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## Relationship between Brain Drain and the Reservation Policy in India

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*Brain Drain is the process by which a country's most educated and skilled workers migrate to other countries. It is generally considered as negative to a nation. This leads a nation to have lost its valuable minds. In India, one of the reasons for Brain Drain is considered to be the reservation policy of India. As many of the factors which are generally considered to be a reason for the brain drain are quality of education, Unemployment, Law, order, etc. This paper has analyzed the Reservation policy of India, arguments against it, and arguments for it. The paper tries to answer the question “whether the Brain drain in India impacts the brain drain in India- if yes, should India abolish this policy, how other factors leading the brain drain”. This paper finds that the reservation policy may lead to the brain drain and refutes the idea to abolish it. The paper finds out the other factors are the real victims of the problem.*

**Keywords:** *reservation policy, brain drain, unemployment, law and order, unemployment.*

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## INTRODUCTION

On November 29, 2021, Ex-CEO of Twitter Jack Dorsey, resigned from the post and appointed an Indian origin and an IIT alumina, Parag Agrawal as the CEO of Twitter<sup>1</sup>. This news gets India divided into two parts, one who was very happy, and another who was becoming critical about the news. The latter one was making the memes regarding it “*Padhega India, Tabhi to badega America*” (When India gets educated, America develops). This critique brings fore a question of Brain Drain in India. Brain Drain or Human Capital flight can be defined as the process by which a state loses its most educated and skilled workers to other countries by migration<sup>2</sup>. Many of the factors lead to the Brain Drain in the country- education, unemployment, standard of living, Law, and order, etc.<sup>3</sup> One factor which is probably exclusive to India, in the minds of the many citizens, is the Reservation policy of India, employed by the Government in the educational institutes, Government jobs, and legislature. This paper aims to evaluate whether the reservation policy of India impacts Brain Drain in India- if yes, then how should India tackle it, how India should overcome this issue, and how many other factors lead to Brain Drain in India.

## RESERVATION POLICY OF INDIA

India is a country, where the majority of the citizens follow the Hindu religion. In the Hindu religion, people are divided on the basis of *Varna*. There are four types of *varnas*- *Brahmins*, *Kshatriyas*, *Vaishyas*, and *Shudras*. *Brahmins* are considered to be higher and *Shudras* to be lower. From History, *Shudras* have to do minimal jobs. To tackle this divide, In the year 1882,

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<sup>1</sup> Pranav Mukul, ‘Explained: Who is Parag Agrawal, Twitter’s new CEO?’ (*The Indian Express*, 2 December 2021) <<https://indianexpress.com/article/explained/twitter-ceo-parag-agrawal-jack-dorsey-7648523/>> accessed 14 January 2022

<sup>2</sup> Jennifer Francis & Joseph Shinn, ‘What is Brain Drain in Economics? - Definition, Causes, Effects & Examples’ (*Study.com*) <<https://study.com/academy/lesson/what-is-brain-drain-in-economics-definition-causes-effects-examples.html>> accessed 14 January 2022

<sup>3</sup> Divisha S, ‘Brain Drain: Meaning, Factors and Measures’ (*Sociology Discussion*) <<https://www.sociologydiscussion.com/demography/migration-demography/brain-drain-meaning-factors-and-measures/3119>> accessed 14 January 2022

William Hunter and Jyotirao Phule came up with the idea of a reservation policy in India<sup>4</sup>. When the Constitution of India, came into the picture after the Independence of India, the Constituent Assembly made provision for reservation for the socially backward class or only for Schedule Class (SC) and Schedule Tribe (ST) in the Country for 10 years<sup>5</sup>. The status of reservation in India for existence in near future after 10 years, was left at the discretion of the Legislature. Later, in the year 1991, one more category gets added into it - Other Backward Classes (OBC), and in the year 2019, the Government decided to provide the reservation on the basis of economy and introduced one more category of Economic Weaker Section (EWS)<sup>6</sup>.

### ARGUMENTS AGAINST RESERVATION IN INDIA

Many people consider this reservation as discrimination on the basis of their birth and consider it as an impediment to the path of the country's growth. They say, due to this policy many undeserving candidates occupy the place of those, who all are more deserving. This policy is against meritocracy. Caste-based reservation promotes the concept of caste in society rather than reducing it as a social consideration.<sup>7</sup> Quota assignment is a type of discrimination that violates the right to equality<sup>8</sup>. But in the Indian Constitution, discrimination on the basis of the reservation is regarded as positive discrimination. Article 14 provides positive and not negative equality. The fact remains that all persons are not equal by nature, attainment, or circumstances, and, therefore, mechanical equality before the law may result in injustice<sup>9</sup>.

