and Agriculture.

The Wi-Fi-enabled campus is equipped with modern laboratories, advanced research facilities, libraries and other academic infrastructure. Alongside academics, TMU promotes co-curricular and extracurricular activities, providing students with opportunities to develop professional competence, leadership skills and overall personality. Through its multidisciplinary learning environment, the university aims to nurture skilled professionals, responsible citizens and lifelong learners.

Vision

To be internationally recognised as a premier institution of excellence providing quality education, research and consultancy services to the global society.

Mission

To impart knowledge and develop critical skills necessary to succeed in professional and personal life, by promoting learning supported by world-class faculty, infrastructure, technology, curricula and collaborative teaching and research with premier institutions in India and abroad.



ABOUT THE COLLEGE



Established in 2010, the **Teerthanker Mahaveer College of Law and Legal Studies** is counted among the leading private law colleges in Uttar Pradesh, known for its practical exposure, regular moot court sessions and mentorship from qualified faculty. The College nurtures the professional skills of its students while teaching them their duties and the moral values essential to a successful legal professional.

- Bar Council of India approved programmes
- Integrated dual-degree programmes: B.A.LL.B (Hons) B.Com.LL.B (Hons) and B.B.A.LL.B (Hons), and a one-year LLM
- Legal Aid Clinic & Social Consultancy Centre
- Active learning through regular moot court sessions
- Teerthanker Journal of Law & Governance (TJLG)
- Placement and internship support with law firms, corporate houses and NGOs





OUR LEADERSHIP

The competition is organised under the guidance and patronage of the leadership of Teerthanker Mahaveer University.



CHANCELLOR

Suresh Jain

Teerthanker Mahaveer University
Guided by the ideals of Right Philosophy, Right Knowledge and Right Conduct, he envisions empowering society through education.



VICE CHANCELLOR

Prof. (Dr.) V K Jain

Teerthanker Mahaveer University
Leads the University's academic processes, with a strong emphasis on learning, thinking and skill development.



GROUP VICE CHAIRMAN

Shri Manish Jain

TMU Group
Guides the strategic growth of the Group and its commitment to quality education and student success.



DEAN ACADEMICS

Dr. Manjula Jain

Teerthanker Mahaveer University
Oversees academic planning and quality across the University's diverse programmes.



EXECUTIVE DIRECTOR

Shri Akshat Jain

Teerthanker Mahaveer University
Provides executive leadership and direction to the University's administration and growth.

Faculty Leadership



DEAN, FACULTY OF LAW

Prof. Harbansh Dixit

Teerthanker Mahaveer University
Heads the Faculty of Law, steering legal education, research and practical training.



PRINCIPAL

Prof. (Dr.) Sushil Kumar

Teerthanker Mahaveer College of Law and Legal Studies
Leads the College in nurturing advocacy, research and professional skills among its students.



CONVENER

Dr. Bishnanand Dubey

Assistant Professor, Teerthanker Mahaveer College of Law and Legal Studies
Coordinates the competition and leads the Organising Committee. Phone: +91 9717497957

Student Coordinators



Mr. Ansh Jain

B.B.A.LL.B (Hons), 4th Year

Phone: 6006117723



Ms. Guncha Jain

B.B.A.LL.B (Hons), 4th Year

Phone: 9411460021

MESSAGES

Message from the Dean, Faculty of Law



It gives me great pleasure to welcome law students from across the country to the 1st Teerthanker Mahaveer National Moot Court Competition, 2026. Moot courts are where the law moves from the textbook to the courtroom. They teach a student to read facts closely, research with discipline, build an argument and defend it under questioning from the bench. These are the skills on which a legal career is built. By holding this first edition in a virtual and paperless format, the Faculty of Law hopes to make the competition open to law schools everywhere while encouraging responsible, technology-enabled practice. I congratulate the Organising Committee on this initiative and thank the judges, coaches and volunteers who make it possible. To every participating team: prepare thoroughly, argue with integrity and treat your opponents with respect. I wish you all the very best.

Prof. Harbansh Dixit

Dean, Faculty of Law

Message from the Principal



Advocacy is more than eloquence. It rests on careful research, clear reasoning, honest representation of the law and respect for the court. A moot court competition trains students in all of these, and prepares them for the responsibilities of the profession. The Teerthanker Mahaveer College of Law and Legal Studies is proud to host the first edition of this National Moot Court Competition. Guided by the university's ideals of Right Philosophy, Right Knowledge and Right Conduct, we believe that a good lawyer must be both competent and ethical. The virtual and paperless format allows students from distant institutions to take part without barriers of travel, and it reflects our commitment to sustainable practice. I extend my warm wishes to all participants, judges and organisers, and look forward to three days of high-quality advocacy.

Prof. (Dr.) Sushil Kumar

Principal, Teerthanker Mahaveer College of Law and Legal Studies

Message from the Convener



It is my privilege, as Convener, to invite you to the 1st Teerthanker Mahaveer National Moot Court Competition, 2026. This is our first national event, and we have designed it to be fair, transparent and fully online, from registration and memorial submission to judging and certificates. Teams will argue before experienced academicians and legal professionals and receive feedback on their work. The Organising Committee and student coordinators are available to help you at every step. We look forward to welcoming you on 28 October 2026.

Dr. Bishnanand Dubey

Convener, Assistant Professor

ABOUT THE COMPETITION

The 1st Teerthanker Mahaveer National Moot Court Competition, 2026 (Virtual & Paperless) is a national-level platform for law students to sharpen courtroom advocacy, legal research and drafting skills. Through simulated litigation, participants engage with contemporary legal issues, hone their analytical and argumentative competence, and connect with faculty coaches, practising advocates and members of the judiciary.

The competition is conducted **entirely online and paperless** (from registration to memorial submission and judging), making it accessible to law schools across the country while promoting sustainability.

