SURANA & SURANA

and

NMIMS SCHOOL OF LAW BENGALURU

CONSTITUTIONAL LAW MOOT COURT COMPETITION

Moot Proposition

5th & 6th Feb, 2027 (Virtual Rounds)

12th & 13th March, 2027 (On-Campus Rounds)

Moot Proposition

1. The Republic of Navira is a federal, secular, democratic republic with a written Constitution and an independent Supreme Court. It comprises several States, each with an elected legislature and an executive. The Constitution guarantees to citizens the freedom to move freely throughout the territory of Navira, and to all persons freedom of conscience and the right freely to profess, practise and propagate religion. It recognises the right of religious denominations and of sections of them to manage their own affairs in matters of religion, and it guarantees direct access to the Supreme Court for the enforcement of fundamental rights. The Constitution also confers original jurisdiction on the Supreme Court in specified disputes between the Union and the States or between the States, and permits Parliament by law to exclude court jurisdiction over certain inter-State water disputes.

2. Three contiguous States share a single connected geography, set out in the sketch at Annexure I. State I, Keshar, is a hill State. Its dominant feature is Satyagiri, a steep flat-topped hill rising from the northern plateau, its bare summit visible for many kilometres and its southern face falling in rocky steps to the foothills. State II, Nandipur, lies immediately south and east of Keshar. It is a lowland State of terraced fields, market towns and river ghats, watered by the Aroha, the only river that drains Satyagiri. State III, Vanyadesh, lies to the west of both and controls the traditional western approach into the hills, a route travelled by pilgrims and by the forest communities for generations.

3. On the shoulder of Satyagiri stands the Aruneshvara Temple, a public Hindu temple administered by the Aruneshvara Devasthan Trust. A perennial spring called Matrika Kund breaks out in the rock, a short distance below the temple, and the water that gathers there is the source of the Aroha River. From Matrika Kund the river descends the southern face of the hill in a series of cascades, crosses the inter-State boundary into Nandipur and runs through the Nandipur lowlands to the sea. The stretch of the river immediately south of the boundary contains Panchdhara, a natural rocky bathing ledge at the foot of the hill, where the river runs broad and shallow over flat rock. From the ledge the whole profile of Satyagiri, with the temple tower above it, stands in full view across the water.

4. The foothill lands at and around Panchdhara are owned by the State of Nandipur and are not part of the temple trust's property. The Trust holds no title, lease or easement over the bathing ledge. Nandipur has historically allowed access under an annual pilgrimage permit issued for the yatra season. The Sampradaya claims that the site is an extension of the sacred circuit, not merely a convenient place to bathe. However, the State of Nandipur asserts that ownership and long use do not convert a public riverbank into a denominational endowment.

I. THE SAMPRADAYA AND THE FOUR PHASES OF THE YATRA

5. The temple is associated with the Aruna Sampradaya, a religious denomination with a distinct name, a common doctrine and a central council. The Sampradaya has approximately 1.8 million adherents across Navira. Its central council has 21 members, including priests, lay delegates and two elected women, and it administers the temple and the yatra through the Trust. A smaller body of about 4,000 adherents, the Panchdhara Vratins, follows an additional vow requiring immersion in the natural flow of the Aroha at Panchdhara during the yatra. The council does not dispute that the Vratins are a section of the Sampradaya. It says only that it recognises their observance, as a vow taken by some adherents, without having made it mandatory for the denomination as a whole. The Vratins claim the observance as the practice of a section of the denomination under Articles 25 and 26.

6. The annual Aroha Yatra is performed during the month of Asha and culminates on the ninth day of the bright fortnight. It is a single journey performed in four phases, and it is common ground that each phase lies in a different State:

i. **Phase 1, arrival and registration (Vanyadesh)**. Pilgrims gather in family and village groups at the Dharvan Gate on the Vanyadesh-Keshar boundary, an old stone gateway through which the traditional route enters the Kora community forest. Every pilgrim must pass the permit checkpoint at the Gate. The Gate is the only planned entry to the forest corridor; stragglers who miss the day's window must wait outside until the next opening, often overnight.

ii. **Phase 2, the ascent (Vanyadesh into Keshar)**. From the Gate the pilgrims walk about 11 kilometres through the Kora community forest in Vanyadesh, along a shaded path that passes the two springs the Kora also draw on, and cross into Keshar at the northern edge of the forest. From there they climb the western ridge of Satyagiri by a stepped stone stairway to the Aruneshvara Temple. Most pilgrims complete the ascent in a single day; the forest stretch closes to non-residents at 4 p.m.

