ROLE OF THE GOVERNMENT OF INDIA IN PROMOTION AND PROTECTION OF HUMAN RIGHTS OF TIBETAN REFUGEES - A SURVEY
CHAPTER - V

"ROLE OF THE GOVERNMENT OF INDIA IN PROMOTION AND PROTECTION OF HUMAN RIGHTS OF TIBETAN REFUGEES - A SURVEY"

The His Holiness the Dalai Lama in his autobiography "Freedom in Exile." 1991 has expressed his views in these words, "Over the years now, the people and the Government of India have given extraordinary amount to us (Tibetan Refugees) both in terms of financial assistance and in many other way. This despite their own economic difficulties. I doubt whether any other refugees have been so well treated by their hosts".

On the humanitarian ground, the Government of India granted political asylum to all the Tibetan refugees in India. India hosted some 110,000 Tibetan refugees as of the end of 2001. The U.S. Committee for Refugees reports that "The number of Tibetan refugees in India fluctuates because of the arrival of more than 1000 refugees from Tibet each year and the return of unknown numbers to Tibet. India's treatment of Tibetan refugees has been generous, providing them with political exile as well as shelter and the opportunity to secure an economic livelihood, but the limitation to this generosity are becoming increasingly apparent. Because the number of refugees coming into exile is increasing and existing settlements are packed already.

The original group of refugees included 80-85,000 Tibetans who fled to India with the Dalai Lama in 1959. These Tibetans were granted official refugee status by the government of India. The second major wave of Tibetans arriving in India began in the late 1979-80, "after the

liberalization of Chinese policy made travel to India legally feasible and escape a realistic possibility."^{4}

While the practice of Tibetan refugee hosting has, far been generous and lenient, the legal framework directing the actions of the government afford the Indian government great powers of control and restriction over foreigners, including Tibetan refugees. Tibetan leaders in India consistently stated that the government of India has treated them extremely well. Tibetans, as one of the only refugee groups to be officially recognized by the Indian government and thus legally permitted to stay in India, are often considered to be in a more advantageous position than other refugees in India.^{5} Today the support from the Government of India has resulted in self sufficient Tibetan refugees in India and they are by and large content and well settled in more than 37 Tibetan settlements in India. With the increasing number of Tibetan refugees coming to India after 1980, however, the Tibetan refugee’s community began to place greater strain on Indian services.^{6}

**Legal Status of Tibetans in India**

As mentioned in the earlier chapter that India like the majority of Asian States, is not a party to the 1951 Convention on Refugee status or the 1967 Protocol and is, therefore, under no treaty obligation to admit the activity intended for the international protection of refugees of course, India, being a sovereign nation, has the absolute right either to grant asylum or to refuse to admit an alien.^{7} But at the same time India, like any member of the international society, has to respect its international

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5. Supra n. 3.
obligations. At least, India is bound by customary international law to provide certain minimum standards of treatment which should respect the fundamental human rights of the refugees.\(^8\)

Tibetan refugees were granted asylum by the Government of India under the Principle of non-refoulement (i.e. protection against compulsion to return to home country) has been strictly adhered to.\(^9\) As India has no separate refugee's legislation, the law governing the entry, stay and exit of refugees is subsumed under the laws governing all foreigners.\(^10\) By laws, Tibetans can be detained or arrested for contravening any part of the foreigners Act or Orders and may be subject to further penalty. Although the general practice of India is not to exercise its control to this extent in regards to Tibetan refugees.\(^11\)

**Registration Certificate and Identity cards**

More than 80 percents of Tibetans in Exile live in scattered camps and settlements communities in India. Tibetans live in India with a stay permit which is processed through a document called *Registration certificate*. It is renewed every year. In some areas it is renewed every six months. Every Tibetan refugee above age of 16 must register for the stay permit. However, *registration certificate (R.C.)* is not issued to newly arrived refugees, which makes life hard and precarious for them.\(^12\) Tibetans who arrived in India in the first wave were accorded official refugee status by the Indian Government i.e. Tibetans who arrived in India before 1979 or who can prove that they were born in India prior to

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8. Ibid.
10. The Primary legislative instrument of this foreigner's regime is the foreigner's Act, 1946. The Act gives the Government of India the Power- to make orders "Prohibiting, regulating or restricting the entry of foreigners into India or their departure there or their presence or continued presence there in."
11. Supra n. 3.
1979 are given residence permits, issued by the Indian Home Ministry which must be renewed yearly. Residential permits are necessary in order to obtain work, to rent an apartment or to open bank account. However, the post-1980's period, with an increasing number of Tibetan refugees coming into India, resulted in an extra burden on India. So the Government of India decided not to grant legal status to these refugees. This resulted in the large number of unregistered Tibetan refugees.

**Unregistered Tibetan refugees: A Cause of Worry**

A glaring increase in the un-registered refugees coming at Mcleodganj from Tibet in the recent past has worried the local administration, as the Tibetan government reportedly hiding the antecedents of most of these Tibetans even if they get invaded in criminal acts here. According to sources, there is normally a floating population of around 500 to 600 unregistered Tibetan refugees at a time in the area and, the Tibetan government facilitates them in different sectors on Indian land without bothering about their past records. The unregistered refugees join the scattered camps anywhere in India depending upon to whom they know in the area.

**Fake Registration: a cause of worry**

Another issue related to Tibetan refugees in India is the fake registration. The fake registration racket involving Tibetan refugees is flourishing in Mcleodganj under the nose of the Tibetans government-in-exile and the Kangra district administration. There is an increasing number of Tibetans settled down in Kangra district with no authentic documents, which they managed to get from Dharamshala, Palampur

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13. Supra n. 3.
15. The Indian Express, Chandigarh, Sunday, December 21, 1997.
16. Ibid.
and Manali, are working in the different institutes of Tibetan government in exile for long. The Tibetans came to Dharamshala from Tibet via the Refugee Reception Centre, Kathmandu, they are issued validity cards of different colours for specific periods of their stay in India for education, religious discourses, Dalai lama’s audience or Buddhist education. However, they reportedly manage to stay back for long periods apparently with the help of the Tibetans officials and ultimately settle down in India without valid papers.

**Arrivals of Tibetan Refugees after 2000**

Tibetans, who arrived in India between 30.10.2002 to 30.05.2003, classified in a separate category of long term stay (LTS) and issued Long Term Stay Permit. New arrival of Tibetan refugees during this period have not been issued Registration certificate (RC), except for those attending schools and Monasteries. Tibetans who came on education and refugee categories are being registered and long term registration is being issued. In this category 1442 RCs have been issued till date.

The following documents are required for the registration in this category:

(i) School Certificate.

(ii) Tibetan welfare office recommendation.

(iii) Tibetan Branch Security office recommendation.

(iv) Verification of genuineness of their claim for Long Term Stay permit should be done on case to case basis and taking His Holiness the Dalai Lama Bureau list in to account.

(v) Deputy S.P. Interrogation report/ verification report.

17. The Indian Express, Chandigarh, Monday, October 26, 1998.

18. Ibid.

19. Statistical Records from foreigners Regional Registration Office Dharamshala at District Kangra H.P. (Superintendent of Police, Office, Dharamshala District Kangra.).

20. Ibid.

21. Ibid.

22. Ibid.
Arrivals of Tibetans Refugees after 30.5.2003

Those Tibetans who entered in India after 30.5.2003 only Special Entry Permit (SEP) be accepted as basis for the purpose of registration. To all Tibetan refugees who arrive through Reception Centre in Kathmandu, the India Embassy in Nepal issues them with a Special Entry Permit. The SEP is issued under the categories of either for pilgrimage or education or others and the duration of stay for education is normally for a year. While the validity for SEP for pilgrimage is normally for one month. Many Tibetans take the longer SEP and then apply for a registration Certificate (RC), once they reached Dharamshala or any other Tibetan settlement in India. Those Tibetans who came on education and refugee categories are being registered and Long term registrations are being issued. The 600 RC have been issued to the education/refugee categories Tibetans till date and further process is being done on priority basis.