Objectives

- Provide law students a national-level platform to hone courtroom advocacy, legal research and drafting skills
- Foster analytical and argumentative competence through simulated litigation
- Expose students to contemporary legal issues
- Encourage a paperless, technology-enabled approach to legal practice and academic events

What Participants Gain

- Practical litigation and advocacy experience under competitive mooting standards
- Networking with law schools, practising advocates and members of the judiciary
- Feedback from experienced judges and certificates of participation and merit

Competition at a Glance

Name of Event	1st Teerthanker Mahaveer National Moot Court Competition, 2026 (Virtual & Paperless)
Organiser	Teerthanker Mahaveer College of Law and Legal Studies, Teerthanker Mahaveer University, Moradabad
Dates	28 – 30 October 2026
Mode	Virtual (online) via video-conferencing platform: Zoom / Google Meet / MS Teams
Open To	UG and PG law students of law schools across India
Team Size	3 members (2 speakers + 1 researcher), or 2 members (2 speakers, one of whom also acts as researcher).
Registration Fee	₹2,500/- per team
Moot Theme / Area of Law	To be announced with the moot proposition (07 Oct 2026)
Language	English

IMPORTANT DATES

Event	Date
Release of brochure and opening of registrations	Tue, 07 Oct 2026
Release of moot proposition	Wed, 07 Oct 2026
Last date for submitting clarification queries	Mon, 12 Oct 2026
Release of clarifications on the moot proposition	Wed, 14 Oct 2026
Last date of registration and fee payment	Thu, 22 Oct 2026
Confirmation of registration and allotment of Team Codes	Within 24 hours of registration
Last date of memorial submission (both sides)	Sun, 25 Oct 2026
Draw of lots and release of round schedule	Mon, 26 Oct 2026
Technical check-in / mock session for all teams	Tue, 27 Oct 2026
Competition Days	28 – 30 October 2026

Tentative Competition Schedule

Day	Time	Programme
Day 1: Wed 28 Oct	09:30 – 10:00	Login and team check-in
	10:00 – 11:00	Inaugural Ceremony
	11:00 – 17:00	Preliminary Round 1
Day 2: Thu 29 Oct	10:00 – 13:00	Preliminary Round 2
	14:00 – 14:30	Announcement of Quarter-finalists (Top 8)
	15:00 – 17:30	Quarter-finals
Day 3: Fri 30 Oct	10:00 – 12:00	Semi-finals (Top 4)
	12:30 – 13:00	Announcement of Finalists
	14:00 – 16:00	Final Round
	16:30 – 17:30	Valedictory Ceremony and declaration of results

The schedule is tentative and will be finalised according to the number of teams registered.

ELIGIBILITY & REGISTRATION

Eligibility

- Open to students enrolled in UG (3-year LL.B. / 5-year integrated) and PG (LL.M.) law programmes at recognised law schools and universities across India.
- Each team shall consist of **three members: two speakers and one researcher**.
- **Two-member teams** are also permitted. In such a team, both members shall be speakers and **one of the two speakers shall also act as the researcher** (to be declared in the registration form). Fee and judging criteria remain the same.
- A maximum of one (1) team per institution may participate.
- All members of a team must belong to the same institution. **Cross-institutional teams are not permitted.**
- An **authorisation / nomination letter** from the Head of the institution (Principal / Dean / HoD) is **mandatory** for every team.

How to Register

- Fill in the online registration form at https://docs.google.com/forms/d/e/1FAIpQLSef_J1TECfxnOqgAHymHcmOUGadXLImfRnG1F4DWRXxDV20BA/viewform?usp=dialog (Google Form link) on or before 22 Oct 2026.
- Pay the registration fee of **₹2,500/- per team** and upload the payment proof (screenshot / transaction ID).
- Upload the scanned ID cards of all team members (two or three) and the mandatory authorisation / nomination letter from the Head of the institution (Principal / Dean / HoD).
- Confirmation email with the unique **Team Code** will be sent within 24 hours of successful registration.

Payment Details

Account Name	TMIMT A/c College of Law & Legal Studies
Branch	Bgarpur
Account Number	3942002100004889
IFSC Code	PUNB0601000

The registration fee, once paid, is non-refundable. Registration is confirmed only after verification of the form, fee and documents.



Scan to Register



Scan to Pay

COMPETITION FORMAT

The competition will be conducted in the following stages. Sides (Petitioner / Respondent) and opponents will be decided by an online draw of lots.

Stage	Teams	Details
Memorial Evaluation	All teams	Both memorials are evaluated by independent evaluators. Marks count towards the preliminary ranking.
Preliminary Rounds (2)	All teams	Each team argues once for the Petitioner and once for the Respondent before a Division Bench. Teams are ranked on aggregate of memorial and oral marks.
Quarter-finals	Top 8	Knock-out round before a Division Bench. Sides decided by draw of lots.
Semi-finals	Top 4	Knock-out round before a Full Bench.
Final	Top 2	Argued before a Constitutional Bench of distinguished judges / legal dignitaries.

If registrations exceed 24 teams, the Organising Committee may add a pre-quarter-final knock-out round.

Moot Proposition & Clarifications

- The moot proposition will be released on 07 Oct 2026 through the QR code / link given in this brochure and by email to registered teams.
- Queries must be sent by email to **tmumootcourtcommittee@gmail.com** on or before 12 Oct 2026. Clarifications will be shared with all teams on 14 Oct 2026.
- Only clarifications issued by the Organising Committee are binding on teams. No further queries will be entertained.

