FIRST EDITION

ALL NAGALAND MOOT COURT COMPETITION, 2026

Hosted by

KOHIMA LAW COLLEGE

Address: **Lok Bhavan Road, Officers Hill, Kohima - 797001, Nagaland**

In Collaboration with

DEPARTMENT OF LAW & JUSTICE, GOVERNMENT OF NAGALAND

MORA APEX VILLAGE COUNCIL VS UNION OF INDIA

(Writ Petition filed under Article 32 of the Constitution of India)

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Statement of FACTS

I. BACKGROUND AND CONSTITUTIONAL STATUS

1. The Republic of India is a sovereign, socialist, secular, democratic republic with a federal structure. The State of Nagaland, located in the northeastern region of the country, is characterized by its rich biodiversity, mountainous terrain, and vibrant indigenous culture.

2. The land holding system and forest management in Nagaland are uniquely different from the rest of the country. A vast majority of the forest land is not owned by the government but is instead held by local communities. These forests are managed through a system of legal pluralism, where indigenous tribal councils govern resources based on ancient, uncodified customary laws.

3. Recognizing the unique history and socio-cultural fabric of the Naga people, the Parliament of India enacted the Constitution (Thirteenth Amendment) Act, 1962, inserting Article 371A into the Constitution.

4. Article 371A mandates that no Act of Parliament shall apply to the state regarding (i) religious or social practices of the Nagas, (ii) Naga customary law and procedure, (iii) administration of civil and criminal justice involving decisions according to Naga customary law, and (iv) ownership and transfer of land and its resources, unless the Nagaland Legislative Assembly by a resolution so decides.

II. THE CUSTOMARY LIVELIHOOD AND COMMERCIAL EXPANSION

5. The Mora tribe is a prominent indigenous community residing in the central districts of Nagaland. For generations, the Mora Apex Village Council-the recognized customary authority of the tribe-has exercised administrative and environmental control over the Kiphi Old-Growth Forest, a dense, community-owned woodland.

6. The cultural identity of the Mora tribe is deeply connected to this forest. The community is renowned for crafting the traditional Naga Mora-a meticulously designed woven stool and dining table. Crafting the Mora is an ancestral practice, with specific thick bamboo and timber harvested during a designated winter period under traditional rotational harvesting methods.

7. However, over the last five years, the authentic Naga Mora has gained immense popularity as a luxury, eco-friendly furniture item across India and internationally. To meet commercial export demands, the Mora Apex Village Council drastically scaled up their harvesting operations, generating massive revenue for the community and transforming a traditional craft into a highly lucrative commercial enterprise.

III. THE ENVIRONMENTAL CRISIS AND CENTRAL LEGISLATION

8. In late 2025, a devastating series of landslides and severe water shortages struck the plains and valleys situated below the Kiphi Forest. A Union Scientific Committee investigated the disaster and published a report blaming the crisis on "unregulated and rapid commercial deforestation in the higher ranges of the Kiphi Forest, cloaked as traditional harvesting."

9. Concurrently, India faced mounting pressure to meet its commitments under the "United Nations Global Forest Treaty." To fulfill these international obligations and address the domestic ecological crisis, the Parliament of India invoked its overriding

powers under Article 253 of the Constitution and enacted the National Climate Security and Forest Preservation Act, 2026.

10. Section 6 of the Act empowers the Union Ministry of Environment to designate any contiguous forest area exceeding 500 hectares as an "Inviolate Climate Zone." Once declared, all human activities-including commercial logging, bamboo harvesting, and traditional forest entry-are absolutely prohibited to ensure the fundamental right to a clean environment (Article 21).

IV. THE LEGAL CONFLICT AND ESCALATION

11. On February 15, 2026, the Union Government declared the Kiphi Old-Growth Forest an Inviolate Climate Zone, directing the Mora Apex Village Council to halt all harvesting immediately.

12. On March 10, 2026, the Nagaland Legislative Assembly convened an emergency session. Invoking Article 371A, the Assembly unanimously passed a resolution declaring that the Central Act would not apply to Nagaland, arguing that community forests are protected "land and resources" and harvesting is a "customary law."

13. The Union Government rejected the resolution. The Centre argued that mass commercial export of furniture is a "trade and commerce" activity, not a protected religious or social practice under Article 371A. Furthermore, the Centre asserted that national ecological survival and international treaties override local customs.

14. In early April 2026, the Union Government deployed central forest protection forces, physically barricading the artisans from entering the forest. To mitigate the economic impact, the Centre offered a generous rehabilitation package: a monthly stipend for the artisans and free access to high-quality synthetic bamboo to continue weaving their furniture outside the forest.

15. The Mora Council rejected the compensation, arguing that the Naga Mora loses its spiritual and cultural identity if not made from authentic Kiphi forest bamboo. Facing the collapse of their economy and customary governance, the Mora Apex Village Council filed a Writ Petition before the Supreme Court of India in June 2026 under Article 32.

Issues for CONSIDERATION

The Hon'ble Supreme Court of India has admitted the petition and directed the participating teams to frame their arguments around the following four issues:

I. Whether the Writ Petition filed by the Mora Apex Village Council is maintainable before the Supreme Court under Article 32 of the Constitution of India?

II. Whether the mass commercial harvesting of forest resources qualifies for special constitutional protection as "customary law" and "ownership of land and its resources" under Article 371A?

III. Whether the Parliament of India can override a valid Nagaland State Assembly resolution (passed under Article 371A) by invoking its power to implement international treaties (Article 253) and protect the Right to Life (Article 21)?

IV. Whether the Union Government's absolute ban on forest harvesting, despite offering synthetic alternatives and financial compensation, violates the indigenous community's fundamental rights to livelihood and cultural identity under Articles 19(1)(g) and 29 of the Constitution?

Note to PARTICIPANTS:

Teams are required to prepare written memorials and present oral arguments on behalf of both the Petitioners (Mora Apex Village Council) and the Respondents (Union of India).

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