Every year 2500 to 3000 Tibetan refugees flee Tibet and came to India. In most cases, the new arrival remains in India. A special drive has been launched by the Ministry of Home Affairs, and it has been decided that all categories of Tibetans will be finalized by 31.12.2009. After this period any Tibetan will be found without valid Registration certificate or travel documents etc. the action will be taken as per the provision of law.

23. Ibid.
25. Ibid.
26. Ibid.
### THE PRESENT REGISTRATION STATUS OF TIBETANS NATIONALS RESIDING AT DHARAMSHALA

<table>
<thead>
<tr>
<th>Category</th>
<th>(1)</th>
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<th>(3)</th>
<th>(4)</th>
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<tr>
<td>Refugee Category</td>
<td>30</td>
<td>459</td>
<td>72</td>
<td>621</td>
<td>693</td>
<td>441</td>
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<tr>
<td>Special Entry Permit</td>
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<td>Pilgrimage</td>
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<td>Others</td>
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<tr>
<td>Special Entry Permit</td>
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<td>Permit above 16</td>
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<td>Special Entry Permit</td>
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<td>Permit below 16</td>
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<td>Education</td>
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<td>Special Entry Permit</td>
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<tr>
<td>Permit above 16</td>
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<td>Special Entry Permit</td>
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<tr>
<td>Permit below 2003</td>
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<tr>
<td>Without</td>
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<td>Special Entry Permit</td>
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<tr>
<td>Permit before 2003</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>85</strong></td>
<td><strong>2441</strong></td>
<td><strong>121</strong></td>
<td><strong>1183</strong></td>
<td><strong>259</strong></td>
<td><strong>122</strong></td>
</tr>
</tbody>
</table>

**Source:** Office of Foreigner’s Regional Registration, Kangra at Dharamshala (Superintendent of Police, Kangra at Dharamshala)

**Note:**

1. The 121 persons given in column 9 were students studying in various schools based at Dharamshala.
2. The 85 persons given in column 7 were students born in other states but presently studying at various Tibetan schools in Dharamshala.
   - SEP - Special Entry Permit
   - LTS - Long Term Stay
   - TCV - Tibetan Children Village
Hence, in India, all Tibetans refugees who are recognized so are given identification certificate showing their refugee status. But new arrivals are not officially recognized by the India government, they are tolerated by the Indian government and allowed to remain in India as long as they do not involve in political activities.27

**Travel Documents**

As regards travel documents, only Tibetan refugees are privileged one of getting travel documents. Tibetans are able to travel within India as long as they obtain permission from Indian authorities and report back to local police upon their return. While travelling within India, they must carry their *Registration Certificate* (RC).28 For Tibetan to travel abroad, the Government of India issues another document called *yellow book*, which is an *Identity Certificate* (IC). Without Registration certificate (RC), yellow Book can not be processed. Yellow Book on the other hand takes one year to process. In some cases, it may take two years before it is acquired.29 The *Identity Certificate* is valid for two years and renewal. In order to return to India, in order to return to India, the document must bear a "*no objection to return to India stamp*" (*NORI*). Since the new arrivals of Tibetan are not recognized by the Tibetan government, they are unable to obtain *Identity Certificate*.30

Although the freedom of Movement is enjoyed in this limited sense by Tibetan refugees, it is important to note that it is not a right guaranteed to refugees as foreigners in India.31 In fact, 1948 foreigners order prohibit refugees and asylum seekers from leaving India without permission and the foreigner Act 1946 gives authorities the right to control and restrict their movement within India. Thus, Tibetan refugees may be subject to whim of

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27. *Supra* n. 3.
29. *Supra* n. 12.
30. *Supra* n. 3.
CHAPTER - V

executive powers. In fact at the end of 2006, India banned Tibetans from receiving international travel documents.\textsuperscript{32}

\textbf{Rehabilitation of Tibetans in India}

Tibetan refugees were the first recognized stream of international refugees in India after independence. As the Tibetans poured into India in 1959, the process of rehabilitation was started.\textsuperscript{33} Initially the Indian Government considered Tibetans refugee problem as a temporary one and hope that they could be repatriated. But on the request of the Dalai Lama India under took some long term rehabilitation programmes and government soon worked out a method by which refugees could be resettled.\textsuperscript{34}

At first, the Dalai Lama wanted all his people to be settled together in large concentrations close to the Tibetan frontier, but for obvious security reasons the Indian Government refused to comply.\textsuperscript{35} Instead, to accommodate and help the Tibetan refugees, particularly those who were coming through NEFA (North East Frontier Agency or Area) and Bhutan, the Government of India with the assistance of the state Government of Assam and West Bengal set up various transit camps at Missamari in Assam and at Bura in Cooch-Behar of West Bengal, Where the welfare of the refugees was looked after by an Indian officer until such time as the refugees could be moved to more permanent resettlement areas in different parts of India.\textsuperscript{36}

In the camps they were given free rations, clothing and cooking utensils, plus medical facilities. Despite this assistance, many Tibetan refugees died in the camps due to sudden change of climate and their...

\textsuperscript{32} Ibid.
\textsuperscript{34} Supra n. 7 at147
\textsuperscript{35} Rajesh Kharat Tibetan Refugees in India, 2003, p.53
\textsuperscript{36} Ibid.
arduous journey across the Himalayas.\(^{37}\) To overcome this critical situation, the Dalai Lama approached the Ministry of External Affairs of the government of India (GOI), which had been assigned the work pertaining to the relief and rehabilitation of Tibetan refugees with a request to resettle his people in cooler places where they might be temporarily employed. Responding immediately, the Government of India (GOI) agreed to send these refugees to places like Himachal Pradesh (H.P.), Jammu and Kashmir (J&K), Kalimpong, Darjeeling, Arunachal Pradesh, Sikkim, Dehradun and Mussoorie all hilly areas where most of them were engaged as road labourers.\(^{38}\) This was the first attempt by the Government of India (GOI) to provide a means for economic independence to the refugees. Despite massive aid from the Indian Government and outside sources, these road-building camps did not however, provide a sufficient source of livelihood for the Tibetan refugees.\(^{39}\) In view of this practical difficulty, the Dalai Lama made another request to Nehru for rehabilitation of the Tibetans in some other parts of India. Thus to rehabilitate these refugees, the Government of India (GOI) had to follow a strategy of creating a series of permanent settlement.\(^{40}\)

Since the majority of the refugees had been either farmers or nomads His Holiness the Dalai Lama and the Central Tibetan Administration (CTA) hope and requested the Government of India (GOI) to resettle the Tibetans in agriculture based settlements. However, vacant land for such settlements had to be requested from various state governments by the Centre Government, a number of states responded positively, but as there was not

\(^{37}\) For instance by 1969, 200 monks had contracted tuberculosis, 80 of whom died. The 900 monks who were still surviving by 169-170 were finally moved South to the Tibetan Settlement at Bylakuppe and Mundgod, as cited in Rajesh Kharat, *Tibetan Refugees in India*, p. 53.