RULES: MEMORIALS (PAPERLESS)

- Each team must submit **two memorials** (one for the Petitioner and one for the Respondent) in **PDF / Docx format only**, emailed to **tmumootcourtcommittee@gmail.com** on or before 25 Oct 2026, 11:59 PM IST.
- Page limit: Total 35 pages, of which arguments advanced should not exceed 25 pages.
- Contents: Cover Page, Table of Contents, Index of Authorities, Statement of Jurisdiction, Statement of Facts, Issues Raised, Summary of Arguments, Arguments Advanced and Prayer.
- Format: A4, Times New Roman, 12 pt body text, 10 pt footnotes, 1.5 line spacing for body text and 1.0 for footnotes, justified, 1 inch margins.
- Citation style: The Bluebook: A Uniform System of Citation (latest edition), used uniformly throughout.
- **Cover page colour:** the cover page of the Petitioner's memorial must be **blue** and the cover page of the Respondent's memorial must be **red**.
- **Anonymity:** the cover page must carry only the Team Code, and the file name must follow the format given below. Any mention of the team members, institution, logo or other identifying information (including document properties) may lead to penalty or disqualification.
- File name and email subject: **TMTC_P** (Petitioner) and **TMTC_R** (Respondent).
- Late submissions attract a penalty of 5 marks per day of delay.
- **Plagiarism:** The similarity index of each memorial shall not exceed 20% (excluding the cover page, index of authorities and quoted statutory text). Memorials exceeding this limit may attract a penalty or disqualification at the discretion of the Organising Committee.
- **Use of AI:** content generated by Artificial Intelligence tools is not admissible in memorials. Memorials found to contain AI-generated content may be penalised or disqualified. The Organising Committee may run plagiarism and AI-detection checks on all memorials.
- The competition is **paperless**: no hard copies of memorials are required or accepted. Authorities are to be cited from and shared as soft copies.

RULES: ORAL ROUNDS

- **Preliminary Rounds and Quarter-finals:** each team will get **25 minutes for oral submissions**, to be divided between its two speakers, and an **additional 5 minutes for rebuttal (Petitioner) / sur-rebuttal (Respondent)**.
- **Semi-finals and Final:** each team will get **30 minutes for oral submissions**, to be divided between its two speakers, and **10 minutes for rebuttal / sur-rebuttal** (40 minutes in all).
- **Forfeiture of rebuttal:** a team that exceeds its time limit for oral submissions in any round will not be allowed to make its rebuttal / sur-rebuttal. Time for rebuttal / sur-rebuttal cannot be carried over, and unused time in one segment cannot be added to another.
- **Constitution of benches:** Preliminary Rounds: **Division Bench**; Quarter-finals: **Division Bench**; Semi-finals: **Full Bench**; Final: **Constitutional Bench**.
- A timekeeper will indicate the time remaining through the chat or on screen.
- The two speakers must remain the same throughout the competition. The researcher may assist through silent notes but shall not address the bench. In a two-member team, the speaker who is not addressing the bench may assist the arguing speaker through silent notes in the same manner. Replacement is permitted only for medical or other emergencies, with the prior written approval of the Organising Committee.
- Teams may rely only on authorities cited in their memorials or the moot proposition, and must share a soft copy when asked by the bench. No new facts may be introduced.
- Teams shall be identified only by their Team Code in all rounds.
- The decision of the bench on scoring is final and shall not be questioned.

Virtual Conduct Rules

- Platform: Zoom / Google Meet / MS Teams. Links will be shared with confirmed teams at least 24 hours before the round.
- Join 15 minutes before the scheduled time and rename yourself as **Team Code – Speaker 1 / Speaker 2 / Researcher**. A two-member team should rename as **Team Code – Speaker 1 / Speaker 2 (Researcher)**.
- Each participant must use a separate device with a working camera and microphone, a stable internet connection and a quiet, well-lit room with a plain background.
- Camera must remain **on** throughout the round. Microphones must be muted unless a participant is speaking.
- Dress code: formal **black and white** advocate attire. Girls may also wear a suit, with a blazer being mandatory.
- No outside assistance is permitted. No coach, teammate or other person may assist a speaker during the round. Violations may lead to disqualification.
- Participants shall not record, screenshot or share the proceedings. The organisers may record proceedings for official records.
- **Disconnection policy:** The timer will be paused for up to 5 minutes if a participant is disconnected. If connection is not restored, the bench may continue with the remaining speaker and decide the round on the basis of the arguments made. The decision of the Organising Committee is final.
- Misconduct or violation of these rules may attract a warning, penalty marks or disqualification.

MARKING SCHEME

Memorial (out of 100)	Marks
Knowledge of facts and law	25
Research and use of authorities	25
Analysis and legal reasoning	25
Structure, language and citation	15
Compliance with rules	10
Total	100

Oral Round (per speaker, out of 50)	Marks
Knowledge of facts and law	12
Application and legal reasoning	12
Advocacy and presentation	10
Response to bench questions	10
Court etiquette, time management	6
Total	50

Ranking in preliminary rounds: memorial marks (30%) + oral round marks (70%), each converted to a percentage. A team's memorial score is the total of its two memorials (out of 200); its oral score is the total of both speakers' marks across the two preliminary rounds (out of 200).

Tie-breaker: (i) higher total oral marks, (ii) higher memorial marks, (iii) higher score of the best individual speaker, (iv) decision of the Organising Committee.

AWARDS & RECOGNITION

All rounds will be adjudicated by panels of experienced academicians and legal professionals constituted by the Organising Committee.

Award	Cash Prize	Also Receives
Winner	₹11,000/-	Certificate of merit
1st Runner-up	₹8,100/-	Certificate of merit
2nd Runner-up	₹5,100/-	Certificate of merit
Best Speaker	₹2,100/-	Certificate of merit
Best Memorial	₹2,100/-	Certificate of merit
Best Researcher	₹2,100/-	Certificate of merit
Total Prize Money	₹30,500/-	

- **2nd Runner-up:** the losing semi-finalist with the higher aggregate score.
- **Best Speaker:** highest average individual oral score per round across all rounds argued. **Best Memorial:** highest memorial score. **Best Researcher:** highest marks in “Research and use of authorities” across both memorials.
- All participants will receive **certificates of participation**; judges and volunteers will receive certificates of appreciation.
- Physical (hard-copy) certificates will be sent to the winning institutions by courier / post. Cash prizes will be transferred to the bank account provided by the team within 30 days of the competition.

