CHAPTER- IV
EXODUS OF TIBETANS TO INDIA AND HUMAN RIGHTS

The refugee situation has become a classic example of the interdependence of the international community. It fully demonstrates how the problems of one country can have immediate consequences for other country. It is also an example of interdependence between issues. There is a clear relationship between refugee problem and the issue of Human Rights. First dimension of this issue is violation of human rights as origins of mass exodus and disregard for minimum rights of refugees and internally displaced persons is another dimension of the relationship.

In this chapter we are going to deal with the first dimension of the issue of Human Rights and refugees that is violation of Human Rights as origin of mass exodus with special reference to Tibetans exodus to India.

Violations of Human Rights are not only the major cause of mass exodus but also rule out the option of voluntary repatriation for as long as they persist. Violation of the rights of minorities and ethnic conflict is increasingly at the source of mass exoduses and internal displacement.¹

Human Rights are of prime concern. Tibet is perhaps the most gearing example of the Human Rights violations on the globe. All available evidence indicates that in Tibet, human rights violations continue to be on a large scale.

The second half of the twentieth century is known as the era of decolonization in which centuries long imperialism and colonialism were rooted out from vast Asian-African landmass and liberty, equality, rationalism and rule of law grew to become the order of the day. During the same time Tibet was turned into a land of unparalleled oppression and regression in the hands of China. It is one of the saddest ironies of our contemporary history why Tibet and Tibetan people were treated by the nations of enlightened world

in the way it was treated, freedom and status of Tibet was considered as nobody's interest or responsibility and further how the dire implication of take over by the People's Republic of China were not grasped. 

**Tibet:**

Tibet existed as an independent state for almost two thousand years before the communist Chinese invaded and occupied the country in 1949. Tibet is situated at the very heart of Asia between China and India; covering a total area of 2.5 million square kilometers. It is inhabited by the Tibetan people with a culture and way of life totally different from that of the people of the neighboring countries. Tibetans have developed a unique and rich culture and spiritual traditions, a distinct language and a large body of literature and exquisite works of arts. Tibetan civilization which goes back thousand of years is sophisticated and has made valuable contribution to the heritage of mankind.

Today, it is in danger of complete destruction at the hands of Chinese communities. Tibet's culture and national identity are being systematically and deliberately destroyed. More than 1.2 million Tibetans have died in Tibet since 1949 as a direct result of the Chinese invasion and acceptance. Over 6,000 of Tibetan's rich religious and other culture centers have been destroyed. His holiness the Dalai Lama, spiritual and political leader of the six million Tibetans, had to leave Tibet in 1959 and seek asylum in India. Around 80,000 Tibetan refugees followed him at that time and sought refuge primarily in India, Nepal and Bhutan.

**Tibet a Glance**

| Size | 2.5 million square kilometers, which includes U-Tasng, Kham and Amdo provinces. "Tibet Autonomous Region" (TAR), consisting of U-Tasng and a small portion of Kham, is 1.2 million square kilometers. The bulk of Tibet lies outside the "TAR". |

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3. Department of Information and International Relations, Central Tibetan Administration. Dharamsala, H.P., India.
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<table>
<thead>
<tr>
<th>Capital</th>
<th>Lhasa</th>
</tr>
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<tbody>
<tr>
<td>Political status</td>
<td>Occupied country and without United Nation representation.</td>
</tr>
<tr>
<td>Administration</td>
<td>Under Chinese rule, Tibet is divided into the following administrative units: a) Tibet autonomous region., b) Qinghai Province., c) Tianzu Tibetan Autonomous Country and Ganna Tibetan Autonomous Perfecture in Gansu Province, d) Aba Tibetan-Qiang Autonomous Prefecture, Ganzi Tibetan Autonomous Prefecture and Mili Tibetan Autonomous Country in Sichuan Province, e) Dechen Tibetan autonomous Perfecture in Yunna Province.</td>
</tr>
<tr>
<td>Province</td>
<td>U-Tsang (Central Tibet ), Do-med (N.E. Tibet ) and Do-tod (S.E. Tibet).</td>
</tr>
<tr>
<td>Relationship with PRC</td>
<td>Colonial</td>
</tr>
<tr>
<td>National flag</td>
<td>A mountain with two snow and red and blue rays over sun</td>
</tr>
<tr>
<td>Population</td>
<td>The total Tibetan population in Tibet is 6 million of this, 2.09 million live in the &quot;TAR&quot; and the rest in the Tibetan area outside the &quot;TAR&quot;.</td>
</tr>
<tr>
<td>Religion</td>
<td>Buddhism</td>
</tr>
<tr>
<td>Language</td>
<td>Tibetan. The official language under occupation is Chinese.</td>
</tr>
<tr>
<td>Literacy Rate</td>
<td>Approximately 25 per cent.</td>
</tr>
<tr>
<td>Average Altitude</td>
<td>4,000 meters or 13,000 feet above sea level</td>
</tr>
<tr>
<td>Average Temperature</td>
<td>July: 14°C (58°F) and January: -4°C (24°F)</td>
</tr>
<tr>
<td>Highest mountain</td>
<td>Chomolangma (Mt. Everest), 8,848 meters (29,028 feet)</td>
</tr>
<tr>
<td>Major Rivers</td>
<td>Yarlung Tsangpo (Brahmaputra), Mekong, Indus,</td>
</tr>
</tbody>
</table>
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<table>
<thead>
<tr>
<th>Major Lakes</th>
<th>Sutlej, Arun, Karnali, Salween, Yangtse. Tso-ngonpo, Nametso, Yamdrok-tso, Mapham Yumtso (Mansrover).</th>
</tr>
</thead>
<tbody>
<tr>
<td>Major environmental problems</td>
<td>Rampant deforestation; grassland degradation; poaching of rare and endangered species</td>
</tr>
<tr>
<td>Native Wildlife</td>
<td>Tibetan antelope, wild yak, wild ass and Tibetan argali, blue sheep, black-necked crane, Tibetan gazelle, giant panda, red panda, golden monkey</td>
</tr>
<tr>
<td>Economy</td>
<td>Tibetans: predominantly in agriculture and animal husbandry.</td>
</tr>
<tr>
<td>Bordering countries</td>
<td>India, Nepal, Bhutan, Burma, Eastern Turkistan and China</td>
</tr>
<tr>
<td>Political and religious leader</td>
<td>His Holiness the Dalai Lama, in exile in Dharamsala, H.P., India.</td>
</tr>
</tbody>
</table>

**The Status of Tibet:**

At the time of its invasion by troops of the People's Liberation Army of China in 1949, Tibet was an independent state in fact and laws. The military takeover constituted an aggression on a sovereign state and a violation of international law. China's continued occupation of Tibet, with the help of several hundred thousand troops, represents an ongoing violation of international law and of the fundamental rights of the Tibetan people to self determination and independence. Tibet today is a country under illegal Chinese occupation.

The Chinese Communist Government claims it has a right to the "ownership" of Tibet. It does not claim this right on the basis of its military conquest in 1949 or its alleged effective control over Tibet since then or since 1959. The Chinese Government also does not base its claim to "ownership" on
the so-called "Seventeen-point Agreement for the Peaceful Liberation of Tibet" which it forced upon Tibet in 1951.

China's alleged legal claim is based on historical relationships—primarily of Mongol or Manchu rulers of China with Tibetan Lamas. The main event by which China stakes its claim on Tibet occurred centuries ago: during the height of Mongol imperial expansion, when the Mongol emperors extended their political supremacy throughout most of Asia and large parts of Eastern Europe; and when Manchu emperors rules China and expanded their influence throughout East and Central Asia, including Tibet, particularly in the eighteenth century.

It is not disputed that at different times in its long history Tibet came under various degrees of foreign influence: that of the Mongols, the Gorkhas of Nepal, the Manchu emperors of China and the British rulers of India. At other times in Tibet's history, it was Tibet, which exercised power and influence on its neighbours, including China. It would be hard to find any state in the world today that has not been subjected to foreign domination or influence at some point in its history. In Tibet's case the degree and length of foreign influence and interference was quite limited. Moreover, the relationship with Mongol, Chinese and Manchu rulers, to the extent they had political significance, was personal in nature and did not at any time imply a union or integration of the Tibetan state with, or into, a Chinese state.

However fascinating Tibet's ancient history may be, its status at the time of the Chinese invasion must be of course, judged on the basis of its position in modern history, especially its relationship with China since 1911 when the Chinese overthrew what they perceived as foreign Manchu rule and became the masters of their own country. Every country can go back to some period in history to justify territorial claims on neighbouring states. That is unacceptable in international law and practice.