iii. **Phase 3, worship at the temple (Keshar)**. At the temple the pilgrims offer worship and collect water in small copper vessels from Matrika Kund, the spring at the river's source immediately below the temple, filling the vessels in full view of the hill. Worship at the temple and collection of Matrika water are not in dispute; both are accepted as religious practices.

iv. **Phase 4, the descent and first immersion (Keshar into Nandipur)**. After darshan the pilgrims descend the southern face of Satyagiri along the bank of the Aroha, cross the inter-State boundary into Nandipur and reach Panchdhara, roughly 5 kilometres below the boundary. There they perform the first immersion of the yatra in the natural current of the Aroha, standing on the rock ledge and facing Satyagiri with the temple above them, after which the yatra ends and the pilgrims disperse to their homes.

7. The Sampradaya maintains that the yatra is not complete with darshan alone: the first immersion at Panchdhara, in flowing water seen from the hill, is the closing rite of the pilgrimage. It relies on a temple chronicle dated 1891 which describes "the first descent into the Mother's current below the hill" as the completion of the yatra. A 1938 district gazette records "seasonal bathing at Panchdhara by pilgrims of the hill shrine." In a 1976 deposition, the then chief priest stated that immersion was "a vow kept by many families, but not a condition to culminate the darshan." The Trust's current ritual manual recommends immersion where safe, but permits a symbolic sprinkling of Matrika water if the river is inaccessible. The State disputes the authenticity and uniformity of the old chronicle, and says the 1976 evidence and the current manual show that immersion is not obligatory.

8. The petitioners tender three affidavits from long-time pilgrims, the Trust's ritual manual and a hydrographic survey. The State tenders the district gazette, the priest's 1976 deposition, permit records showing that a substantial number of pilgrims did not bathe at Panchdhara, and the public ownership register. Neither side disputes the existence of the practice; they dispute its constitutional character, its degree of centrality, and whether it is an affair the denomination manages as its own.

II. NANDIPUR'S WATER AND BATHING RESTRICTIONS

9. In 1984, Keshar and Nandipur concluded the Aroha Waters Accord. The Accord recognises Nandipur's control over the river after it crosses the boundary, but requires the State to maintain "a continuous natural flow at Panchdhara sufficient to preserve the river's ecological character and customary public uses." It does not quantify a minimum flow, specify a decision-maker or mention religious rights. It provides for consultation between the two States and refers unresolved technical questions to a joint commission. No joint commission has met since 2018.

10. Between 2018 and 2025, Nandipur recorded four deaths by drowning and 19 rescues at Panchdhara, most of them during the crowded bathing days at the close of the yatra. Its 2025 Health Directorate report found bacterial contamination above the State's recreational-water guideline in three of five samples taken during the yatra season. The report also recorded river bank erosion and a risk of flash flooding following intense rainfall. The Sampradaya's expert disputes the sampling method, notes that two of the five samples were within guideline, and says the contamination was traced principally to settlements downstream of Panchdhara. A separate engineering report recommends seasonal barriers and supervised bathing as alternatives to diverting the natural flow.

11. On 14 October 2025, the Nandipur legislature enacted the Sacred Waters and Pilgrimage Safety Act, 2025. Section 12 authorises the State to regulate bathing in a notified reach of an inter-State river where a reasoned public-health, flood or ecological assessment identifies a serious risk. Section 13 requires consultation with the other riparian State and affected religious institutions "where practicable." Section 14 authorises construction of a diversion channel and a designated bathing facility, provided that "reasonable access to the religious observance is maintained." The Act does not define "reasonable access" and sets no independent review mechanism. The provisions are reproduced verbatim in Annexure II.

12. By Order No. 88/2025 dated 01 November 2025, Nandipur prohibited immersion in a six-kilometre natural reach of the Aroha, including Panchdhara, during the annual yatra season. A low weir of dressed stone now diverts most of the flow through a concrete channel to the Sarva-Snan Kund, a 60-by-40-metre public pond built 300 metres downstream on State land, with paved approaches, lifeguard posts and stepped entries. The pond is open to all pilgrims from 5 a.m. to 8 p.m. upon registration, and no fee is charged. The State says the pond uses Aroha water, has lifeguards and tested water quality, and permits the ritual in safer conditions. The order leaves a residual flow in the natural channel, but the flow is too shallow for immersion on most days. The Trust was consulted only after the order was made, and the State of Keshar was not consulted before construction.