MOOT PROPOSITION

I. The Republic of Ashvatha

1. The Republic of Ashvatha is a sovereign, socialist, secular, democratic republic and a Union of States. Its Constitution came into force on 26 January 1950. It has a federal structure, an independent judiciary headed by the Supreme Court of Ashvatha, and a chapter of fundamental rights enforceable by writ.
2. Ashvatha shares its eastern land boundary with the People's Republic of Naodesh. Naodesh became independent in 1971, when it separated from the Republic of Zarkand. A third neighbour, Kohdara, lies to the north-west of Ashvatha. The Mehrabi faith is the State religion of Naodesh, Zarkand and Kohdara. In Ashvatha about four-fifths of the people follow the Vaidik faith and about 14 per cent follow the Mehrabi faith.
3. The Suhravi order is a small sect that regards itself as part of the Mehrabi faith. Mainstream Mehrabi clergy treat it as heretical. Since 1993 the law of Naodesh has barred Suhravis from calling themselves Mehrabi and from worshipping in public. The law of Ashvatha does not distinguish Suhravis from other Mehrabis.

II. The tukras

4. The boundary between Purbasha, a State of the Union of Ashvatha, and Naodesh runs through the flood plain of the River Torsina. For over two centuries the plain held scattered pockets of land that belonged to one ruler but lay wholly inside the territory of another. Local people call such a pocket a *tukra* ("fragment"). The pockets trace back to an eighteenth-century peace between the Raja of Kochgarh and the Governor of Rangmati, under which each kept the estates his soldiers then held.
5. When the colonial power withdrew in 1947, Rangmati went to Zarkand, in the part of that country which became Naodesh in 1971. Kochgarh acceded to Ashvatha in 1949 and became a district of Purbasha. The tukras survived the new international boundary. There were 148 of them: 104 Ashvathan enclaves inside what is now Naodesh, and 44 enclaves inside Ashvatha that belonged to Zarkand until 1971 and to Naodesh after that ("the Naodeshi enclaves").
6. No official of the country to which a tukra belonged could reach it without crossing foreign soil, and no official of the surrounding country had authority to enter it. The tukras had no police stations, courts, schools, hospitals, land registries or polling booths. Residents were, in law, nationals of the country to which their tukra belonged. In practice many obtained ration cards, school admissions or voter cards in one country or the other by giving a relative's address outside the tukra. Both Governments knew of this practice.
7. A first agreement to exchange the enclaves was signed between Ashvatha and Zarkand in 1958. It was never implemented. In 1960, on a Presidential reference, the Supreme Court of Ashvatha advised that Ashvathan territory could be ceded only by a constitutional amendment under Article 368. In 1971 Naodesh succeeded to the rights and obligations of Zarkand in respect of the boundary and the enclaves. Zarkandi nationals living in its territory, including the Naodeshi enclaves, became Naodeshi nationals. Neither point is in dispute.
8. On 16 May 1974 the Prime Ministers of Ashvatha and Naodesh signed the Agreement concerning the Demarcation of the Land Boundary and Related Matters ("the 1974 Agreement"). Article 1 provided for the exchange of all enclaves "without claim to compensation for the additional area going to Naodesh". Article 3 reads:

"Upon transfer, the inhabitants of the transferred areas shall be free to remain where they are. Those who so remain shall be nationals of the State to which the area is transferred."

Naodesh ratified the 1974 Agreement that year. Ashvatha did not ratify it for 41 years.

III. The exchange of 2015

9. A Joint Boundary Working Group (“JBWG”) was set up in 2001. From 14 to 17 July 2011, joint teams of officials from both countries carried out a house-to-house count in all 148 enclaves (“the Joint Headcount”). The teams were instructed to record “every person found residing within the boundary pillars of the enclave”. The Joint Headcount recorded 47,612 persons: 34,402 in the Ashvathan enclaves and 13,210 in the Naodeshi enclaves.

10. On 6 September 2011 the two Governments signed a Protocol to the 1974 Agreement (“the 2011 Protocol”). In May 2015 the Parliament of Ashvatha passed the Constitution (One Hundredth Amendment) Act, 2015. The Act amended the First Schedule to the Constitution to give effect to the exchange of territories contemplated by the 1974 Agreement and the 2011 Protocol. It contains no provision on citizenship.

11. By an Exchange of Letters dated 6 June 2015 (“the Modalities”), the two Governments fixed the midnight of 31 July 2015 as the moment of transfer (“the Appointed Day”). Paragraph 4 of the Modalities reads:

“For the purposes of Article 3 of the 1974 Agreement, the inhabitants of an enclave shall be the persons enumerated in the Joint Headcount of 2011, as updated by the Joint Boundary Working Group to record births, deaths and marriages.”

12. From 6 to 16 July 2015, joint teams visited each enclave to record whether each enumerated person chose to stay or to move (“the Options Survey”). The JBWG then settled a Final Joint List. Its minutes of 23 July 2015 record “an unexplained rise in the number of claimants in some enclaves since 2011”. They resolve that “no person shall be added to the List except by birth or marriage into an enumerated household”.

13. On the Appointed Day the 44 Naodeshi enclaves became part of the territory of Ashvatha. One of them was Tukra Kheyaghat in Kochgarh District. Kochgarh District is not a tribal area under the Sixth Schedule to the Constitution and is not covered by the “Inner Line”.

14. On 12 October 2015 the Central Government published in the Official Gazette the Citizenship (Kochgarh Enclaves) Order, 2015 (“the 2015 Order”) under Section 7 of the Citizenship Act, 1955. Paragraph 3 specifies three classes of persons as citizens of Ashvatha with effect from 1 August 2015:

- (a) every person named in the Final Joint List who did not elect to move to Naodesh;
- (b) every child born between 18 July 2011 and 31 July 2015 to a person covered by clause (a), whether or not the child is named in the Final Joint List; and
- (c) any other person whom the Central Government may specify by supplementary notification issued within one year from the date of publication of this Order, on a report of the District Magistrate that the person was ordinarily resident in an enclave during the Joint Headcount.

