



Aishwarya College of Education (Law)

Affiliated to Dr. Bhimrao Ambedkar Law University, Jaipur, Rajasthan

ACE/LAW/NO/25-26/061

Date:-14.02.2026

NOTICE

All the students of the B.A.LL.B and LL.B are hereby informed that an **INTER CLASS MOOT COURT COMPETITION** is being organized by the college.

All law students are requested to ensure maximum participation in this event for wholesome development of mooting skills.

Note: Tentative dates will be shared shortly.

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14/2/26
Dr. Neelima Arora
Coordinator (Law)

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MOOT PROPOSITION

In 2025, a sudden outbreak of a rare and life-threatening viral infection, Neuro-Zeta Syndrome (NZS), affected multiple states across India. The mortality rate of the infection stood at 38% in severe cases.

Novacura Biotech Pvt. Ltd., an Indian pharmaceutical company, developed a breakthrough life-saving drug named "Zetavir". The company was granted a product patent under the Patents Act, 1970 for a term of 20 years. Zetavir demonstrated 92% efficacy in treating advanced NZS cases.

However, the market price fixed by Novacura was Rs. 1,80,000 per treatment course, rendering it inaccessible to a vast majority of the affected population.

Civil society organisations and patient groups repeatedly requested the Central Government to invoke provisions relating to compulsory licensing under Section 84 of the Patents Act. The Government, citing concerns of discouraging innovation and foreign investment, refrained from issuing a compulsory licence.

Asha Verma, a 28-year-old school teacher diagnosed with advanced NZS and unable to afford Zetavir, filed a writ petition under Article 32 before the Hon'ble Supreme Court of India. She contends that:

- * The inaccessibility of Zetavir violates her fundamental right to health as part of Article 21.
- * The State has a constitutional obligation to ensure affordable access to life-saving medicines.
- * Excessive pricing of essential drugs amounts to an arbitrary restriction on the right to life.

Novacura Biotech Pvt. Ltd. argues that:

- * Patent protection is a statutory and internationally recognised right under TRIPS.
- * Innovation and R&D investments require adequate protection and pricing autonomy.
- * Judicial interference in pricing would undermine India's commitments under international trade law.

The Union of India submits that public health considerations must be balanced against intellectual property protection and economic policy considerations.

The matter has been admitted by the Hon'ble Supreme Court.

Issues for Consideration

1. Whether the Right to Health is an intrinsic and enforceable component of the Right to Life under Article 21 of the Constitution of India.
2. Whether denial of affordable access to a patented life-saving drug amounts to a violation of Article 21.
3. Whether the State's failure to invoke compulsory licensing in the present circumstances is arbitrary and unconstitutional.
4. Whether patent protection under the Patents Act, 1970 and India's obligations under the TRIPS Agreement override or are subject to fundamental rights.
5. To what extent can the judiciary review executive decisions involving public health policy and intellectual property rights.