

Moot Court Proposition¹

In Re, Citizens Equitable Access to Advanced Healthcare Technologies Case

The Union of Indoria is the sovereign entity representing the Republic of Indoria, encompassing its central government and constitutional framework. It derives authority from the Constitution of Indoria, which establishes Indoria as a Union of States with a strong Centre, ensuring unity while accommodating diversity. The Union is vested with powers relating to national defense, foreign affairs, finance, and matters of overarching importance, while also sharing responsibilities with the states in areas of concurrent jurisdiction. The Union of Indoria, represented by the central government, is the guardian of constitutional rights, the protector of public interest and the regulator of national policies. The Union of Indoria has the responsibility to balance individual rights with collective welfare.

The Indorian Constitution, through its expansive interpretation of Article 21, guarantees the Right to Life and Personal Liberty, which has been judicially recognized to include the Right to Health. Over the years, the Supreme Court of Indoria has emphasized that the State has a duty to ensure access to healthcare facilities, medicines, and essential services for all citizens, irrespective of their socio-economic status. However, the rapid advancement of medical technology has created new challenges in ensuring equitable access to life-saving treatments.

One such advancement is the preservation of umbilical cord blood stem cells. These stem cells, collected at the time of birth, have the potential to treat a wide range of life-threatening diseases such as leukemia, thalassemia, sickle cell anemia, and certain genetic disorders. In Indoria, public as well as several private companies offer cord blood banking services, allowing families to store stem cells for future medical use. The cost of these services in private companies,

¹ The Moot Proposition is prepared by Ashwini Parab, Assistant Professor, Raja Lakhamgouda Law College, Belagavi, Karnataka.

however, is exorbitantly high, ranging from ₹ 5,00,000 to ₹ 10,00,000 for initial collection and storage, with annual maintenance fees of ₹ 1,00,000 thereafter. Further, additional charges for transport of cord blood from hospital to bank, testing for infectious diseases and HLA typing and optional insurance or retrieval fees if the unit is ever used are also levied on the parents. On the other hand, in public cord bank, cord blood is donated voluntarily and stored for use by any matching patient. Cost of storage and maintenance often supported by government, NGOs, or research institutions. However, as parents do not pay for maintenance charges, they also cannot reserve the unit exclusively for their child.

For wealthy families, this expense is manageable, and they can secure advanced medical protection for their children. For poor families, however, the cost is insurmountable. Even if it's cost free in public banks, there is no assurance of finding the stem cell for the treatment of their loved ones. As a result, a stark divide has emerged, the rich can preserve umbilical cord blood cell and potentially save their children from fatal diseases, while the poor are denied this opportunity, effectively being deprived of a life-saving medical resource.

Over the years, wealth has played a decisive role in shaping health outcomes. Cord blood cell treatment methods have contributed greatly in improving health conditions among the upper and upper middle classes. Diabetes control has improved from around 35–40% in 2000 to nearly 95–100% by 2025, reflecting a 60% drop in uncontrolled cases due to improved diabetes care by repairing damaged pancreatic cells and restoring insulin production. Similarly, affluent communities have cut heart diseases nearly in half through cord cell treatment by regenerating damaged heart tissue and restoring cardiac function. Technology has boosted cancer survival rates from 60% to 90% an alternative to bone marrow transplants for blood cancers like leukemia and lymphoma. Stem cells from cord blood can rebuild the immune system after chemotherapy or radiation, helping patients recover faster. These cases highlight how financial resources

have enabled the wealthy to transform chronic illness into manageable conditions.

The life expectancy of people in Indoria has rose from 60 years to 78 years. The credit was given to sanitation, civilization, immunisation and access to health care. But in-depth study of this result revealed that economic status has also played a crucial role. The upper class and upper middle class life expectancy has increased to 85 years and lower middle class and poor class life expectancy remained at 72 years. This 13-year gap reflects how wealth enables better healthcare, preventive treatments, and healthier living conditions, whereas limited resources restrict poorer communities from accessing the same life-saving innovations.

Further, the Union of Indoria in achieving the mandate of Indorian Constitution to ensure sustainable development and equitable distribution of resources has introduced social policy in 2000 aimed at population control, whereby families with more than two children are deprived of specific welfare benefits and subsidies.