IV. Nadipaar and the Petitioners

15. Tukra Kheyaghat is a former Naodeshi enclave of 312 acres on the left bank of the Torsina. It has three hamlets: Uttarpara, Majhpara and Nadipaar. The Petitioners are 214 persons from 47 families who live in Nadipaar. Of them, 131 persons in 29 families belong to the Suhravi order and 83 persons in 18 families belong to the Vaidik faith. Twenty-six are children born in Kochgarh District after the Appointed Day. Both parents of each of these children are Petitioners, so the status of each child turns on the status of the parents at the time of the birth, which is itself in dispute.

16. None of the Petitioners is named in the Joint Headcount or in the Final Joint List. The Joint Headcount recorded 17 homesteads and 96 persons in Nadipaar. None of the 96 elected to move to Naodesh, and all of them became citizens of Ashvatha under the 2015 Order. The 96 are a different group from the Petitioners: no Petitioner belongs to any of the 17 enumerated homesteads. The 96 still live in Nadipaar. The record does not show that any of them gave evidence for either side. The parties give different accounts of where the 47 Petitioner families were in July 2011. Both accounts concern the same 47 families.

17. In the monsoon of 2010, the Torsina shifted course and washed away most of Nadipaar. The 47 families moved to bamboo shelters on a flood embankment about 400 metres outside the boundary pillars of the enclave, on the Ashvathan mainland. Many of the men went to work at brick kilns in the State of Madhyagiri. When the joint teams came in July 2011, they counted only the 17 homesteads still standing inside the pillars. The families returned and rebuilt between 2012 and 2014. On this account the 17 homesteads were the part of the hamlet that the flood spared, and the 47 families were its other residents, displaced for a time but never settled anywhere else. The Petitioners rely, among other material, on the relief register described in para 19.

18. The Petitioners were not residents of Kheyaghat in 2011. They moved into the enclave from the Naodeshi mainland between 2012 and 2015, after the 2011 Protocol made the exchange likely, in order to acquire Ashvathan citizenship. Until the Appointed Day they were Naodeshi nationals living on Naodeshi soil. Since the Appointed Day they have been foreigners present in Ashvatha without travel documents. On this account the 17 homesteads and 96 persons recorded in the Joint Headcount were the whole of Nadipaar in July 2011.

19. The following documents and evidence are on the record of the proceedings described in Part VI. Eleven sale and partition deeds dated between 1979 and 2006, on Naodeshi stamp paper, describe land “in Mouza Kheyaghat, Nadipaar”; four were registered at the sub-registry at Rupshikha in Naodesh. A household register kept by the enclave residents’ council in 2004 lists 39 of the 47 families. A relief register kept by the Kochgarh District Disaster Management Authority for September 2010 lists 41 “char-displaced” heads of family sheltering on the Torsina embankment near Kheyaghat; 22 of the names match the names of heads of Petitioner families, but the register records no address, age or nationality, and the Respondents say the names are common in the area. Receipts show written objections lodged at the JBWG camp on 9 July 2015. Six residents of Majhpara, the adjoining hamlet, who are named in the Final Joint List gave oral evidence for the Petitioners; they are not among the 96 persons enumerated in Nadipaar. Government satellite images show 17 roofed structures in Nadipaar in January 2011 and 64 in March 2015; the Respondents state that no earlier image exists at a usable resolution. The 2008 electoral roll of Char Bhangon, a locality on the Naodeshi mainland nine kilometres from Kheyaghat, names 23 adult Petitioners. Before 2015, 31 Petitioners held Ashvathan ration cards issued at addresses in mainland villages of Kochgarh; it is common ground that they did not live at those addresses. In 2016 Ashvathan authorities issued voter cards to the adult Petitioners. Since the Appointed Day they have also issued ration cards, “Pehchan” identity numbers and school records to the families. Each side relies on some of this material and disputes the weight of the rest.

20. In December 2015 the 47 families applied under paragraph 3(c) of the 2015 Order. The Sub-Divisional Officer, Kochgarh Sadar, held a field inquiry. His report of 22 March 2016 states that the applicants “appear, on local inquiry, to have been ordinarily resident in Nadipaar before 2011”. It adds that “documentary verification is incomplete”. It does not say in terms that the applicants were ordinarily resident in the enclave “during the Joint Headcount”, which is the expression used in paragraph 3(c). The District Magistrate forwarded the report to the Ministry of Home Affairs on 9 May 2016. His covering letter reads “forwarded for necessary action” and makes no recommendation. No supplementary notification was issued, and the one-year period expired on 12 October 2016. The Respondents describe the report as provisional and say it was never accepted. The parties dispute whether a finding of ordinary residence “before 2011” meets the

requirement of paragraph 3(c), and whether a letter that forwards the report without a recommendation is “a report of the District Magistrate” within that paragraph.

21. Four Petitioners illustrate the group.

Petitioner	Age	Faith	Particulars
Imroz Talukdar (Petitioner No. 1)	61	Suhravi	Farmer and hamlet elder. Says he was born in Nadipaar in 1964. Holds a 1987 deed in his father’s name. Named in the 2008 Char Bhargon roll. Says he registered at a cousin’s address to obtain an identity paper for hospital treatment.
Sarbari Deoghorla (Petitioner No. 2)	44	Vaidik	Widow and weaver. Says she was born in Nadipaar. Listed in the 2004 household register. Applied for citizenship under Section 6B (para 27).
Nazneen Akhtari (Petitioner No. 3)	32	Suhravi	Born on the Naodeshi mainland. Married the son of Petitioner No. 1 in Nadipaar in February 2013 and has lived there since.
Ayaan Talukdar (Petitioner No. 4)	9	Suhravi	Son of Petitioner No. 3 and grandson of Petitioner No. 1. His father, the son of Petitioner No. 1, is also a Petitioner. Born on 3 March 2016 at Kochgarh District Hospital, which registered the birth. Holds a birth certificate issued under Section 12 of the Registration of Births and Deaths Act, 1969.