\(^{38}\) *Supra* n. 35 at 53 - 54

\(^{39}\) As road-building work was irregular. Approximately 18,000 to 21,000 Tibetans were employed in road building. The worst fate was those of the children separated from their families as due to irregular work. The road labourers had to move from place to place as cited in Rajesh Kharat, *Tibetan Refugees in India*, 2003, p.54

\(^{40}\) *Supra* n. 35 at 54 - 55.
enough land available for agricultural settlements, agro-industrial and handicraft based settlements were also started, most of which are located in the north west of India in the state of Himachal Pradesh (H.P.).\textsuperscript{41} State government made all the basic arrangements for huts, drinking water, medical help, police and rations. Today the support from the government of India has resulted in self-sufficient Tibetan refugees in India and they are by and large content and well settled in more than 37 Tibetans settlements in India.\textsuperscript{42}

Tibetan Refugee Settlements in India

Tibetan refugee community in India has been rehabilitated mainly in three sectors in order to make them self-sufficient during their period of exile, namely,

a) Land based agricultural sector i.e. the resettlement in agriculture, horticulture or animal husbandry;

b) Agro-industry based sector i.e. the creation of small industries to be run by Tibetans, and

c) Handicraft based sector i.e. establishment of centers for training refugees in the production and Sale of Tibetan handicrafts and carpet-weaving.\textsuperscript{43}

\textsuperscript{41} Information office of Dalai Lama, Tibetans in Exile -1969-80, 1980 p.34.

\textsuperscript{42} Ibid.

\textsuperscript{43} T.N.Giri, Refugee Problems in Asia and Africa: Role of the UNHCR, 2003 p.201. also see Supra n. 35 at 56.
Tibetan Settlement in India

<table>
<thead>
<tr>
<th>Agricultural Settlement</th>
<th>based</th>
<th>Agro-Industrial Settlement</th>
<th>based</th>
<th>Handicraft Settlement</th>
<th>based</th>
</tr>
</thead>
<tbody>
<tr>
<td>Choepheling, Miao</td>
<td></td>
<td>Bir Society, HP</td>
<td></td>
<td>Dekyiling, Dehradun,</td>
<td></td>
</tr>
<tr>
<td>Changthang, Leh Ladakh</td>
<td></td>
<td>Dolanji, HP</td>
<td></td>
<td>UK, Tibetan Self-Help</td>
<td></td>
</tr>
<tr>
<td>Dickyi Larsoe, Bylakuppe</td>
<td></td>
<td>Dhondupling, Dehradun, UK</td>
<td></td>
<td>Handicraft Center,</td>
<td></td>
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<tr>
<td>Dhondenling, Kollegal</td>
<td></td>
<td>Tibetan Khampa Industrial Society, Bir, HP</td>
<td></td>
<td>Darjeeling, West Bengal</td>
<td></td>
</tr>
<tr>
<td>Dhoeguling, Mundgod</td>
<td></td>
<td>Kham Kathok Tibetan Society, Sataun, HP</td>
<td></td>
<td>Tibetan Handicraft</td>
<td></td>
</tr>
<tr>
<td>Dhargyling, Tezu Doegu Yougyaling, Herbertpur, UK</td>
<td></td>
<td>Tibetan Taopon Gapa Welfare Society, Kamrao HP</td>
<td></td>
<td>Center, Mcleodganj, H.P.</td>
<td></td>
</tr>
<tr>
<td>Kunpheling, Rawangla, Sikkim Lugsum-Samdupling, Bylakuppe Lama Hata, Darjeeling, West Bengal Norgyalng Tibetan Settlement, Bhandra, India, Phuntsokling Tibetan Settlement, Orissa, Phendeyling, Mainpat Rabgyaling, Hunsur Sonamling, Leh Ladakh Tenzingang, Bomdila</td>
<td></td>
<td>Lingtsang, Dehradun UK</td>
<td></td>
<td>Phuntsokling Tibetan Handicraft Center, Dalhousie, H.P.</td>
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<td></td>
<td></td>
<td>Tibetan Cholusn Industrial Society, Ponta Sahib, HP</td>
<td></td>
<td>Tibetan refugees Self-Help Handicraft Center, Shimla, H.P.</td>
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<td>Tibetan Industrial Rehabilitation Society, Chauntra, H.P., Tashi ling Tibetan Camp, Pando, H.P. Sakya Tibetan Society, Puruwala, H.P., Tibetan refugee Co-operative collective farming Society, Sonada, West Bengal Tibetan Craft Community, Tashi Jong, H.P.</td>
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</table>


The refugees who are living in scattered camps they are very much involved in street-marketing, selling woolen sweaters, seasonal goods, running small petty shops and restaurants.

45. Scattered Camps are a spontaneous gathering at one place, they do not get any government Sanction, nobody is responsible for anything happens and these refugees do not have consent from the local people.
Today with the assistance of Government of India, State Governments, foreign donor agencies and with hard work, faith and tenacity of Tibetan refugees themselves, 37 refugee settlements have been successfully established in the states of Jammu and Kashmir (J&K), Himachal Pradesh (H.P.), Uttar Pradesh (U.P.), Sikkim, West-Bengal (W.B.), Orissa, Madhya Pradesh (M.P.), Karnataka and Arunachal Pradesh. These settlements differed greatly in location and circumstances. Agricultural production and animal husbandry account for 30 percent of primary employment among Tibetans in India. This proportion rises to 50 percent of economic activity in the settlements: Trading and sweater-selling account for another 30 percent of activity in the Tibetan community as a whole and for 40 percent of economic activity in the scatter communities. Rest of the Tibetan population relies on the service industry, handicraft making, carpet weaving and other cottage industries and employment in the Central Tibetan Administration (CTA) for income.

Agricultural Settlements

In India there are total 17 agricultural settlements, out of which in Karnataka state, alone, there are six such settlements, housing over 200,000 people. Apart from these, there are also settlements in other parts of India, three in Arunachal Pradesh at Tezu, Miao and Bomdila and in Ladakh there are two settlements, and each at Orissa (Chandgiri), Madhya Pradesh (Manipet), Maharashtra (Bhandara), Uttar Pradesh (Herbertpur), and Sikkim (Rawangla) and in West Bengal (Darjeeling). Overall 50 percent of refugees belong to the agricultural settlements, most of which are located and they do not get any economic opportunities by the Government. As cited in Rajesh Kharat, "Tibetan Refugees in India," 2003 p.56.

46. Supra n. 35 at 55
47. Supra n. 7 at 147.
48. Supra n. 4.
49. Supra n. 35 at.56.
in South and Central India, viz., Karanataka, Maharashtra, and Madhya Pradesh.\(^{50}\)

These refugees were given on an average one acre of land each by the Government of India. Moreover they received agriculture equipment like bullocks, tractors, agricultural implements, seeds and fertilizers and other tools of trade. The farmers used to grow various cash crops suited to the local climate, but maize has proven to be the most productive and economically viable product in most of the places. Each agricultural settlement now has a co-operative society to help the settlers market their goods outside the refugee enclaves. In these settlements the crops grown are mainly maize, wheat, paddy, potatoes and also important crops like ragi, soya beans, mustard and barley.\(^{51}\)

Among the agricultural settlement, Mundakuppe in the state of Mysore, on forest land which had in the past sustained agriculture, was first of its kind. The Government of India also provided accommodation along with the basic infrastructure necessary for daily survival.\(^{52}\) This was the most advanced settlement, largely because it received much technical assistance from abroad and from official organization in India. Today the settlement has over 20,000 to 25,000 houses.\(^{53}\) However, the settlement at Manipat in Madhya Pradesh is in poor state of condition, established in 1963 through Government of India grant of Rs 21,32,200, it had as many as 5,000 inhabitants at one time. Further the resettlement policy in the North-east of Arunachal Pradesh also was frustrating due to the harshness of the climate, the poverty of soil, and the in-accessibility of the chosen location.\(^{54}\) But the situation in Karnataka at Bylakuppe (in Bylakuppe- there are three agricultural settlements over crowded with around 1,00,000 refugees) may