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<sup>4</sup> Rajat Kumar, The concept, origin and Evaluation of reservation policy in India' (*Legal service India*)Jan. <<https://www.legalserviceindia.com/legal/article-6526-the-concept-origin-and-evaluation-of-reservation-policy-in-india.html>> accessed 14 January 2022

<sup>5</sup> *Ibid*

<sup>6</sup> *Ibid*

<sup>7</sup> Puja Mondal, 'Reservation concept in India: concepts, arguments and conclusions' (*Your Article Library*) <<https://www.yourarticlelibrary.com/essay/reservation-system-in-india-concept-arguments-and-conclusions/24973>> accessed 14 January 2022

<sup>8</sup> *Ibid*

<sup>9</sup> M.P. Jain, *Indian Constitutional Law* (8<sup>th</sup> Edition, Lexis Nexis 2018) 1219

## ARGUMENTS IN FAVOR OF RESERVATION IN INDIA

Without equality, meritocracy is pointless. First, everyone must be brought to the same level, regardless of merit, whether it raises or decelerates a segment<sup>10</sup>. One in four Indians continue to practice untouchables and was discovered in a 2014 survey by NCAER and the University of Maryland. Almost one-third of Hindus (30%) acknowledged this practice, followed by Sikhs (23%), Muslims (18%), and Christians (5%)<sup>11</sup>. According to a study performed by Stanford University, the India Council for Technical Education (AICTE), and the World Bank, engineering students from the Scheduled Tribes (ST) and Scheduled Castes (SC) learn at a faster pace than those from the general category<sup>12</sup>. The study has shown that when a person from a disadvantaged group gets an opportunity, he/she surely quench it. It was also highlighted in a report by the Indian Express that there is an under-representation of backward classes mostly in Group A and B Government jobs<sup>13</sup>.

## BRAIN DRAIN DUE TO THE RESERVATION POLICY

India has seen many protests at the PAN India level, as well as on the State level, against the reservation policy. There is also a constant debate articulate around this topic from students to scholars. Supreme Court of India in the year 1993, in the judgment of *Indra Sawhney & other vs Union of India*<sup>14</sup>, held that the reservation should not exceed 50% and it should be subjected to extraordinary circumstances. As seen theoretically, due to the reservation policy India may lose its better minds, but as shown in the study of The Indian Express (cited above) the seats in

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<sup>10</sup> Puja Mondal (n 7)

<sup>11</sup> Kalyani & Prashant Ingole, 'Why Arguments Against Reservation are flawed' (*News Click*, 27 July 2020) <<https://www.newsclick.in/why-arguments-against-reservation-flawed>> accessed 14 January 2022

<sup>12</sup> 'SC/ST engineering students learn at a faster rate: Study' (*The Hindustan Times*, 6 April 2018) <<https://www.hindustantimes.com/education/sc-st-engineering-students-learn-at-faster-rate-study/story-IwYlKGJ7bULtLJmQOE3qbO.html>> accessed 22 January 2022

<sup>13</sup> Shyamlal Yadav, 'Reservation candidates are under-represented in Govt's upper rungs' (*The Indian Express*, 17 January 2019) <[https://indianexpress.com/article/education/reservation-candidates-are-under-represented-in-govts-upper-rungs-5540310/#:~:text=Scheduled%20Castes%20\(SCs\)%2C%20Scheduled,its%20institutions%2C%20including%20central%20universities](https://indianexpress.com/article/education/reservation-candidates-are-under-represented-in-govts-upper-rungs-5540310/#:~:text=Scheduled%20Castes%20(SCs)%2C%20Scheduled,its%20institutions%2C%20including%20central%20universities)> accessed 22 January 2022