Anupam Dheer and Kiran Deer, after several years of longing for a child, were blessed with a son in 2005. The couple saved the umbilical cord of their child with a private stem cell bank named Sanjeevani Cord Bank at Gurudaspur, Punjab, by paying ₹ 7,50,000/-. For first 5 years they managed to pay the annual maintenance charge of ₹ 1,00,000/- but subsequently, they failed to pay the maintenance.

In 2010, the family was blessed with a baby girl. This time they saved the umbilical cord of the girl with the only available hybrid cord bank in Indoria named StemCell Indoria Cord Bank as they could not afford to pay heavy expenses of storage and maintenance of the cord at the private cord Bank. In the year 2013, the couple was blessed with another girl. Again, the couple approached the StemCell Indoria for storage of the umbilical cord, but the bank refused to store it. As the services provided under this free health care scheme

of the Government of Indoria were available only to the families with two children. Therefore, Anupam and Kiran could not avail the facility of storage of cord for their third child.

In 2022, Anupam was diagnosed with leukemia and his family decided to use the stem cell of their son to save Anupam's life. When they approached Sanjeevani Cord bank, the stem cells were refused as they had failed to pay the annual maintenance charges. The bank asked Anupam to clear the arrears of 12 years with interest which amounted to ₹ 2,00,00,000/- and only then the stem cell would be provided. However, due to financial hardship caused by unstable income and unexpected expenses he could not pay this amount. Now the family had only one hope that was to use their daughter's stem cell which was deposited in StemCell Indoria Cord Bank. The family approached the bank for the stem cell, but the bank had already used it for the treatment of another patient and no other matching stem cell was available with the bank to save the life of Anupam. Anupam died in 2023 bringing the family's sustenance at stake.

Asha Devi, a social activist who came across this tragedy faced by Anupam and his family informed this incident to 'Wake up Indoria', a widely circulated newspaper. The newspaper through its article titled "State obligation towards citizens to ensure equitable access to advanced medical technologies" created a huge uproar in the society particularly from the economically weaker section of the society who claimed that absence of such access amounts to a denial of the Right to Life and Dignity.

The Supreme Court based on this article *Suo moto* took cognizance over the matter. The Court requested the Senior Advocate of Supreme Court to act as *Amicus curiae* by representing the petitioner. The petitioner contended that Indoria has made constitutional commitments to social justice and equality. The petitioner pointed to precedents where the Supreme Court has held that the Right to Health is integral part of Right to Life, and that the State cannot shirk its responsibility by claiming financial constraints. They argued that just as the

State provides free immunization, maternal care, and essential medicines, it must also establish a public umbilical cord blood banking system accessible to all citizens.

The petitioner further argued that the Right to Life under Article 21 includes the Right to Health, and by failing to establish a public umbilical cord blood banking system, the State is denying poor citizens equal access to life-saving medical technology. They claimed this amounts to discrimination under Article 14, as only the rich can afford such services.

The Government, represented by the Ministry of Health and Family Welfare, in its defense, argued that cord blood banking is not an essential public health service but an optional, luxury medical choice. It maintained that public health resources must be prioritized for basic needs such as maternal care, sanitation, immunization, and primary healthcare. The Government further contended that judicial intervention in resource allocation would violate the principle of separation of functions, as decisions about healthcare funding and priorities fall within the domain of the legislature and executive.

The Hon'ble Supreme Court has framed the following points for determination in the case:

- 1.** Whether stem cell storage and treatment, including umbilical cord blood banking, fall within the ambit of “essential public health care” under the constitutional guarantee of the Right to Health.
- 2.** Whether Article 21 of the Constitution, guaranteeing the Right to Life and Personal Liberty, can be invoked to claim access to stem cell therapy even if such treatment is not classified as essential public health care.
- 3.** Whether the imposition of a “two-child norm” by the State, restricting eligibility for certain rights or benefits, violates the fundamental right to life and reproductive autonomy under Article 21 of the Constitution.

4. Whether judicial intervention is warranted to enforce socio-economic rights when administrative or legislative measures fall short of securing the Right to Life and Dignity for marginalized communities.

Note: 1. Petitioner- Senior Advocate acting as Amicus Curiae on behalf of Supreme Court.

Respondent- Union of Indoria represented by Attorney General for Indoria.

2. The jurisdiction of the Supreme Court need not be raised by the teams.
3. Teams are permitted to raise additional issues.