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50. *Supra* n. 35 at 57
54. *id.* at 58.
be envied by Tibetans living in other agricultural settlement such as Kollagol, Mundgod and Hunsur. In these settlements it was found that after 40 years the water and electricity facilities were not very satisfactory, and there were no approach roads to the settlements and medical facilities were inadequate.\(^5\) There was also the Problem of a shortage of land. Population increase due to either through immigration or birth is overburden on the settlement. The average plot of land is now approximately half an acre per person. Thus it is very difficult to sustain life in the settlements with a fixed size, continuous increase of members of the family.\(^6\)

In these settlements the day to day administration is run by an officials appointed by the Dalai Lama; these persons are known as the Representative and are considered as the chief of the settlement.\(^7\)

**Agro-based Industry**

Since number of refugees coming into exile was increasing and existing settlements were packed already. Agro-industrial based settlements were created to accommodate the remaining refugees in India. The other reasons that led the Government of India and representative of the Dalai Lama to accommodate the rest of Tibetan refugees in agro-based industrial sector was the lack of aptitude for agriculture among the young Tibetan,\(^8\) and many of the refugees were traditionally nomads and traders, and had no idea of farming. With this in view and also to expedite the process of rehabilitation, it was found necessary to seek other avenues of resettlement. Thus the government of India started eight Industrial projects for them, to co-ordinate these projects, the Tibetan Industrial Rehabilitation Society were set up in 1965. The basic aim of the society was to implement employment-oriented programmes such as setting up woolen mills, and of tea estates

\(^{5}\) Ibid.  
\(^{6}\) id. at 59.  
\(^{7}\) Ibid.  
\(^{8}\) Ibid.
which could provide employment as well as rehabilitation to the Tibetan refugees.\textsuperscript{59} Moreover, the society had a programme for rehabilitating refugees in industries such as lime-stone quarries, hydrated lime plants and fiber-glass factories in Himachal Pradesh and Uttar Pradesh. Unfortunately, some of these industries failed largely due to lack of technical knowledge, poor management and limited funding.\textsuperscript{60}

Since many of the Tibetans know the traditional Tibetan handicraft such as weaving carpet, apron making, incense work, shoulder bags and costume jewellery for which ready markets are available and accessible.\textsuperscript{61} This cottage industry became as a useful additional source to income to Tibetan families, especially in northern India.\textsuperscript{62}

**Carpet-Weaving and Handicrafts**

The Carpet weaving and handicraft is the third sector as a part of rehabilitation programmes. This is the sector in which a maximum number of Tibetan refugees have been rehabilitated, has proved to be the most successful industrial enterprise in comparison with the other two sectors. Many settlements concentrate on the production of carpets and handicrafts and have prospered economically\textsuperscript{63} Handicrafts and carpet-weaving centres have been set up at Bylakuppe, Chandragiri, Manipet, Dalhousie, Darjeeling and Kalimpong, where more than 5000 Tibetans refugees are now rehabilitated. At present, in this sector, more than ten percent of the work force is involved, maximum of which are women and children who do not go on to higher education.\textsuperscript{64}

A part from carpet-weaving, Tibetans are trained in weaving textiles and producing cloths, wood-carving, Thangka painting and metal-work. In

\textsuperscript{59} Ibid.
\textsuperscript{60} Id., at 60
\textsuperscript{61} Ibid.
\textsuperscript{62} Ibid.
\textsuperscript{63} Ibid.
\textsuperscript{64} Id., at 61.
some places, Tibetans sell other traditional Tibetan articles such as ethnic woolens, religious icons, etc.\textsuperscript{65}

On the whole the settlements have been very successful to a great extent they have achieved their objectives, as envisaged when the rehabilitation programme was initially conceived. Almost all the settlement are provided with primary and secondary schools, primary health care centre and cooperative societies. There are also monasteries, nunneries and temples in the settlements.\textsuperscript{66} However, over the years, the rehabilitation scene had changed considerably. The land holdings in the settlement have shrunken with the natural growth in the population and a new generation of educated and skilled population has thrown new opportunities and challenges. This requires new in depth appraisal of the on-going rehabilitation work in order to chart a new course for the future.\textsuperscript{67} The problem of Tibetan refugees was basically a problem of three generation: the generation who came as refugees, the generation born in India, and the generation that is still young. This posed peculiar problems of rehabilitation and construction.\textsuperscript{68}

In view of this situation, a joint (New Delhi and Dharamshala) high-level workshop/conference was organized in New Delhi in October 1986 to review the situation and restructure the scheme. At the conference, the need for more diversification to target the need of the second generation and timely execution of the rehabilitation programs both by the respective Indian State Governments and the Tibetan was emphasized.\textsuperscript{69} In conference various issues ranging from water supply and roads in the settlement to working capital for the co-operative societies, rehabilitation of additional

\begin{itemize}
\item \textsuperscript{65} \textit{Ibid.}
\item \textsuperscript{67} \textit{Id.}, at 8.
\item \textsuperscript{68} \textit{Ibid.}
\item \textsuperscript{69} \textit{id.}, at 9.
\end{itemize}
refugees, education for children, acquisition of immovable property by Tibetan refugees, etc. are discussed. In view of the above difficulties and challenges, efforts have been made since then to redesign and diversity the rehabilitation scheme.\textsuperscript{70}

**Humanitarian Assistance to Tibetan Refugees in India**

The success of the Tibetan refugee community is attributed to its hard work, spirit of independence and adaptability. This has enabled the Tibetan refugees to make the best use of humanitarian assistance received from government and people of India as well as from international aid organizations. Many national and international voluntary agencies had provided and become concerned with relief effort. These agencies assisted the government by providing farm equipments and animals, vocational training schools and clinics and help in financing self-help projects and in providing child care.\textsuperscript{71}

Apart from the treasury of His Holiness the Dalai Lama, the bulk of the refugee assistance funds came from the Central and State Governments of India, which provided land, rations, medical assistance and general relief assistance. The total amount spent on the refugees will probable never is known, although we know that India spent the maximum amount on the Tibetan refugees.\textsuperscript{72} After the Indian government, the major sources of funds were the Western countries, through both governmental and private channels. In early (1959-62) Organisations such as CARE\textsuperscript{73}, The International Red Cross, The Young Men Christian Association, Catholic Relief, Church World Service, The International Rescue Committee, and save

\textsuperscript{70} Ibid. \textsuperscript{71} Supra n. 43 at 202 \textsuperscript{72} Supra n. 35 at 66 \textsuperscript{73} CARE – is an international aid and self-help document organization responds to the need of refugees and displaced persons in emergency situation through effective delivery system to facilitate to distribution of food and other aid as cited in Manik Chakrebrty . “Human Rights and refugees-problems law practices” 2001 p. 91.
the children Fund all participated. In addition, the Swiss and American government and later on the United Nations High Commissioner for Refugees (UNHCR) during 1964-73, also contributed to refugee’s assistance. During the first decade of exile, the Tibetan refugees received US $5,300,000 in direct aid from the American government. One estimate of the total amount provided ran to more than US $20,000,000 this would average to over US $400 received for every man, women and child.

In the process of building self-sustaining and viable settlement, the contributions of foreign voluntary agencies have thus been of enormous help. Private funds were collected through various friendship societies such as the Tibetan friendship groups—first formed in the United States, and then in France, Switzerland, England, Norway, South Africa, Australia, and New Zealand. These groups raised and donated funds and encouraged the financial adoption of individual refugees by their members.

In addition to them, there are other organizations set up to help the Tibetan refugees. For example ‘Aid to Tibet’ is a programme initiated by Tibet foundation of London. The foundation itself has been helping Tibetans in exile since its inception in 1985. It now spends some £1,20,000 on its aid programmes for Tibetans in India and Nepal. The Non-government Organisation (NGO) with which “Aid to Tibet” works most closely is the Tibet Development Foundation (TDF) established by the Late Panchen Lama and Ngawang Jigme Ngapo in 1987. Similarly ‘Rokpa’ is a charitable organization with its headquarter in Switzerland which provided aid for sick and destitute Tibetan refugees in India and Nepal.

