

Chapter Two

Chapter II

Tibetan Refugees in India and Nepal; the Legal Status, Social and the Political Traits

2.1. The United Nations High Commissioner for Refugees (UNHCR) and its Protocol:

International concern for Refugees is the outcome of the suffering that was inflicted on humankind because of the First World War. At first, The League of Nations created the office of the High Commissioner for Refugees which was committed to defining the status of refugees and providing them with assistance. However, it was after the devastation of the Second World War that the international community realized the need to create a permanent and inclusive legal system for the protection of refugees. In 1950, Office of the High Commissioner for Refugees was created by United Nation General Assembly, by Resolution 428 (V) and began its operation on 1st January 1951. United High Commission for the Refugees' 1951 Convention used the term "Refugees" for- "All persons in need, regardless of their immigration status, share certain human rights under the international law and proclaims discrimination on the grounds of national origin and provides that all people shall enjoy this right", "to seek and enjoy in other countries asylum from persecution" and thus defines refugees as- "A person who owing to well founded fear of being persecuted for reason of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, unwilling to avail himself of the protection of that country" (J.M.Magluff-Castro, 2019) Its mandate was 'to provide international protection' to refugees and to seek 'permanent solution' to the problems of the refugees. The drafting of the Convention relating to the status of refugees was also concluded in the same year. A protocol was drafted to amend certain provisions for the convention which entered into force on 4th October 1967.

Apart from these, other important international instruments such as Universal Declaration for Human Rights, The International Convention on Economic, Social and Political Rights, International Convention on Civil and Political Rights, International Convention on Elimination of all forms of Racial Discrimination, Child Right Convention and The Convention against Torture, also obligate the contracting states to create legal provision for the protection of refugees during their stay in the host country. The main elements of the convention are the definition of refugees, its principles and standards of how refugees should be treated, protected against forcible return, expulsion and detention for illegal entry. These laws make no distinction between citizens and non-citizens and form an important basis for

refugee protection in countries of asylum. United Nation High Commissioner for Refugees (UNHCR) is the only instrument or institution which remains the cornerstone for protection of refugees and is the strongest expression of international concern for the plight of refugees.

Safeguarding and ensuring Human Rights of refugees is very important in the host country. UNHCR maintains the implementation and enforcement of Human Rights of refugees which also ensures their right against re-foulement. Some of the rights of the refugees are:

- i. Not to be subjected to restrictions on their movement.
- ii. Not to be subjected to cruel, inhuman or degrading treatment.
- iii. No discrimination on ground of race, religion, etc.
- iv. Person is considered before law.
- v. Family unity should be protected (Chakraborty, 2001).

Other legal principles which are applicable to the Refugees:

1. *Asylum*: Persons who are identified to be refugees have the right to seek an asylum in other states,
2. *Non-refoulement*: States cannot reject refugees at the frontier or return them to countries where their lives or freedom would be threatened,
3. *Non-discrimination*: Refugees are to be granted equal treatment regardless of race, religion or country of origin,
4. *Protection*: Refugees to be treated in accordance with human rights law (Chakraborty, 2001).

By signing the Refugee Convention or Protocol, a government willingly binds itself to the legal obligation contained in the document. At present, 140 states have signed the 1951 Refugee Convention. India however is not party to 1951 Convention relating to the status of neither Refugees nor its 1967 Protocol. In spite of this, it has always stood up and supported and also welcomed refugees from different parts of the world. In fact, it is the largest refugees hosting country in Asia. Thus, there are well-defined and specific grounds, which have to be satisfied before a person can qualify to be a 'refugee'. These grounds are well defined whether individually or collectively. In order to fall within the domain of protection of The International Refugee Regime, such people must have crossed the border of their country of origin or habitual residence to be in another country.

2.2. The Indian Legal Framework on Refugees:

India has offered sanctuary to numerous distinctive refugees in the world. This is in spite of the fact that India is not a party to the 1951 Convention relating to the Status of Refugees or its 1967 Protocol. Nor has it adopted any national legislation for the protection of refugees. India's international obligations are derived from the sources such as The Universal Declaration of Human Rights applicable to both citizens and non-citizens, The Declaration on Territorial Asylum, The International Covenant on Civil and Political Rights, The International Covenant on Economic, Social and Cultural Rights, The Convention on the Elimination of All Forms of Discrimination against Women and Child Rights, applicable to both citizens and non citizens. All these international treaties have been ratified or adopted by India. It has also accepted fundamental principles of refugee's law and of non-refoulement. Therefore, there is no specific status for refugees in India. All the 'refugees' are regarded as 'foreigners' and laws are subject to change. However, India allows the presence of refugees on Indian soil, even though in the absence of any specific legislation on refugees, the attribution of some kind of refugee status, which will need to be specified, is done on an *ad-hoc* basis. But, the refugees in India do not enjoy same rights as its citizens yet they are free to work and own property in India (Ananthachari, 2001).

Refugees in India are from different places and under diverse situations. India has dealt with this issue on bilateral basis. Refugees are no doubt 'foreigners', even though there may be a case to distinguish them from the rest of all 'foreigners'; The current position of India is that, they are dealt with certain special treatments, under the existing Indian laws, both general and special, which are otherwise applicable to all foreigners. This is because; there is no separate law to deal with the refugees. Therefore the refugees' status is dealt on a case-by-case basis. United Nation High Commission for Refugee often plays a complimentary role in regard to verification about the individual's background and general circumstances prevailing in the country of origin and resettlement of them as well.

Therefore, it is necessary to distinguish the refugees from other categories of foreigners, so that nobody gets confused with, or mistaken for a refugee.

a. Temporary Residents, Tourists and Travelers.

A person, who falls under this category, is one who has come to India for a specific purpose and for definite time with a prior permission of the Government of India.

However, if the situation in his country of origin would endanger his/her life and liberty at the time of stay in India; then in such situation, a person may be eligible to become a 'refugee' in India.

b. Illegal Economic Migrants.

Any foreigner who may have left his/ her country of origin without due approval from the authorities concerned, both in the country of origin as well as the country of destination, to improve his or her economic life, *is not a refugee*. For e.g. Illegal Bangladeshi migrants come in this category. Such people have to be treated as illegal and unauthorized entrants and have to be dealt under appropriate laws which are applicable to foreigners like Foreigners Act and India Passport Act etc².

c. Criminals, Spies, Infiltrators, Militants etc.

None of above people can ever become eligible to be called refugees. They have to be dealt with or under provision of the Indian Criminal Laws, as well as any other specific laws in force even if some of them may possess valid documents.

d. Internally Displaced Persons (IDP).

Those people who have fled Human Rights violations and persecution from one place to another or a region within the same country. Such persons have not crossed any international border so they cannot be categorized as refugees. They are simply termed as internally displaced persons (Ananthachari, 2001).

In India, the decision regarding whether to treat a person or a group of persons as refugees or not, is not taken on the merits and circumstances of the cases coming before it.

India does not have any specific law to govern refugees. So, all the existing Indian laws, like The Criminal Procedure Code, The Indian Penal Code, and The Evidence Act etc. are applicable to refugees. India is not signatory to the 1951 Convention on Refugees and the 1967 Protocol. Though, India is a signatory to a number of United Nations and World Convention on Human Rights refugees' issues and related matters. India became a member of the executive committee of the High Commissioner's Programme: the Executive Committee of the National Security Council (EXCOM)³ in 1995. The EXCOM is the organization of the

² In addition to recent development in India; the Indian government has amended the "Citizenship Act of 1955" as "Citizenship Amendment Act, 2019" which was passed on 11th December 2019 by providing Citizenship to all the illegal migrants belonging to Hindu, Sikh, Jain, Buddhist, Parsi and Christian religious minorities who have fled persecution from Pakistan, Bangladesh and Afghanistan before December 2014. However Muslim minorities are debarred under this Act.

³ The EXCOM is the organization of the UN, which approves and supervises the material assistance programme of UNHCR. Members of the EXCOM take particular interest, and have a greater commitment towards the matters of refugees.

UN, which approves and supervises the material assistance programme of UNHCR. Members of the EXCOM take particular interest in and have a greater commitment towards the matters of refugees. India voted to adopt The Universal Declaration of Human Rights, which affirms rights for all people, citizens and non-citizens alike. India voted affirmatively to adopt The UN Declaration of Territorial Asylum in 1967. India ratified the International Covenant on Civil and Political Rights, as well as the International Convention on Economic, Social and Cultural Rights in 1976. India ratified the UN Convention on The Rights of the Child in 1989 and the Convention on the Elimination of all forms of Discrimination against Women in 1974. India also, accepted the principle of *non-refoulement* as envisaged in the Bangkok Principles in 1966, which were formulated for the guidance of member states in respect of matters concerning the status and treatment of refugees. These principles contain provisions relating to repatriation, rights to compensations, granting asylum and the minimum standard of treatment in the state of asylum.

There are two rules in the Indian legal system that encounters Refugees. There are laws which regulate their entry and stay in India, along with a host of related issues. Once they are within the Indian territory, they are subjected to the provisions to the Indian penal laws for various commissions and omissions under a variety of circumstances, whether it is a complaint or accusation. These are the various constitutional and legal provisions with which refugees may be concerned under varying circumstances.

2.3. The Constitutional Provisions:

There are a few articles in Indian constitution which are applicable to refugees on Indian soils, in the same way as they are applicable to common Indian citizens, like Fundamental Rights, enshrined under the Article 21 of the Indian Constitution regarding the Right to life and personal liberty, which applies to all, irrespective of the fact of whether they are citizens of India or not. The various High Courts in India have liberally adopted the rules of natural justice to refugees' issues, along with the United Nations High Commissioner for Refugees (UNHCR) as an important role in protection of refugees. Yet, other aspects of non-refoulement in The 'International Zones', which are transit areas at airports and other points of entry into Indian territory are marked as being outside Indian territory and the normal jurisdiction of Indian courts, is a major 'risk factor' for refugees, since it limits the access of

refugees to legal remedies. This legal fiction is violative of the internationally acknowledged principal of non- refoulement.

Articles 22(1), 22(2) and 25(1) of The Indian Constitution, reflect the common laws applicable to both Indians and refugees which are based on principle that no person, whether a citizen or an alien, shall be deprived of his life, liberty or property without the authority of the law. The Indian constitution does not contain any specific provision which obliges the state to enforce or implement treaties and conventions. Therefore, The International Conventional Law must go through the process of transformation into municipal laws before the international treaty becomes internal law. Courts may apply international law only when there is no conflict between international law and domestic law. It has been firmly laid that if there is any such conflict, then domestic law shall prevail (Ananthachari, 2001).