It is clear that, especially from 1911 till the Chinese occupation in 1951, there is no evidence of Chinese authority or influence in Tibet to support
China's claim. In fact, the preponderance of evidence shows precisely the opposite: that Tibet was to all intents and purposes a sovereign state, independent of China. This conclusion is supported by most legal scholars and experts on the subject.

The International Commission of Jurists "Legal Inquiry Committee on Tibet reported in its study on Tibet's legal status, Tibet and the Chinese People's Republic (Geneva, 1960), that: "Tibet demonstrated from 1913 to 1950 the conditions of statehood as generally accepted under international law. In 1950 there was a people and a territory, and a government, which functioned in that territory, conducting its own domestic affairs free from any outside authority. From 1913-1950 foreign relations of Tibet were conducted exclusively by the Government of Tibet, and countries with whom Tibet had foreign relations are shown by official documents to have treated Tibet in practice as an independent State".

Forty years of independence is clearly a sufficient time for a country to be regarded as such by the international community. Many members of the United Nations today have enjoyed a similar or even shorter period of independence.

**Early History:**

According to Tibetan annals, the first king of Tibet ruled from 127 BC. but it was only in the seventh century AD that Tibet emerged as a unified state under King Songtsen Gampo and his successors. Tibet was one of the mightiest powers of Asia for the three centuries that followed. The peace treaty concluded between Tibet and China in 821 AD demarcated the borders between the two countries. The two sides solemnly pledged that the "great era when Tibetans shall be happy in Tibet and Chinese shall be happy in China" shall never be changed. The text of the treaty, both in Tibetan and Chinese, was inscribed on three stone pillars erected at Lhasa where it still stands, the second on the Tibet-China border at Gungu Meru, and the third in the then Chines
capital of Chang'an. Between the 9th and the 12th century, Tibet disintegrated into several principalities. Tibetan attention was focused on India and Nepal from where a strong religious and cultural influence brought about a major spiritual and intellectual renaissance.

Relations with the Mongol Emperors (1240-1350):

The Mongol ruler Genghis Khan and his successors conquered vast territories in Asia and Europe, creating one of the largest empires the world has ever known. In 1240 Prince Goden dispatched an expedition to Tibet and invited one of Tibet's leading religious leaders, Sakya Pandita Kunga Gyaltsen (1182-1251), to his court and established an enduring Tibetan-Mongol relationship. Kublai Khan, who succeeded Goden Khan, embraced Tibetan Buddhism and adopted Drogon Choegyal Phagpa, nephew of Sakya Pandita, as his spiritual mentor. This Cho-yon (priest-patron) relationship resulted in Kublai adopting Buddhism as his empire's state religion, Aeende Pehaegpae became its highest spiritual authority. In gratitude, Kublai Khan offered his Tibetan lama political authority over all Tibet in 1254, conferring various titles on him.

It is undeniable that Mongol emperors spread their influence over Tibet. But, contrary to the assertion made by China that in the mid-thirteen century Tibet was officially incorporated into the territory of China's Yuan Dynasty", none of the Mongol rulers ever made any attempt to administer Tibet directly: Tibet did not even pay taxes to the Mongol empire, and it certainly was never considered part of China by the Mongol emperors.

Tibet broke its political relationship with the Mongols in 1350 when Phagmo Drupa succeeded the Sakya rule in Tibet. The Chinese regained their independence from Mongol rule and established the Ming Dynasty eighteen years after that.
Relations with the Manchus and Neighbours:

Tibet developed no political relations with the Chinese Ming Dynasty (1368-1644). In 1642 the Great Fifth Dalai Lama, with the help of his Mongol patron Gushri Khan, became the supreme political and religious ruler of Tibet. Since then, Tibetans regarded him as their "Gongsa Chenpo" or "The Fifth Dalai Lama not only maintained a close relationship with the Mongols but also developed intimate ties with the Manchu Emperor in 1639, and his successor, Shunzi, who conquered China and established the Qing Dynasty (1644-1911).

In 1653, the Fifth Dalai Lama paid a state visit to Peking at the invitation of the first Qing Emperor Shunzi. In an unprecedented sign of respect, the Manchu Emperor made a four-day journey outside his capital to receive the Tibetan sovereign and foremost spiritual leader of Central Asian Buddhists. On this occasion the Fifth Dalai Lama and the Manchu Emperor bestowed unprecedented high complimentary titles upon each other.

The Dalai Lama agreed to become the spiritual guide of the Manchu Emperors, and accepted patronage and protection in exchange. This 'priest-patron' relationship which the Dalai Lama also maintained with some Mongol princes, was the only formal tie that existed between the Tibetans and the Manchus during the Qing Dynasty. It did not, affect Tibet's independence.

Throughout the Qing Dynasty, relations between Tibet and Manchu Emperors remained formally based on the priest-patron relationship. The Manchu Emperor readily responded to the appeals for help to drive out invading Dzungar Mongols and escort the newly discovered Seventh Dalai Lama to the Tibetan capital in 1720.

Manchu forces entered Tibetan on three more occasions in the eighteenth century, once to protect Tibet against invading Gorkha forces from Nepal (1792), and twice to restore order after civil wars (1728 and 1751). Each time they came at the request of the Tibetans. These expeditions provided the Manchu Emperor with the means for establishing influence in Tibet. The Emperor sent representatives (amban) to the Tibetan capital, Lhasa, some of
whom tried to exercise influence over the Tibetan Government. At the height of Manchu influence in Tibet, which lasted a few decades, the situation was like that which exist between a super power and a satellite or protectorate, and therefore one which, though politically significant, does not affect the independent existence of the weaker state. Tibet was never in corporate into the Manchu Empire, much less, China, and continued to conduct its relations with neighbouring states on its own.

Manchu influence in Tibet declined rapidly afterwards, rendering them unable to play any role when Tibet fought wars against invaders from Jammu (1841-182), Nepal (1855-1856), and British India (1903-1904). By the mid-nineteenth century the Manchu emperor's role (and the related role of the amban) was only nominal.

The unprecedented invasion of Tibet by Manchu troops in 1908 was a turning point in relations between Tibet and the Manchu emperor. Previous imperial military expeditions had come to assist the Dalai Lama or the Tibetan Government at their invitations. But this time, the Manchu emperor attempted to establish his authority in Tibet by force, largely to remove increasing British influence in Tibet. The Thirteenth Dalai Lama fled in 1910 to neighbouring India, but the occupation of Tibet was short-lived.

Following the 1911 Revolution in China and the overthrow of the Manchu Dynasty, the imperial troops surrendered to the Tibetan army and were repatriated under two Sino-Tibetan peace accords signed in August and December 1912, respectively. The Thirteenth Dalai Lama reasserted Tibet full independence by issuing a proclamation in Lhasa in 1913 and also communicating with foreign rulers, including the British, Russian and Chinese and signing a treaty with Mongolia.

**Tibet in the Twentieth Century:**

From 1911-1950, Tibet successfully avoided any influence and maintained her full independence. On the eve of the Chinese invasion, which
started at the close of 1949, Tibet possessed all the attributes of independent statehood recognized under international law: a defined territory; a population inhabiting that territory and a government capable of maintaining international relations. Tibet had its own head of state and system of government, judicial system, taxation, currency and postal systems, a foreign office and armed forces.

The international relations of Tibet were focused on the country's neighbours. Tibet maintained diplomatic, economic and cultural relations with Nepal, Bhutan, Sikkim, Mongolia, British India, and independent India and, to a limited extent, with Russia and Japan. Relations with China remained strained. China waged a border war with Tibet. At the same time, the Chinese President repeatedly and formally urged Tibet and Nepal to join the Chinese Republic, thus admitting that Tibet was not, at that time, a component part of China. Yet at the same time to the rest of the world China all along claimed that Tibetans were one of China's 'five races'.

In order to avoid a long drawn war between Tibet China, a tripartite conference was arranged with British mediation in Simla in 1913 where the three states met and negotiated on an equal footing.

At the conference, Great Britain, anxious for peace in the north of her Indian borders, persuaded Tibet to agree to China's nominal suzerainty in exchange for China's pledge to respect the territorial integrity and full autonomy of Tibet. However, the Chinese Government refused to sign the Simla Convention. On July 3, 1914 the Tibetan and British plenipotentiaries initialed the Simla Convention and signed a Joint Declaration barring China from any of the advantages which she might have accrued from the terms of the Convention. Tibet's status, therefore, remained what it was when she entered the Convention: that of an independent state owing no allegiance to China. The Simla Convention also constituted recognition by both Britain and China of Tibet's sovereignty and of its capacity to negotiate and independently enter into treaties on equal basis with other states.
In 1934, the Tibetan Government in Lhasa received the Chinese Mission, sent to offer condolences after the death of the Thirteenth Dalai Lama. A Chinese representative was then permitted to stay and was given a similar status as the Nepalese and British representatives in Lhasa. He remained until his expulsion from Tibet in 1949.