74. Supra n. 72.
75. Ibid.
76. Id., at 67.
77. Supra n. 43 at 204.
78. Ibid.
Role of United Nations High Commissioner for Tibetan Refugees (UNHCR)

Earlier India did not seek the help of the United Nations High Commissioner for Refugees (UNHCR). India for the first time established its formal relationship with the United Nations High Commissioner for Refugees (UNHCR) in 1969 for rehabilitating Tibetan refugees in India. The High Commissioner visited India in July 1963; India expressed its interest in receiving assistance from the office of the United Nations High Commissioner for Tibetan refugees. The UNHCR has been instrumental in helping the refugees to secure safe passage from Nepal to India. Particularly in recent times, after the escape of the Karmapa Lama from Tibet, the refugees are facing problems in Nepal, such as arrest, non-cooperation at Tibet-Nepal border, the forceful repatriation to Tibet. These problems were handled by the UNHCR on humanitarian grounds. Moreover, the UNHCR operates a medical unit as a temporary shelter and works at the process of identification to facilitate refugees.

The United Nations High Commissioner (UNHCR) provided assistance to the Tibetans in India from 1964, even though it did not formally establish a presence in India till 1969. In 1975 the UNHCR was constrained to pull out of India so as to strings then its presence in Africa. UNHCR began operations in India again in 1981, this time under the Umbrella of the United Nations Development Programmes (UNDP) with a specific mandate to protect individual Afghan asylum seekers. Tibetan refugees did not fall under its mandate. By the mid-1980s other such as UNICEF (United Nations Children’s Fund) and UNDP (United Nations Development

79. *Supra* n. 7 at 135.
80. *Supra* n. 14 at 296.
81. Ibid.
82. Ibid.
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Programme) also stopped assisting Tibetan refugees as the need for external assistance for them was reduced.\textsuperscript{83}

As the issue of Tibetan refugees in now highly internalised, there are many government as well as non-governmental agencies which monitor the situation and help with aid and assistance. Recently, countries such as Japan and Israel have involved themselves in the rehabilitation of Tibetan refugees in India.\textsuperscript{84}

**Rights that only available to Tibetan Refugees in India**

The Indian Constitution provided that some of the fundamental Rights guaranteed under part III of the Constitution shall be available to all persons and consequently, they are available to refugees as well. The rights of refugees available to them in India under Constitutional as well as statutory provisions are already mentioned in Chapter IV under legal rights for refugees in India. But there are certain rights which are generally not provided to refugees in India but Tibetans refugees’ community is exceptionally enjoying these rights in India.

In India, no foreigner has a right to wage-earning employment, self-employment or profession, but he can do that with the permission of the Government of India. When it comes to the question of refugees, there are infact no restriction on wage-earning or self-employment but they are not usually allowed to under-take any work since India has a large population of unemployed citizens.\textsuperscript{85} Instead, refugees are provided with some subsistence allowance and ration by the Union Government of India. Exception to this is Tibetans who are allowed to engage themselves in wage-earning employment in agriculture, agro-industries and handicrafts specially set up for their

\textsuperscript{83.} Ibid.
\textsuperscript{84.} Ibid.
\textsuperscript{85.} Supra n. 7 at 131-132
rehabilitation. They are also engaged in small business such as selling of handicrafts and winter clothes.\textsuperscript{86}

In India the freedom of movement and residence is available to all refugees, subject to the restrictions necessary for the safety of India (national security or public order) or international relations. In case of large number of refugees such as Chakmas in Tripura and Sri Lankan Tamils in Tamil Nadu, their right to freedom of movement and residence in hampered by the fact that they are totally dependent on the Government. They are therefore, confined to camps. However, Tibetans are able to travel within India as long as they obtain permission from the authorities and report back to local police upon their return. Tibetans are also allowed for international travel, for that they must obtain an identity certificate (IC) from Government.\textsuperscript{87} At the end of 2006, India instituted a policy that banned Tibetans who entered the country with valid visas and subsequently applied for residence permits from receiving international travel documents. Under certain conditions, however, it allowed Tibetan refugees to travel outside and re-enter India\textsuperscript{88} No refugee has so far had a privilege of getting travel documents except Tibetan refugees.

Further no foreigner can own property in India, but the Indian government provided land and housing to establish Tibetan farming settlements in different parts of India on lease.\textsuperscript{89} Two sources states that Tibetan can purchase land after obtaining special permission from the Reserve Bank of India; a regulation which also applies to non-Indian Citizens.\textsuperscript{90}

\begin{itemize}
\item \textsuperscript{86} Ibid.
\item \textsuperscript{87} id., at 133
\item \textsuperscript{88} World Refugee Survey 2008-India. \texttt{http://www.unhcr.org/reworld} visited on 12.01.2010.
\item \textsuperscript{89} Supra n. 87.
\item \textsuperscript{90} Supra n. 4.
\end{itemize}
Although according to Indian law, the Indian government has no obligation to assist refugees, the Indian government chooses to grant these early Tibetan refugees' services and opportunities no other group enjoy.

**Tibetan Government - in- Exile**

For the proper management of the refugee community, and more importantly to guide the Tibet struggle for freedom, the Central Tibetan Administration (CTA) has been set up with its headquarters in Dharamshala, 500Kms north of New Delhi in the Indian State of Himachal Pradesh. The Central Tibetan Administration (CTA), over the years, has served as a rallying point around which the dis-spirited but determined refugees could rebuild their lives and future. The Tibetans, both inside and outside Tibet, recognized the CTA as their sole and legitimate government.

Since institutional development is a key to the success of every organization and society, it is not unfair to say that a part of the Tibetan success story should be attributed to the presence and effective functioning of the CTA under the leadership of His Holiness the Dalai Lama. The Dalai Lama has on numerous occasions emphasized his wish to further develop the Tibetan Government system into a more ideal democracy for Tibet and the Tibetans. It was in 1990, when a Tibet constitution Redrafting Committee was set up to formulate a draft democratic Constitution for future Tibet and a charter for a period in exile. On June 14, 1991, the charter for Tibetans in exile was promulgated by the Assembly of Tibetans people’s Deputies. The Constitution Redrafting Committee is currently

91. The Dalai Lama reestablished his government -in-exile, within a month, on 29 April 1959, at Musoorie, named as the Central Tibetan Administration (CTA) of His Holiness Dalai Lama. In May 1960, the exile Government was moved to Mcleodganj at Dharamshala in Himachal Pradesh. As cited in “Central Tibetan Administration : An Introduction”
92. Supra n. 63. also see, Rajesh Kharat,Tibetan Refugees in India, 2003, p.74.
93. Ibid.
drawing up draft constitution, which can serve as a basis for discussion when Tibet regains its independences.\textsuperscript{95}

Central Tibetan Administration the headquarter of Tibetan Government in Exile at Dharamshala

\textsuperscript{95} ibid, also see Tsering Paljor, "Current situation of Tibetan Refugees in Exile." \url{http://www.geography.org.UK}, visited on 20.10.2007.
CENTRAL TIBETAN ADMINISTRATION

ORGANIZATIONAL STRUCTURE

His Holiness the Dalai Lama

Supreme Justice Commission —> Kashag (Cabinet) —> Tibetan Parliament in Exile

Kashag Secretarial

Department of Religion & Culture —> 46 Settlements & Welfare Office

Department of Home

Department of Education

Department of Security

Department of Finance

Department of Health

Department of Information & International Relation

Election Commission

Public Service Commission

Audit Commission

85 Schools India, Nepal & Bhutan

Charitable Trust in India

Tibetan Medical Institute and PHC

12 Offices of Tibet
The Assembly of Tibetan People's Deputies

The Assembly of Tibetan People's Deputies is the highest elected legislative organ of the Tibetan Refugee Community. The present Assembly is the eleventh since its inception and has 46 elected members representing the three provincial regions and five major religious sects of Tibet. Any Tibetan, who has reached the age of 25 years, without discrimination on grounds of sex, religion, and social origin, has the right to contest elections to the Assembly. Likewise every Tibetan who has reached the age of 18 years is enfranchised without any discrimination as mentioned above.\(^\text{96}\)