Disclaimer: *This moot problem is a purely hypothetical, prepared for academic and training purposes. It has been drafted solely for the purpose of stimulating discussion, research, and argumentation in a simulated setting. It bears no relation to, nor is it intended to depict, any actual events, persons, or circumstances in India. Any resemblance to real incidents is entirely coincidental and unintended.*

Karnataka Law Society's
Raja Lakhamgouda Law College, Belagavi
Tilakwadi, Belagavi, Karnataka – 590006
(Affiliated to Karnataka State Law University, Hubballi)

**XVI M. K. NAMBYAR MEMORIAL
NATIONAL LEVEL MOOT COURT COMPETITION**
March, 2026

The XVI M. K. Nambyar Memorial National Level Moot Court Competition, 2026 will be held from 13th to 15th March 2026, bringing together some of the brightest law students from across the country. This event is more than just a competition—it is a platform to sharpen legal reasoning, refine advocacy skills, and engage in thought-provoking debates on complex issues of law. Participants will not only have the chance to argue their cases before distinguished judges but also to interact with peers from diverse institutions, building networks and gaining practical exposure that strengthens their professional journey. With its promise of rigorous learning, spirited competition, and the honour of winning a nationally recognized title, the Moot Court stands as an invaluable opportunity for every aspiring lawyer.

We look forward to welcoming you to this prestigious gathering.

MOOT CO-ORDINATOR

PRINCIPAL

**Karnataka Law Society's
Raja Lakhamgouda Law College, Belagavi**

Tilakwadi, Belagavi, Karnataka – 590006
(Affiliated to Karnataka State Law University, Hubballi)

**XVI M. K. NAMBYAR MEMORIAL
NATIONAL LEVEL MOOT COURT COMPETITION**
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RULES

- 1. DATES OF COMPETITION:** 13th, 14th and 15th March, 2026.
- 2. LANGUAGE:** The language of the Competition shall be English.
- 3. ELIGIBILITY:** Law Schools, Law Colleges, Law Universities, recognized by the Bar Council of India, are eligible to participate in the competition. The participants should currently be pursuing their Bachelor's Degree in Law *i.e.*, Three-Year or Five-Year Law Course and must have studied Constitutional Law subject in their course. **Students who have not yet studied Constitutional Law as one of the subjects are not eligible.**
- 4. COMPOSITION OF TEAMS:** Each team shall comprise of two Mooters and may also have a Researcher.
- 5. FORMAT OF THE COMPETITION:** The competition will be conducted in physical mode.
- 6. REGISTRATION:** Each Participating team shall duly fill the registration form provided herewith and send it along with the **Registration fee of ₹ 5,000 + GST *i.e.*, ₹ 5900**, which is not refundable (**kindly note that accommodation, food and local conveyance will be provided by the college for the duration of the competition**). However, if registration form is not accepted, the registration fee will be refunded.

The registration fee (**₹5,900**) may be sent through Demand Draft or Cheque drawn in favour of "**PRINCIPAL, R. L. LAW COLLEGE, BELAGAVI**"

PAYABLE AT BELAGAVI. Alternatively, participants may transfer the fees digitally (NEFT, IMPS, UPI) to the following account:

Account Name: The Principal, R. L. Law College, Belagavi.

Bank Name: Union Bank of India, KLS Branch, Tilakwadi, Belagavi.

Account Number: 520101210326782

IFS Code: UBIN0920037

IN CASE OF ONLINE PAYMENT, KINDLY EMAIL THE FOLLOWING DETAILS WITHOUT FAIL TO mknmoot@rlc.in:

- (a) Name of the sender
- (b) Account name and account number from which the amount is paid
- (c) Date and time of payment, and
- (d) Unique Transaction Reference (UTR) Number.

Spot registration will not be entertained. However, the organisers reserve the right to entertain late applications. The first 30 teams duly registered will be considered.

Each team will be allotted a Team Code after registration.

Online Registration link- <https://forms.gle/DTgcmh1Vafy47DSP9>

THE LAST DATE FOR SUBMITTING THE REGISTRATION FORM WITH FEE IS 15th February 2026.

7. STRUCTURE OF ROUNDS: The oral rounds shall comprise of:

- (a) Preliminary Rounds,
- (b) Quarter-Final Rounds,
- (c) Semi-Final Rounds, and
- (d) Final Round

a) PRELIMINARY ROUNDS: There shall be two Preliminary Rounds. Each team will be given opportunity to argue on both sides (*i.e.*, Petitioner and Respondent) in the Preliminary Rounds, which shall be determined by way of drawing of lots. Each team shall get a total of 30 minutes to present its case. This time will include five minutes of rebuttal. The division of time between the speakers is at the discretion of the team members, subject to a maximum of 20 minutes for any one speaker. Before the commencement of arguments,

each team shall inform to the Court Officer as to how it wishes to allocate its 30 minutes.