In case of forgery/ fabrication of travel documents by a refugee, the immigration / customs officials hand over the accuse, to the local police where a First Information Report is registered against the accused then and taken into police custody. He/she would be produced in the local session court and may be ordered to be lodged in the local prison awaiting trial. In case, where the immigration authorities suspect discrepancies in the travel documents of a refugee, on entry into the country, they may send the professed documents for further investigation to the local Foreigners Regional Registration Office (FRRO) and direct the refugee to appear at the FRRO the next day. Moreover if the refugee enters India with invalid documents, or with expired documents, the refugee may be subject to arrest. Those refugees who do not comply with the mandatory requirement of renewal/ obtainment of residence permits are arrested and produced before the local session courts which may direct them to be lodged in the local pending trial. Further, the police usually do not consider any plea of claims of their refugee status, persecution in country of origin etc. The administrative authorities vide sec.3 of the Foreigners Acts may issue a *Leave India Notice*, to the refugees who have failed to obtain extension of their travel permits, or who are ordered to be deported by the court. In such cases the refugee may be arrested if apprehended, or may be deported forcibly (Ananthachari, 2001).

The Government of India, has so far, followed liberal policies of granting refuge to various refugees, though some have been recognized, while some have not, often keeping in view, the security concern of the nation. Albeit there is no concept of work permits in India yet the refugees who are granted residence permits do find employment in the informal or the private sectors without facing any objection from the administration. Also, Tibetan refugees have

been granted loans and other facilities for self-employment. Generally, refugees are allowed full freedom concerning their movement, practices of religion and residence; if their entry is legalized, if the refugees enter illegally or overstay beyond permissible limits, they may be subjected to strict restrictions imposed upon them in accordance with the state of governance of refugees in India .i.e. The Foreigners Acts 1946, Foreigners Order, Passport Act etc.

Even though India has not enacted a special law to govern ‘refugees’, it has proved to be successful in handling them creditably. The country has evolved a practical balance between human and humanitarian obligation on one hand, and security and national interest on the other.

2.4. Indian Laws and Rules governing Tibetans:

Tibetan refugees in India are in an indeterminate state, or they exist in a state of great limbo. This is because India is not a representative to the 1951 Convention relating to the Status of Refugees, nor its 1967 Protocol. It has not adopted any national legislation for the protection of refugees. Therefore, Tibetan refugees do not qualify as ‘refugees’ in legal sense, so the government treats its refugee population on an *ad-hoc* basis. Two legal models rule the legal status of undocumented Tibetans: The Foreigners Act of 1946, and The Registration of Foreigners Act of 1939. This means that the Tibetans are simply foreigners, which means that the government will regulate their movement like all other foreigners. Also they are required to report to Indian authorities. It is also bound by customary international legal principle of non-refoulment which prohibits the return of a refugee to any place where his or her life or freedom would be danger.

Documents: To reside legally in India, it is mandatory for Tibetans to maintain a Registration Certificate (RC) which is required to be renewed every six months or in a year. With this, Tibetans are allowed to reside in a particular locality or settlement camps without the harassment of authorities and can travel domestically. Besides this, Tibetans should produce RC to work and own property along with other basic civil liberties in India. Tibetans are also required to obtain Identity Certificates (IC) which will enable them to travel internationally to few countries that will accept these documents in lieu of passports. There includes the United States, Switzerland and other states of Europe. Also, Tibetans are required to bear an IC and “No objection to Return to India” (NORI) to re-enter India. (Center, 2011)

Special Entry Permits: Special Entry Permits (SEP) is a joint initiative of the Indian government and the Central Tibetan Administration, which was formulated in 2003. The Tibetans are required to obtain SEPs in Nepal before entering India via Nepal. It ensures their safe movement from Nepal to India, and also permits them to stay in India for a stipulated period of time after their arrival. SEP is issued on three conditions for Tibetans viz. pilgrimage, education and others. The pilgrimage SEP allows the bearer to remain in India for three months and can be further extended, and are restricted to acquire an RC or any other type of documents in India which prolong their stay here. Tibetans entering India for education and other reasons may remain for longer periods of time and are permissible to obtain an RC. While ‘Other’ category SEP’s are reserved for special cases like former political prisoners of particular significance to the CTA (Center, 2011).

2.5. Indian Citizenship:

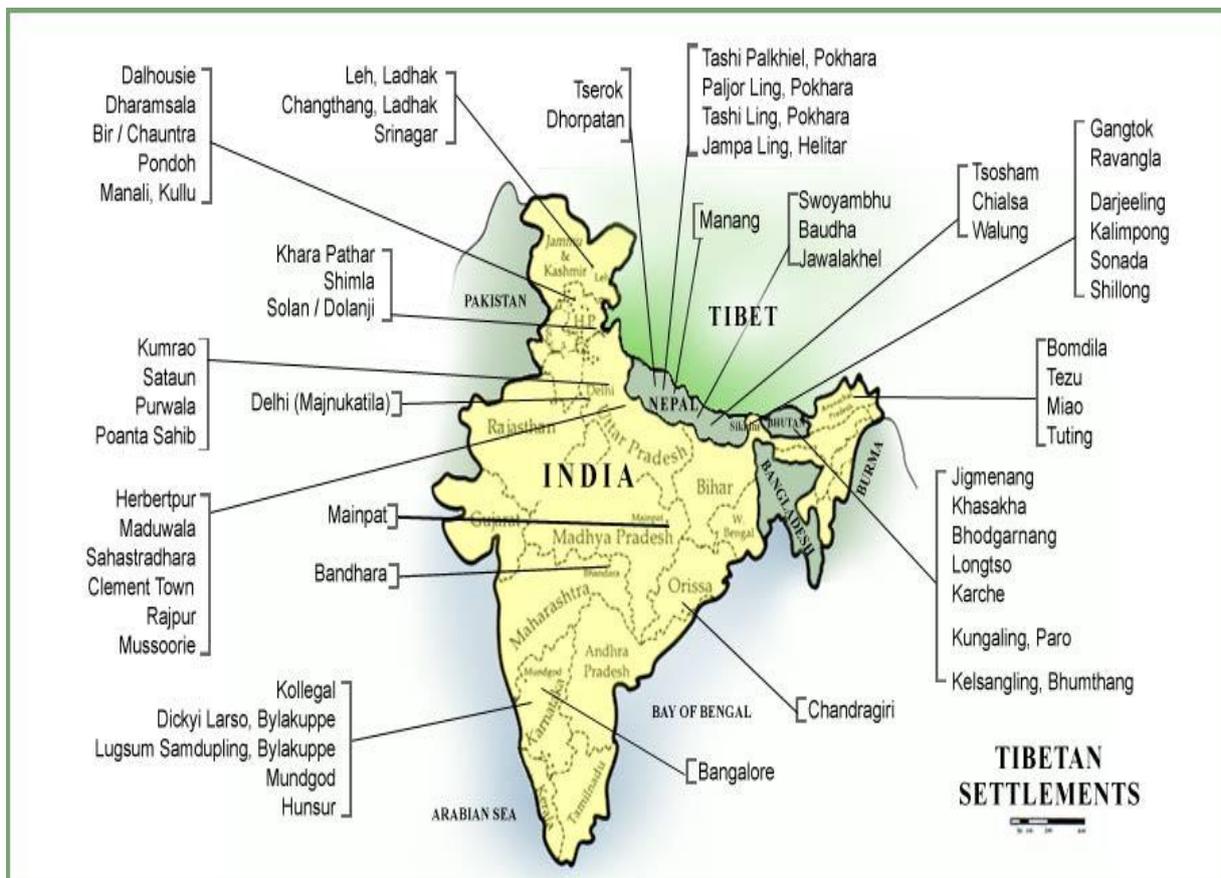
The issue of Citizenship is relevant in context of Tibetan refugees as many of them have started opting for Indian citizenship after staying in India for so long. Their children also become eligible to become citizen by birth. The issue of Citizenship is a much discussed matter in context of status of the Tibetan refugees. This has to be understood in the context of legal regime for Tibetan refugees, because it is the law that determines who is to be considered an Indian citizen, and on what basis. In part III of The Indian Constitution, there are certain criteria which are required of every person Indian as well as foreigners, to fulfill in order to become eligible for Indian citizenship. Indian citizenship can be acquired through birth, registration, naturalization and incorporation of territory. The citizenship encompasses the relevant articles in the Constitution and the conditions under which refugees may become eligible for Indian citizenship. However there are several types of citizen in India. It can be acquired by naturalization or registration etc. The Indian Constitution on the Citizenship Act, 1955 Part II, deals with the citizenship of India at the commencement of the Constitution:

- a. Citizenship by Birth Section 3(2)
 1. Every person born in India (a) Between January 26 1950, and July 1st 1987, or
 2. After July 1st 1987, but before the entry into force of the citizenship Act of 2003, if one of the individual’s parent is a citizen of India at the time of his or her birth; or

3. On and after the entry into force of the Citizenship Act of 2003, if both the parents are citizens of India, if one parent is a citizen of India and other is not an illegal migrant, shall be a citizen of India by birth.
- b. Citizenship by Descent; It provides that every person born outside India
 1. Between January 26, 1950, and December 10, 1992, if their father is an Indian citizen at the time of their birth, or
 2. On and after December 10, 1992, if either parent is a citizen of India at the time of birth. However, A minor who is the citizen of India by virtue of descent and also is a citizen of any other country shall cease to be the citizen of India if he does not renounce the citizenship of any other country within six months.
 - c. Citizenship by Registration;
 1. Several classes of persons can acquire Indian Citizenship by registering themselves before prescribed authority e.g., Person residing in India for seven years who is of Indian origin. Person who has been married to an Indian citizen, or a person of full age and capacity who has been registered as an overseas citizen of India for five years and have been living in India for one year before applying for registration.
 - d. Citizenship by Naturalization.
 1. A foreigner not being an illegal migrant can acquire Indian Citizenship on application for naturalization to the Government of India.
 - e. Citizenship by incorporation of Territory:
 1. If a new territory becomes a part of India; the Government of India shall specify the persons of that territory who shall be the citizens of India (Basu, 2015).