During World War II, Britain, the United States of America and China requested permission to transport war material through Tibet to China. But Tibet insisted on maintaining neutrality and allowed only non-military goods to be transported through its territory.

In 1947, a few months before the independence of India, Tibet was invited to participate in the Asian Relations Conference in New Delhi. The Tibetan delegation travelled on Tibetan passports and participated in the Conference as representatives of an independent state. In 1948, when the Tibetan Government Trade Delegation visited India, U.K., Italy, France, and the U.S.A., the delegates passports, issued by the Tibetan Government, were accepted by the governments of these countries as valid travel documents.

When India became independent in 1947 it took over the British diplomatic mission in Lhasa and inherited the treaty relations of Britain with Tibet. Its recognition is clear from the following official communication the Indian Government sent to the Tibetan Foreign Office:

"The Government of India would be glad to have an assurance that it is the intention of the Tibetan Government to continue relations on the existing basis until new arrangements are reached on matters that either party may wish to take up. This is the procedure adopted by all other countries with which India has inherited treaty relations from His Majesty's Government."

Though Tibet never maintained extensive international relations, those countries with which it did maintain relations treated Tibet as they would any sovereign state. When Nepal applied for membership to the United Nations in 1949, it cited its treaties and diplomatic relations with Tibet. Even the last
official Chinese Mission Head in Lhasa, Shen Zonglian, conceded that "since 1911 Lhasa (Tibet) has for all practical purposes enjoyed full independence".

The Invasion of Tibet:

The turning point in Tibet's history came in 1949, when the People's Liberation Army of China invaded Tibet. On October 7, 1950, 40,000 Chinese troops attacked Eastern Tibet's provincial capital, Chamdo, and defeated the small Tibetan army. After two days, Chamdo was taken and Ngapo Ngawang Jigme, the Regional Governor, was captured. Over 4,000 Tibetan fighters were killed.

The Chinese aggression came as a rude shock to India. In a sharp note to Beijing on October 26, 1950, the Indian Foreign Ministry wrote:

"Now that the invasion of Tibet has been ordered by Chinese government, peaceful negotiations can hardly be synchronized with it and there naturally will be fear on the part of Tibetans that negotiations will be under duress. In the present context of world events, invasion by Chinese troops of Tibet cannot but be regarded as deplorable and in the considered judgement of the Government of India, not in the interest of China or peace".

A number of countries, including the United States and Britain, expressed their support for the Indian position.

Faced with the military occupation of eastern and northern Tibet, the defeat and destruction of its small army, the advance of tens of thousands more PLA troops towards Central Tibet, the Tibetan Government sent a delegation under Ngapo Ngawang Jigme to Beijing for negotiations with the new Chinese leadership. This delegation was forced to sign the so-called "Seventeenth-Point Agreement for the Peaceful Liberation of Tibet" on May 23, 1951. The delegation was not allowed to refer its terms to Lhasa for approval, and the Chinese even forged duplicate seals in Beijing and forced the delegation to affix them on the documents. Because it was signed under duress the agreement lacked any validity under international law.
The Tibetan Government withheld public repudiation of the agreement at that time. At his first opportunity to do so in freedom, His Holiness the Dalai Lama repudiated the agreement, when he set foot in India following his escape in 1959.

The seventeen clauses of the "agreement", among other things, guaranteed that China would not alter the existing political system in Tibet and not interfere with the established status, function, and powers of the Dalai Lama or Pancham Lama. The Tibetan people were to have regional autonomy, and their religious beliefs and customs were to be respected. Internal reforms in Tibet would be effected after consultation with leading Tibetans and without compulsion.

However, from 1951 to 1959, the Chinese occupation forces repeatedly violated the terms of the agreement and unleashed increasing repression in Tibet. The Communist Chinese imprisoned thousands of Tibetan religious and community leaders and destroyed hundreds of temples and monasteries. The increasing Chinese repression in northeastern and eastern Tibet forced Tibetans in that region to take up armed resistance, which soon engulfed the whole of Tibet. Soon the smoldering Tibetan discontent burst into open defiance of China, as tens of thousands of ordinary Tibetans spilled into the streets of Lhasa on March 10, 1959, demanding withdrawal of Chinese from Tibet. This set off the Tibetan National Uprising and a Tibetan resistance movement spread all over Tibet. China crushed the uprising and about 87,000 Tibetans were killed in the Lhasa region alone.

The March 10 Uprising resulted in the flight of His Holiness the Dalai Lama, members of his Government, and about 80,000 Tibetans into India, Nepal and Bhutan. In India he re-established the Tibetan Government.

Despite so many years of oppression and atrocities, the spirit of Tibetans remain uncrushed, resolute and defiant. The Tibetans continue to resist Chinese rule in Tibet. From September 1987 till middle of 1995, there had been over 200 popular demonstrations in Tibet against Chinese rule. Thousands of
Tibetans died in these demonstrations. Many more were jailed incommunicado.4

Before the Chinese "occupation" in 1959, Tibet was a little known nation, and it was perceived by the world at large as a mysterious land, referred to as the forbidden land it attracted attention of outside world after China started its campaign to bring "cultural revolution" in the land of lamas, woes of Tibetans started with the introduction of reforms initiated by the communist regime of China to effect overnight change of a secular tradition into a modern secular society. This cultural arm twisting of Tibetan society by the Chinese soon developed into a full blooded political assault, finally resulting into a physical domination of Tibet by China to preserve an ancient political-cultural tradition.

Violation of Human Rights in Tibet:

Tibet used to be an independent state in history, and it lost its status of independence only after the "armed invasion" and occupation of Tibet was carried out by China in early 1950s...

Thus "violating Human Rights in Tibet. All this nothing but distorting history and altering facts. It is known to all that Tibetan nationality is one of the 56 nationalities in China with [a] along history. As early as the 13th century, Tibet, as one of the main concentrated communities for Tibetans had become an administrative region of China and inalienable part of Chinese territory. Over the past 700 years or more, the successive central governments of China exercised affective sovereign control over Tibet. Since the beginning of the contemporary history though the imperialist and colonial forced adopted political and diplomatic measures are even launched armed invasions against Tibet, imposed pressures on the central government of China and drove wedges between local authorities in Tibet and central governments in an attempt to

4. Tibet, an independent country under illegal communist Chinese occupation published by Tibet Voice, Dharamsala, H.P. India pp 1-10.
separate Tibet from China. They never succeeded in changing the fact that China possesses complete sovereignty over Tibet. No country in the world has ever recognized that so-called "independence in Tibet."

In 1949, after they had reached being the Chinese communists proclaimed over the radio then revised position that Tibet was Chinese territory, the Tibetan people are indivisible part of the Chinese people.

The Chinese, army which entered Tibet, had no qualms about killing in thousands and plundering and masses caring were committed wherever they went.

The first impact of Peking's control was felt in the feverish construction of roads and highways, considered strategically important. The labour for this work was Tibetan men, women and children, laymen and works, most of them forcibly drafted. Up to 200,000 Tibetans were forced into these labour projects, one fourth of them are said to have died from cold, hunger and fatigue. For these projects the Chinese also destroyed consolidation holdings by indiscriminately using the tracks in the name of highway priority. Numerous religious monuments, shrines, and even houses of poor peasants that were in the path of highway or road were destroyed.

Then started a campaign against Buddhism, it involved wanton killing of Lamas and layman and desecration and destruction of monasteries on large scale. In the Kham province alone 250 monasteries were destroyed and a large number of Lamas dragged to death. A large majority was sent to concentration camps in China. Over 20,000 Tibetan children were snatched from their mothers and deported to China for introduction. 5

It was during the Cultural Revolution that concerted efforts were made to eradicate the ethnic Tibetan culture and vandalize their religious treasures. 6 The so-called Cultural Revolution destroyed 95 per cent of the material

6. Ibid p.14
manifestations to Tibetan Buddhism and caused immense suffering to the believers.\(^7\)

The Chinese after invasion imposed all kinds of socio-economic policy changes striking at the very root of the traditional Tibetan social fabric and economic life. The overwhelming evidence suggests that the Chinese totally disrupted an essential self sufficient society and caused, through their brutality and colonialism massive food shortage and widespread hunger as the masses were put to work to feed their new masters.\(^8\)

The new ruler in Tibet formed unique strategy with the aim of final solution to Tibetan problem by flooding the country with Chinese settlers, it had practiced discrimination in Tibet which is manifested in several forms as housing, health care, employment, freedom of movement.