The top 8 teams based on cumulative marks (Memorials and oral submissions) shall qualify for the Quarter-Final rounds. In case of a tie, Memorial score will be considered to break the tie. If the Memorial marks are equal, then the speaker scores will be considered to break the tie. If the tie is still not broken, then the team to advance to the Quarter-Final rounds will be decided by drawing of lots.

b) QUARTER-FINAL ROUNDS: In the Quarter-Final round, each team shall argue for only one side, which shall be determined by drawing of lots. On the basis of knock-out, 4 (four) teams shall advance to the Semi-Final rounds. The rules governing the preliminary rounds regarding time are applicable to Quarter-Final rounds too. In case of tie, the speaker scores at the Quarter-Final rounds will be considered to determine the team qualifying for the Semi-Final rounds, for which memorial marks will not be considered. If the tie is yet not broken, then the team advancing to the Semi-Final rounds will be decided by drawing of lots.

c) SEMI-FINAL ROUNDS: The rules governing the Quarter-Final rounds shall *mutatis mutandis* be applicable to the Semi-Final rounds. On the basis of knock-out, two teams shall advance to the final round.

d) FINAL ROUND: Each team shall argue for only one side which shall be determined by way of drawing of lots. Each team shall get a total of 45 minutes to present its case. This time will include rebuttal. The division of the time is at the discretion of the team members, subject to a maximum of 25 minutes for any one speaker (including rebuttal time). In case of tie, the rules governing Quarter-Final rounds shall *mutatis mutandis* be applicable to the final round.

8. MEMORIALS

Each team shall submit **3 sets of written Memorials (3 Petitioners' and 3 Respondents' Memorials) and carry 4 sets of Memorials with them for**

exchange of memorials with other teams. The cover pages of the Memorials for the Petitioners shall be in blue and for the Respondents shall be in red.

The identity of the institution/team shall not be revealed, for any reason and in any form whatsoever, anywhere in the Memorials. The Team Code of the College/Institution shall be mentioned at the top right corner of the cover page of the Memorial.

Soft copies of the Memorials shall be sent through email to **mknmoot@rllc.in** in PDF format on or before **1st March, 2026**. Team Code of the participant college/institution followed by the letter **P** for the Petitioner and **R** for the Respondent shall be the file name of the soft copy of the Memorials.

For Example, for College with Team Code 01 the file names shall be **01P.pdf** for Petitioner Side, and **01R.pdf** for Respondent Side.

The hard copies of the Memorials must reach the college on or before **5th March, 2026**, failure of which may result in cancellation of registration of the team without refund of registration fee.

The Memorials shall conform to the following set standards:

1. Memorials shall be printed on one side of white standard A4 size paper, with margins of one inch (2.5 cm) on all sides except the left side where margin shall be of 1.5 inch (3.75 cm).
2. The font and size of the text used in all parts of the Memorials (except the covers and footnotes) shall be in font size 12 of Times New Roman and footnotes shall be in font size 10 of Times New Roman.
3. The text of the Memorials shall have 1.5 line spacing except the text of footnotes and headings which shall be single spaced.
4. The comprehensive arguments with appropriate citations shall be contained in the Pleadings. The teams shall follow the 22nd edition of the Bluebook mode of citation.

Contents of Memorials: The Memorials shall include the following:

1. Cover Page;
2. Table of Contents;
3. Index of Authorities;
4. Statement of Jurisdiction;
5. Questions Presented;
6. Statement of Facts;
7. Summary of Pleadings;
8. Pleadings;
9. Prayer;
10. Appendix (Optional);
11. Exhibits (Optional).

The Pleadings shall not exceed 20 pages.

