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How Income and Caste Can Affect CLAT Performance

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The results of India's tough Common Law Admission Test are unequal in socio-economic terms, highlighting the deleterious effect that a candidate's low income and a low caste can have on performance.

These words by Amartya Sen, the 1998 recipient of the Nobel Prize in Economics, in his book *The Idea of Justice* make it clear that the needs of the hour are distributive justice - a fair and just means of allocating resources - and sustainable justice - utilising resources in a way that some of it remains for future use. This is important to remember because people in India mostly settle for "immediate justice," which is not a good long-term strategy.

The Common Law Admission Test (CLAT) is a national-level entrance examination for the five-year undergraduate law course in India. The exam is known to be quite tough to clear in the first attempt. Its difficulty is not just because of clever questions about the law but also because the exam demands a lot from those who choose to attempt it. The mandatory medium of instruction is English. A decent family income is called for to pay for the CLAT application form, which is priced quite high compared with those for other competitive exams. This done, one has to be able to afford the resources and materials to study for this competitive exam. As a matter of fact, an expensive coaching culture has become a prerequisite for the CLAT, just as with some other law entrance examinations or competitive examinations.

All these expenses make it only just to give the most talented students from the bottom rungs of society free access to higher education. Another sensitive issue is that of caste, something that is acquired willy-nilly at birth. The points raised here have to do with social backwardness and marginalisation, not with economic potential.

A few questions come to mind while writing this. Why do people mostly ask how meritorious the Scheduled Castes (SCs) and Scheduled Tribes (STs) are? Why not prioritise the psychological issues and inner feelings of the deprived? Why is the exploitation of these people, which lasted thousands of years, frequently compared to the level of frustration that exists among people in current clerical jobs? Have all those who cleared exams like the CLAT, the entrance test to the Indian Institutes of Technology (IITs), and the civil services through "reservation" been successful?

> The Supreme Court wrote, these 'socially and economically backward categories are to be taken care of at every stage even in the specialised institutions like IITs.'

It is worth recalling the judgment in *Avinash Singh Bagri v. Registrar IIT*, where the Supreme Court upheld the need to provide additional support to university students admitted via reservation. These "socially and economically backward categories are to be taken care of at every stage even in the specialised institutions like IITs," the court wrote in its judgement. They "must take all endeavours by providing additional coaching and bring them at par with general category students." The aim of achieving this goal is for the long term, and must remain so until the last person standing gets rid of whatever hatred there is in his or her mind.

That is why we began with Sen's quote, which ends with the "extent" to which they or we can remove clear injustices. This is a worthwhile objective and it should be supported by all means possible-psychological, social, and economical.

Pre- and post-CLAT reality

There is a lack of diversity in national law universities (NLUs) in India. If we look for low-income or subordinated-caste students studying in NLUs, their numbers are very few. For instance, a 2014 report by Increasing Diversity by Increasing Access (IDIA) pointed out that only 4-5% of the candidates who were admitted in 2013 to the West Bengal National University of Juridical Science (NUJS), Kolkata belonged to lower middle-class families with an income of less than Rs. 1 lakh a year. The same IDIA report showed that 50% of that batch belonged to upper middle-class families. Additionally, there was a lack of geographical diversity- there were few people from Jammu and Kashmir and the North East , according to data from 2014.

> Of the students in NLSIU, Bangalore, 8.22% were Karnataka domicile students and just one student each from Jammu and Kashmir and Nagaland.

What follows is a summary of surveys conducted in 2014 at nine of the leading law schools in India-NLSIU, Bangalore; NALSAR, Hyderabad; NUJS, Kolkata; NLU, Delhi; NLU, Jodhpur; Dr. Ram Manohar Lohia National Law University, Lucknow; Chanakya National Law University, Patna; NLU, Odisha; and National University of Advanced Legal Studies, Kochi. There is nothing to suggest that things have changed much since 2014.

Medium of instruction: As mentioned, the CLAT exam compulsorily has English as the medium to read, comprehend, and answer objective questions. A vast majority of the test takers had not studied in an English-medium school or a well-equipped private school because their families have low income levels. This results in their being handicapped even at the first step of going through the exam.

Low family income: Surveys showed that the majority of students studying in NLUs were from upper middle-class families (had more than Rs. 10 lakh as income per annum). In Only 7% had family income less than Rs. 10 lakh per annum.