Besides, economic exploitation also continued in many forms like confiscation of lands and appropriation of crops. In short, the Chinese communists started milking Tibet as well as Tibetans.\(^9\)

By 1962 the commune system had already been established in several parts of Tibet on experimental basis. The Tibetans hated the system because under the crops and the land ceased to belong to them. The Tibetans now had to work where they were told to work give to the state what they were told to give, and even eat what they told to eat. The crash programmes known as Thorpe brunching which really means eat less and provide more\(^{10}\) was imposed on Tibetan people consequently countless number of Tibetans died of starvation. The cultural revolution decade saw large scale killings tortures distributions and plunders in Tibet the region of terror reached to the climax Tibetan people were humiliated and tortured\(^{11}\) Tibetan looks the occasion as opportune movement to a hunch a campaign for regaining their independence. In 1969 there was independence uprising throughout Tibet which was

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10. Ibid, p.203
suppressed with brutal vengeance, resulting in the death of thousands and large scale arrests, tortures, imprisonment and destruction so much so that Lhasa was described a city of "Frightened hungry women".\textsuperscript{12}

The cultural revolution decade Tibet suffer doubly as a result of revolution itself and as a result of suppression of the independence movement about which nothing was known to the outside world until much later.

The facts, corroborated by policies and practices, speak otherwise. Over 1.2 million Tibetan which is more than 20 percent of the total population have died since 1949 due to political persecution, imprisonment, torture, and starvation. Accounts of massacres, tortures and killings, bombardment of monasteries, extermination of whole nomad camps, are well documented. Deaths in prisons, and labour and concentration camps, based on testimonies of survivors, show that throughout Tibet about 70 percent of prisoners died.

On human rights violations we need only refer to published studies by international human rights bodies over the last decade. The reports of Amnesty International, Asia Watch, and the periodic reports of the UN Commission on Human Rights' Working Groups all contain damning indictments of China for gross and persistent human rights abuses in Tibet. The annual sessions of the Geneva-based UN Commission on Human Rights, its Sub-Commission, and a number of other UN human rights bodies, regularly receive or hear accounts of China's violations in Tibet. Many international parliaments, including the European Parliament, have passed resolutions condemning China for gross human rights violations in Tibet.

Independent organizations and specialist agencies monitoring Tibet have compiled a body of reports on arbitrary arrests; incommunicado detention; torture; judicial and extra-judicial killings; trials in gross contempt of democratic legal principles and procedures; forced prison labour; forced abortions and sterilization that deny Tibetan women their reproductive rights; denial of rights to freedom of movement and of speech, assembly and

\textsuperscript{12} Tibet the facts, op.cit. p.29.
association; culture and religious right, etc. Tibet Information Network (TIN), a monitoring agency based in London, reported in May 1995 that approximately 3,500 Tibetans had been detained since 1987 for political offences, about 99 percent of them for non-violent expression of their opinions. These are only known detention.

In contradiction to its claims that the human rights situation in Tibet is highly commendable, China has refused any independent inspection of the situation by international experts. A few government delegations visited Tibet on strictly conducted tours. Even so they reported manifest signs of abuses and denials. In November 1994, China for the first time permitted a UN human rights monitor into Tibet: the Special Rapporteur on Religious Intolerance of the UN Commission on Human Rights. He was permitted to meet with only one victim of Chinese human rights abuse; ordinary Tibetans were prevented from meeting him.¹³

The International Commission of Jurists found after a preliminary investigation, that there was prima-facie evidence that genocide was being committed the legal inquiry committee set up to investigate the available evidence, concluded that acts of genocide had been committed in Tibet is an attempt to destroy Tibetans as a religious groups. The commission further found that the Chinese authorities in Tibet had violated sixteen articles of the universal declaration of Human Rights.¹⁴


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¹⁴. Tibet and the Chinese People's Republic, New Delhi, 1966, Legal Inquiry Committee on Tibet. pp.3-5
In Tibet, martial law was imposed in the capital, Lhasa, on 7 March, 1989 following two days of violent confrontations after police attempted to stop a peaceful demonstration by a small group of Tibetan monks and nuns calling for Tibet independence. Eye witnesses described "ill organized" police savagely beating Tibetans and firing indiscriminately. By 9th March the official death toll was 16 but unofficial Tibetan sources estimated the over 60 people had died and more than 200 had been injured. Over 1,000 Tibetans were temperately arrested, though the authorities acknowledge no more than a few hundred arrests and there were reports of secret summary executions. Further arrests occurred in the following months.

Evidence of persistent human rights violations in Tibet since pro-independence demonstration started in September 1987, includes reports of numerous arbitrary arrests, long term detention without charge or trial and torture.

It is now reliably established that over 1.2 million Tibetan have perished under Chinese rule since 1949 including nearly 1 million Tibetans tortured to death.16

A variety of sources estimate that thousands of Tibetans have been arrested since the current wave of unrest which began various reports indicate that in successive years Tibetan demonstrators or anyone who showed slightest allegiance to Tibetan independence or nationalism, faced arbitrary arrest by the Chinese authorities. In fact it is likely that up to two thousand Tibetans were arrested during the March 1989 demonstration and in the early days of martial law.17

Number of Political prisoners:

Precise figures on the number of political prisoners are impossible to obtain because of the lack of freedom to monitor the situation which is further complicated by the Chinese official statements denying the existence of political prisoners in Tibet. Agency France-Press reported from Beijing, that China has for the first time released figures on jailed separatists in Tibet, reporting that 1025 people have been detained for taking part in anti-Chinese Riots since 1987, Xinhua said 121 people were sentenced to jail terms, 97 sent to labour camps and 807 were investigated and released after receiving an education.18

Many political prisoners are held on nominal criminal charges, only a fraction is charged as "counter revolutionaries". The Canadian nominee, Peter Burns unmasked China's claim that it has no political prisoners as they are termed instead counter revolutionaries as "reminiscent" of George Orwell's double think.19

Because of the revolving door policy estimated of the number of political prisoners fluctuate. Although many prisoners may be released, some will be imprisoned again after the next demonstration. Therefore at any given time, the number of long term political prisoners may be only a fraction of the number of Tibetans who have been imprisoned for shorter period of time.

It is also difficult to determine how many prisons exist in Tibet. Chinese authorities claim that there is only one prison in Tibet autonomous region. But various reports contradict this. Four main prisons, one adult reform though labour camp and two juvenile reforms though labour camps are known to exist in the city of Lhasa.

The list of Tibetan prisoners compiled by Asia watch and TIN between August and November 1991 confirmed 360 cases of detention.... By identifying the participation, their ages, occupation, organizational affiliations

and sentences, the list make clear that vast majority of prisons terms were imposed for non-violent protests such as displaying the outlawed Tibetan flag, writing slogans on stones and walls, publishing and distributing leaflets, compiling prisoners list and talking to foreigners about repression in Tibet.\textsuperscript{20}

\textbf{Charges of collaborating with foreign reactionary elements:}

To Amnesty International's knowledge, the first trial of Tibetans involved in pro-independence activities since September, 1987 took place in Lhasa in January 1989. The official New China News Agency announced at the time that 27 Tibetan had been publicly tried for offences related to demonstration in 1987 and 1988. One of these Yulo Dawa Tsering, a senior monk from Gunden monastery detained in December, 1987-was sentenced to 10 years imprisonment and three year's deprivation of political rights on charges of collaborating with foreign reactionary elements.

Tibetans who openly express political dissent to western tourists or who collect information about conditions in Tibet and try to forward it to the Tibetan government in exile or western human rights groups are particularly on rise. Forty-five years old Lampa Nhodrup, a Tibetan doctor, has been sentenced to 13 years in prison for copying out list of Tibetan detainees. He was convicted of espionage for passing on the name to Lhama Yangchen a Tibetan woman living in India.\textsuperscript{21}

In 1989 a Tibetan Teacher received 10 years sentence for a dinner party conversation about polities, with an Italian tourist Gendium Pinchen was arrested on May 13 when he had been collecting information on Human Rights of Tibetans.\textsuperscript{22}

\textbf{Punishment for Taking part in:}

\textbf{I. Protests} - In August, 1989 the people's daily announced that 10 Tibetans accused of offences related to the March 1988 protests in Lhasa had

\[\text{22. Times of India, 19th September, 1993.}\]
been sentenced others were tried and sentenced during the following months. One named as Passang, was sentenced to life imprisonment for taking part in the protest.

II. Demonstrations—Amnesty International has received other reports of arrests and trials of Tibetan in the past few months. At least 16 Tibetan nuns were reported to have been arrested for demonstrating in September and October 1989, six of the nuns were subsequently sent to labour camps without charge or trial, after receiving administrative sentences of 3 years "re-education through labour" detention orders for re-education through labour are issued outside the judicial process by public security (police) officers and those thus punished can not question the grounds for their detention or appeal against it in a court of law. Several other Tibetans including four monks and one young student, were assigned to term of three years re-education through labour" between September and December 1989 for their alleged participation in demonstrations.