13. Post the Order was passed, in the rest of 2025, the pond accommodated approximately 68 per cent of the pilgirims who have registered to seek access.. The petitioners claim that the concrete basin, its location and its controlled recirculation remove the natural current and the view of Satyagiri that give the rite meaning. Nandipur answers that the relevant religious act is immersion in Aroha water, which the kund provides, and that public-health and flood-control measures may regulate secular and hazardous aspects of worship. The petitioners also allege that access is administered by a digital registration system that excludes some elderly and rural pilgrims; Nandipur says in-person registration is available at district offices.

III. VANYADESH'S ROUTE AND ACCESS RESTRICTIONS

14. The Dharvan route crosses the Kora community forest in Vanyadesh, old-growth woodland through which the pilgrim path runs between the two springs that the Kora themselves use for drinking water. The Kora are a constitutionally recognised Scheduled Tribe in Navira. Their village council says the forest and the two springs along the route are essential to community life, and that recent pilgrim traffic has caused litter, damage to medicinal plants and pressure on water supplies. A 2023 storm caused a landslide on the route, killing three pilgrims and injuring 17. A technical committee estimated a safe daily carrying capacity of 240 people during the yatra season, but its report did not assess the impact of shorter permit windows or of the east-ridge alternative.

15. Vanyadesh enacted the Forest Communities and Pilgrim Route Safety Act, 2024. Section 8 permits time-limited entry controls in a protected forest for public safety, conservation or protection of the interests of Scheduled Tribes, after consultation with the affected village council. Section 9 requires the order to state its duration and review date. Section 11 authorises priority permits for residents of forest communities and registered local guides. Section 15 provides for a statutory appeal to the Divisional Commissioner within seven days. The provisions are reproduced verbatim in Annexure II.

16. On 20 October 2025, Vanyadesh issued a seasonal order under the Act limiting the Dharvan Gate to 240 entrants per day during the yatra season, closing the route to non-residents after 4 p.m., and reserving 40 per cent of advance permits for Kora residents and locally registered guides. Applications are accepted online and at two district offices. The order is to remain in force for three years, with an annual review. The Kora council approved the cap but opposed the three-year duration; six of its 19 elected members say they were not consulted on the permit reservation. Vanyadesh says the order preserves community access and creates income for local guides.

17. The petitioners claim that the cap is below actual peak demand, that the permit excludes families who travel together, and that the 4 p.m. closure prevents many pilgrims from completing Phase 2 of the yatra, the ascent through the forest, and from reaching the temple before the day's final darshan. An east-ridge route wholly within Keshar remains open without a quota, but it adds two days of walking, has no reliable drinking-water points and does not connect to the traditional descent toward Panchdhara. Keshar maintains that the route is safe if pilgrims carry supplies; the petitioners' medical affidavits say the additional climb is unsuitable for some elderly pilgrims. Vanyadesh says no person is prohibited from worshipping at the temple, and that no constitutional right guarantees the use of a particular path through a protected forest.

IV. PROCEEDINGS BEFORE THE SUPREME COURT

18. On 12 December 2025, the State of Keshar filed an original suit under Article 131 of the Constitution against the State of Nandipur alone. It seeks a declaration that the diversion violates the 1984 Accord and an order requiring restoration of sufficient natural flow at Panchdhara. Keshar does not seek a declaration on the Sampradaya's fundamental rights, and it does not name Vanyadesh as a party. Nandipur objects that the dispute concerns the use and control of an inter-State river and falls within Article 262 and section 11 of the Navira Inter-State Rivers Act, 1956. Keshar answers that it seeks enforcement of a State-to-State compact and a declaration of the scope of a legal obligation, not adjudication of an allocation or distribution dispute referable to a water tribunal.

19. On 19 December 2025, the Aruna Sampradaya, the Panchdhara Vratins, and 12 named pilgrims filed a petition under Article 32 against Nandipur and Vanyadesh. The named pilgrims include four persons denied a Dharvan permit, three who obtained permits but could not complete the ascent before the 4 p.m. closure, and five who reached the Sarva-Snan Kund but refused to use it. They seek declarations and directions concerning Articles 19(1)(d), 25 and 26, and challenge sections 12-14 of the Nandipur Act and the Vanyadesh seasonal order. They do not name Keshar as a respondent because it imposed no restriction they challenge. The petitioners seek no relief against Keshar in that proceeding.

20. Keshar applied to intervene in the Article 32 petition, citing the Accord, the river's source and its interest in the natural flow. It seeks only leave to assist the Court on the hydrological and federal context, not to become a respondent or to obtain relief in the Article 32 matter. Nandipur opposes intervention, claiming that Keshar is attempting to place a State-versus-State water dispute inside an individual rights petition. The Sampradaya opposes any order that would treat its rights as derivative of Keshar's claim.