Ages are as on 16 February 2026, the date of filing of the present petition.

V. The 2019 Amendment and the National Register

22. In December 2019 Parliament enacted the Citizenship (Amendment) Act, 2019 (“the 2019 Amendment”). It came into force on 10 January 2020. It inserted a proviso in Section 2(1)(b) of the Citizenship Act, 1955 and a new Section 6B. The proviso covers a person belonging to any of six named religious communities from Kohdara, Naodesh or Zarkand, “who entered into Ashvatha on or before the 31st day of December, 2014” and whom the Central Government has exempted from the Passport (Entry into Ashvatha) Act, 1920 or the Foreigners Act, 1946. Such a person is not to be treated as an illegal migrant and may obtain citizenship under Section 6B on relaxed terms. The exemption was granted by instruments of 2015 and 2016 to members of the six communities who “were compelled to seek shelter in Ashvatha due to religious persecution or fear of religious persecution” and entered on or before 31 December 2014. The Vaidik community is one of the six. The Mehrabi faith, including the Suhravi order, is not. The Statement of Objects and Reasons refers to the religious persecution of minorities in the three countries. The Citizenship (Amendment) Rules, 2024 were notified on 11 March 2024. Under them, applications are decided by an Empowered Committee.

23. Petitions challenging the validity of the 2019 Amendment are pending before another Bench of the Supreme Court of Ashvatha. No stay has been granted.

24. On 1 August 2023 the Central Government issued a notification under Section 14A of the Citizenship Act, 1955 and Rule 4 of the Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules, 2003. It directed that the National Register of Citizens (“NRC”) be prepared, as a first phase, in the districts of Purbasha that adjoin the international boundary. A circular of the Registrar General dated 5 September 2023

states that in the incorporated enclaves “the Final Joint List and the 2015 Order shall be the base record; a person not traceable to them shall be marked for verification”.

VI. Procedural history

25. Before the Registrars. On 15 January 2024 the Local Registrar marked all 214 Petitioners as “doubtful citizens”. After a hearing, the Sub-district Registrar excluded them from the draft NRC on 20 March 2024. The District Registrar dismissed their appeal on 28 June 2024.

26. Before the Foreigners Tribunal. On 19 August 2024 the Superintendent of Police (Border) referred the Petitioners to the Foreigners Tribunal, Kochgarh under the Foreigners (Tribunals) Order, 1964. The Tribunal refused the Petitioners’ application to summon the Sub-Divisional Officer and to call for satellite images from before the monsoon of 2010. By its opinion of 21 March 2025 it held that the burden lay on the Petitioners under Section 9 of the Foreigners Act, 1946 and had not been discharged. It found the deeds “unregistered in Ashvatha and incapable of verification”, the 2004 register “a private document”, the cards issued after the Appointed Day “not proof of citizenship”, and the neighbours “interested witnesses”. It declared all 214 Petitioners to be foreigners. It held that the status of the children followed that of their parents under Section 3(1)(c) of the Citizenship Act, 1955. It recorded no separate finding on whether any Petitioner is an “illegal migrant” within Section 2(1)(b) of that Act.

27. Before the Empowered Committee. The Tribunal observed that the Vaidik Petitioners “may seek the benefit of Section 6B”. On 28 April 2025, the heads of all 18 Vaidik families, including Petitioner No. 2, applied for citizenship under Section 6B for themselves and the members of their families, without prejudice to their claim that they are citizens already. On 17 July 2025 the Empowered Committee rejected the applications. It held that the applicants “did not enter into Ashvatha on or before 31 December 2014”, because Kheyaghat was foreign territory until the Appointed Day. It described their claimed stay on the embankment as “unproved and, in any event, temporary”.

28. Before the High Court. On 21 April 2025 the Petitioners filed W.P.(C) No. 2147 of 2025 in the High Court of Purbasha under Article 226. They challenged the NRC exclusion and the Tribunal’s opinion, and sought a direction for a supplementary notification under the 2015 Order. By an amendment allowed on 4 August 2025 they also challenged the Empowered Committee’s order and the validity of the 2019 Amendment as applied to them.

VII. Judgment of the High Court

29. A Division Bench of the High Court of Purbasha dismissed the writ petition on 14 November 2025. It held as follows.

- (i) *Citizenship by incorporation.* Section 7 leaves it to the Central Government to specify who becomes a citizen when territory is incorporated. The 2015 Order is a sovereign act that follows a treaty, and a court cannot add names to it. The 1974 Agreement creates rights between two States. Individuals cannot enforce it unless Parliament legislates. The One Hundredth Amendment altered territory only.
- (ii) *The Joint Headcount.* A jointly prepared list is a rational cut-off against opportunistic settlement. The report of 22 March 2016 was a recommendation that bound nobody. The period under paragraph 3(c) has expired.
- (iii) *The Tribunal’s opinion.* The reverse burden under Section 9 applies whenever a person’s citizenship is in question. Certiorari does not lie to re-appreciate evidence. The Tribunal took a possible view. Its refusal to summon further evidence caused no prejudice.

- (iv) *The 2019 Amendment.* Its validity is pending before the Supreme Court, and the High Court would not examine it. The Empowered Committee read the words “entered into Ashvatha” correctly. Any hardship is “a matter for Parliament”.
- (v) *Removal.* Ashvatha is not a party to the Convention relating to the Status of Refugees, 1951 or its Protocol of 1967. The right to reside and settle in Ashvatha belongs to citizens alone. Removal must follow the procedure established by law, and the authorities are “at liberty to proceed accordingly”.

30. The High Court recorded its “sympathy for persons whom history has twice left on the wrong side of a line”. It held that sympathy cannot found jurisdiction. The Petitioners did not file a petition for special leave to appeal under Article 136. The ninety-day period for such a petition expired on 12 February 2026.