United States based human rights watch in their world report 1992 described Tibet as a region where repression continued" with more arrests of Tibetans autonomous region (TAR) and the Tibetan region of Gansu and Qinghai provinces.23

III. Making counter revolutionary propaganda— Another violation highlighted by the Asia watch which gives an account of dozens of students monks teachers and nuns arrested for advocating independence for Tibet of making counter revolutionary propaganda, many of them have been sentenced to harsh prison terms or sent to labour camps.

According to Amnesty International including 10 monks from Drepung monastery were tried on counter-revolutionary. Charges for alleged pro-independence activities, those arrested recently include five students from Lhasa. No. 1 middle school who were arrested on 8 December 1989 for

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allegedly setting up in March 1989 a counter revolutionary group called the Gangchen (mountain range) Youth Association and putting the poster in various places in Lhasa. No punishment against them has been announced.

**Incitement of others:**

If any Tibetan is found involved in any activity as attempting to encourage others to be politically acting they have punished and dealt with cruelty by authorities.

Two prisoners- Tsering Ngodrup, a 59 year old restaurant worker serving a 12 year sentence, and Dawa Drolma, a female teacher at a Lhasa school serving an unknown term have been officially sentenced for encouraging children to sing reactionary song. Fifty-seven year old woman Ama Phurbin is believed to have arrested after she organized a prayer ceremony to commemorate a demonstrator who had died earlier.\(^{24}\)

**Possessing of Political or Religious propaganda material:**

Since much of the unrest in Tibet is blamed on infiltration's by agents of the Dalai Lama, the authorities have made a concerted effort to proscribe and intercept almost any audio, visual or written material being brought into Tibet, particularly if it is written by or refers to the Dalai Lama. Topgyal a tailor arrested in April for possessing a video cassette of the Dalai Lama, was reportedly severely beaten while held in communicate in Police custody in Lhasa.\(^{25}\)

**Making or distributing pro-independence posters:**

Tibetans suspected of opposition to the government continued to be arrested. Agyal Tseereeing a monk, was sentenced to 18 months imprisonment's for allegedly printing and distributing a leaflet advocating Tibetan independence.\(^{26}\)

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24. TTN news update, 18\(^{th}\) Feb, 1992
25. AI, Index, pol 10/01/1991, p.66.
26. Ibid p.65
Displaying and prosecuting the Tibetan flag:

The Tibetan national flag has been an important rallying point for Independence activities in Tibet. In November 1989, a monk from Ganden monastery called Tinesin was sentenced to 3 years reeducation through labour for among other things, possessing a Tibetan flag.27

Crimes of violence:

Particularly in relation to the demonstration in March 1989, some protectors have been convicted of the crime of beating, smashing and looting. On 13 September 1989, Tibet daily a nonacid that Pasang, aged 22, had been sentenced to life imprisonment for attacking pedestrians as on 7 March 1989, committing a series of specified looting from shops and shouting reactionary slogans.28

Torture and ill treatment of prisoners:

Amnesty International has received reports about the torture and ill treatment of prisoners, which includes testimonies from political detainees who were released in late 1988 or early 1989 and others. They allege that many detainees were subjected to torture, including sever beating shocks with electric batons and prolonged suspicion by the arms. Some detainees were said to have died as a result of torture one detainee, Tseten Norgye a married bookkeeper that was arrested in Lhasa in April or May 1989 reportedly suffered a severe eye injury as a result of torture of torture. He was reported to have been arrested after police found a mimeograph machine in his house, which they alleged was used to print literature advocating Tibetan independence. He is held in Lhasa's Chakpori detention center and is not known to have been charged.

27. Defying the dragon, op.cit. p.34.
Despite China's ratification of the United Nations convention against torture\textsuperscript{29}, Human Rights groups including international and Asia watch report that the use of torture on Tibetan political prisoners in common\textsuperscript{30}. Various methods and instruments of torture and ill treatment have been described by former political prisoners who had been subjected to them include savage beating, shocks with electric prods and other such mistreatments, says Asia watch.\textsuperscript{31}

One refugee from eastern Tibet, who was a victim of the Chinese, described thirty-three methods of torture employed on prisoners.\textsuperscript{32} The internal party documents also admits that the officials have devised new forms of punishment\textsuperscript{33} according to the report by professor Peter Kooijmans, a special rapporteur to the United Nations commission on Human Rights in Geneva, several people were kept standing for 14 days during interrogation and then left hanging in the air for two more days and nights.\textsuperscript{34}

There are many victims who have been hanged by the thumbs and ankles, or wrists and with arms tied behind backs- a position known as "flying airplane". The use of electric cattle prods against Tibetan detainees had prisoners is wide spread. The Asia watch published the first substantive account of their use in February, 1988 report. Human Rights in Tibet, since then the substantive reports of their use have been frequent.\textsuperscript{35}

In prisons, many forms of cruel and degrading treatment and method of torture for the purpose of extracting information have been reported the methods most commonly used were severe beatings, shocks with electric

\textsuperscript{29} Information office of the State Council Human Rights in China Beijing Review (Beijing) November, 1991.
\textsuperscript{30} Times of India, (courtesy New York Times) 27th June, 1992
\textsuperscript{31} Patriot 29th May, 1990.
\textsuperscript{32} Tibetan Bureau, briefing paper op.cit. p.12.
\textsuperscript{33} H'O Phan "to control others first control yourself, internal party study document in Tibetan issue No. 2, September, 1989.
\textsuperscript{34} Bangladesh Observer, Dhaka, 23rd Feb, 1989.
batons and the use of shackles deprivation of sleep and food, exposures to extremes of heat or cold and being forced to adopt exhausting postures.\textsuperscript{36}

All released prisoners agreed that food was insufficient and of such poor quality that it caused diarrhoea and other digestive disorders.\textsuperscript{37}

**Custodial Deaths:**

The Amnesty International has reported several cases of prisoners dying as a result of torture, including that of Tenmzin Sherpa who is believed to have been tortured to death in prison in mid March, 1988, pictures of his face when his family came to collect him in the morgue further substantiated this claim.\textsuperscript{38}

Lhakpa Tsering was said to have died in Drapsi prison on 15 December 1990 shortly after he refused to accept an order to inmates not to make dissident statements during an excepted visit of a western journalist.\textsuperscript{39}

Laba Dunzhum, Tibetan political detainee had died at the people's hospital in Lhasa in November 1991, after being transferred there from Gutra detention centre. He had been arrested in 1989, and was reportedly tortured in detention. He was in suffering from a ruptured spleen and other injuries.\textsuperscript{40}


Serious violations of Human Rights continue to occur in China and Amnesty International has not recorded any significant improvement since August 1989. Though releases have occurred, thousands of people continued to

\textsuperscript{36} Times of India, 13 July, 1993.
\textsuperscript{37} Defying the dragon, op.cit. p.52.
\textsuperscript{38} cited in Auckerly Blake and Kerr, op.cit., p.125.
\textsuperscript{39} Defying the dragon, op.cit. p.53.
\textsuperscript{40} Times of India, 13 July, 1993.
be imprisoned throughout China for their participation in the pro-democracy protests of 1989. There have been further arbitrary arrests and prisoners continue to be detained incommunicado without charge or trial, imprisoned or executed after unfair trials. Martial law was lifted in Beijing on 10 June, 1990, but no measures of clemency or redress have been announced for those imprisoned as prisoners of conscience, subjected to prolonged detention without charge or trial for political reasons, or sentenced to imprisonment or to death after unfair trials. Indeed the laws, which permit such violations to take place, remain in force.

Amnesty International estimates that at least 1000 people were killed and thousand more injured in Beijing in early June 1989 when troops fired into crowds of protesters and by standers. The vast majority of them unarmed.

Amnesty International believes that many of these killings were extra-judicial executions. The results of a deliberate decision by those in authority to suppress the peaceful protests even if this mean widespread killings. The atmosphere of tension, which followed the military operation, made it impossible to determine the true death toll. Thousands of people were subsequently detained throughout China in connection with the protests, including many prisoners of conscience, and most were held incommunicado for long periods. Some were reported to have been severely beaten or torture by soldiers or police dozens were officially reported to have been sentenced to death or to terms of imprisonment after trials which were summary and unfair and secret executions were also reported.