So, by going through all the conditions under which a person could qualify to be an Indian citizen, a Tibetan refugee qualifies to acquire Indian citizenship under section 3 by birth and section 6 by naturalization. However, there is a great dilemma or confusion regarding the citizenship regime of Tibetan refugees in India. According to CTA reports, Tibetans are required to obtain and submit a “no objection” certificate from CTA as the custodian and representative of Tibetans in exile and the CTA’s official position is that it will not withhold its approval if a Tibetan wishes to pursue Indian citizenship. The adaptations of Indian Citizenship ultimately depend upon individual choice. Thus, majority of Tibetans wish to remain refugees and many others acquire Indian citizenship depending upon their situation and the need. (Center, 2011)

Map1. Map showing the Tibetan presence in India and Nepal



Source: <http://academic.reed.edu/anthro/364/maps/setmap.gif>

2.6. Nepal and its Legal Framework for Refugees:

Nepal is not a party to the Conventions of United Nations High Commissioner for Refugees that guarantees certain rights and protection to all people including refugees. It is state party to the International Covenant on Civil and Political Rights. So, under this obligation, the refugees' rights in Nepal only include rights to equal protection, religious freedom, and protection from expropriation of property. But a refugee in Nepal cannot exercise freedom of expression, freedom of movement, and the right to acquire or own property. There is no official refugee's policy. It follows UNHCR while dealing with the Tibetans and the Bhutanese refugees. They can be detained at any time. Nepalese laws simply regard refugees as 'aliens'. The 1958 Foreigners Act and Administrative directivities determined refugees' legal right (United States Committee for Refugees and Immigrants, 2008). The Immigration Act of 1992 prescribes their treatment, and states that no foreigners shall be allowed to enter into and stay in the Kingdom of Nepal without obtaining a passport and visa, and it limits the entry of foreigners to its prescribed routes (Justice, 2002).

2.7. Nepalese Governmental Laws and Policies applicable to Tibetans:

The Tibetan refugees in Nepal can be classified into two categories. i). those who arrived in Nepal before 1989 or the ones who were the first batch of refugees. The people belonging to this category and their descendents are entitled to reside in Nepal lawfully. ii). the next category of refugees are those who arrived in or are arriving in Nepal after 1989 (new arrivals). They are not permitted to stay in Nepal lawfully but they are allowed safe transit through Nepal to seek refuge in India: This condition came to affect after the '*The Gentlemen's Agreement*', an informal agreement concluded between the government of Nepal and United Nations High Commissioner for Refugees. This agreement ensures the safe movement of Tibetans to India via Nepal. There were other certain objectives of the agreement like: it allows access to Tibetans in the territory of Nepal for entering India. Secondly, it ensures respect for the prohibition against forced return (re-foulment) including the Nepal-China border itself. Thirdly, it guarantees that Tibetans can neither be detained nor penalized on immigration for their 'unlawful entry'. Lastly, to make sure that the government

of Nepal will provide exit permit to newly arrived Tibetan asylum seekers verified by UNHCR to allow their timely departure to India (Justice, 2002).

Under the *Gentlemen's Agreement*, Tibetans are first detained by the police in Nepal and are handed over to the Department of Immigration where they are interviewed. It is a legal process to know the motive for entering India. Only after finishing these formalities, Tibetans are permitted to apply for entry permit to India in the Indian embassy. Once this entry permit is issued, the UNHCR sends request to the Department of Immigration for exit permits to be issued. This exit permit provides the right to travel from Tibet to the Tibetan border at Sonauli. But since the year 1990 the Nepalese authorities lifted up the *Gentlemens' Agreement* for Tibetans who enter Nepal illegally (Center, 2002). The “Boundary Management System” Agreement signed in 1990 between Nepal and China commits to sent back Tibetans if found crossing the border illegally. If they are sent back then, the accused has to face interrogation, torture and imprisonment in Tibet . It is regarded as a serious offence under Chinese Law. Another treaty signed between Beijing and Kathmandu was the “Treaty on Mutual Legal Assistance on Criminal Matters” on October 13, 2019, according to which Nepal gives China the power to intervene in Nepal in matters relating to Tibetans. Nepal’s delegates have reiterated that “Tibet affairs are China’s internal affairs. So, Prime Minister Oli has given assurance that Nepal will not allow or oppose any ‘anti- Chinese activities’ inside Nepal. Chinese President on the other hand, has stated that “anyone attempting to split China in any part of the country will end in crushed bodies and shattered bone (Shaw, 2020). Since this policy has been implemented, it has reduced the illegal entry of Tibetans between 2,500 to 35,000 before 2008 to just 18 in 2009. Indra Prasad Aryal, Chairperson of the Human Rights Organisation of Nepal has warned that this agreement is just the beginning of an extradition treaty that could permit China ‘to take Chinese political and religious dissidents from Nepal and punish them in their own country’ (Shaw, 2020).

In absence of legal status of the Tibetans in Nepal, Refugee Identity Card (RC) is important for Tibetans to reside in Nepal. It ensures a certain level of security from being persecuted by government authorities and minimizes the chances of expulsion. It guarantees certain minimal rights, and helps in official works such as getting travel documents, purchasing motorcycles, applying for driving license etc. The Refugee Identity Card is also needed for Tibetan children to travel to India for education. Without the RC, it is difficult for them to attend Nepalese schools and secure employment locally. Nepalese officials visit the settlements periodically to check the RC among the Tibetans. The RC needs to be renewed

annually which sometimes become difficult, if not troublesome for them particularly, when they are not present on the official registration day and for those who reside outside the settlement. Even with the RC Tibetans in Nepal enjoy very little or limited freedom and rights. Travelling is restricted to certain regions of the country like the northern border of China. There is always the risk of getting arrested or even deported. Tibetans cannot obtain a passport in Nepal when in need of travel documents. They must present a valid RC and pay the required fee of USD 100-150. People obtaining travel documents must show valid reasons for travelling outside the country, such as a letter of invitation, medical problems, family reunification, conferences and business. Of late, due to progressive relationships with China, the Nepalese government has become dubious about the issue of travel documents. Initially, for many years the Nepalese government permitted Tibetans to travel to India with a refugee document but since the law passed in October 2000 it is obligatory for them to present their valid documents, if they were to travel to India through airways. So, in order to escape the bureaucratic hurdle, which they face while acquiring travel documents; majority of Tibetans prefer to travel to India overland through bus services while, some of them opt for false documents or pay bribe to the officials, basically when they travel to other foreign countries. But The United States, Canada, Switzerland, and a few other countries' embassies refuse to accept those false travel documents and grant visas only to those who obtain proper passport. Thus, such policies make foreign travel for Tibetans unfavorable (Justice, 2002).

2.8. Citizenship Issue:

Theoretically many Tibetan residents have become eligible for Nepalese Citizenship. Section 6 of the Citizenship Act of Nepal permits an adult Tibetan to apply for citizenship if he /she:

- a. Has the ability to speak and write the national language of Nepal.
- b. Has renounced citizenship of any other state.
- c. Is a member of any profession in Nepal.
- d. Has resided in Nepal for at least 15 years.
- e. Is a resident of a country that permits naturalized citizenship to the citizens of Nepal.
- f. Is of good moral character (Justice, 2002)

People seeking citizenship in Nepal must also confirm if they have made or can make any substantial contribution to science, literature, art, philosophy and World peace, the welfare of humanity, Nepalese industry or economic improvement. In such cases the application favoured and is considered the government officially does not stop Tibetans from acquiring citizenship. The government does not officially encourage them to take up Nepalese citizenship. Even though few women especially those married to Nepalese men have taken up citizenship. Cases of the purchase of false citizenship cards have also been recorded to buy property in Nepal. Only children born with Nepalese father is eligible to be Nepalese citizens unlike in India. Tibetans in Nepal are not keen to become Nepalese citizens because they feel that being Nepalese citizen would compromise with their Tibetan national identity.

Tibetans in Nepal have no right to own property. They cannot purchase own house or land; not even automobiles or any other form of personal or real property. In such a situation, they usually rent houses from native people and even purchase shops in their name. They can only own a motorcycle, but then again, getting a license and (or) renewing it, becomes another hurdle for them. In such circumstances, acquiring Nepalese Citizenship is useless. Tibetans in Nepal basically reside in settlements and in the rented houses. So now, with the growing population amongst them, they have begun to face difficulty in accommodation because they are restricted to purchase property of any kind. Since Tibetans do not pay any tax to the government, they do not receive any benefit, assistance or aid of any kind from the Nepalese government. Therefore, skilled laborers and educated youths are compelled to work in some private sector with substandard incomes, while a few hire local individuals to be the nominal owners of their businesses. In addition, Tibetans in Nepal face restrictions regarding the freedom of expression and even peaceful demonstration. There is limited political and cultural freedom because whatever they perform publically is often perceived as a political activity which might be portrayed to be anti-Chinese which is forbidden in Nepal.

2.9. Circumstances that put the Tibetans to Refuge:

Tibetan migration to India does not involve a conclusive process. It has taken place several times, depending on the political upheaval or conditions in Tibet. Earlier Tibetans travelled to India and Nepal for trade and commerce. Pilgrimage facilitated commercial exchanges and there were also some trade along the borders. A thriving trade of wool developed between

Tibet and India through the towns of Kalimpong that slowly encouraged the migration of the rich Tibetan merchants in the town (Datta, June 2006). But the mass migrations that they undertook following the political events of 1959 were totally different. The political rivalry between the two countries viz. Tibet and China resulted in the Chinese takeover of Tibet and even the head of the traditional government of Tibet, the Dalai Lama fled His motherland to take refuge in India. The flow of refugees from Tibet has not really totally stopped since then.

The cause of this is a complicated one arising from the peculiar geo-political conflict between the two countries and their respective perceptions regarding the relation. China claims that Tibet has always been an inseparable part of China since the time of the Yuan dynasty (1162-1227) while the Tibetans have a different perception of the relation with China. It originates from the unique form of government that the Tibetans enjoyed with the head of a religious sect as the head of the state as well as the de facto ruler of Tibet. The system was initiated by the Mongols who later established their control on China as well. It all started in the thirteenth century when the Mongols became the dominant power in the whole of Central Asia. In order to avoid being occupied by them the then ruling Sakyapa sect sent a delegation to Genghiz Khan with the proposal for guaranteeing the Tibetan autonomy by supposedly surrendering their foreign suzerainty under the Mongols. Impressed by the personality and scholarship of the lama, the Khan accepted Buddhism as his religion and showered gifts and respect on his guru. This particular event was the beginning of the priest –patron relationship between the two parties. Thus, since then the ruler of the Tibet became the religious guide and advisor of the Mongols and in return Mongols became political protector of the Tibetans. This patron- priest relationship continued for four centuries. It was in the second phase of the priest patron relationship that the 5th Dalai Lama, head of the Gelug sect of Tibet was made the defacto ruler of Tibet by Gusri Khan, the Mongol. This initiated a very special form of Government in Tibet, headed by a spiritual person and accordingly the structure of the government also became special with monks and monasteries enjoying special positioned in the administrative structure and hierarchy. During this period, Mongols continuously tried to conquer China and Tibet. They even tried to capture the 7th Dalai Lama (1709-57) which was rescued with the help of Chinese. And this incident again re-altered the relationship between Tibetans and the Chinese as the priest and the protector (Roemer, 2008). Succession to the government was decided through reincarnation and some prescribed methods were followed for the identification of the same. China however claims that some of the Dalai Lamas were

identified through the use of the golden urn sent by the Emperor from China. Hence China's control on the system. China's actual control on Tibet however was nominal.