VIII. Events after the judgment and the present petition

31. The Immigration and Foreigners Act, 2025 (“the 2025 Act”) had come into force on 1 September 2025, while the writ petition was pending in the High Court. By Section 36 it repealed the Foreigners Act, 1946 and the Passport (Entry into Ashvatha) Act, 1920, subject to the savings in that section. Section 16 of the 2025 Act re-enacts the reverse burden of proof. On the same day the Central Government made the Immigration and Foreigners (Exemption) Order, 2025 under Section 33. That Order exempts members of the six communities from the requirement of a passport and visa if they “were compelled to seek shelter in Ashvatha due to religious persecution or fear of religious persecution” and entered on or before 31 December 2024. The Exemption Order does not amend the Citizenship Act, 1955: the date of 31 December 2014 in the proviso to Section 2(1)(b) is unchanged. On 9 December 2025 the competent authority issued removal orders under Section 29 of the 2025 Act against every adult Petitioner. The orders record that the Exemption Order does not apply to the Vaidik Petitioners, because they “do not claim to have sought shelter in Ashvatha on account of religious persecution”. On 11 December 2025, 37 adult men from both communities, including Petitioner No. 1, were taken to the Sonapukur Transit Holding Centre. No other Petitioner against whom a removal order was issued has been detained; the remaining Petitioners continue to live in Nadipaar.

32. By a Note Verbale of 20 January 2026 Naodesh declined to accept the Petitioners. It stated that they “are not verifiable as nationals of Naodesh” and that “the responsibility of Naodesh for the inhabitants of the former enclaves ended on the Appointed Day”. It added that Naodesh “will examine any individual claim to Naodeshi nationality supported by documents issued by its own authorities”. No Petitioner has made such a claim. Naodesh has not stated that any Petitioner is not a Naodeshi national.

33. Since 2024 the National Human Rights Commission of Naodesh has reported attacks on Suhravi prayer halls and on Vaidik homes in three border districts. The Government of Naodesh describes these as isolated law-and-order incidents.

34. On the night of 4 February 2026, personnel of the Ashvathan Border Guard, the Union force that guards the international boundary, took 14 of the 37 detainees by boat to the mid-stream of the Torsina. Naodeshi border guards refused to receive them. The 14 men spent two days on a sandbar. They were brought back to Sonapukur on 7 February 2026. The Petitioners call this a “push-back”. The Respondents call it “an escorted handover at a designated point which could not be completed”.

35. On 16 February 2026 the Petitioners filed Writ Petition (Civil) No. 118 of 2026 in the Supreme Court of Ashvatha under Article 32. They pray for:

- (a) a writ in the nature of habeas corpus directing the release of the 37 Petitioners detained at the Sonapukur Transit Holding Centre;

- (b) a writ in the nature of certiorari quashing the opinion of the Foreigners Tribunal dated 21 March 2025, the order of the Empowered Committee dated 17 July 2025 and the removal orders dated 9 December 2025;
- (c) a declaration that the Petitioners are citizens of Ashvatha from 1 August 2015 or, in the case of those born after the Appointed Day, from birth;
- (d) a writ in the nature of mandamus directing the Central Government to issue a supplementary notification under paragraph 3(c) of the 2015 Order and to include the Petitioners in the NRC;
- (e) in the alternative, a direction that the applications of the Vaidik Petitioners under Section 6B be decided afresh, and that the Suhravi Petitioners be permitted to apply under that Section; and
- (f) a direction that no Petitioner be removed from Ashvatha to a State that has not agreed to receive him or her.

36. The parties to the petition are:

- (a) Imroz Talukdar and 213 others, residents of Nadipaar, Tukra Kheyaghat, Kochgarh District, Purbasha (Petitioners);
- (b) Union of Ashvatha, through the Secretary, Ministry of Home Affairs (Respondent No. 1); and
- (c) State of Purbasha, through the Chief Secretary (Respondent No. 2).

37. On 2 March 2026 the Court issued notice and stayed the removal of the Petitioners from Ashvatha until further orders. It did not order the release of the detainees. It directed that the Respondents' objection to the maintainability of the petition be heard with the merits. The matter is now listed for final hearing as *Imroz Talukdar & Ors. v. Union of Ashvatha & Anr.*

IX. Issues for determination

The Court has framed the following issues for determination:

1. Whether the present writ petition under Article 32 of the Constitution is maintainable, when the High Court has dismissed the Petitioners' writ petition under Article 226 on the same subject matter and no petition for special leave to appeal was filed within time.
2. Whether the Petitioners became citizens of Ashvatha upon the incorporation of Tukra Kheyaghat into the territory of Ashvatha or, in the case of those born after the Appointed Day, by birth.
3. Whether the Petitioners are entitled to the benefit of the proviso to Section 2(1)(b) and Section 6B of the Citizenship Act, 1955, and whether those provisions, as applied to the Petitioners, violate Articles 14 and 21 of the Constitution.
4. Whether the detention of the Petitioners and their proposed removal to Naodesh are in accordance with law and consistent with Articles 14 and 21 of the Constitution.

X. Applicable law

The law is to be taken as it stood on 1 March 2026. Any decision on the validity of the Citizenship (Amendment) Act, 2019 delivered after that date is to be disregarded.

The Constitution, statutes, rules and treaty position of Ashvatha are identical to those of India, with the name of the country changed.