Article 37 of China's constitution stipulates... No citizen may be arrested, except with the approval of or by decision of a people's procurator or by the decision of people's court and arrest must be made by a public security organisation. Unlawful detention or deprivation or restriction of citizen's
freedom of the person by other means is prohibited, and unlawful searches on
the person of citizens are prohibited.\textsuperscript{41}

But, the rule of law in Tibet is subordinate to the higher political goal of
dealing the perceived conspiracy to 'split the motherland'. The media further
encourages the view that may one arrested for suspected nationalist activities
does not deserve to be protected by law. The attitude of the media is as follows:
the activities of stirring up divisions and Tibetan independence are in essence
traitorous and treasonable activities.... If you (separatist) continue to do evil
and continue to be incorrigibly obstinate, you will never escape punishment by
the people and law.\textsuperscript{42}

Under the Chinese rule in Tibet, prisoners are not informed of the
ground for their arrest and their right to legal protection. Police rarely produce
the detention arrest or search warrants specified in the PRC criminal procedure
Law(45)\textsuperscript{43} if warrants are presented, they are usually in Chinese, even if the
suspects only understands Tibet. In most cases, families are not informed;
Lobsang Dawa, 36 year old businessman living in Chungalin Trongsa in north
Lhasa disappeared on 1 September, 1993.... His family was unable to find out
where he was until 20 September, when police informed them that he had been
imprisoned on suspicion of involvement in the Tibetan independent
movement.\textsuperscript{44}

Under such a legal system, incommunicado detention is extremely
frequent and almost routine in Tibet. It is often hard and impossible for
relatives to locate detained or arrested person. This can take months and years.
Evidence of arbitrary arrests and incommunicado detention, often resulting in
disappearances and summary executions are cited in the 1990 report of the
Amnesty International which points out over 1000 people including prisoners

\textsuperscript{41} Zheng Chinjian and Xeriralala Hyima "Hu Reg: Past and present. Beijing Review. Feb 29, March.
\textsuperscript{42} Safeguard the unity of the motherland, oppose stirring up division, Tibet Daily 10/3/88. Cited in
Defying the dragon, op.cit., p.31.
\textsuperscript{43} Ibid p.32.
\textsuperscript{44} Tibet Bureau briefing paper , op.cit. p.10.
of conscience, were arrested under Martial Law imposed in Lhasa in March and that some of them were summarily executed.\textsuperscript{45} The Chinese authorities have not disclosed the total number of people detained, tried or executed throughout the country since the June crackdown on pro-democracy protesters. At least 6,000 arrests have been officially reported throughout China, but the real number of those detained is believed to seem into tens of thousands. Between 8,000 and 10,000 people are said to have been detained in Beijing alone. The majority in June and July—although some sources suggest that around 4,000 were released after various periods in detention for interrogation. Arbitrary arrests, however, have continued. Since September, Amnesty International has received numerous reports about students, academics and others arrested in various places in China for their alleged activities in connection with the pro-democracy protests. Few such arrests, however, have been confirmed by official sources.

The arbitrary detention or imprisonment of people involved in peaceful political or religious activities is facilitated by a number of provisions in Chinese law and by practices which, while contrary to the letter of the law, have become the norm in the People's Republic of China. It is common for instance, for people to be detained by police for weeks or months without charge in breach of the procedures for arrest and detention laid down in China's criminal procedure law. A 1957 law, which was updated with new regulations in November, 1979, also permits long term detention without charge or trial: it provides for the detention of people considered to have anti-socialist views or to be "hooligans" in camps or prisons for up to four years for "reeducation throughout labour. Detention orders for public security (police) officers' issue those subjected to "re-education through labour" outside the judicial process. China's criminal law (1980) also includes provisions, which are used to imprison people for the peaceful exercise of their basic human rights. Article 98 and 102, in particular, provide punishments ranging from deprivation of

\textsuperscript{45} cited in Assembly of Tibetan People's Deputies Dharamsala, Ref. No. 59/OS/IPU/93 p.3.
political rights to life imprisonment for people charged with organizing or taking part in a "counter-revolutionary" group or with carrying out "counter-revolutionary propaganda and agitation". These two articles, as well as others, have been used in the past to imprison people whom Amnesty International considers to be prisoners of conscience. Those detained are believed to be held incommunicado, Chinese law does not permit access until the trial starts. It is also common for prisoners to be denied visits from their family until the trial starts. It is also common for prisoners to be denied visits from their family until the trial some detainees are reported to have been severely beaten by soldiers or police after arrest, and many are feared to have been tortured or ill-treated to force them to confess to crimes or to denounce others.

Amnesty International has long been concerned about the occurrence of torture and pointed out that the absence of sufficient safeguards of detainee's rights in Chinese law contributed to a pattern of abuse. It recommended the introduction of several safeguards, in particular that limits be placed on incommunicado detention, but none of these safeguards have yet been introduced in China.

In Chinese trial system dependents are not given adequate time and facilities to prepare a defence and in most of the cases trial proceedings are not made public defence argument when permitted, is restricted to appeal for mitigation of punishment, not for pleading innocence. The people's courts are generally guided by communist party pronouncements in their sentencing the Tibetan nationalist, TIN said those sentenced were not represented by lawyers during the trials. The group quoted the court document as saying that stern sentences were imposed in order to protect the dictatorship of the proletariat to pressure the unification of motherland, and to crack down severely on the criminal activities of the counter revolutionaries in their attempt to separate the motherland (49).^

46. Bank of Post, 27 December 92.
Administrative detention by passes the courts and therefore, lacks the rudimentary procedural safeguards of a proper trial. The punishment is decided by the committee for administration of re-education through labour which includes officials from the civil and administration and work units, but is dominated by representatives of the public security bureau. Some of these arrested since June 1981 were sentenced to death or imprisonment after unfair trials in June 1989, the supreme people's court called on local courts to try quickly and punish severely those involved in the counter-revolutionary rebellion using 1983 legislation that provides for swift and summary procedures with little opportunity for defence in the trials of "criminals who gravely danger public security." This legislation allows the courts to bring dependants to trial without giving them a copy of the indictment in advance and without giving advance notice of the trial or issue summons in advance to all parties involved-including defence lawyers. Furthermore, trials are often a more formality as the verdicts are usually decided in advance. The well known practice of "verdict first, trial second" has been acknowledged by top Chinese legal officials in late 1988. This practice, as well as the use of torture to induce confessions and the extreme limitations on the role of defence lawyers, have been criticized by members of the Chinese legal profession in numerous articles published in the official legal press since 1987.

**Violation of Freedom to Religion:**

Asia watch also says that there are strict controls on the practice of religion in Tibet, especially aimed Buddhists activities in leading pro-independence demonstrations then started a campaign against Buddhism, it involved Wanton killing of Lamas and laymen and desecration and destruction of monasteries on a large scale. In the Kham province alone 250 monasteries were destroyed and a large number of Lamas dragged to death. A large

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47. Defying the dragon, op.cit. p.36.
majority was sent to concentration camps in China. Over 2,000 Tibetan children were snatched from their mothers and deported to China for introduction.49

Since 1949, China systematically tried to eradicate religion by razing religious institutions, destroying sacred objects, killing and imprisoning monks and nuns and prohibiting all religious practices. This is because they could not tolerate any manifestation of religion, the more so when it was obviously irresponsible from Tibetan national identity.50

The so called Cultural Revolution destroyed 95 percent of the material manifestation of Tibetan Buddhism and caused immense suffering to the believers.51

China acknowledge that out of more than 2700 monasteries existing in Tibet in 1959, 550 remained in 1966 and only 8 were still standing by the end of cultural revolution52 while the Tibetan Government in exile claims that in all over 6000 monasteries were destroyed.53

In the early 80s when the elate Hu-Yaobang then Chinese C.C.P. General Secretary scornfully compared the manner in which it behaved to a distinguished from of colonialism. Since then, freedom of worship-vital for this extremely religious people is controlled but guarantee finances the renovation of temples and monasteries.54

Tibetan took the opportunity and started rebuilding monasteries at frantic pace. So in order to control the pace of reconstruction, Chinese

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authorities have often required that Tibetan secure prior approval from the Government.\textsuperscript{55}

In general reconstruction is discouraged except few major monasteries which is valuable for the benefit of 80,000 tourists a year who arrive on the nine weekly flight from Chengdu and Kathamandu a reconstructed monastery is only marginally restored and that is has placed limit on the number of people who may become monks.\textsuperscript{56}

The inability of monasteries to function as genuine centres of learning and transmission of Buddhist teachings one of the foremost concern of all the monks. Lobsang thokiney, a monk from Tibet's eastern Amdo province who left Tibet for study said, "because the Chinese had limited the number of monks who could join his monastery and restricted the use of some sacred texts.\textsuperscript{57}

Qualification for admission includes some, but not necessary all of the following: the candidate should be 18 years old, Should love the country and communist party, the candidate's parents must give their consent, former approval by monastery's DMC must be obtained, local authorities must give their consent, a clearance from the public security Bureau must be obtained, the candidate and candidate's parents must have good political background, the candidate must have been raised in certain geographic area, size limits are another area of oppressive restrictions placed on monasteries. Official government limits are characteristically less than 10% of the original number of monks.\textsuperscript{58}

Before 1959, there were 7700 monks were recalling the time when Drepung may have been the largest monastery in the world "new there are only about 300" said by a monk.\textsuperscript{59}

\textsuperscript{56} Times, 6 June, 1994, p.35.
\textsuperscript{57} Times of India, 29 May, 1994.
\textsuperscript{58} International campaign for Tibet, forbidden freedom: A reporter 3 September, 1990, p.59.
\textsuperscript{59} Deccan Herald March 1991, p.11.
Preaching religion anywhere other than religious sites is prohibited by law whether religious teachings or ceremonies are permitted within monasteries, however depends largely on local country and district officials. In general, small teachings or initiations are tolerated. Gathering that are too large, or too enthusiastic, or which could be a focus for nationalist sentiment run the risk of being summarily banned. The conduct of religious activities on an increasing large scale in branded as 'abnormal' regarding these activities the policy of freedom of religious belief is not to protect them but to constrain them.61

**Language and Education:**

Under Chinese legislation, every nationality is at liberty to use and develop its own language and writing system. The governments assists minorities in arranging cultural education using their own languages and writing system and is helping the ten minority nationalities that have no writing systems to devise one. Under Article 6 of the Chinese code of criminal procedure, citizens of every nationality are entitled to use their own language and writing system in conducting legal proceedings.