The relation between Tibet under the 13th Dalai Lama and China deteriorated in the early 20th century. When the British attempted to open up Tibet in the year 1903-04, the Qing dynasty invaded and conquered Lhasa, considering Tibet to be politically inferior and attempted to increase control over Tibet's administration. In 1911, a year after the collapse of the Qing dynasty, Tibet declared its independence. All Chinese residents and officials were expelled by the Tibetan government. Henceforth, Tibet functioned as *a de-facto* independent nation. It was after the formation of the Communist Government in China in 1949 that Mao expressed his intention to bring back Tibet to the fold of the 'Motherland'. The Chinese army invaded its eastern borders in the year 1950 in order to unify it with China. Even though Tibet till then functioned as an independent nation, the political status of Tibet was unsettled because China still claimed its sovereignty over Tibet. The western world, including Britain and The United States did not recognize 'Tibet' as a fully independent territory. (Warren, 2009)

Defeated in the war, representatives of the Tibetan government signed the "Agreement of the Central People's Government and the Local Government of Tibet on Measures for the Peaceful Liberation of Tibet" which is commonly known as '17th Point Agreement' with Beijing granting China's sovereignty over Tibet for the first time. The circumstances under which this happened is controversial as it is said that the Tibetan delegates were made to sign the agreement by default. Under this agreement CPG declared that all the nationalities within the boundaries are equal and they shall establish unity and mutual aid and oppose imperialism and their public enemies. They shall become a fraternal and cooperative family under People's Republic of China. There shall be freedom of spoken and written languages and also the freedom to reform their won cultures, habits, and the religious beliefs. (Warren, 2009)

But The Tibetan representatives on the other hand claim that it was imposed upon them. The agreement stated that the central authorities "***will not alter the existing political system in Tibet***" or "***the establishment status, function and powers of the Dalai Lama***" (Smith W. W., 2010). The Chinese promised to respect and protect Tibet's religious beliefs and customs but the reality turned out to be different. In 1956, China replaced Tibet's traditional government with the Preparatory Committee for the Autonomous Region of Tibet. The Tibet Autonomous Region was divided into territorial division as a result of which Kham and Amdo became

Qinghai, Gansu, Sichuan and Yunnan the central province of the U-Tsang (TAR). Scholars have pointed out several contradictions in the clauses of the document itself.

It was the implementation of the reforms that deteriorated the relation with China. This crucial period in the history of Tibet has been described in several accounts of Tibet including the biographies of Dalai Lama, *The Last Dalai Lama* being one of those. The impact of the Chinese attempts to change the social relations and peoples' perception among the common masses in the rural areas has been graphically described by Dawa Norbu in his autobiographical book *Red Star over Tibet*. Protests spread in retaliation to these reforms, and it even took the form of armed revolt in Kham in eastern Tibet. Tibetans however were no match to the PLA. In the year 1957, to prevent the spread of revolt to the central Tibet and to ensure the return of Dalai Lama from his India tour, Mao promised to stop the reforms against the Tibetan's wishes. But once he returned the reform again started in eastern Tibet. Thus, the more intensified revolt started in the Leap year forward in the year 1958 (Jurist, 1997).

Finally in 1959, Tibet accused China of violating the clauses of the 17 points agreement, on the basis of it curbing the religious freedom and the restructured government of Tibet. There was a nation-wide resistance by the Tibetans on 10th March 1959 demanding the withdrawal of China from Tibet. Therefore, the Chinese army crushed the uprising of Tibetans. Since then, this day has been marked as "Tibetan National Uprising Day". After the ruthless crushing of the first revolt of Tibetans by the Chinese army, the Tibetans started fearing the detention of Dalai Lama by the Chinese authorities. Ultimately Dalai Lama decided to flee Tibet on 17th March 1959. Accompanying him, hundreds of his followers escaped Lhasa and sought political asylum in India. Apart from India, many entered Nepal and Bhutan seeking refuge. Thus, following this, the escape of Tibetans from Tibet has been continuous. The Tibetans have always tried to prove that historically, China had never exercised total control on Tibet and the controversy has originated from the different perceptions of the particular concept of priest patron relationship, the basis of the bilateral relationship. China however, has its own interpretation. But to be sure it was the unique form of government that turned out to be the basic cause of this controversy.

Henceforth, flight from Tibet took place in phases. The Cultural Revolution (1966-1976) of Mao's revolutionary politics of repression towards Tibet began by the concept of revival of the forms, spirit and consciousness of collectiveness. It started with the destruction of the old

building with the new ones unleashing the Red Guards to destroy the “Four olds” (old ideas, old culture, old traditions, old customs) which was regarded as a hindrance to socialism. Monasteries were attacked, destroyed and plundered and monks were forced to give up their profession and take part in physical labour. This too has been described by Dawa Norbu from his personal experiences with focus on the psychological trauma that this has brought to them. Another brutal diktat was the Education Campaign under which the Tibetan customs, traditions, songs, dance and even language was replaced by the “progressive and the socialist” structure; all in Chinese styles according to them (Warren, 2009). Everything that was feudal till then in Tibetan society was to be replaced by new Chinese ways. Since, much obliteration was already caused by the Cultural Revolution; all these factors contributed more reason to the Tibetan migration to India. The Tibetan grievance against Education policy whereby Chinese is imposed on them at the cost of their own language and history continues till today.

Another wave of arrival started in the 1980s following the slow liberation in China’s Tibet policy. Unhappy with the Chinese control on them the Tibetans took advantage of the relaxation of the control. The opening of the Sino-Nepali border encouraged the steady flow of Tibetans into India and Nepal. But once this relaxation led to the protest demonstrations by the monks, commonly known as the Lhasa uprising in 1987, the grip was tightened once again. Simultaneously with the changing refugee policies of both India and Nepal it has become increasingly difficult to cross over the border but the stream has not totally dried up. As per some data of 2011 the number of Tibetans arriving in India varied annually between 1,500-3,500 (Center, 2011). Estimated number of Tibetans living in India according to CTA (as of 2007) was 111,170 out of which 85,000 live in India. U.S Committee for Refugees and the UNHCR report higher estimates, and holds that more than 125,000 Tibetans live in India (Center, 2011).

Tibetans continue to visit India for varied reasons involving religion, politics and education (both spiritual and formal), social and economic. In addition, they travel to accompany their relatives in India, or to meet their spiritual leader the 14th ‘Dalai Lama’ who is regarded as the symbol of Tibetan nationalism. Therefore, one can assume that the reason behind the flow of Tibetans to India could vary upon their choice. It is highly illegal for Tibetans to leave Tibet. Tibetans fleeing their home have to face many challenges, apart from the risk of getting tracked, the risk associated with high altitudes and overall harsh and inaccessible terrain is also high. (Subba T. , 2001). Change of climate can also prove fatal. Tibetans

mostly enter India through Nepal because those who try to enter India through the Sino-Indian border, face the risk of getting repatriated on the basis of de- facto policy of 'voluntary repatriation' formalized between Indian government and CTA from the year 1994 (Center, 2011) Taking into consideration, the sensitive security situation at the border; the Indian officials tend to turn a blind eye to the Tibetans entering India via Nepal. So they prefer Nepal as an easy route of transit to reach India, as it happened in the early 1980s and 1990s. (Center, 2011). Following the "the Gentleman's Agreement" Nepal government started allowing Tibetans to stay in Nepal. It is the UNHCR that handle the process following certain criteria as per which they are allowed to travel to India legally. But if any Tibetan enters India via any route other than Reception Centre in Kathmandu, they are not liable to get the Special Entry Permit which is the most important document for a Registration Certificate without which they will be regarded as illegal migrants (Center, 2016). Tibetans enter Nepal and after spending some time with their people there, travel to India and finally settle down there. Since India has soft rules for them, they tend to take full advantage of it. Some of them of course visit India only for the purpose of pilgrimage because they regard India as their holy place for the Dalai Lama lives here. After seeing him, some of them tend to return back to Tibet. But most of the Tibetans escape Tibet to never return. They stay here with their relatives and after sometime, they tend to settle permanently. Recently, there were reports that few Tibetans even travel to foreign countries through India (Center, 2016). No matter how many strict rules are adopted by the Nepalese government in order to stop the illegal migration of Tibetans to Nepal, it has failed to be full proof. Tibetans even after realizing the risk of getting convicted, if found escaping, manage to cross Nepalese borders.