EVALUATION CRITERIA FOR MEMORIALS

1. Knowledge of facts and law (10 marks)
2. Proper and articulate analysis (10 marks)
3. Extent and use of research (10 marks)
4. Clarity & organization (10 marks)
5. Citation of sources (5 marks)
6. Grammar and style (5 marks)

EVALUATION CRITERIA FOR THE ORAL PRESENTATIONS

1. Knowledge of law (25 marks)
2. Application of law to facts (20 marks)
3. Ingenuity and ability to answer questions (25 marks)
4. Style, poise, courtesy and demeanour (10 marks)
5. Time management and organization (10 marks)
6. Language and Presentation (10 marks)

9. REAERCHER TEST

A Researcher Test will be conducted in two phases.

Phase 1- Qualifier Round- In this round, objective written test will be conducted for 50 marks. Through this test, top four (highest scoring) Researchers will qualify to Phase 2.

The duration of Objective Test will be 30 minutes. Each correct answer will be awarded 2 marks and there will be no negative marking. The Qualifier round will be conducted in the afternoon on day 1 of the Competition, i.e., 13th March 2026. Timings will be informed later.

Phase 2- Conversation Round - Through the process of conversation, the Best Researcher will be selected out of the top four.

Syllabus for Researcher Test will be only relevant laws and concepts connected or applicable to the Moot Proposition.

Note: Researcher test marks will not be considered in the calculation of the team score at any level of the Moot competition.

10. DISPUTE

Any dispute about the Moot Court Competition shall be referred to the Organizing Committee **before commencement of next round** of the competition. Any dispute regarding Final Round shall be raised **within fifteen minutes** after the conclusion of the round. In all matters of objections and complaints, the decision of the Organizing Committee shall be final and binding.

11. DRESS CODE

The official Dress Code for the Competition is as below:

Gentlemen: Black Trouser, White Shirt, Black Blazer, Black Neck Tie and Black Formal Shoes.

Ladies: Black Trouser, White Shirt, Black Blazer and Black Formal Shoes.

12. AWARDS

Following Cash prizes with Trophies shall be awarded to:

Winner: ₹ 50,000/-

Runners-Up: ₹ 30,000/-

Best Memorial: ₹ 15,000/-

Best Speaker (Male): ₹ 15,000/-

Best Speaker (Female): ₹ 15,000/-

Best Researcher: ₹ 10,000/-

In addition to the above prizes, Advocate Ashok N. Potdar Cash Prize for Best Speaker will be given.

The Winner and Runners-up will be awarded with Certificates of Merit and all other participants will receive Certificates of Participation.

13. ACCOMMODATION

Outstation participants will be provided accommodation for the duration of the competition. Only the three (3) registered members of the team shall be provided with accommodation. Any extra member shall make his/her own arrangements for the same. Girls and boys will be allotted separate accommodations. They have to maintain strict discipline and desist from causing any annoyance, disturbance or any other inconvenience to other guests staying in the lodging or the management of the lodging. Any violation of this rule by any member of the team will lead to disqualification of the team without refund of registration fee and they will have to arrange for their own accommodation.

14. MISCELLANEOUS

- Scouting shall lead to instant disqualification of the team.
- In case of an odd number of teams, Raja Lakhamgouda Law College shall constitute a team only for the Preliminary rounds so as to prevent *ex parte* proceedings in any Court. However, the college team shall not be eligible for any prizes.
- **Moot problem, being the property of R. L. Law College, shall not be used by any other college, institution, or individual etc., without the written permission of R. L. Law College.**

- The organizers will not pay travelling allowance/conveyance to the participating teams. However, local hospitality will be provided to the participants.
- The organizers reserve the right to use the Memorials submitted to them, after the competition, as they deem appropriate.
- All participants shall maintain decorum throughout the competition and are expected to conduct themselves in a manner befitting the legal profession, whether in the Court Hall or outside.
- Use of mobile phone in any form in the Court halls and function hall is strictly forbidden. Violating team may lose marks or may be disqualified in extreme circumstances.
- Consumption of any tobacco related products and any intoxicating products are strictly forbidden on the college campus and place of accommodation.
- **The organizers reserve the right to alter, modify, amend, add to or change any of the rules mentioned above and also date of competition at any time without any prior notice.**

Important Dates

- 1. Release of Moot Problem and Rules: 7/01/2026**
- 2. Last Date of Registration: 15/02/2026**
- 3. Last Date for seeking clarifications: 20/02/2026**
- 4. Last date to submit soft copy of Memorials: 01/03/2026**
- 5. Last date to submit hard copies of Memorials: 5/03/2026**
- 6. M. K. Nambyar Memorial National Level Moot Court Competition to be held on 13th, 14th and 15th March 2026.**