<sup>14</sup> Shashank Tyagi, 'Indra Sawhney & other vs Union of India' (*Legal Service India*) <<http://www.legalservicesindia.com/article/1457/Indra-Sawhney-&-Others-Vs-Union-of-India.html>> accessed 15 January 2022

the Govt. jobs that are fixed for people belonging to the backward classes are largely filled by those who are from privileged classes. Due to this, the idea of being brain drained due to the reservation in the government jobs holds probably invalid. For moving forward, a nation in terms of growth, education plays a vital role. Reservations penalise individuals who don't even qualify for affirmative action, as shown in a study published in the American Economic Review that looked at 53,374 students from scheduled caste (SC), scheduled tribe (ST), other backward class (OBC), and general students<sup>15</sup>. This can be also assumed from this study that some students from the general category would have landed up in the other country for a better opportunity. But those students who enter through the window of reservation, compete at par with those who score better in the entrance examination than the students from the reserved category<sup>16</sup>. This lands up in the question of whether the entrance exam conducted by universities to find countries best students and judge them accordingly to their marks- better the marks, better the student. Well, this question asks another research paper to get answered.

Due to the *“Reservations in past decades have increased the numbers of SC/ST families with highly-educated members, who can encourage--and provide support for--younger family members to continue their education,”* said professor emeritus of economics at the University of Michigan, Thomas E Weisskopf<sup>17</sup>. So, is Brain Drain solely due to the reservation in India being the only factor? For this to answer we need to look at the other factors.

## QUALITY OF EDUCATION

In India, the most prestigious institutes for doing engineering are the Indian Institute of Technology (IITs). The no. of aspirants approximately applying for the IIT entrance examination in 2021 is 11 lakhs. The no. of seats is only 16,053<sup>18</sup>. By using mathematics, it can be seen that only 1.4% of students would have been able to enter the institute. Which is

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<sup>15</sup> Charu Bahri, 'How reservations help disadvantaged-caste students get higher education' (*The Hindustan Times*, 20 July 2016) <<https://www.hindustantimes.com/education/how-reservations-help-disadvantaged-caste-students-get-higher-education/story-0s7WZe7EbR358buAZp4vLM.html>> accessed 15 January 2022

<sup>16</sup> SC/ST engineering students learn at a faster rate: Study (n 12)

<sup>17</sup> Charu Bahri (n 15)

<sup>18</sup> Manash Pratim Gohain, 'JEE Main 2021: Over 11 lakh candidates set to appear in exam' (*Times of India*, 20 January 2021) <<https://timesofindia.indiatimes.com/home/education/news/record-11-lakh-students-register-for-jee-main/articleshow/80356237.cms>> accessed 15 January 2022

literally very low. This can also be said that many of the best minds wouldn't be able to make it through this process. Even though entering into the IITs is a very difficult process and many individuals prepare for this from their 8<sup>th</sup> standard, still many toppers choose to drop out from the Institute and study abroad like in MIT. A JEE Mains topper, Chirag Falor, who scored 100 percentiles, said that Individual personalities are emphasized at MIT, as is their capacity to maximize possibilities presented to them. IIT, on the other hand, necessitates extensive preparation. He also got the Bal Puraskar award from the Prime Minister of India, Shri. Narendra Modi<sup>19</sup>. Another IIT topper, who studied in the IIT-Bombay, studied only one year in the institute and later on dropped the college and choose MIT for his further endeavours. He said that the exposure in MIT is very good as compared to the IITs. The selection process of MIT is way healthier and they judge a student many parameters not only on the basis of marks. MIT allows a student to opt for many measures<sup>20</sup>. The entrance examination in India for other fields, like in Law and Medical, does not tell a different story. All the examinations have very limited seats and competition increases day by day. The problems in India's Education system are very long. 90% of the education is theoretical, with very little opportunity for practical learning and research on the part of the students. There is no room for creative learning and thinking, and students are always confined to a specific syllabus and are not encouraged to explore their interests<sup>21</sup>. There are negligible changes in the Syllabus for almost two decades. The curriculum does not talk about how the market works<sup>22</sup>, the little idea is only given to those who choose Economics as their subject in 11<sup>th</sup> and 12<sup>th</sup>. But the students of economics lack practical use of it. The class 10<sup>th</sup> and 12<sup>th</sup> results are considered as the most crucial examination in a student's life, as they say, it decides the future of a student, parents also offer many prayers in temples so that their child can succeed the examination. In all this,

