

THE (MIS)MANAGEMENT OF THE COMMON LAW ADMISSION TEST

On behalf of the SBA at NLSIU, the SBC at NALSAR and the SJA at NUJS

The Common Law Admission Test (**CLAT**) is the most important and prestigious entrance examination in the realm of Indian legal education. It carries with itself the fate of more than fifty thousand aspirants who seek to gain admission into the premier national law universities (**NLU**s).

Many CLAT aspirants leave no stone unturned to fulfil their dream – from seeking professional coaching to preparing rigorously at the cost of their schooling and sometimes even dropping out for a year – to secure admission into an NLU of their choice. Even a minute difference of 0.25 marks can decide the fate of an aspirant for the coming five years.

It is in this context that the story of mismanagement and poor organisation of CLAT is, unfortunately, not new. Under the current system, the test is conducted by the 19 participating law schools by rotation, in the order of their establishment. Resultantly, a new NLU organises every subsequent edition of CLAT from the scratch and with no prior experience of doing so, thereby creating a palette of new problems every year.

In 2012, the CLAT was followed by an official answer key with at least four incorrect answers, leading to loss of marks for many aspirants, including one NUJS alumnus, Mr. Archit Krishna. While the Delhi High Court ruled in his favour on merits, since Archit had already completed a year at NUJS by the time when the final judgment was delivered, the Court did not allow his prayers, seeking transfer to his higher preference law school. In 2014, the scores and ranks released for the CLAT were challenged and were thus followed by a second set of revised scores and ranks for all entrants. In 2015, CLAT was converted from the pen-paper format to an online examination. It witnessed severe criticism for making the exam inaccessible, especially for students from rural and other non-affluent backgrounds, apart from being accompanied by several technical glitches. The same trend continued in 2016 and 2017. However, this year's CLAT, organised by NUALS, Kochi on May 13, 2018 surpassed all prior records of mismanagement and many meritorious and hardworking students were left disheartened and devastated at the end of the examination.

While the exact nature and intensity of such technical glitches, as experienced by candidates, varied between different examination centres, the abysmal failure of the IT vendor tasked with the implementation of technical aspects of the examination is as enraging as it is alarming. Widely reported instances of mismanagement depict a host of technical breakdowns, including, but by no means limited to, questions not appearing on the screen, unresponsive navigation buttons, the allotted computer systems hanging/shutting down randomly and arbitrary restarts during the test with an advanced timer [*see: [Live Law](#)*].

This failure on the technical side is at the root of most problems that arose. The confusion and frustration of candidates taking the test was, however, further aggravated due to the lack of any timely technical assistance and blatant non-cooperation from the invigilating staff at such examinations centres. Many of the chosen centres even lacked basic infrastructure facilities such as drinking water, a cooling system or uninterrupted electricity supply [*see: [Lawctopus](#)*]. There were also complaints of

extra time being awarded arbitrarily to some students depending on the whims and fancies of the invigilators. Reports from Increasing Diversity by Increasing Access (**IDIA**) further show that a few candidates suffering from visual impairment and taking the test in Delhi were neither provided with extra time that they were legally entitled to nor given other separate facilities as prescribed under the law of the land. According to responses to a Google form published online by Law School 101, more than fourteen hundred candidates claim that they have been adversely affected by technical glitches at 243 examination centres across India [[see: Youth Ki Awaaz](#)].

In 2015, a public interest writ petition was filed before the Supreme Court of India against such continued mismanagement and apathy by IDIA founder and one of the foremost intellectual property law experts, Prof. Shamnad Basheer. Prof. Basheer ultimately sought the appointment of a permanent body for conducting CLAT to ensure that the test is conducted in a consistently competent, fair, transparent and efficient manner [[see: Live Law](#)].

In this tale of continued apathy, we, as the students of law, and proud members of the legal community feel the need to intervene and address these persistent limiting conditions to the entry of meritorious students into the legal profession. The conduct of the examination must be handed over to a permanent professional body which can not only remedy the existing infrastructural and technical problems but also ensure a degree of consistency, transparency and inclusivity.

It is as necessary that some semblance of justice be made available to aggrieved aspirants, as it is that the vendors responsible for technical failures be held responsible. It is time that we consider moving back to a paper-pen format which certainly leaves lesser scope for such errors than the computerised format that has been forced upon candidates in the recent years. The Joint Entrance Examination (**JEE**) at least allows candidates the option of taking an offline examination, and National Eligibility Cum Entrance Test is still completely offline just like the Civil Services Examination. We see no justification for denying the candidates the choice of taking the examination without having to worry about system failures and black screens.

In the past, as in Archit's case, justice has been delivered but not in time to be of any use to the aggrieved candidates. Given the gravity of the injustice experienced in CLAT 2018, we sincerely hope this will not be one such instance.

We further hope that the NLUs can come together to institute a successful mechanism to deal with this persistent problem and ensure that law aspirants in the country are not hindered from a smoother access to quality legal education any further.



Student Bar Association, NLSIU



Student Bar Council, NALSAR



Student Juridical Association, WBNUJS