

# **2<sup>ND</sup> IDIA LEGAL REASONING QUESTION**

## **FRAMING COMPETITION, 2013**

### **ABOUT IDIA -**

Increasing Diversity by Increasing Access, or IDIA, as it is generally known, is a nationwide programme for drawing in talented students from marginalized and under-represented parts of India to the best national law schools in the country. The programme, was conceptualised by Prof. Shamnad Basheer (Ministry of HRD Chaired Professor in IP Law, NUJS, Kolkata) in 2010 and now has its presence in more than 17 states. Within the first two years of operation, 34 IDIA scholars have successfully cleared CLAT and been admitted into Universities such as NLSIU, NALSAR, NUJS, HNLU, GNLU etc.

### **ABOUT THE COMPETITION: -**

As part of the training given to IDIA students each year, we are looking for a bundle of outstanding questions in legal reasoning to prepare our Scholars for CLAT 2013. Held in the year 2010 for the first time, the competition seeks to select the best set of legal reasoning questions suitable for CLAT training.

### **IMPORTANT NOTE:-**

Remember that IDIA Scholars/CLAT aspirants are students who do not know anything about the law. We are testing only aptitude for legal reasoning, and not for the knowledge of law. If you are using any legal concept or term, please explain its meaning in the problem itself. The student should be able to solve the problem by simply reading the legal principle or principles and applying them to the fact situation.

Legal aptitude is also the ability to sift through a morass of facts and to distinguish the relevant from the irrelevant ones. Therefore, ensure also that your problems have a bunch of relevant and irrelevant facts thrown in; we'd like the students to be able to sift out necessary information. We'd also like to get a good mix of moderate and tough level questions.

### **RULES: -**

- Competition is open to any undergraduate/post-graduate student enrolled in a recognised law university/college.
- The questions **must be original and unpublished**. Plagiarism or submission of questions which are previously published will lead to immediate disqualification from the competition.
- Questions must adhere to the pattern followed by Common Law Admission Test (CLAT). To know more about the pattern, please see the annexure below or [click here](#).
- In order to take part in the competition, one has to submit a minimum of **10 (ten) Legal Reasoning questions including a mix of moderate and difficult level questions. Please feel free to submit more than 10 (ten) questions and we shall pick the best 10 (ten) among them and grade your submission.**
- The questions have to be submitted on or before **23<sup>rd</sup> March, 2013** (11:59pm).
- The font to be used is **Times New Roman, size 12** and the line spacing should be **1.5**.
- The entries have to be mailed at [idiatraining@gmail.com](mailto:idiatraining@gmail.com) . The submissions have to be made in the MS-Word (2007/2003) format. Subject of the e-mail must be **“Submission: IDIA Legal Reasoning Question Framing Competition, 2013”**.
- The **email** must contain the **Name of the Participant, College Name, Year and Contact Number**.
- **Do not** mention your name, institution and other identification factors anywhere in the submission document.
- Results will be declared by **second week of April, 2013**.

#### EVALUATION CRITERIA –

Questions will be judged on the following parameters:

- **Creativity in the Factual Situation:** 25 Marks
- **Creativity in the Options:** 20 Marks
- **Clarity and Relevance of the Principle:** 25 Marks
- **Mix of Moderate and Difficult level questions:** 10 Marks
- **Language and Grammar:** 20 Marks
- **Total:** 100 marks

### **PRIZES –**

- There are **two cash prizes** for the winning entries. While best entry will receive a prize of **Rs. 3000**, second best entry will receive a prize of **Rs. 2000**.
- Both the winning entries will also receive a **letter of appreciation** from Prof. Shamnad Basheer (Ministry of HRD Chaired Professor in IP Law, NUJS, Kolkata)
- Each participant will receive an official e-mail from IDIA acknowledging the participation in the competition.

### **LICENSE AND QUERIES: -**

- You grant the IDIA Charitable Trust an exclusive license to use the questions submitted by you for all time to come, across the world, and in any medium, now known or hereafter invented. You may use the questions yourself for your personal use but you can grant others, the permission to use these questions only after seeking prior consent of the IDIA Charitable Trust.
- Prizes and letter of appreciation will be dispatched within two weeks from the announcement of the results.
- For any query, please contact **Abhinav Shrivastava (+91-9831943863)** or **Hersh Sewak (+91-9007445466)**. Alternatively, one can send an email to [idiatraining@gmail.com](mailto:idiatraining@gmail.com) with the subject “**Query: IDIA Legal Reasoning Question Framing Competition**”.

INDIA

## ANNEXURE

# SAMPLE QUESTIONS – 2<sup>ND</sup> IDIA LEGAL REASONING QUESTION FRAMING COMPETITION, 2013

Find below three sample questions for your guidance. You will notice that terms like “patent” have been explained in the question itself. The right option is the one in bold.

### SAMPLE QUESTION 1

#### Principle:

The law of country Andha Kanoon stipulates that a patent shall not be granted for a method of medical treatment.

**Explanations:** (i) Treatment includes any act of diagnosis, therapy or surgery on the human body.

(ii) A patent is a legal monopoly granted to any inventor who discovers a new and useful technological invention. By virtue of this monopoly, the inventor has certain legal rights and can prevent others from manufacturing a product or using a process or method corresponding to that patent for a period of 20 years.