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<sup>19</sup> Gloria Methri, 'Cracking MIT Easier; IIT Toughest,' Says JEE Main Topper Chirag Falorn, Now MIT Student' (*RepublicWorld.com*, 17 September 2020) <<https://www.republicworld.com/india-news/education/iit-entrance-exams-tougher-than-mit-exams-says-jee-topper-chirag-falor.html#:~:text=%E2%80%9CExams%20of%20MIT%20are%20much,Advanced%2C%E2%80%9D%20Falor%20old%20ANI>> accessed 16 January 2022

<sup>20</sup> 'Why Chitraang Murdia chose MIT over IIT-B' (*Shiksha*, 12 June 2015) <<https://www.shiksha.com/b-tech/articles/why-chitraang-murdia-chose-mit-over-iit-b-blogId-11006>> accessed 16 January 2022

<sup>21</sup> 'What is wrong with the Indian education system' (*Senses*) <<https://senseselec.com/blogs/what-is-wrong-with-the-indian-education-system/#:~:text=Lack%20of%20Interest,out%20and%20about%20their%20seems>> accessed 16 January 2022

<sup>22</sup> *Ibid*

what the most neglect is the student's mental harness<sup>23</sup>. In the year 2019, at least one student dies from the suicide/ hour. In the year between 2015-2019, there is an increase of 22% in suicides among students<sup>24</sup>. India stands at the rank of 131 out of 189 countries on Human Development Index<sup>25</sup>. In the year 2020, the Indian Government introduced the New Education Policy (NEP), the policy was focusing to reduce the syllabus as well as the mental agony of the students. The policy also focuses on the introduction of vocational training, so that the student shall have skills that are required as per the market needs<sup>26</sup>. The policy was celebrated by many experts. As the policy is directive in nature and not mandatory to follow. The contemporary government has set a goal of completing the policy by 2040. The time is very long to implement this crucial policy and a nation shall not compromise in implementing these steps as soon as possible.

## LAW AND ORDER

There are many impediments to maintaining law and order in India. India is a country where corruption has acted as a stone in the way of development. When unemployed kids discover that their income is being plundered by unscrupulous people, they quickly become the target of anti-national organizations, which have posed a significant danger to India's law and order situation<sup>27</sup>. Tag of Anti-National, from 2016-2020, the government has increased the use of anti-national terms against the citizens of the country, who voice against the government. Which eventually does not have any meaning in the statutes<sup>28</sup>. The state of law and order also

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<sup>23</sup> *Ibid*

<sup>24</sup> Chethan Kumar, 'One every hour: At 10,335, last year saw most student suicides in 25 years' (*Times of India*, 7 September 2020) <<https://timesofindia.indiatimes.com/home/education/news/one-every-hour-at-10335-last-year-saw-most-student-suicides-in-25-years/articleshow/77969096.cms>> accessed 16 January 2022

<sup>25</sup> India drops two ranks in Human Development Index' (*The Hindu*) <<https://www.thehindu.com/news/national/india-ranks-131-in-2020-un-human-development-index/article33348091.ece#:~:text=India%20dropped%20two%20ranks%20in,131%20out%20of%20189%20countries>> accessed 16 January 2022

<sup>26</sup> Ritika Chopra, 'Explained: India's National Education Policy, 2020' (*The Indian Express*, 31 July 2020) <<https://indianexpress.com/article/explained/reading-new-education-policy-india-schools-colleges-6531603/>> accessed 16 January 2022

<sup>27</sup> Dr. Sanjay Kumar, 'Maintenance of Law and Order in India- Challenges and Solutions' (2016) 4 (2) *Int. J. Rev. and Res. Social Sci.*, 97-106,

<sup>28</sup> Malavika Murali, 'Anti-national' not defined in Statutes, Govt tells Parliament' (*The Hindustan Times*, 22 December 2021) <<https://www.hindustantimes.com/india-news/antinational-not-defined-in-statutes-govt-tells-parliament-101640113233605.html>> accessed 16 January 2022



has a negative impact on everyday living. People have lost faith in law enforcement agencies. Many times, people believe the system will not provide them with justice, and this resentment leads them to take the law into their own hands<sup>29</sup>.