2.10. Assimilation and Integration of Tibetan Refugees in the Host Countries:

India: Even though there were several Tibetans, specially from the aristocratic families who sent their children and families to India even before the actual Chinese takeover of their homeland, Tibetans started entering India *en masse* from the year 1959, when, following the Chinese occupation of Tibet His Holiness the Dalai Lama Himself fled Tibet to take refuge in India. The Indian government, considering the religious and historical connection between the two nations decided to grant political asylum to Dalai Lama and His fellow citizens on grounds of humanitarianism. It was clarified that The Dalai Lama was 'free to carry on his

religious activities in India' but neither The Dalai Lama, nor his followers could exercise political acts from Indian Soil which could sour India's relations with Beijing. (Mishra, 2014)

The first batch of Tibetan refugees entered India for political asylum from Chuthangmo, an Indian check post on the eastern border of India, from where they proceeded towards Tezpur in the north-eastern state of Assam. At first, Indian government with the help of state Government of Assam and the West Bengal set up various transit camps at Missamari in Assam and Buxa in Coochbehar of West Bengal (Kharat, 2003). The Indian government in the initial stages, set up camps for Tibetan refugees, and provided them with assistance, like shelter, medical treatment and rations. India also created temporary work for them in construction sites for their economic rehabilitation. Due to unfavorable climate, many Tibetan died in the camps and finally the process of relocating them started. In 1960, India relocated The Dalai Lama from Mussoorie to McLeodganj, Dharamsala (Himachal Pradesh) and permitted to set up a Tibetan Government in Exile which came to be known as the Central Tibetan Administration (CTA). The CTA's first motive was to relocate Tibetan refugees in India and Nepal, to other destinations. It wanted to preserve and develop Tibet's language, culture, history, religious traditions and educational systems. India started the rehabilitation process at first by establishing settlements by leasing land in the Indian states of Himachal Pradesh, Ladakh, Arunachal Pradesh, Karnataka, Uttar Pradesh, Madhya Pradesh, South Sikkim, West Bengal, Maharashtra, and Orissa. (Center, 2011)

The arrival of Tibetan Refugees into India can be divided into many phases, starting right from the year 1959 to 1979. The year following the Lhasa uprising, and the flight of the Dalai Lama, it was estimated that approximately 30,000 Tibetans entered India by November 1959. Next, it was between the years 1980-1993, following the introduction of 'Cultural Revolution' and Economic Liberation in China, when nearly about 25,000 Tibetans arrived in India via Nepal (Center, 2011). Besides this, there is the continuous flow of Tibetan immigrants into India for various reasons like education, pilgrimage or for political escape etc. Today it is estimated that roughly 130,000 ethnic Refugees reside in India (Center, 2016).

At present, Tibetan refugees in India live in thirty seven formal settlements and seventy informal Tibetan communities, scattered throughout the country. About 20,000 monks or nuns reside in monasteries located in or near 54 of these settlements. According to The CTA, 111,170 Tibetans live in exile; about 85000 of them live in India. While, other sources

suggest about 110,000 and 125,000 (Center, 2011). Girija Saklani categorized the Tibetan settlements into 7 groups.

1. Agricultural settlements.
2. Industrial settlements.
3. Rehabilitation through handicrafts centres.
4. Employment in multi-purpose societies.
5. Economic settlement directly under the Dalai Lama's trust.
6. Employment in the Tibetan establishments and in the Tibetan music, dance and drama society.
7. Individual trade and business enterprises on small to moderate scale (Saklani, 1984).

In terms of governance, The CTA which is the highest government administration of Tibetans in exile, appoints officers for each settlement. These officials are responsible for the entire administration of the settlement. In case of India, The Government of India technically retains comprehensive authority over the settlements (Center, 2011).

Nepal: Historically, Tibet and Nepal have a long history of cultural and religious exchange. Both the countries also had trade relations over centuries. Along with trade, there were intermarriages and the sharing of culture amongst the people of the two nations. In the fifth century, the Tibetan King Songsten Gampo, who is regarded as founder of Tibet as state is said to have married both Nepalese and Chinese princesses. It is from the Nepalese queen that the king is said to have developed his fascination for Buddhism (Center, 2002). Tibetan Buddhism is practiced in the mountainous regions of Nepal which shared ethnic, cultural and linguistic traits with the Tibetan brethren. So, when The People's Liberation Army moved into Tibet after 1949, The Tibetans considered Nepal as a safe haven for transit. The arrival of Tibetan Refugees in Nepal commenced particularly with the arrival of The Dalai Lama into India in 1959 and also in the year 1989 after the Lhasa assault (Roemer, 2008). The influx of Tibetan refugees also took place after the sealing of Tibetan Guerilla base in the western Kingdom of Mustang which is a frontier between Tibet and Nepal⁴ (Center, 2002). Nepal does not have any legal framework concerning refugees, as it will be discussed in a following section. Yet, Nepal has granted asylum to Bhutanese and Tibetan refugees in its soil.

⁴ The Gushi Gandruk Guerilla forces had regrouped in exile and set up a base of operation in Mustang in the Tibetan border. They used to raid Chinese convoy and military bases (Praag M. C., The Status of Tibet: Human Rights, and Prospects in International Law, 1987, p. 175).

The arrival of Tibetan refugees in Nepal began in the early 1950s and then continued for long following the Lhasa uprising. They established camps primarily in the Himalayan border regions of Western Nepal such as Mustang, ethnically a Tibetan kingdom of Nepal, as well as in Nubri and Solu Khumbu with the assistance of UNHCR, the Swiss government, the Australian Refugees Committee and the International Committee of the Red Cross Society (Frechette, 2004). By the early 1960s, the Nepalese government provided Tibetan refugees with land in regions like Chialsa in Solu-Khumbu, Tashi Palkheil, Dhorpatan and Jawalakhel with the help of the United Nations High Commission for the Refugees. Thereafter, with the assistance of non-governmental organizations, they built roads, homes, schools and medical facilities. After that more settlements grew up in Jawalakhel, Boudha, Swayambunath and Jorpatani in and around Kathmandu. Jampaling, Paljorling, Tashi Ling and Palhkeil in the Pokhara region and Dhorpatan, Chialsa, Chsirok, Shabrus, and Lumbini in the northern regions of Nepal (Center, 2002)

The economic sustainability of Tibetan refugees in Nepal is different as compared to India. Right from the beginning, they had received substantial assistance from international organizations, particularly the Swiss. They were the ones who established Tibetan settlement camps. They also started the first carpet industry by training the first generation Tibetan refugees, the art of weaving fine quality carpet along with the skill of management. Swiss international organization was the one who set up carpet export companies in Nepal. Apart from working in carpet industry since the initial days of their plight, the Tibetans in Nepal support their livelihoods by selling souvenirs, operating small restaurants, engaging in minor trade or industry and some subsistence level agriculture and production of handicrafts and carpentry. In Nepal Tibetan refugees have to share the allocated existing space, as they have no right to expand the settlement as they are not allowed to purchase land and construct housing just in the case of their population growth. Since Tibetan residents have no right to own property or business in Nepal, they usually hire Nepalese citizens to act as the nominal owners of their businesses. After the establishment of Tibetan carpet industry in Nepal, it has evolved into a primary source of income and the largest handicrafts industry. It is the largest earner of foreign currency in Nepal now (Center, 2002).

2.11. Briefing on the life of Tibetans: Social Habits and Customs

Religion and culture:

Religion is the characteristic core element in the life of a Tibetan. Everything in a Tibetan's life revolves around religion and their social interactions, culture even lifestyle reflect the deep impact of religion in their lives. In other words, it is religion that binds and builds up the Tibetan society. In a traditional Tibetan society, there existed a dualistic secular and sacred sphere. In the older order, religious personalities were placed in higher social order than the secular consisting of lay Tibetans, agriculturists and traders. High respect was entitled to any person holding a high place in religious hierarchy. The monastic order was based on the dualistic principle of jointness and hierarchical control. In everything, the heads of the monasteries were the 'domains of gods'. The importance and status of religious heads was reflected in the structure of the traditional government of Tibet, headed by the Dalai Lama who was the head of the Gelugpa sect of Tibetan Buddhism. All other posts in the government were shared by both religious and secular personalities, the former enjoying a higher status even if junior to the latter by age. The religious authority had the right of control over the secular authority at all levels in the society. (Saklani, 1984) Saklani has further noted that Tibetans would confer higher social status in their social order by a person's personal virtues, such as moral character, intellect and religious devotion not by the religious-political standing, wealth and family background (Saklani, 1984). Even the *tulku*-concept of reincarnation: the method of identifying the Dalai Lama is based on the Buddhist cycle of rebirth.

Even in exile, the tradition of religiosity prevails, in the sense, that a person having high position in religion is given high respect. This is because of the fact that the first generations of exiled Tibetans are the ones who inherited religious-culture along with their reprisal. They are enthusiastic in preserving and transmitting this trait to their children. Despite being exposed to new society, culture and modern world, aged Tibetans have been successful in keeping their young, inclined towards their religion without being diluted by western influence. The Youth have been influenced by the ideology of secularism but in totality, religion still plays a vital role in their socio-cultural life. Maybe for Tibetans, Dalai Lama, their religion and religious institutions continues to be a force that binds them together as a nation that is expressed in their loyalty towards their lost motherland and their willingness to return to Tibet. We can see that the Tibetan refugees settled all over the places have built *Chortens* and *Monasteries* to displays their devotion and deep faith in their religion.

Religiousness is also reflected in their lifestyles and practices and also in the structure of Central Tibetan Administration that proves as how important their religious foundation continues to be.

Culture is a component which is transmitted from one family to another and from one generation to another to make up a society. It determines our values and morals which is important to define what we are and where we belong. Tibetan refugees have experienced new environmental, geographical, political, social and cultural transformations in Exile. It altogether introduced a new world to them. Their lifestyles, norms and traditions were different in Tibet. Introduced to metamorphosis, their culture also underwent a transformation in various ways. The Tibetan traditional joint family became a nuclear family. The polyandry system became monogamous. Women were given equal status and opportunities compared to their traditional practices in Tibet. With their exposure to the modern world, their vision towards life has been changing. Youths are more fascinated towards modern lifestyle, habits, and life opportunities. Traditional family values and morals are changing and replaced with modern values and outlook. In spite of this, Tibetan community outside of its territory has been successful in keeping their religious values and customs intact. Their lifestyles, habits and practices have given them an identity and that serves as an element of their nationalism.

Education and Occupation:

Education plays a key role in transformation and Tibetan refugees are no exception. It helps to build self-confidence and consciousness in order to lead a successful life. It shapes visions and expectations from life. It can be regarded as a powerful tool in the process of adaptation and social integration in a new environment. Education among Tibetan refugees is one of the integral agendas of the rehabilitation process. They have successfully set up widespread network of educational institutes comprising with primary and higher education serving both the secular and the religious needs of the society. For this, they have received full assistance from the Government of India. The different monasteries have set up their centres for religious studies and trainings. Just after entering India in 1960s Tshering Dolma Taklha, (sister of Dalai Lama) was given the responsibilities to establish a school for the Tibetan children which was later converted into Tibetan Children's Village (TCV) schools, spreading its branches all over India educating over 16,000 Tibetan children (Center, 2011). CTA, with the help of the Government of India, Snowline foundation and other voluntary organizations has shown major concern in establishing special schools for Tibetans, the basic objective is

teach Tibetan language, religion, culture and provide modern and secular education as well, in order to make Tibetan people self-reliant. Tibetan, as a vernacular language is used as the medium of instruction in all Tibetan schools till grade V and second language from grade V to XII. It is called the policy of “Tibetanisation of education” (Center, 2011). Its aim is to protect Tibetan language and culture from extinction and dilution. There are different types of schools for Tibetans in India, like Tibetan Children Village (TCV) School, Tibetan Homes Foundation and Transit school for new arrivals. Transit schools provide English and Tibetan language instruction and vocational training. All Tibetan schools are administered by CTA Dept. of Education and Central Tibetan Administration, which is an independent institution that falls within the jurisdiction of the Indian Ministry of Human Resource Development. Apart from this, many Tibetan children now-a-days attend local schools and some pursue advanced professional courses from Indian universities and institutions. Indian government provides reservation policies annually in engineering, medicine, pharmaceuticals and printing technology.