The Kashag

The Kashag is the Cabinet of the Tibetan administration-in-exile. The day-to-day functioning of the CTA is supervised by the Kashag (Cabinet) which is the highest executive body of the exile administration. Its members are elected by the Assembly of Tibetan People’s Deputies for the term of five years. The Kashag makes all the policy decisions, in consultation with and on a approval of His Holiness the Dalai Lama.\(^\text{97}\)

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97. Supra n. 35 at 76, also see, http://www.tibet.com/govt/long, visited on 29.01.2010.
The Three Provincial regions are U-Tsang, Kham and Amdo; each region elects ten Deputies. The five religious sects (Nyingma, Sakya, Kagyu, Gelug and Bon) are represented in the Assembly by two Deputies each. There are also two Deputies elected from Europe and one from North America. In addition, His Holiness the Dalai Lama nominates one to three Deputies directly to the Assembly. A Chair and a vice-chair who are elected by the Deputies from amongst themselves, head the Assembly, and it is responsible for exercising executive powers subordinate to His Holiness the Dalai Lama.98

All the Kalons (ministers) have equal power and responsibility and each head one or two Departments of the CTA according to the number of Kalons.99 The Kashag is serviced by a secretariat, which is responsible for all administrative matters of the Kashag and of important measures of the CTA, which affect more than one Department.100

THE CONSTITUTIONAL COMMISSIONS

The Tibetan Supreme Justice Commission

The Tibetan Supreme Justice Commission was established on 10 March 1992 under the Charter of the Tibetans in exile. Commission is responsible for the settlement of cases and controversies of a purely civil nature and which are internal to the Tibetan Refugee Community. Commission is also responsible for framing a judicial code and civil procedures appropriate to the situation of the Tibetan Refugee Community in exile. Dispute will be settled more or less in accordance with arbitrational procedures. The Commission will establish Local Justice Commissions in

98. Supra n. 96 at 3, also see http://www.tibet.com/govt-long, visited on 29.01.2010.
99. Ibid.
100. Ibid.
each settlement and circuit justice commissions (Equivalent to High Courts) in six different zones.  

**Statutory Commissions**

The Charter has made provisions for three statutory bodies; Tibetan Election Commission, Tibetan Public-service Commission, and office of the Auditor General.  

(i) **The Election Commission**

The function of the Election Commission is to conduct and oversee the election of the Assembly of Tibetan people’s Deputies; Local People’s Assemblies; the Chair and the Vice-chair of the Assembly; members of the Kashag; the Chair of the Kashag; referenda; and other such elections as per the provisions of the Charter. The Chief Commissioner of the Election Commission is directly nominated and appointed by His Holiness the Dalai Lama.  

(ii) **The Public Service Commission**

It came into existence in 1991. The main function of the commission is to recruit, train, appoint and promote the civil servants of the Central Tibetan Administration. Lately, the commission has been entrusted with the task of looking after the welfare of the civil servants.  

(iii) **The office of the Auditor General**

The office of the Auditor- general is the body responsible for auditing the accounts of all the Departments of the CTA and its subsidiaries, which are funded by the CTA. It is also required to audit the accounts of all public Tibetan institutions like cooperative and societies, trading concerns, educational institutes, hospitals and

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101. Supra n. 94.
102. Ibid.
103. Ibid.
104. Ibid.
health centers, and so on. The Auditor General is directly nominated and appointed by His Holiness the Dalai Lama in accordance with provisions laid down in the Charter.\textsuperscript{105}

The Kashag executes its policy decision and supervises the administration of the Tibetan Refugee community through seven major departments.

(i) **Department of Religion and Culture**

In 1959 His Holiness the Dalai Lama established the Council for Religious and cultural Affairs (Now the Department of Religion and Cultural) to preserve and promote understanding of Tibetan Religion and culture. The Department has helped in the preservation of the lineages of both Buddhist and Bon-po traditions and in the re-establishment of their monasteries in India and Nepal,\textsuperscript{106} The Department gives back-up supports and services to 189 monasteries and nunneries, with 17,600 monks and nuns. Department also organizes various exchange programs and produce religious and cultural publications.\textsuperscript{107}

(ii) **Department of Home**

It came into being in 1960. It is responsible for all rehabilitation schemes for Tibetan exiles. The Department’s activities and roles are broadly categorized into four divisions: administration, agricultural, planning and development and welfare. The agricultural division supervises all the agricultural works in the settlements, including animal husbandry, whereas the planning and development division executes the overall planning and development works in the settlement. All settlements and welfare offices and handicraft centre’s

\textsuperscript{105} Ibid.
\textsuperscript{106} Ibid.
\textsuperscript{107} Ibid.
are directly responsible to the Department. Cooperatives and societies also come under the responsibility of the Department.\textsuperscript{108}

(iii) Department of Education

It was established in 1959 and is responsible for all educational activities in exile (except those falling under the autonomously constituted Tibetans Children's Village and Tibetan Homes Foundation). It oversees all 85 schools in India, Nepal and Bhutan serving over 30,000 children, which form 70\% of the children in exile.\textsuperscript{109} The Department is entrusted not only with the responsibility for the education of Tibetan refugee children, but also to work out a system that combines the best of modern education with Tibet's traditional culture so that the children can retain their traditional values, and at the same time develop a modern, cosmopolitan outlook on life. Department also provides scholarship for colleges and University education.\textsuperscript{110}

(iv) Department of Security

It was set up in 1959. It ensures the personal security of His Holiness the Dalai Lama, and also monitors the development in occupied-Tibet. The Department has a Branch security office, which arranges public audiences with His Holiness the Dalai Lama and helps Tibetan refugees to seek renewal of their Refugees Residential certificates. The Department also runs a Research Unit, which concerns itself with keeping abreast of developments in occupied Tibet and in-china.\textsuperscript{111}

(v) The Department of Finance

Set up in 1969, the department of finance formulates annual budget of the CTA and generates revenues to run general administration of CTA. The business units under the Department,
including handicraft exports, hotels, tourism sector etc. seek to generate income for the CTA and to provide employment for Tibetans in exile.112

(vi) The Department of Health

The Department was established in 1982. The Department of Health caters to the basic health needs of the Tibetan refugees, running nearly 70 Primary health care centers and referral hospital. It also provides training for medical staff.113

(vii) The Department of Information and International Relations

The Department came into being in 1972. It educates the Tibetan and international public opinion to the political, human rights and environmental conditions in Tibet via print media, radio and internet. It supervises the work of the offices of Tibet in 13 countries. These offices function as the embassies of the CTA and are based in New Delhi, Kathmandu, Tokyo, Taipai, Canberra, Pretoria, London, Paris, Brussels, Budapest, Geneva, Moscow, and New York.114

(viii) The Planning Council

Planning Council recognizing the need to improve the use of its human, physical and financial resources in the development of the refugee community, the CTA established the planning council in 1988. The Planning Council has been instrumental in introducing planning processes into the CTA, as well as establishing various service and other units, for example for computer services and handicraft exports.115

(ix) The office of the Reception Centres

With the increasing number of new refugees from Tibet the office of the Reception centres were established in 1990 to provide reception facilities for these refugees. The office has branch offices in