21. By an order dated 07 January 2026, the Chief Justice placed both matters before a Constitution Bench of five Judges and directed that they be "listed and heard together, without consolidation, subject to determination of jurisdiction, party alignment and the permissible scope of relief." The Court has not decided the intervention application, the objection under Article 262, or the maintainability of either proceeding. Thus, Keshar is the Petitioner only in the Article 131 suit; it is not a respondent in the Article 32 petition. Nandipur is the Respondent in the suit and in the writ. The parties dispute whether coordinated hearing is lawful or whether the two proceedings must be heard separately to avoid importing a State's inter-State claim into the pilgrims' fundamental rights case.

V. RELIEFS SOUGHT AND RESPONSES

22. The State of Keshar seeks: (a) a declaration that the 1984 Accord creates an enforceable legal right to continuous natural flow at Panchdhara; (b) a declaration that the diversion order violates that right; and (c) restoration of the flow, or a reference to an appropriate water-dispute mechanism if the Court finds Article 131 unavailable.

23. The Article 32 Petitioners seek: (a) a declaration that the ritual at Panchdhara is protected by Articles 25 and 26; (b) quashing or reading down of the Nandipur bathing order and Vanyadesh access order; and (c) access to a natural-flow bathing site, subject to reasonable safety controls.

24. Nandipur and Vanyadesh respond: The Acts and orders serve public health, safety, conservation and tribal interests; they regulate location, timing and mode rather than belief or worship. The States submit that the kund preserves a safe opportunity to bathe in Aroha water, the east-ridge route preserves access to the temple, and the Constitution does not constitutionalise every custom or require government to provide a particular physical setting for every ritual.

25. The Sampradaya and pilgrims respond: The alternative pond and route do not preserve the practice as understood by adherents; the cumulative restrictions make the four-phase yatra materially unavailable to many people. They say the States' stated reasons are legitimate in principle but the chosen measures are overbroad, procedurally defective and unsupported by current evidence, and that less restrictive measures are available.

VI. THE QUESTIONS PRESENTED

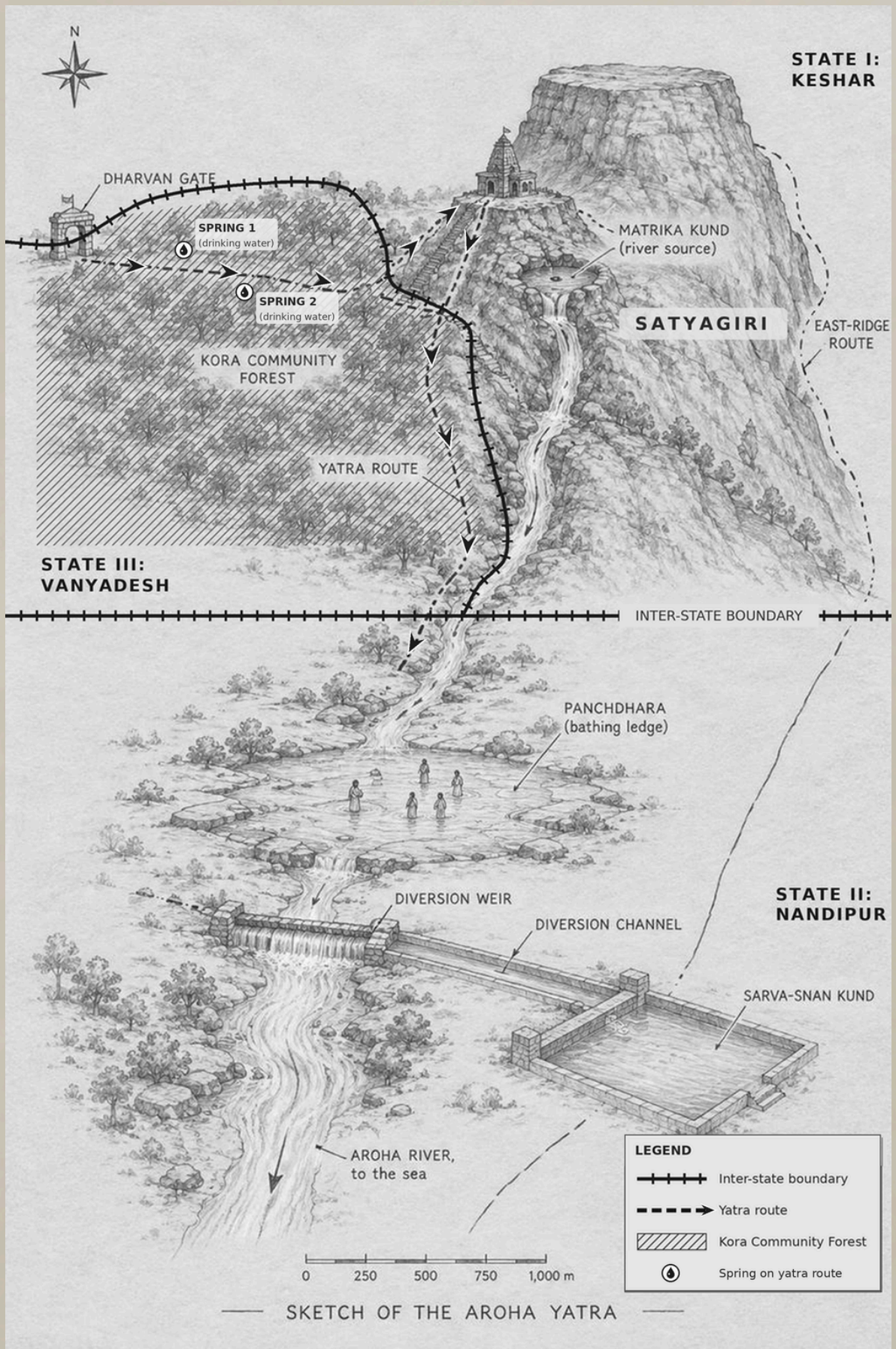
The Constitution Bench has identified four questions of law.