#### Factual Situation:

Ashun Boshun is admitted to hospital after meeting with a car accident. As Ashun Boshun is being operated, some of his blood is taken away for routine testing purposes. It is then discovered that his blood contains a rare protein that could be useful in fighting cancer. However, the blood cannot be stored for a long time. One of the doctors comes up with a new method of storing the blood without any risk of the blood disintegrating. Can this method be patented?

- a) It cannot be patented, as it is not really new. Ways of storing things have been known to mankind for a long time.
- b) It cannot be patented, as the method is not useful
- c) It cannot be patented, since the method was discovered in the course of treating a human body medically.
- d) **It can be patented, since it is new and useful.**

- e) It cannot be patented, since doctors are in social service and should not be awarded monopolies.
- f) It cannot be patented, since the method exploits the condition of an “accident” victim.

**Explanation of the answer:** since the method of keeping the blood stable has nothing to do with “treatment” on the human body, it is not a method of medical treatment. Therefore, if new and useful, it is patentable.

## SAMPLE QUESTION 2

### PRINCIPLES

**Principle 1:** When the production of a good takes place across several countries, the law applicable to any dispute with regard to the good shall be the law of the country where, a predominant part of the production took place.

**Principle 2:** For determining the country in which the predominant part of the production has occurred, one must examine the nature of the good in question and its core attributes..

**Factual Situation:** Phantom Cars are luxury cars that are produced through a collaborative chain stretching across India, Australia and Russia. They are ultimately sold only in the United States of America. The engines for the car are sourced from India. The tyres, seats and lights for the car are sourced from China, but put together in Australia. The car is sent to Indonesia for checking and inspection and for final painting to Russia. Thereafter, it is despatched to the USA for sale. A dispute arises between Phantom Cars Co. Pvt. Ltd and its distributors. Which law should apply?

- [A] The Law of the USA must apply as the cars are only sold in USA.
- [B] The Laws of Russia must apply, as without the final paint, the car cannot be sold.
- [C] The Laws of China should apply as this is the sourcing country for the maximum number of products.
- [D] The Laws of Australia should apply
- [E] The law of India should apply**
- [F] none of the above

**Explanation:** answer E because engine is the main and most important component of a car.

## SAMPLE QUESTION 3

Given below are some principles that govern wills.

### **PRINCIPLES**

**Principle 1:** When there are two inconsistent clauses in a will, the last one will prevail.

**Principle 2:** If the same quantity or amount of something has been bequeathed (willed) twice to the same person in the will, then it is deemed to have been bequeathed just once. If however there are unequal bequests made, then the legatee (person benefitting from the will) is entitled to both.

**Principle 3:** If anything that has been bequeathed to a person, is not in existence at the time of the death of the testator (person making the will), then the bequest will not take effect.

**FACTUAL SITUATION:** Sada Khush Rao lived a long and fruitful life. He had a wife, Patni, and two children- a daughter Putri and son Putra. While Putri was a responsible child always having pleased her family, Putra was a bit eccentric. In his lifetime, Sada Khush Rao had been a successful book store keeper, having built himself and his family a small fortune through sheer hard work. One day however, as he was arranging the newly arrived books in the shelves, he fell and broke his back, only to be bed ridden for the rest of his few remaining years. He then decided it was time to retire and so at the age of 78, having worked for the better part of his life, Sada Khush Rao put up his boots. When he turned 80, he had a premonition that he would not survive for long and hence decided to draw up a will to determine how his assets would devolve pursuant to his death. He passed away on 14.1.2010, a day shy of his 82nd birthday. The will that he had drafted is now to be executed. This is what his will looks like:

I, Sada Khush Rao, do hereby will that my assets be devolved in the following manner:

- I leave to my daughter Putri Rs. 10, 00, 000.
- I leave to my wife Patni Rs. 5, 00, 000.
- To my son Putra, I leave behind my blue ambassador car.
- Putri, my daughter, is to get Rs. 10, 00, 000.
- The site in Mysore is to be bequeathed to my grandson Yuvaraja.
- I leave to my wife Patni Rs. 10, 00, 000.
- The site in Mysore is to be bequeathed to my granddaughter Yuvrani.

Now apply the principles governing wills to answer the following questions:

**1. How much will Putri receive under the will?**

a) Rs. 5, 00, 000

- b) Rs. 10, 00, 000**
- c) Rs. 20, 00, 000
- d) None of the above

**Reason:** Since there are equal bequests made to Putri, she is entitled to only one.

**2. How much does Patni get?**

- a) Rs. 10, 00, 000
- b) Rs. 5, 00, 000
- c) Rs.15, 00, 000**
- d) None of the above

**Reason:** Since there are unequal bequests made to Patni, she is entitled to both.

**3. On 14.1.2009, the family blue ambassador was sold for Rs. 1, 50, 000. What does Putra get on his father's death under the will?**

- a) Nothing, the car has been sold and hence this part of the will not take effect.**
- b) He will get Rs. 1, 50, 000 for that was what was recovered upon its sale.
- c) He should get the equivalent of the market price of the car from his father's estate.
- d) None of the above.

**Reason:** The car has been sold meaning it is not in existence any more.

**4. Who gets the site in Mysore?**

- a) Yuvaraja
- b) Yuvarani**
- c) Both
- d) Neither

**Reason:** When inconsistent bequests are made, the last one will prevail.