

MOOT PROBLEM

INDOSTAN is Sovereign Socialist Secular Democratic Republic. Constitution of INDOSTAN is a unique blend of Federal and Unitary form of government and provides Single Citizenship. INDOSTAN adopted its Constitution in the year 1949. Constitution of INDOSTAN guarantees certain Fundamental rights to its Citizens as well as non-citizens. Constitution also provides Citizenship subject to the Laws made by Parliament.

In 1951, the First Census for Independent INDOSTAN was conducted followed by the preparation of original National Register of Citizens (hereinafter referred to as NRC). TIMOLA is one of the North-Eastern States of Indostan and is the third smallest State in the Country. State of TIMOLA is bordered by neighbouring country BANGLASTAN. State of TIMOLA attained full Statehood in 1972. The Central government is currently in the process of updating NRC for the State of NISSAN (one of the North-Eastern States of INDOSTAN) as NRC was not updated since 1951.

The State of TIMOLA comprises several different Tribes and Ethnic groups with diverse languages and cultures which includes 'TEROKS' speaking tribe as largest tribal group. More than 50% of the population of the state of TIMOLA is Scheduled Tribe. State of TIMOLA is an agrarian State with more than half of the population dependent on agriculture. State of TIMOLA is a state frequently affected by flood and is among the least literate States of INDOSTAN. It has a high rate of poverty, inadequate infrastructure and high rate of unemployment.

The States of TIMOLA and State of NISSAN have faced major illegal immigration of non-Muslims for more than 50 years, majorly from BANGLASTAN, besides other countries. Currently, NRC is undergoing update only in the State of NISSAN under the supervision of the Hon'ble Apex Court of INDOSTAN. The illegal immigration majorly from BANGLASTAN to TIMOLA has apparently reduced TIMOLA's Tribal inhabitants to a minority, which has also resulted in loss of livelihood and threat to their cultural identity.

The Tribal people have been facing economic as well as social problem due to the influx of immigrants. Resultantly, there was a large scale protest from the various indigenous groups against the government, demanding to update the NRC and to deport the immigrants to their country of origin. Large areas of forest land have been encroached upon by the immigrants for settlement and cultivation. The State has experienced a declining percent of land area under forest due to such encroachment.

Tribal groups also contended that illegal immigration violates the provisions enshrined under Part II of the Constitution of Indostan and that the total inaction by the Government in this regard has resulted in violation of their fundamental rights. The Tribal groups have approached the relevant authorities seeking a relief, however, no favourable response was received by them.

The Authorities cited certain reasons for non-deportation including that due to the lack of awareness, education and financial constraints, many people may not possess necessary documents which are crucial to prove their citizenship. Responding to the protest of tribal groups, authorities claimed that it will protect the Fundamental Rights of the people whose name may not appear in NRC due to lack of sufficient documents and they also contended that no alternative is available as to where to deport these immigrants.

In an interview to 'TIMOLA Times', one of the leading mainstream media channels, Chief Minister of TIMOLA said that "State of TIMOLA is treating these non-Muslim immigrants as refugees because of compelling socio-political constraints and discrimination by the dominating religious groups in BANGLASTAN and other countries due to which they have been forced to leave their Countries".

In the Backdrop of inactive response from the Government, TIMOLA People's Welfare Association, an NGO actively working for protecting the rights of the local Tribal Groups has filed Public Interest Litigation on 10th October 2018 in the Apex Court of Indostan praying to update the NRC in the State of TIMOLA and also to detect and identify the illegal immigrants and deport them so that the socio-economic, socio-political and Socio-cultural equilibrium is restored.

Public Interest Litigation is pending in the Hon'ble Apex Court of Indostan and is listed for final hearing on 10th February 2019.

Note:

- a) **Laws of INDOSTAN are *parimateria* to the Laws of INDIA.**
- b) **Courts of INDOSTAN have same powers as of Courts in INDIA.**
- c) **Participating Teams are free to formulate Issues based on the facts given in the Moot proposition.**
- d) **Facts are hypothetical and may differ from the actual situation of India.**
- e) **Any queries relating to Moot Problem will be entertained between 4 pm to 9 pm till 15th January 2019.**

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