Social Life and Language: Social life is an important part of any individual. It involves an evolution of individual life with their society. Traditional Tibetan society was organized upon a hierarchical pattern. It was an index which referred to the social inequalities which people in the Tibetan society were subjected. There used to be two factors that indicated the socio-economic hierarchy depending upon the possession of land and religious status. Social stratification was based upon land ownership and the position of the individual both in religious and secular domains. The distribution of land and other properties was governed by feudal principles (Saklani, 1984). But the scenario in their host countries is different now. Now since they do not have their previous property ownership, it is mere an indication of their social status. .

Tibetan language too has been mixed now. Tibetan is no more the only language that the Tibetans speak. Tibetans have learned local languages and they communicate in local language with the local people. Of course they speak Tibetan while they communicate at home, but they use the local language when outside. English is common among them, especially in India.

Occupation: Economy and occupation are the major elements that provide a degree of access to goods and services to lead a good and healthy life. It determines the social and economic relation in a society to maintain a certain standard of living. In the initial days of Tibetan

influx in India, they were provided with manual jobs at construction sites. The Government of India also allotted land for their settlements keeping in mind the scope of their economic activities and livelihood. Out of thirty seven formal settlements and seventy informal ones, Karnataka, Uttar Pradesh, Madhya Pradesh, South Sikkim and Odisha are agriculture based settlements and remaining others like Ladakh, Himachal Pradesh, Arunachal Pradesh, and West Bengal are industry based settlements.

Over time, Tibetans re-initiated their traditional expertise in weaving carpet, woolen garment and handicraft making skills as a source of income and means of livelihood. With time, woolen sweaters, carpets and other handicraft items were widely acknowledged and thus, it became their main occupation. On the other hand, those who were provided with additional land made agriculture their source of livelihood. In due course, many people established small businesses like garments shops, shops selling souvenirs, Thankas and paintings, small eateries etc. in town areas where they have were reinstated. Today most of them are successful entrepreneurs. In fact, Tibetans presently have become pure businessmen in many towns and cities like Darjeeling, Dehradun, Dharamsala, Mussoorie etc. and all the places where they have settled down, particularly along the Himalayan belt. Many educated youth have been working in their own CTA, and other offices related to administration. Many of them have become doctors, engineers, teachers, nurses and other professionals, and at present, many of them have the greater aspiration to settle abroad for a better future. Unfortunately, the fact that they are refugees, no matter how educated; they are hopeful of a bright future and express their willingness to travel abroad where they may have even better opportunities and a bright future.

Politics: Politics is the one thing, people cannot refrain from. Politics shapes the peoples' existence in any polity. So, Tibetan refugees are no exception. Their coming to India, and the establishment of CTA, can be viewed as the inception of Tibetan entry to mainstream politics because this institution was established with the purpose of advocating the freedom of Tibet and challenging the legitimacy of Chinese occupation. Tibetan issue is a part of international politics; their status in the host country depending upon the country's relation with China. Moreover, after having lived in India for decades, Tibetans have become an integral part of Indian society, receiving a cordial amount of support by local governments. So, in this regard, Tibetans have close connections with the host government. This makes a huge impact on their day to day life for survival. It has been found that Tibetans who have Indian citizenship, have been taking part in Indian electoral processes too. They have an affinity with the local

government too. Tibetans have been given voting rights in some states, which at times has developed into a controversial issue in India. The Government of India has been lenient in this regard. But political status is different for the Tibetans in Nepal. Tibetans there do not have the right to acquire the citizenship card, irrespective of their residence. There Nepalese government has been strict regarding this issue. They are still refugees holding the “Refugee Registration card”. As a result, Tibetan refugees in Nepal have to follow strict guidelines of the government. They do not enjoy the right to freedom, expression and movement like that in India. This issue has been elaborated in a subsequent chapter.

2.12. The Central Tibetan Administration- Its Structure and Functions; A Critical Assessment

Central Tibetan Administration (CTA) is the autonomous government of Tibetans in Exile. The function of the Government in Exile depends upon the concern of the government where it has been established. The autonomy and intensity of its functions ultimately depend upon the liberty given to them by the concerning government. The cooperation and recognition of the hosting government depends on the security and compulsion of that government. So in such case, Exile government becomes important for opponent or other bargaining power in international conflicts (Roemer, 2008). Even though CTA is installed in India its functions as an administrative authority of all the Tibetans living in exile which is to say that it work as a binding administrative body for all the Tibetans spread Worldwide.

After experiencing the bitter assault in the hands of the Chinese, the Dalai Lama realized the need of organize his fellow citizens in the modern political structure. So immediately after entering India in the year 1959, He at first emphasized on rehabilitating his people in the new environment, preserving their culture, and promoting harmony among them. For the same reason also set up an effective Government-in-Exile: the Central Tibetan Administration in 1959 consisting of the cabinet, the *kashag*, with six portfolios was Home Affairs, Foreign Affairs, Religion and culture, Education, Finance and the Security. Subsequently, In order to link the Indian government, foreign diplomatic missions and the various international relief agencies, a bureau was opened at Delhi, and Gangtok, followed by that in Kathmandu, and also in other countries like New York, Geneva, Tokyo and London. It acts as unofficial embassies for the Government in exile. (Praag, 1987, p. 167).

Initially the Central Tibetan Administration had to struggle for political survival and also for the international recognition. At first, CTA relied heavily on NGOs, transnational organizations, international community and nation-states either for diplomatic relations or for relief materials and in the face of immense difficulties it was not in a position to indulge in politics nor did the Government of India want Dalai Lama to do so. It was clear from certain statements made by Nehru. On 3 April 1959, even before Dalai Lama's actual arrival in India, Nehru made a declaration in the Parliament that the Dalai Lama would be treated respectfully if he sought asylum in India but he also made few statements in order to make his stand clear (Stobdan, 2019):

- a. The Dalai Lama had come to India on his own volition and not on the suggestion of the Indian government.
- b. He was entirely responsible for his statements that he made in India,
- c. There was no Indian hand in the drafting or preparation of those statements.

Again, on 20 April 1959, Nehru made another statement that the Dalai Lama would be free to pursue His religious activities in India, he could not participate in political programmes in India (Stobdan, 2019).

CTA was established on 29 April 1959 in the north Indian hill station of Mussoorie and was later shifted to Dharamsala, Himachal Pradesh. It was in the meeting that was concluded between the 14th Dalai Lama and Jawaharlal Nehru when Nehru at first learned about the Tibetan provisory government in exile. He at that time responded empathetically expressing that even though Government of India would recognize an exile Tibetan Government because India was bound by the Sino-Indian 1954 agreement. Moreover, he was not willing to sacrifice the relationship with China for Tibet. He went on to explain that it was about the security and integrity of India. Secondly, he expressed India's wish to maintain friendly relationship with the PRC yet, expressed his sympathy towards the Tibetan people. So, at Indian Government cleared its stand on them; and extended full support in accommodating them (Roemer, 2008). Nevertheless, it is determined that India's decision to accommodate the Tibetans was based on its own political objectives.

The structure and policies of the CTA is based on the principles of Buddhism and democracy combined with traditional values with western political concepts. It is based on the lines of representational claim. Initially the CTA was not a new political structure rather a continuation of the Government of Tibet in Lhasa. Even in the traditional Tibetan

government Dalai Lama, was considered as ‘Lord of Tibet’ He had the sovereign power and supremacy over the subjects and state and the *Kashag* or the Council of Ministers would carry out all the administrative responsibilities of the government. Books like the *Uprooted Tibetans in India: A Sociological Study of Continuity and Change* by Girija Saklani, *The Religion of Tibet* and *Portrait of a Dalai Lama: The life and Times of the Great Thirteenth* by Charles Bell, *Rule by Incarnation* by Franz Michael, *The Dalai Lamas: The Institution and its History* by Ardy Verhaegen etc. describes the traditional form of Tibetan government⁵.

All the elements of traditional government exist there in the initial structure of the CTA. These elements of democracy were gradually brought in the Year 1960 the Dalai Lama for the first time called for democratic election to form a newly created representative body, the Commission of People’s Deputies and promulgated the draft Constitution with the sole aim of teaching his fellow citizens as how should Tibet be ruled when she regains her freedom (Praag, 1987, p. 167). The new Constitution of Tibetan government in Exile recognized the supremacy of International law, The United Nations Charter, the Universal Declaration of Human Rights and also the denunciation of use of force as a national polity.

CTA is portrayed as the *de-facto* government of Tibet in exile and has been functioning as sole administrator of the exiled community. The supreme administrative power of exiled Tibetans rests with the Central Tibetan Administration. It is the primary administrative body upholding the sovereign authority over Tibetan refugees all over the globe. It is responsible for all socio-economic development undertakings and the political authority for exiled Tibetans globally.

The Central Tibetan Administration works on the principles of truth, nonviolence, democracy and freedom, and also strives towards the independence of Tibet. The administration has been set up to rehabilitate refugees from Tibet and to restore its freedom. Yet, most precisely, it aims to revive the glory of Tibet back in India and other foreign soils. Its rehabilitation process includes three important objectives (Democracy, 2012);

- i. The promotion of education among the exiled Tibetans.
- ii. The setting up of a firm culture of democracy.

⁵ Traditional form of Tibetan government is unique because it is ruled by reincarnation of the Dalai Lama. The process of identifying the succeeding Dalai Lama is also very spiritual.

- iii. The setting up of ways by which Tibetans can survive through exile with dignity, self-esteem and confidence on the basis of self reliance and self-sufficiency (Relation, 2013).

In other words it is considered as the instrument for the reconstruction of Tibet, so that it would not let “Tibetan dreams” to go out of sight amongst the Tibetans until freedom is achieved.