## UNEMPLOYMENT

Lower employment opportunities are the major factor leading towards the Brain drain in a country. As per the 'National Employability Report for Engineers 2019' published by job evaluation platform Aspiring Minds, more than 80% of engineers in India are unsuitable to work in the information economy<sup>30</sup>. According to the survey, only 2.5 percent of engineers in India are skilled in artificial intelligence, while only a few engineers (5.5 percent) are proficient in fundamental programming<sup>31</sup>. The report makes the theory-based education system liable for this. To learn these skills, students will eventually fall into another country, for more opportunities. The government of India has banned its employment survey in India from the year 2016<sup>32</sup>. But according to the Centre for Monitoring Indian Economy (CMIE), India's unemployment rate was more than 7% in the year 2020 and for most of 2021. The rate was higher as compared to the last 30 years (it also includes the crisis of 1991)<sup>33</sup>. The spike in unemployment is also due to the lockdown in major economies. During the pandemic era, the need for technology has escalated at a very high. As colleges in India, do not provide value, students need to look away from India for better learning of jobs.

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<sup>29</sup> Dr. Sanjay Kumar (n 27)

<sup>30</sup> 'A staggering 80% of engineers in India are unemployable: Report' (*Business Insider India*, 17 July 2020) <<https://www.businessinsider.in/engineers-in-india-lack-the-right-job-skills-including-artificial-intelligence-and-machine-learning-report/articleshow/68516807.cms#:~:text=A%20staggering%2080%25%20of%20engineers%20in%20India%20are%20unemployable%3A%20Report,-Advertisement&text=Merely%202.5%25%20of%20engineers%20in,basic%20programming%2C%20the%20report%20assessed>> accessed 16 January 2022

<sup>31</sup> *Ibid*

<sup>32</sup> 'Survey discontinued, Centre clueless about unemployment' (*DNA*, 06 March 2018) <<https://www.dnaindia.com/india/report-survey-discontinued-centre-clueless-about-unemployment-2591121>> accessed 16 January 2022

<sup>33</sup> Soutik Biswas, 'India's jobs crisis is more serious than it seems' (*BBC News*, 7 January 2022) <<https://www.bbc.com/news/world-asia-india-59870297#:~:text=India's%20unemployment%20rate%20crept%20up,and%20for%20most%20of%202021.&text=Most%20countries%20saw%20joblessness%20rise%20in%202020>> accessed 16 January 2022



## CONCLUSION

As per the ministry of home affairs, a total of 8,81,254 citizens has renounced their Indian Citizenship since 2015<sup>34</sup>. Indians who moved abroad, are majority happy with their low working hours and a new concept of work play<sup>35</sup>. Article 14 of the Indian Constitution, talks about the Right to equality. It further elaborates that the law shall be equal for those, who are equal<sup>36</sup>. According to the Vice-Chancellor of JK Lakshmipat University in Jaipur, Reservation will not alone make the people in the backward class grow more. India needs a revolutionary change on the ground<sup>37</sup>. The idea to revoke the Reservation policy does not hold its true validity. The policy has benefitted many individuals from the backward class to grow more. India has not seen the full value from the reservation policy till the date and the classes are not getting their seats, they are majorly occupied by the general people. India needs to focus more on the quality of education in and around the country at a reasonable rate. We need to build more educational infrastructure and update the curriculum. As if we struck down the reservation policy, there won't be a scenario in India, where all the students scoring higher marks will get into the top colleges. To keep the citizens happy, a nation needs to provide security to its citizens or any person in its territorial jurisdiction. Govt. of India needs to give a sense of security to all. To do so it needs to make better Police reforms, pending for a long. India is a hub for multi-national countries to outsource their work because they see many talented individuals in the nation. This shows that the youth in India have the skills but they have lack opportunities. India needs to frame the rules inclined towards students' futures. And try to implement NEP quickly.

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<sup>34</sup> Ranjit Bhushan, 'The Great Indian Immigration: Why educated, skilled Indians are leaving the country in droves' (*Money Control*, 17 December 2021) <<https://www.moneycontrol.com/news/business/the-great-indian-immigration-why-educated-skilled-indians-are-leaving-the-country-in-droves-7838971.html>> accessed 16 January 2022

<sup>35</sup> *Ibid*

<sup>36</sup> Constitution of India, 1950, art 14

<sup>37</sup> Punitha Pandey, 'Is reservation taking away the opportunities of deserving students' (*Education Times*, 31 October 2022) <<https://www.educationtimes.com/article/special-education/79077173/is-reservation-taking-away-the-opportunities-of-deserving-students>> accessed 16 January 2022