Source	Provisions and instruments
Constitution of Ashvatha	Articles 1, 5 to 11, 13, 14, 15, 19(1)(d) and (e), 21, 22, 32, 51(c), 73, 136, 141, 142, 226, 253 and 368; First Schedule; Constitution (One Hundredth Amendment) Act, 2015
Citizenship Act, 1955	Sections 2(1)(b), 3, 5, 6, 6B, 7, 14A and 18; Third Schedule; Citizenship (Amendment) Act, 2019
Rules and orders on citizenship	Citizenship Rules, 2009 as amended by the Citizenship (Amendment) Rules, 2024; Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules, 2003; Citizenship (Kochgarh Enclaves) Order, 2015
Registration of births	Registration of Births and Deaths Act, 1969, Sections 8, 12 and 17
Law relating to foreigners, before 1 September 2025	Foreigners Act, 1946, Sections 2, 3 and 9; Passport (Entry into Ashvatha) Act, 1920, Section 3; the exemption instruments of 2015 and 2016 made under those Acts; Foreigners (Tribunals) Order, 1964
Law relating to foreigners, from 1 September 2025	Immigration and Foreigners Act, 2025, Sections 3, 7, 16, 29, 33 and 36; Immigration and Foreigners Rules, 2025; Immigration and Foreigners Order, 2025; Immigration and Foreigners (Exemption) Order, 2025
Bilateral instruments	1974 Agreement, Articles 1 and 3; 2011 Protocol; Modalities of 6 June 2015, paragraph 4
Treaties binding on Ashvatha	Charter of the United Nations; International Covenant on Civil and Political Rights, 1966 (Articles 2, 6, 7, 9, 12, 13, 24 and 26), acceded to with a declaration reserving the right to apply domestic law relating to foreigners under Article 13; International Covenant on Economic, Social and Cultural Rights, 1966; Convention on the Elimination of All Forms of Racial Discrimination, 1965 (Article 5); Convention on the Elimination of All Forms of Discrimination against Women, 1979 (Article 9); Convention on the Rights of the Child, 1989 (Articles 3, 7 and 8)
Signed but not ratified	Convention against Torture, 1984
Ashvatha is not a party	Convention relating to the Status of Refugees, 1951 and its Protocol of 1967; Convention relating to the Status of Stateless Persons, 1954; Convention on the Reduction of Statelessness, 1961; Vienna Convention on the Law of Treaties, 1969
Other materials	Universal Declaration of Human Rights, 1948 (Articles 13, 14 and 15); International Law Commission Articles on Nationality of Natural Persons in relation to the Succession of States, 1999; International Law Commission Draft Articles on the Expulsion of Aliens, 2014; customary international law

XI. Notes for participants

1. The laws of Ashvatha are in pari materia with the laws of India as they stood on 1 March 2026. Indian statutes and instruments that name India are to be read as naming Ashvatha. Where they name the three neighbouring countries and the six communities of the Citizenship (Amendment) Act, 2019, they are to be read as naming Kohdara, Naodesh and Zarkand and the six communities described in para 22.

2. Decisions of the Supreme Court of India carry the authority of decisions of the Supreme Court of Ashvatha. Decisions of other courts and of international bodies are persuasive. Any decision on the validity of the Citizenship (Amendment) Act, 2019 delivered after 1 March 2026 is to be disregarded.
3. The facts stated in this proposition are admitted as stated. Where the two sides give different accounts, neither account has been proved. The existence and contents of the documents and evidence described in paras 19 to 21 are admitted; their truth and evidentiary weight are not. Counsel may draw inferences from the facts but may not add facts.
4. Both sides must address all four issues. Counsel may frame sub-issues but may not add issues.
5. All names, places, communities and events are fictitious. Any resemblance to a real person or community is unintended. The number of enclaves, the population figures and the other details of the exchange are part of the fiction. They are not to be reconciled with, or supplemented from, the facts of any real boundary settlement.

Annexure: List of dates

Date	Event
1958	Agreement between Ashvatha and Zarkand to exchange the enclaves; never implemented
1971	Naodesh becomes independent of Zarkand
16 May 1974	1974 Agreement signed
Monsoon 2010	Torsina changes course at Nadipaar
September 2010	Relief register of the Kochgarh District Disaster Management Authority
14 to 17 July 2011	Joint Headcount
6 September 2011	2011 Protocol signed
May 2015	Constitution (One Hundredth Amendment) Act, 2015
6 June 2015	Modalities agreed by Exchange of Letters
6 to 16 July 2015	Options Survey; Petitioners lodge objections on 9 July
23 July 2015	JBWG minutes on the Final Joint List
Midnight, 31 July 2015	Appointed Day; Tukra Kheyaghat becomes Ashvathan territory
12 October 2015	2015 Order published
December 2015	The 47 families apply under paragraph 3(c)
3 March 2016	Birth of Petitioner No. 4
22 March 2016	Report of the Sub-Divisional Officer
9 May 2016	District Magistrate forwards the report
12 October 2016	Period under paragraph 3(c) expires
December 2019	2019 Amendment enacted; in force from 10 January 2020
1 August 2023	NRC notified for the border districts of Purbasha
15 January 2024	Local Registrar marks the Petitioners “doubtful citizens”
11 March 2024	Citizenship (Amendment) Rules, 2024 notified
20 March 2024	Sub-district Registrar excludes the Petitioners from the draft NRC
28 June 2024	District Registrar dismisses the Petitioners’ appeal
19 August 2024	Reference to the Foreigners Tribunal
21 March 2025	Foreigners Tribunal declares the Petitioners foreigners
21 April 2025	W.P.(C) No. 2147 of 2025 filed in the High Court
28 April 2025	Applications for citizenship under Section 6B by the 18 Vaidik heads of family
17 July 2025	Empowered Committee rejects the applications under Section 6B
1 September 2025	Immigration and Foreigners Act, 2025 in force; Exemption Order made
14 November 2025	High Court dismisses W.P.(C) No. 2147 of 2025
9 December 2025	Removal orders issued against the adult Petitioners

Date	Event
11 December 2025	37 adult male Petitioners detained at Sonapukur
20 January 2026	Note Verbale of Naodesh
4 to 7 February 2026	Attempted handover of 14 of the 37 detainees on the Torsina
12 February 2026	Period for a special leave petition expires
16 February 2026	Writ Petition (Civil) No. 118 of 2026 filed under Article 32
2 March 2026	Notice issued; removal stayed; release not ordered; objection to maintainability to be heard with the merits

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