The model of governance of the CTA reflects the Commission of Tibetan Peoples’ Deputies, or a Parliament that was formed on 2nd September 1960, which was later transformed to “The Tibetan Peoples’ Deputies”. Furthermore, in 1990, Dalai Lama started the process of democratization by increasing the number of the “*Kashag*” (The Cabinet members). Then, in 1992, the Tibetan Judiciary or The Tibetan Supreme Justice Commission was instituted under the terms of the Arbitration Act of the Government of India. In the year 2001, the Tibetan Parliament on the advice of Dalai Lama amended the *Charter* for the direct election of the *Kalon Tripa* (the highest executive authority), following the election, in the year 2001 Samdhong Rinpoche became the first *Kalon Tripa*. It was during the third election of the *Kalon Tripa* on 20th March 2011 that the Dalai Lama devolved his political position from being political head of the State and decided to only remain the religious head of the Tibetans (Democracy, 2012). The decision of His Holiness to step down from his political status has been questioned by his own people. Although, both within and outside Tibet, His people appealed him to continue being the political head of the Tibetans, he stood by his firm statement that this will be good for the benefits of the Tibetans in the long run. During one of his public teaching at the temple in Dharamsala on 19th March 2011, He pointed out that in the modern world system “the rule by kings and religious figures is outdated”. It is the time that they must follow trend of free world and democracy; free world here means democracy, free expression and rule of law. Rather the Tibetans should feel proud to represent their own government and utilize their democratic rights fully. So decision to devolve is also a part of advancing the democratization process (Democracy, 2012).

In order to begin the system of Democracy among the Exiled Tibetans, at first, the Dalai Lama promulgated the first Charter on 28th May 1991. The 12 member Assembly of previous system of government was added by 46 deputy legislative body. The representation was broken up as ten deputies, each from the three provinces (U-Tsang, Dotoe, Domed) of Tibet, two scholars from four schools of Buddhism and Bon religion, two representatives from

Tibetans in Europe, one from Tibetans from North America and three representatives nominated by the Dalai Lama on the basis of their service and merit. The Assembly has the power to elect the *Kalon* from the *Kashag*, because earlier the appointment of *kalon* was the executive prerogatives of the Dalai Lama. Thus, in order to democratize the first *Kalon tripa* was elected directly by the Tibetan Community in Exile on September 2001 (Democracy, 2012).

The election for the *Kalon tripa* is conducted in every five years by the CTA, and every Tibetan refugee is liable to vote from the place where they are placed. The *kalon tripa* nominates the other *kalon* or Ministers and seeks parliamentary approval for the appointments. Later the title of “*kalon tripa*” was changed to “*Sikyong*”. After the Dalai Lama’s withdrawal from all political power and position the CTA has begun from all the departments on democratic norms. His decision to give up all political position was for the betterment of His fellow Tibetans. This step is also regarded as a major factor in getting western support and was meant to solve the prolonged problems of the exiled community. The *kashag* or the cabinet is the prime executive body of The CTA. Its Cabinet Members are known as the *Kalon*. It consists of a maximum of eight members, including the *sikyong*, who is the top executive head. The *kashag* presides over the secretariat and administrative services which is served by the *kashag* secretariat. There are three offices under it:

- i. The office of the Planning Commission.
- ii. Contingency Section.
- iii. Tibet Policy Institute.

The Planning Commission works for the formulation and implementation of various plans and policies made by the exiled Tibetan community that involves integrated human, physical and economic resource development needs of their people. It executes an integrated Five Year Development plan and conducts a demographic survey of the exiled community once a decade. There is a Contingency section which is entrusted with the task of compilation of the documents on the struggles of the Tibetan community and the reconstruction processes post-1959. The Tibetan Policy Institute appoints the intellectuals to assist the *kashag*. They formulate and identify the strategic issues and also the pros and cons of it to the Tibetan community and provide analysis or recommendations along with the conclusive studies of the scholars (Democracy, 2012).

Besides these, there is the important department of Planning Commission that works under the *Kashag* Department of Religion and Culture which preserves and promotes the cultural and spiritual heritage of Tibet. It looks after 265 monasteries and nunneries across India, Nepal and Bhutan (Relation, 2013). It also provides them with all their basic needs, and looks over the welfare of the monasteries including the monks and nuns of the concerned institutions. There are cultural bodies both spiritual and secular. Some are financed by the Government of India while the others are self-financed. The most important institutions that preserve and promote the Tibetan heritage and enhance the exile community's cultural life are National Library of Tibetan Works and Archives, the Tibetan Medical Center and hospital, Tibet House in Delhi, and the Tibetan Institute of Performing Arts, Religious institutions in India and Nepal (Praag, 1987, p. 167).

Like any other government, the CTA has drafted its Constitution with resemblance to the western model. "The Charter of the Tibetans in exile" is the supreme law governing the functions of the exiled Tibetan administration. In accordance with the UN Universal Declaration of Human Rights, the Charter guarantees all Tibetans, equality before law and asserts fundamental rights and independence to all Tibetans without any discrimination on the basis of sex, race, religion language and social origin. It also entrusts the power to be equally exercised by the three organs of administration: judiciary, legislative and executive (Relation, 2013)

The Tibetan Supreme Justice Commission is the judicial organ of the exiled Tibetan administration. This Commission is responsible for adjusting all civil cases, except the cases that are related to the laws of their host countries. However, it does not involve itself with criminal cases of its exiled population, as this falls under the laws of the host countries. This commission consists of the Chief Justice Commissioner, Speaker and the Deputy Speaker of the Tibetan Parliament in Exile and the *sikyong*. The secretariat and administrative services are provided by the Justice Secretariat which serves the Supreme Justice Commission. Before filing a case under any circumstances, in any of the Justice Commissions, the law asks the defendant to sign an agreement known specifically as "The Compliance Agreement" which serves to comply with the ruling provided by the Justice Commission, in accordance with the official laws and regulations.

The Tibetan Parliament in Exile is the legislative authority, comprising of 44 elected members from *U-Tshang*, *Kham* and *Amdo*. the three traditional provinces of Tibet.

Furthermore, the four schools of Tibetan Buddhism and the traditional Bon faith elect two members each. The remaining four members are elected by those Tibetans living in western countries, four from Europe and two from America. The Speaker and the Deputy Speaker preside over the parliamentary session which is held twice a year. The members of the Parliament with their representatives conduct the assessment and survey of the exiled Tibetan population at regular intervals. They keep in touch with the local people through local assemblies in 38 major Tibetan communities in exile. The laws are made and revised time to time depending upon the necessity of the people.

The Department of Home is responsible for executing plans and programmes of rehabilitation for Tibetans in exile. It maintains agriculture based settlements, handicrafts based settlements, co-operative societies and cluster units, or scattered community settlements. Each community has a representative who acts as a local administrative head to them. The department works in cooperation with the government of India and the other international organizations who are engaged in helping the exiled Tibetan community to improve their livelihoods. There is a Department of Finance responsible for revenue generation and the financial aid to its people. The main income comes from donations. It prepares a fixed budget plan for the running of the administration which has to be sent to the Parliament for its approval.

Immediately after the influx of Tibetans, the main priority was given to education of the Tibetan children. With many difficulties due to financial crisis, CTA was able to set up the Council of Tibetan Education (CTE) which was headed by Tibetans. The integration of this CTE in the Indian educational system was completed by the effort of Tibetan School Society, an independent body founded in 1960 (Praag, 1987, p. 168). With time, different types of schools were founded in India and Nepal to educate them. There are 80 Tibetan schools in India and Nepal functioning under different autonomous administrative bodies taken care by the **Education Department**. There is a 'Child Sponsorship Policy', which runs with contribution from individuals and organizations from across the globe. It grants scholarships to diligent and deserving graduates and post graduate students in India and abroad. It is an important organization dealing with basic education policies and modern teaching skills that aids to promote and preserve its traditional spiritual values too.

The **Department of Security** is responsible for the safety and security of His Holiness the Dalai Lama. This department also helps Tibetan refugees to apply for and renew the Refugee

Registration Certificate from the Government of India. This Department looks after the new arrivals in the reception centres of Dharamasala, Kathmandu and Delhi. It helps new refugees in finding jobs and getting admission in schools and monasteries.

The Department of Information and International Relations is one of the most important organs of the Tibetan Government in Exile. It is responsible for educating and creating awareness among the Tibetans and the international community about the state of politics, human rights, environment, politics and human rights situation within Tibetan borders. This department publishes books and provides information about Tibet in prints, pamphlets, over the internet and other media sources. All foreign policies and the undertakings of the exiled administration, fall under this department. Its offices are based in most major cities globally like-New Delhi, Kathmandu, New York, Geneva, Tokyo, London, Brussels, Canberra, Moscow, Pretoria and Taipei (Relation, 2013).

The Department of Health provides health care services to the exiled Tibetan community in India and Nepal. It runs 43 clinics, 7 referral hospitals and 4 primary health care hospitals and 4 primary health care centres. The Tibetan Medical and Astrological Institute popularly known as the “*Men-Tse-Khang*” is a major medical support contributor of exiled Tibetans. It has over 50 branches altogether in India and Nepal providing traditional Tibetan medical care to their people and also to the local population in their host country. Besides all these departments, there are other institutional bodies such as The Election Commission which conducts elections to elect the members for the **Tibetan Parliament in Exile**, Speaker and the Deputy Speaker and also the *Sikyong*. Other major departments are **The Public Service Commission** comprising of a chairman and other 2/4 nominated member from among the selection committee and the Chief Justice Commissioner, Speaker, the Deputy Speaker and the *sikyong*.

Lastly, there is an office of the **Auditor General**, which works with the auditing of the accounts concerning all departments of the CTA, and its subsidiaries. It audits the accounts of all the public institutions, like trading, educational and cultural institutions, hospitals, health centres, etc. The Tibetan Parliament in Exile seeks the help of different branches of the CTA, to act on different issues on the basis of audit reports.

Since Tibetan issue has evolved constantly regarding its goals, international support and its pre-conditions to achieve its homeland. In the late 1960s Dalai Lama travelled to many countries like Federation of Malaya, Republic of Ireland, Thailand, and Japan. He visited

Europe in 1973 and Asia in 1979 visited the United States of American, Soviet Union, however he was welcomed only as a religious leader particularly in those countries that have good relationship with PRC, and was not recognized as a political head. His foreign visits were considered as cultural or religious tour and not political (Praag, 1987). Even though the CTA remains politically unrecognized except by its own citizens but it has been successful in administering and mobilizing its citizens in exile.