112. Ibid.
113. Ibid.
114. Ibid.
115. Ibid.
Kathmandu, New Delhi and Dharamshala. Reception centres provide temporary accommodation to the newly arrived refugees and then send them to settlements in exile. \(^{116}\)

**Education of Tibetan Refugee Children in Exile**

Article 26 of the Universal Declaration of Human Rights (1948) states that: *Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory.* \(^{117}\) Similarly Article 22 of United Nations says, *"The Contracting states shall accord to refugees the same treatment as is accord to nationals with respect to elementary education."* \(^{118}\)

In the context of education, it was recognized by the Tibetans from the beginning that change was required in the pattern of education. In Tibet, the monasteries had provided education, but with the institution of the monasteries in disarray, education facilities had to be arranged on a different level. Education would now have to provided Tibetan cultural values as well as modern scientific education available in their host country i.e. India. \(^{119}\)

Education being high on the priority, the Dalai Lama requested the government of India for assistance in the education of the Tibetan refugee Children. Since then many schools for Tibetan refugee children were built all over India and Nepal, while Tibetans were resettling in various settlements in different parts of India. Simultaneously, new monasteries and nunneries were built as well for the new generation of monks and nuns to study and practice their religion. Tibetan refugees got opportunities of traditional and modern education based on various writings. \(^{120}\)

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119. *Supra* n. 33 at 368.
Council for Tibetan Education

The Council for Tibetan Education established in 1959 is said to be one of the major departments of Tibetan Government-in-exile. It is directly responsible for the education of all Tibetan children. The Council also has under its aegis the Tibetan Institute of performing Arts which is the leading professional's body in the exiled Tibetan Community that tries to keep alive the rich folk culture of the Tibetan people through its performance of traditional folk songs, dances and operas.\textsuperscript{121} The Department of Education, since its inception in 1960 is the apex body responsible for providing support for the educational and welfare needs of nearly 28,000 students in 71 schools in India comprising both residential and day school. These institutions range from the pre-primary to the Senior Secondary level.\textsuperscript{122} The government of Tibet-in-exile estimates that 80 percent of Tibetan children attend Tibetan Schools. The percentage of Children being educated rises being educated rises to an estimated 85 to 90 percent of the school-aged population when the number of children attending non-Tibetan school is included.\textsuperscript{123} There are four type of Tibetan school in India:\textsuperscript{124}

(i) Those run by the Central Tibetan School Administration (CTSA), under the ministry of Human Resource Development of the Government of India;

(ii) Those run by the Department of Education of the Central Tibetan Administration;

\textsuperscript{121} ibid, also see, The Dalai Lama, A Brochure of the Council of Tibetan Education, At a Glance Twenty Five Years of Education in Exile.

\textsuperscript{122} Education in Exile: Building our future through Education, Department of Education Publication, 2000 p.5

\textsuperscript{123} Id. at 18.

(iii) Those run by Private Charitable organization including the Tibetan Children’s Village and the Tibetan Homes foundation; and

(iv) The last category of schools is run by trusts and private agencies.

The objectives of having separate schools for Tibetans refugees were to provide an education that would inculcate a deep understanding and appreciation of Tibetan culture, religion and language in Tibetan children and to expose them to a broader and better understanding of the contemporary world. The educational system created in exile has succeeded in educating sectors of the population who would have been illiterate in traditional Tibetan society. Tibetans have established important cultural centers and educational institutions in India. So in addition to elementary and secondary schools, Tibetan children are offered higher education and training in various fields in the Tibetan language after passing out secondary schools. Hundreds of Tibetan and non-Tibetan students graduate from the Central Institute of Higher Tibetan studies in Benares (funded & recognized by the Indian Government as a University), Tibet House in New Delhi, The Library of Tibetan works and Archive, The Norbulingka Institute, and the Amnye Machen Institute in Dharamshala, Sakya College in Dehradun etc., in addition to the above institutions, the exiled Tibetan Community has hundreds of Monastic colleges, monasteries and other centres for higher learning.

Now that the possibility of Tibetans returning to their homeland seems remote, the education of Tibetan refugees has two goals: to be successful in the life in exile and to preserve the Tibetan language and

125. Supra n. 120 at 6 & 7
126. Supra n. 124.
127. Ibid.
culture outside Tibet. But the struggle for existence for the present generation of Tibetan youth in exile has become more competitive both inside and outside the Tibetan community. The scholarships available for Tibetan youth for higher studies are limited, and the competition for these limited resources is very vigorous. Another challenge for the present generation is the lack of availability of suitable jobs within the community after their studies. In order to survive these Tibetan now have to compete with dominant culture, the Indian Culture. This is a big challenge for the Tibetans because major jobs in India are reserved for Indian citizens, and India has its own significant unemployment problem.

**Preservation of Tibetan Identity and Culture in Exile**

Tibetan refugees preserve their culture identity and religious institutions so successfully in asylum, that a well known anthropologist has termed it the 'Renaissance of Tibetan Civilization' in exile. Along with the Dalai Lama's Government (DLG) and various foreign groups, the Government of India (GOI) launched a programme of rehabilitation within the frame work compatible with the maintenance of Tibetan culture. Thus, the Dalai Lama, while in exile, has since the beginning, decided to accommodate the cultural component in establishing monasteries in almost each and every Tibetan settlement in India. Tibetans construct numerous monasteries of a remarkably high architectural standard and their success in developing viable monastic communities similar to those of Tibet is one of the miracles of the twentieth century.

In exile, modern education was considered to be the very weapon to defend and preserve the religious and cultural heritage of Tibet, which in old Tibet was thought to be the undermining force of these aspects of Tibet's

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128. *Supra n. 120 at 13.*
130. *id., at 14.*
131. *Supra n. 43 at 208.*
132. *Supra n. 35 at 79.*
social and political structure. To enable themselves to be identified as Tibetan Buddhists better known as “Nangpa” Tibetans in exile, the elite of religious figures, artists, writers, performers, academicians, musicians are particularly at the forefront for promotion and protection of the distinct culture and traditions of Tibetans.\textsuperscript{134} For instance, in Dharamshala, at upper Mcleodganj as well as in Lower Mcleodganj the building of the Tibetan parliament in exile, library of Tibetans works and Archives are marked with detailed paintings of Tibetan art and architectural features. A separate institution has been set up to train young Tibetans in different fields of traditional culture, known as Norbulingka Institute for Tibetan culture at Sidhpur in Dharamshala.\textsuperscript{135} Another institute, the Tibetan Institute of performing Arts at upper Mcleodganj also looks after dances and drama theater as Tibetan tradition. There are many more such institutions situated mainly in Himachal Pradesh and Darjeeling, Kalimpong and Karanatka, to protect the culture of Tibetans in exile.\textsuperscript{136}

Moreover, the Central Tibetan Administration (CTA) has established a separate department of religious and culture, which seeks to protect, preserve and promote Tibet’s spiritual and cultural heritage.\textsuperscript{137} In this way it has been proved that the true Tibetan culture is protected and preserved not just in Tibet, but in India as culturally Tibet and India have a century old relationship. According to Melvyn Goldstein, “Tibetan culture is very much protected by the Government of India while rehabilitating the refugees.”\textsuperscript{138}

\textbf{Host-Refugees Relations}

Relation with the host Community must be examined under two aspects. The first is the governmental level, and the other at the level of community. The Indian government neither supports Tibet’s autonomy nor
recognizes the Tibetan government in exile. Although Tibetan refugees have been living in relative isolation from the local people with a view to preserving their distinct religion and culture, there are places (in West Bengal and Sikkim) where there is interaction, in these areas; relations with the local population have been harmonious and reciprocal. However, in some areas the local population is getting adverse. The major grievance is regarding Tibetan’s economic prosperity, which has been achieved by them not only due to their hard-work and business skill but also generous funding from Government of India and foreign agencies and individual donations. This makes the local Indians inferior in economic status, in comparison to Tibetan refugees. The other factors which are equally responsible for developing this inferiority complex among local Indians, viz, incompetitiveness in business, poor economic conditions, engagement in economic activity of tertiary sector etc. Thus, somehow, in the corner of their minds, local Indians fear that, Tibetans will not go back, but will settle down here permanently.