Theoretically, since Tibet had the status of an autonomous region, official and business dealing should have been conducted in Tibetan as well as Chinese. In practice, it rarely worked out this way. Pancham Lama complained in 1988 that for the past 30 and more years, no importance had been attached to the use of the Tibetan language.62

In July 1988, it was announced that henceforth, Tibetan would be the official language of government in the TAR. In July 1989, the "Nationalities Language and character work office" was established to try to implement and supervise the country's policy on ethnicity, language and character.63

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regulations on the study, use and development of the Tibetan language. Promulgated by the TAR government in March 1989 furthers promoted the use of Tibetan language in government meeting and communications, school and judicial proceedings.

However, irrespective of all these promises and laws considering Tibetan as the first language of T.A.R. have not displaced Chinese as the Dominant language for commerce, government and education.  

The inequalities built into the education system become apparent when student graduate to the middle school at the age of 12. Children who attend Tibetan medium primary schools must compete in middle school against Chinese whose mother tongue is the medium of instruction. The difficulties for Tibetan students are described by an English teacher who conducted teacher training in Lhasa in 1987-88, either child become so adept at Chinese that his/her own language is pushed into a poor second place. Thus, reinforcing the supposition that the Tibetan language (and thus Tibetan identity) is inferior to Chinese language (and thus Chinese identity) or, the child's Tibetan remains his/her better language.... Thus reducing him/her to an academically inferior position in the class. Non-mastery of Chinese is equated with stupidly and within the school system means non-mastery of math's, physics, geography and so on.  

In late 1988 Chine published statistics dealing with the educational situation in the TAR in 1987 and listed 121000 elementary school students out of which 90% of 109,000 were Tibetan; and three institutes of higher learning with 2,860 students, of whom 66% were Tibetan. Obvious, the decline in percentage of Tibetan in the TAR is due to the decreased emphasized on the Tibetan language in middle and higher institute. This has led to defacto

64. Xinhua 17 March 1989 cited and defying the dragon op.cit. p.84  
discriminatory conditions that are produced when Tibetans are forced to complete for jobs and positions against native speakers of Chinese on the basis of their abilities in what is at best a second language for most of them officials and factory managers who could speak only Chinese tended to prefer employee who could speak Chinese, and this excluded many Tibetans.

Population Control:

1992 Regulations on Birth control in the Tibet Autonomous region, issue in nay says that Tibetans in towns in TAR are allowed only two children, as long as the mother is at least 22 when she has the first child, and 25 when she has the second. The regulations describe the birth of third children, which leads to 500 Yuans fines as "strictly controlled."

Apart from the monetary fines and administrative punishment, the Tibetans are subjected to large scale forced abortions and sterilization. Sources from Tibet speak of hospitals being dubbed "Butcher's shops" by the native due to the large scale of foetus killings in them.

Chinese population control initiatives in Tibet are blatantly engenic, insidiously racist and coercive. These policies from part of superstructure of Chinese culture genocide in Tibet formulated upon the principles of political repression, coercive birth control and population transfer.

The regulations insists that birth control work should rely mainly on ideological education and the government's white paper on Tibet says that forced abortion is forbidden but the threat of physical force underscores the texts of the regulations. It is implicit within the quota system now imposed on cadres, which was increased in 1990.

China's birth control policy in Tibet is difficult to ascertain because of the lack of first hand evidence which is further complicated by the differences,
in formally announced policies and the manner of their implementation. The
People’s Republic of China does not always publish its birth controls
directories. However, 1992 regulations on birth control document state that
“birth control was already in force in the Tibet autonomous region (TAR)
contrary to the Beijing claim that minority groups in Tibet…. Are exempt from
family planning.”

In the decision on how to strengthen the work of birth control issued by
the Central Committee of the communist party on 12th May 1991 eugernics
which aims at selective breeding is cited as the third of three primary objectives
in China…. in order to rise. The economic and cultural standard and national
quality in the minority areas, birth control must also be implemented amongst
minorities, the detailed demand and method to be decided by each autonomous
region or province.

Irresponsible birth control policies in Tibet have resulted in a high
degree of coercion to carry out the policy. Tibetan families who reportedly
exceed the quota for children have faced financial fines and administrative
punishments. The residence card denied to unauthorized children is vital to
gain access to schools, health care and government employment, and the lack
of ration card, means that food staples such as grain must be bought at non-
subsidised prices on the open market.

The Tibetans fears this policy as another form of imposition of birth
control, which is accentuated by an official statement in 1990. Tibetan has
many mentally defective children.

Against this background when the Tibetans intensified their struggle for
freedom and human rights China’s response was classic knee jerk reaction of a
colonial regime by sending more forces to repress the dissent, economic
liberalization or no liberalization what happened on 27th December, 1987, 5th

73. Defying the dragon, op.cit. pp.92-93.
75. TIN news compilation op.cit. p.25.
March, 1988, 10th December, 1988 and 5th March 1989 bears the testimony of the Chinese crackdown and brutal repression of non-violent protests. On 9 March, 1989 martial law as imposed. However, it was lifted after one year but it continues to exist all in but name.

The tremendous discounts burst forth by the middle of 1956 in Karmapa area followed by other areas. Chinese reacted sharply and jet fighters and bombers went into action several times as repression increased the Dalai Lama's power and jurisdiction were curtailed. In March 1959 there was a massive demonstration in Lhasa. On 17-18 March 1959, Dalai Lama escaped to India with his thousands of supporters. The Brutal repression followed and rebellion had been crushed within 2 days Chinese army's intelligence reports admit that the PLA killed 87,000 members of the Tibetan resistance in Lhasa and surroundings area between march and October 1959 alone.

From 1951 to 1959, the Chinese occupation forces repeatedly violated the term of agreement and unleashed repression in Tibet. The increasing Chinese repression in north-eastern and eastern Tibet forced Tibetans in the region to take up armed resistance which soon engulfed the whole Tibet tens of thousands of ordinary Tibetans spelled in to the streets of Lhasa on March 10, 1959 demanding with draw of Chinese from Tibet. This set off the Tibetan National uprising and a Tibetan Resistance movement spread all over Tibet Chinese crushed the uprising and about 87,000 Tibetan were killed in the Lhasa region alone. The March 10 uprising resulted in the flight of the Dalai Lama members of its Govt. and about 80,000 Tibetans into India, Nepal and Bhutan.

Tibetan Exodus to India:

The Tibetan Refugee comes to India in March 1959 from Tibet along with the Dalai Lama their spiritual, temporal and theocratic head. The Tibetan refugees was accompanied him in large numbers in to exile in India and its neighbouring states of Nepal, Bhutan, and Sikkim have now lived for more than a generation in their new surroundings. Their children have been born and
educated without contact with their homeland depending solely. On the memories of older generations for their knowledge of the land of snow. Since the present Chinese rulers of the Tibet have virtually sealed the country off from the outside world, only a handful of persons have in recent years been added to the original group of 50,000 which now has been estimated around 1,10,000 refugees.76

According to the latest estimates the Bureau of the Dalai Lama, there are approximately more than 1,10,000 refugees in India. The ministry of Rehabilitation however is not sure of such a number on account of the migratory nature of Tibetan Refugees.77

No accurate census has therefore been made and figured provided by the Bureau of Dalai Lama in India, have felt to take the estimate of the Bureau as accurate, we notice that the Tibetan from a trickle compared to the refugee streams from west Pakistan and East Pakistan.78

The arrival of the Dalai Lama was a historical event not only for more than one lakh of Tibetans living in exile but also for the world. According to Nikhil Chaudhary, "the Dalai Lama's Dramatic Arrival in India along with the nearly a hundred thousand of his followers was an event whose full historic significance was perhaps not fully perceived at the time by most political observers. It was not just a leader of a country being forced to become a refugee in another country. The entire mystique of the Tibetan politics suddenly comes out into the open before the entire world."79

Regarding the motives that made Tibetans leave their country, Palakshhappa who interviewed a number of refugees in Mundgod settlement in Karnataka state has mentioned the following:

77. Tibetan life in exile, An information Brochure, op.cit. p.3
79. Ashutosh Thakur, Right angles of India, Tibetan China Triangle, India and Tibet friendship, society publication, New Delhi, 1995.
The first was that there was an acute feeling of anxiety about the future of Tibet and its people. They were apprehensive of the fact that their rich culture would lose its identity as Tibetans under communists. They would not be allowed to practice Buddhism.