When the Dalai Lama called for the unity of Tibetans all over to struggle with great determination and dedication to achieve its right: “the right to govern themselves”, the CTA tried to make a lobby with the United Nation to internationalize their plight on several occasions. In the year 1959, 1961, and in 1965, the United Nations General Assembly passed resolutions expressing grave concern over the violation of fundamental human rights of the Tibetan people and the suppression of the cultural and religious life and autonomy that the Tibetans had traditionally enjoyed (Praag, 1987). But not more concern than this could be heard because PRC had a dominant influence in the international sphere. Since the year 1971 USA lost its interest in Tibet and withdrew its support. Earlier, the United States had denounced the 1951 Agreement and Chinese claims to sovereignty of China over Tibet. It also had condemned the Chinese aggression and its invasion. US has always been careful about its stand over Tibet occupation thus, it did not go beyond the stand by not recognizing ‘Tibet as a part of China’ (Praag, 1987, p. 186). The PRC permanent seat in the UN Security Council also gave a power to it to block any kind of resolution on Tibet. Besides this numerous dialogues failed between the PRC and the Tibetan representatives after the fall of Mao in 1976. After all these attempts, CTA changed its stand on the status of Tibet in the borders of *Cholka Sum*. Ultimately, the Dalai Lama presented His “Five Point Peace Plan⁶” in 1987 before the US Congressional Human Rights Caucus on the Sino-Tibetan Dialogue. Later in 1988, He declared the future democratic and self-governing Tibet in the European Parliament in Strasbourg. This shift towards non-violence approach is known as ‘Middle

⁶ 14th Dalai Lama addresses the USA Congressional Human Rights Caucus in 1987. This plan contains:

- i. Transformation of the whole of Tibet into a zone of peace (including the eastern provinces of Kham and Amdo.
- ii. Abandonment of China’s population transfer policy, which threatens the very existence of the Tibetans as a people.
- iii. Respect for the Tibetan people’s fundamental human rights and democratic freedom.
- iv. Restoration and protection of Tibet’s natural environment and the abandonment of China’s use of Tibet for the production of nuclear weapons and dumping of nuclear waste.
- v. Commencement of earnest negotiation on the future status of Tibet and of relations between the Tibetan and Chinese people (Praag, 1987, p. 83).

Way Approach⁷ (Roemer, 2008, p. 83). Dalai Lama's compromise from independence to autonomy did not make any difference to the PRC.

Even though the CTA claims to be founded on the strong lines of democracy yet, its structures and functioning gives rise to its few criticisms. One such criticism is over the role of Dalai Lama's family in the CTA. For example; every cabinet between 1991 -2001 at least one minister has belonged to His Family. Roemer has referred to Richard de Jongh mentioning that the Dalai Lama's family members misuse "Democracy", and manipulate to perpetuate the existing patrimonial structures that do not change the traditional system. This is in spite of the fact that Dalai Lama is no more than an unelected monk who holds little political legitimacy and certainly has no clear position in a democratic framework but leads the exiled Tibetan struggle to return to the homeland (Roemer, 2008, p. 91). The entire governmental works and administrative responsibilities rest upon the CTA ranging from managing to budget. Some scholars opine that it is much obvious that Tibetans' loyalty towards CTA is determined by their ideological commitment and also generated by the CTA by investing certain incentives to serve in the exile structure (Roemer, 2008, p. 94).

According to article "Tibetan Democracy in Exile: The Uniqueness and limitations of Democratic Procedures in a Territory less Polity" by Fionaa McConnell; Tibetan government's transition to democracy has been justified in giving security and hope for the future of Tibet and the Tibetans. Tibetan democracy should have been calculated as a deliberate strategy aimed at key external and internal audiences and for the specific outcomes. (McConnell, 2009, p. 216). She further added that even though CTA has a parliamentary election. it does not have political parties and thus represents a form of politics based on Buddhist prioritization of cooperatives over competition and is the outcome of the aspiration for social unity. There is no political opposition. Secondly, in democracy; symbolic representation is necessary but CTA conducts elections with quotas or reservations of seats for representatives from religious sects and traditional regions of Tibet. Thirdly, the constituency in exile votes articulating its ethnic Tibetan identity rather than influencing the affairs of the government in Exile. Fourthly, she has mentioned that geographically, territory is important for conducting election but in case of CTA democracy is functioning is a de-territorializing processes. Hence the Tibetan democracy is complex articulation of space

⁷ The 'Middle way Approach' is Dalai Lama's proposal to resolve the issue of Tibet with the China. It aims to seek autonomy within China if not complete Independence.

which can be perceived as lying in between and across the models. It is also a key example of a functioning transnational and diasporic democracy (McConnell, 2009).

At the conclusion we can sum up by pointing out that in spite of having some loophole and hurdles; CTA is the only administrative machinery of the exiled Tibetan Refugees which combines the Tibetans under the banner of its nationalism. It gives hopes to its people for the freedom of its Homeland Tibet. It has helped the refugees, to retain a national identity and also to emerge as the most successful refugee community of the world.

2.13. Two Organizations of Tibetan Refugees: Tibetan Women's organization and the Tibetan Youth

2. 13.1. Tibetan Women's Organization

The Tibetan Women Organization was originally formed in Lhasa after overthrowing the Manchu dynasty in 1911. It was the first formal Tibetan's Women organization that stood for the political rights of the women especially the right to vote (Roemer, 2008, p. 110). This organization is regarded as important because it brought a new political concept in the history of Tibet. They became active at the time of Lhasa uprising in 1959. After their flight to India, the members of this organization again revived it in Kalimpong. In the initial days, it focused only on the preservation of culture through education and working opportunities for exile women. Till then, no other women's organization in India was established though women continued to participate in the freedom movement and took active role in rehabilitation programmes. Since its establishment the TWA has been functioning as one of the most prominent women's organization spread all over the world with its members accounting up to 11,000 women. It works for women empowerment and promotes social, economic, political and educational upliftment of women. TWA voluntary (without salaries) manufacture Tibetan clothes, handicrafts and carpets and offer it to CTA which in turn is sold in profit (Roemer, 2008, p. 110).

It is a single platform for Tibetan women to protest against Chinese occupation over Tibet through street march and demonstration. The TWA supports genuine autonomy for Tibet by following the Middle-Way approach. With the changing status of the Tibetan women in exile; they are actively participating in politics since 1980s. The successful participation of the TWA in Fourth UN World Conference on Women in Beijing in 1995 turned out to be fruitful

as it increased the international awareness about the Tibetan cause. It reframed and amplified the Tibetan struggle. With their successful participation in the UN World Conference; It was able to set-up its bureaus in India, Nepal, Switzerland, Great Britain, the USA, Canada and Japan. It gained huge success in promoting the campaigns like boycott of Chinese made goods ahead of Beijing Olympics in 2001. At recent the TWA empowerment and its strategies have been feminized by the CTA (Roemer, 2008).

But its main priority is to perform community services and the education of the Tibetans mainly women. It also sponsors education to impoverished Tibetan women to pursue higher studies. Recently, it has started to study the role of Tibetan women in the society, climate change and international media programmes. The TWA function as a social interface between the CTA and the exiled Tibetan women. This organization publishes reports on the socio-political status of Tibetan women. Few publications of this organization are: *Breaking the Shackles: 50 years of Tibetan women's struggles*, *Tibetan Nuns: The status of Exiled Tibetans nuns in India*, *Tears in Silence: A report on China's Birth Control Policy in Tibet* and *The Voice that Remembers: The Life story of Ama Adhe*, *The Status of Tibetan Women in Exile-India*. Etc (Organisation, 2009,2016,).

2.13.2. Tibetan Youth Congress

Tibetan Youth Congress (TYC) is the largest international organization of exiled Tibetan youths with 71 branch offices Worldwide (Dolkar T. , 2008). This organization is formed on the new ideas and the values of democracy, adapting from contemporary societies along with their traditional values. This organization was established in October 1970, first at Dharamsala. It is the largest and most democratic Tibetan party with 75 percent of all Tibetan government officials (Praag M. C., 1987).

The TYC aims to preserve Tibetan culture and identity in Diaspora to uplift the issue of Tibetan freedom and to press for complete freedom. Besides this, TYC is founded on a firm stand for complete 'Independence for Tibet'. With this vision and cause, it organizes many seminars, demonstrations, hunger strikes, workshops and many other activities. There are more than 30000 registered Tibetan youth members across the globe, working in favor of Tibet's complete independence. Besides rehabilitating and resettling work, TYC tries to

bridge the gap between the generation through the promotions of goals and values of the elders which are acceptable for the younger ones (Dolkar T. , 2008).

While the TWA and the TYC does not always fully agree with the policies of the CTA. The ideologies of CTA and TYC differ to the point that the former stands for genuine autonomy for Tibet within the Peoples' Republic of China while the latter stands for the complete independence of Tibet. TYC believe that 'Independence' is the ultimate goal of the Tibetans living both inside and outside Tibet. This organization is very critical from the very beginning on the Dalai Lama's announcement of the Strasbourg Proposal⁸ (1988) claiming that it was wrong because such referendum lack the opinion of the majority Tibetans living inside Tibet. There are some moderates among the TYC members who accept the fact that in a democratic system people are entitled to choose any solution. Therefore Middle Way Approach is acceptable (Dolkar T. , 2008). While few members think that this decision is praiseworthy so they neither support nor oppose the approach. TYC preaches the Tibetans a militant approach just the opposite of CTA values (Dolkar T. , 2008). According to it, at recent the exile Tibetan has become the victims of celebrity in fighting for an independent Tibet. The hunger strikes to death in New Delhi and the self-immolation by Thupten Ngodup (1998) of the TYC are the example of their firm affirmation towards their struggle for homeland. They aspire to achieve complete independence from Tibet nut nevertheless; the TYC works within the framework of the CTA structure as they are bound to their loyalty towards the Dalai Lama. In 1994 the TYC founded the National Party of Tibet (NDPT) with an aim of strengthening the democratic process as promoted by the Dalai Lama and the promotion of national unity and the preservation of Tibet's cultural heritage. This party promotes the education campaigns, schools and monasteries to instruct people in democracy and the policies of Central Tibetan Administration. This organization also publishes the reports like *Tibet- the gap between facts and fabrication*, *Tibetan Response to China's White Papers*, *Response- Response to the Allegation of Communist Party of China*.

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⁸ Strasbourg proposal is the Dalai Lama's address to the Members of European Parliament at Strasbourg, June 15, 1988 where he intended to revive negotiations by formally accepting with the Deng Xiaopong's conditions of giving up the idea of Tibetan independence.

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