The situation is sensitive in Himachal Pradesh, as the maximum numbers of Tibetans live there in both settlements and scattered camps. For instance, in 1997-98, there were continuous conflicts between the Tibetans and the local Indian communities particularly in Gaddi and Gujjar communities. These conflicts were mainly due to the scarce opportunities of livelihood. Sometimes the local population has attacked the refugees in mobs and ransacked their property. In retaliation, Tibetans too have used violent methods and even killed individuals thought to be responsible for such acts of vandalism. In 1999 in Manali (H.P.) two murders took place due to a conflict between the local population and the Tibetans. According to local sources, the reason may have been the fact that Tibetans were buying

140. Supra n. 14 at 300.
141. Supra n. 35 at 91.
142. Supra n. 14 at 301.
large tracts of land through “benami transactions.”143 Something which irked the local population. So the improved economic status of Tibetans and their prosperity to the point of becoming higher than that of the local villagers leads occasionally to friction and conflicts.

On the other hand Tibetans justify their survival as peaceful and do not develop any complex about the locals. According to them their survival is harmless to the Indian community and society. An official of the Tibetan Government—in-exile argues that due to these settlements, the headquarters of Tibetan Government-in-exile, and palace of the Dalai Lama, in the barren and undeveloped area of Dharamshala, has been converted into a most prosperous town, providing a big market for traders. The Continue flow of Pilgrimages, tourists and visitors also provides a lucrative business for travel and tourist agencies.144 Both the US Department of State and Dalai Lama stated that despite random and isolated incidents, Tibetans in India are able to lead peaceful lives.145

**Tibetan Refugees and Issue of Indian Citizenship**

As the Tibetan refugee community in India has existed for over 50 years and many Tibetans have been born in India. Section 3 of the Citizenship Act of 1955 outlines the conditions necessary to gain citizenship. There is no legal impediment for Tibetans who wish to apply for citizenship.146 But the Dalai Lama Government (DLG) discourage Tibetan refugees from taking up Indian Citizenship due to various reasons i.e. the

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143. Benami transaction are purchase in false names of other persons, who do not pay and merely lend their name, while the real title vests with another person who actually purchased the property and is benefiting owner. Parliament totally prohibited the Benami transaction.
144. *Supra* n. 35 at 92.
145. *Supra* n. 4.
taking up Indian citizenship by for taking the refugee status jeopardizes the very purpose of fleeing Tibet. It is also unethical because one of the main reasons of seeking refuge in India by the Tibetans was the compulsion to save the Tibetan race and culture by taking citizenship the Tibetans might get separated from their roots and assimilated within the Indian mainstream. It is precisely this fear that such an act would doom their ideal achieving independence and jeopardize their existence as a distinct culture group.\textsuperscript{147} Loss of refugee status might further affect foreign funding and development aid and assistance from donors, individual as well as institutions. Tibetan government can not afford this, as the maximum amount of money needed for the settlement camps comes from foreign assistance. There is also a fear of diminishing sympathy for the Tibetan freedom struggle.\textsuperscript{148}

Although, the Tibetan Government-in-exile is strongly opposed the idea of the refugees accepting Indian citizenship, but many Tibetan refugees are willing to avail it. These are mostly from the second-generation of refugees, born and brought up in India and who have not seen Tibet and do not have a sense of belonging to Tibet.\textsuperscript{149} Even the survey in the Dharamshala settlement reveals that number of refugees who are willing to take up Indian citizenship is increasing day by day. Some refugees want to take-up Indian citizenship to avail the facilities of passports and visas to go abroad for either to study or to seek foreign aid and assistance. Some of them want to get job in Indian government sector centre as well as on state level. Once refugees take up Indian citizenship they can avail all facilities and enjoy life. The young generation is splitted on the point of taking citizenship of India. Majority of them want to take-up citizenship and very few of them are dedicated Tibetans, who do not see India as their country

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\textsuperscript{147} Dalia Lama’s autobiography, \textit{Freedom in Exile}, 2000, p. 277.
\textsuperscript{148} Supra n. 14 at 304.
\textsuperscript{149} Ibid.
\end{flushleft}
and look forward to returning to a free Tibet. As a result, they see no need for the acquisition of Indian citizenship.  

The citizenship (Amendment) Act 2003 has almost overhauled the Citizenship Act, 1955. The new section 3 for the existing section 3 of the Citizenship Act 1955 provides that except as provided in sub-section (2) every person born in India:

a) on or after 26th Jan., 1950 but before 1st July, 1987.

b) on or after 1st July, 1987 but before the commencement of the citizenship Amendment Act, 2003 and either of whose parents is a citizen of India at the time of his birth.

c) on or after the commencement of the citizenship Amendment Act, 2003 where

(i) Both of his/her parents is a citizen of India, or

(ii) One of whose parent is a citizen of India and other is not an illegal migrant at the time of his/her birth, shall be a citizen of India by birth.  

The acquisition of India citizenship is not so straight forward for Tibetans. Neither citizens of Tibet who reside in India nor individuals who are born in India to parents who are Tibetan citizens are eligible for Indian citizenship. In general, Tibetans have trouble in obtaining Indian citizenship and are subsequently denied the concomitant right it bestows. Amendment to the Indian citizenship Act in 2003 also fails to make any distinction between refugee and their special circumstances and other foreigners and illegal immigrants like the foreigner Act 1946 which defines a foreigner as any person who is not a citizen of India, and includes refugees. After 1980

150. Researcher’s personal observation during the field study in the Dharamshala Settlement.
151. Dr. J.N. Pandey, Constitutional Law of India, 2007, p. 44.
the government has denied even residential and identification certificate to Tibetans due to this chance of availing citizenship is become very bleak.

Sum-Up

Over all it can be concluded that becoming a Tibetan refugee in India is beneficial to the individual because of the well established refugee settlement in India, where Tibetan refugees are free to practice their religion and express their culture. For last five decades the Tibetan settlements have grown from primitive campsites into unified economically self-sufficient communities. The achievements of the Tibetan refugees in India are remarkable. The Tibetans are deeply grateful to their Indian hosts, at a 1993 Conference in New Delhi the Dalai Lama said, “India has been the savior our nation”. But in the recent years the increasing population of Tibetan refugees is becoming a problem to India, in addition to the increasing number of birth in exile, there is a constant flow of new Tibetans refugees from china since 1980, when travel restrictions from Tibet have become more relaxed. Moreover, the free environment, freedom to practice democratic rights, education, medical facilities, attracts Tibetans to escape India. Further, India provides the basic needs to Tibetans, mainly shelter and opportunity for an economic livelihood. India’s sympathy toward Tibetan refugee is based on sentiments and humanitarian reasons. Tibetan refugees in India are very much satisfied with the government of India’s policy towards them. Although the government of India has been permissive but not overly happy with Tibetans in exile in recent years. Reason may be India’s complex socio-economic and political problems i.e. the challenges of a limited and overburden infrastructure, land and social services in the face of an expanding population and resource depletion and India’s relations with China. Tibetan refugees were granted asylum by the Government of India under the Principle of non-refoulement (i.e. protection against compulsion to return to home country) and the number of Tibetan refugees
in India fluctuates because of the arrival of number of refugees from Tibet each year and the return of unknown numbers to Tibet who come for pilgrims or for education. All this, however, leaves one question unanswered. How many Tibetan would be willing to return to their homeland with its uncertain prospects is now and will remain a matter for speculation.