1. Whether the Article 131 suit, Article 32 petition and the intervention by Keshar are maintainable, and whether the two matters can be listed and heard together?
2. Whether Nandipur's bathing prohibition and diversion are valid regulations of public health, flood risk and the secular aspects of worship under Article 25, having regard to its Sarva-Snan Kund alternative?
3. Whether the Aruna Sampradaya is entitled to protection under Article 26 in relation to the Panchdhara ritual?
4. Whether the restrictions imposed by Vanyadesh Seasonal Order are reasonable, having regard to the pilgrims' rights under Articles 19(1)(d) and 25?

NOTE:

- Teams shall represent the State of Keshar in the Article 131 suit and the Article 32 petitioners, or the State of Nandipur and the State of Vanyadesh as respondents.
- Each side must address jurisdiction and party alignment before merits, and must distinguish the State's claimed compact right from the pilgrims' and the denomination's individual and collective rights. The Court may grant a narrower remedy than the parties seek.
- The laws and statutes mentioned in the proposition are in pari materia with India, unless it is mentioned otherwise in Annexure II.

ANNEXURE I: GEOGRAPHICAL SKETCH



Annexure I. Sketch of the Aroha Yatra, not to scale.

ANNEXURE II: STATUTORY EXTRACTS

THE NAVIRA INTER-STATE RIVERS ACT, 1956

Section 11. "Neither the Supreme Court nor any other court shall exercise jurisdiction in respect of any water dispute which may be referred to a Tribunal under this Act. A water dispute means a dispute between State Governments concerning the use, distribution or control of the waters of an inter-State river or river valley, including the interpretation or implementation of an agreement relating to such use, distribution or control."

SACRED WATERS AND PILGRIMAGE SAFETY ACT, 2025 (STATE OF NANDIPUR)

Section 12. "The State Government may, by notified order, regulate or prohibit bathing within a notified reach of an inter-State river where a reasoned public-health, flood or ecological assessment identifies a serious risk to persons or to the river's ecological character. The order shall state the assessment on which it is founded."

Section 13. "Before making an order under section 12, the State Government shall consult the other riparian State and every religious institution materially affected by the order, where practicable."

Section 14. "The State Government may construct a diversion channel and a designated bathing facility in substitution for a notified reach, provided that reasonable access to the religious observance is maintained."

Note: The Act does not define "reasonable access" and sets no independent review mechanism.

PART D: FOREST COMMUNITIES AND PILGRIM ROUTE SAFETY ACT, 2024 (STATE OF VANYADESH)

Section 8. "The State Government may impose time-limited entry controls on a protected forest for public safety, for conservation, or for the protection of the interests of a Scheduled Tribe, after consultation with the affected village council."

Section 9. "An order under section 8 shall state its duration and its review date."

Section 11. "The State Government may reserve entry permits for residents of forest communities and for guides registered under this Act."

Section 15. "An order under section 8 may be appealed to the Divisional Commissioner within seven days of its publication."