Lack of locational diversity: Candidates having domicile of the state are higher in number in premier law schools. For example, of the students in NLSIU, Bangalore, 8.22% were Karnataka domicile students and just one student each from Jammu and Kashmir and Nagaland. There were no students from the North-eastern states such as Manipur, Arunachal Pradesh, Meghalaya, Sikkim, Mizoram, Tripura, and Assam (IDIA 2014, 14-15).

High expenses: The CLAT often requires in-depth preparation and training to crack. Citing this, many expensive coaching institutes opened and they no doubt took advantage of the situation. Courses did not involve personal training and mentorship, but the business model was economical and sustainable. For instance, the main coaching institutes for the CLAT such as the LST and IMS charged around Rs. 85,000 per year in those days. Now, more than a decade later, this charge would be much higher, but there has been an increase in business alongside an increase in demand.

Rural test takers: According to the IDIA survey of 2014, just 1-3% of those studying in the nine leading law schools were from rural areas.

The nine NLUs had a general category representation of 69.11% in 2014. The shares of the other categories are given in Table 1.

Table 1: Representation across Reserved Seats in Top Nine NLUs (2014)

Categories	Percentage of proportionate representation
Scheduled Caste	11.65%
Foreign National	5.32%
Scheduled Tribe	5.06%
Non-resident Indian	3.54%
Physically Handicapped	2.53%
State Domicile	2.03%
Other Backward Class	0.25%
Kashmiri Migrant	0.25%
NRI Sponsored	0.25%

Source: IDIA Diversity Survey results

Recruitment reality

The following summary is based on recruitment data collected in a survey by IDIA in 2013 for the NLSIU, Bangalore; NALSAR, Hyderabad; and NUJS, Kolkata.

One, caste had an important connection to recruitments. In the three law schools IDIA studied, the percentages of students from SC and ST communities were far lower than the percentage of those from the general category. For example, in 2010, of the 92 students from the NUJS in the survey, none from SC or ST communities were recruited to the top law firms. At the same time, 25 students from the general category were recruited to them. Similar results can be seen in the data collected for the NLSIU and NALSAR as well. Such people would need external financial support through the length of their course if they were to achieve anything worthwhile.

Two, the income level was not very important during the recruitment process, but it was while CVs or resumes were composed to be presented to potential employers. Persons with low incomes found it difficult to travel to faraway towns for work. Similarly, they found it difficult to afford the expense of staying away from home if they landed an internship.

Concluding from the IDIA survey that a majority of the students admitted to NLUs belonged to upper middle-class families would not be far from the truth. Many students from the poorer sections of society were not able to gain admission because their families had a low income. Some were even reportedly unable to obtain "basic information and consciousness" because of a lack of access to resources.

> It is imperative that measures should be taken to promote the access of marginalised groups such as low-income or subordinated-caste people to the resources and amenities of modern life.

Let me narrate my personal story. I belong to an SC family but we can economically be classified as upper middle-class. However, what I kept hearing all through my preparation for the CLAT in 2020 was *reservation hai toh ho hi jayega* ("If there is reservation, you'll definitely get admission"). To get ready for the examination, I enrolled for a coaching course that held regular classes, and for another that did it through correspondence. In addition, there was a test series from a third coaching academy. I had dropped out for a year to prepare for the CLAT, and also to resolve my inner fears and excel in the test. I had all the means but I personally felt that the coaching classes were not helping my overall development. They even did the opposite, I felt. I had been very sure that I would get into one of the top three NLUs through the CLAT before the exams were delayed by a few months.

Apart from the pandemic, emotional pressure was caused by the persistent coaching. There was also the pressure to perform because of caste-based reservation. It made me work like a machine though I would have rather preferred to use my brain in a cool, collected, and organised manner. In my opinion, a solution would be to have trainers who alter their perceptions when they work with SC students and abandon any negative preconceived notions they may have about their students.

Closing thoughts

It is imperative that measures should be taken to promote the access of marginalised groups such as low-income or subordinated-caste people to the resources and amenities of modern life. The intake of underprivileged students from SCs and ST communities to NLUs and their recruitment to top law firms after their education is extremely low. This is not only because of inadequate facilities, difficulties in accessing them, or a hiring bias among recruiters but also because "it stems from their low grades beginning in schools, then college or anywhere." Therefore, it is the responsibility of each stepping stone-starting with school, then law school, the government, and non-profits such as IDIA-to create socio-educational support programmes or personal mentorships to help disadvantaged students in both the pre-CLAT and post-CLAT phases.

Doing so would open doors for the disadvantaged to realise their full potential and, in the long run, also promote social justice. Because no human brain is born to be degraded.

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