The second and more specific reason was that many Tibetans heard of the massacre of Tibetans on a large scale because they did not toe the line of communism.

The third reason the Chinese were said to be coercing the Tibetans to take a bride or a groom from the Chinese. This measure was aimed at destroying their race of which the Tibetans are so proud. The fourth reason was the information that their spiritual leader the Dalai Lama had taken refuge in India. The fifth reason was that the Chinese had planned the annexation in such a way that the families were split among themselves. Thus the occupation of Tibet by the Chinese had created a sense of insecurity which drove them to immigrate.80

In 1956, the Dalai Lama re-established its Government in exile in India on modern democratic principles. On September 2, 1960 a popularly elected body of People’s representatives, the Tibetan Parliament in exile, was constituted in 1963, a draft constitution for future Tibet was promulgated.81

Under the leadership of the Dalai Lama, gradually the Tibetan Administration took shape in India. Out of the need to look after the welfare of the Tibetan refugees. Though its collective and systematic efforts and administration has been trying its best to preserve Tibet’s national and cultural identity among the refugee community. In terms of international law, however the status of the Tibetan administration, which operates from Dharamsala in Himachal Pradesh, and the Bureau of Dalai Lama’s which operate from Delhi.

81. Tibet an independent country under illegal communist Chinese occupation, Tibet Voice, Dharamsala, H.P. India.
Today the Tibetan Government in exile functions as a variable Government and has all the departments and attributes of a free democratic government.82

**Tibetans in exile at a Glance:** 83

<table>
<thead>
<tr>
<th>Population</th>
<th>131,000 scattered over India, Nepal, Bhutan and other countries.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Head of State</td>
<td>His Holiness the Dalai Lama</td>
</tr>
<tr>
<td>Legislature</td>
<td>Assembly of Tibetan People's Deputies (46 MPs.)</td>
</tr>
<tr>
<td>Executive</td>
<td>The Kashag (Cabinet) heads the following major departments: Religion and Culture, Home, Finance, Education, Security, Health, and Information &amp; International Relations.</td>
</tr>
<tr>
<td>Administration</td>
<td>Democratic and popularly elected.</td>
</tr>
<tr>
<td>Judiciary</td>
<td>Tibetan Supreme Justice Commission.</td>
</tr>
<tr>
<td>Election Schedule</td>
<td>Assembly and Cabinet elections every 5 years.</td>
</tr>
<tr>
<td>Seat of Government</td>
<td>Dharamsala, Himachal Pradesh, North India.</td>
</tr>
<tr>
<td>Govt. Income</td>
<td>Annual voluntary contributions business revenue and other donations.</td>
</tr>
<tr>
<td>Economy</td>
<td>Agriculture, agro-industries, handicrafts, carpet weaving, sweater business and service sector.</td>
</tr>
<tr>
<td>Literacy</td>
<td>70 percent (by 1992 census in India Nepal and Bhutan)</td>
</tr>
<tr>
<td>Religion</td>
<td>Over 99% Buddhist, some Bonpos and a tiny number of Muslims and Christians.</td>
</tr>
<tr>
<td>Legal Status</td>
<td>Stateless</td>
</tr>
<tr>
<td>Military and Police</td>
<td>None</td>
</tr>
</tbody>
</table>

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82. Ibid p.11.
83. Department of Information and International Relation. Central Tibetan Administration Dharamsala, H.P. India.
Representative Offices

Official Journals
Sheja and Tibetan Freedom (Tibetan), Tibeat Desh (Hindi), Tibetan Bulletin (English and Chinese), Actualities Tibetaines (French), Al-Nashra-tul-Tibbatiya (Arabic), Tibet Tsushin (Japanese)

Independent Journals
Rangzen, Dolma (Tibetan & English); Tibetan Review, Tibet Journal, Lungta, Cairn (English); Tibet Times, Tibetan Affairs, Nyenbchen Thangla (Tibetan); Junges Tibet, Tibet Forum (German), Human Rights Update (English)

NGOs
Tibetan Youth Congress (TYC); Tibetan Women's Association (ITWA) and Tibetan Freedom Movement, Tibetan Centre for Human Rights and Democracy.

Central Tibetan Administration:
The Central Tibetan Administration (CTA) was first established on 29 April 1959 in Mussoorie as the continuation of Independent Tibet's Government. In May 1960, the CTA was moved to Dharamsala in northwest India.84

The Tibetan people, both in and outside Tibet, recognize the CTA as their sole and legitimate government. It is also being increasingly recognized as the legitimate government of the Tibetan people by parliaments around the world.

The CTA spearheads the Tibetan people's struggle to regain their freedom. It also looks after the welfare of some 130,000 Tibetans in exile. The

84. DIIR Information Sheet, DIIR General Enquiries, Central Tibetan Administration, Dharamsala, H.P. India.
CTA functions according to the modern democratic principles of its constitution, which was adopted by the popularly elected legislative assembly known as the Assembly of Tibetan People's Deputies.

**Constitution:**

The constitution of the Tibetan exile community is known as the Charter of the Tibetans in Exile. It is the supreme law governing the function of the CTA. The Assembly of Tibetan People's Deputies adopted the Charter on 14 June 1991. The Charter draws heavily on the UN Universal Declaration of Human Rights and provides for equality before the law and the enjoyment of rights without any discrimination. The Charter provides for a clear separation of power between the CTA's three organs: judiciary, legislature and executive.

**Judiciary:**

The highest judicial organ of the Tibetan exile community is the Tibetan Supreme Justice Commission. The Commission is responsible for adjudicating all civil disputes within the Tibetan exile community unless they are seen to be in contravention of the laws of the host countries. In order to ensure the independence of the judiciary, the three highest officials of the Justice Commission are appointed directly by the Dalai Lama.

Under the Supreme Justice Commission are five Circuit Justice Commissions that cover six zones where the exile population is scattered. The lowest-level courts are known as the Local Justice Commissions of which there are 62 covering all the Tibetan settlements.

**Legislature:**

The Assembly of Tibetan People's Deputies (ATPD) is the highest legislative organ of the Tibetan exile community. It consists of 46 members, of whom 43 are elected directly by the exile Tibetans and three are nominated by the Dalai Lama. The Assembly meets twice a year during which it passes new
laws or amends or repeals the old ones. The Assembly session also serves as an important forum for the people's representatives to discuss and criticize the activities of the executive. Under the ATPD are local assemblies in 38 major Tibetan communities.

**Executive:**

The Kashag is the highest executive body of the Tibetan exile community. The head of the Kashag is known as Kalon Tripa. He/she is elected directly by the Tibetan diaspora. The Kalon Tripa, in turn, nominates his cabinet colleagues, numbering not more than seven, and seeks the ATPD approval for their appointment.

Under the Kashag are the major departments of the CTA: Department of Religion and Culture, Department of Home, Department of Finance, Department of Education, Department of Security, Department of Information and International Relations, and Department of Health.

**Constitutional Bodies:**

The constitutional bodies are autonomous organs of the CTA. Their heads are appointed by the Dalai Lama and are answerable only to him. The CTA has three constitutional bodies: Election Commission, Public Service Commission and the Audit Commission.

The Tibetan Administration in India has been established with a view to take care of the Tibetan refugees in India, Nepal, Bhutan and Sikkim and at the same time pressure their separate entity. Although the new administration claims to be the Govt. of Tibet in exile the Government of India has refused to acknowledge is as such the new administration was decentralised into separate departments each with its own portfolio of responsibilities and administrative functions and with considerable freedom in day to day decision making or the cabinet in important matters of polity and general supervision.
Chapter IV: Exodus of Tibetans to India and Human Rights

The administration of the Dalai Lama is based at Dharamsala, Himachal Pradesh his temporary headquarters and is made up several bodies. The actual work of the administration is divided into the five department offices they are: the council of Religious and cultural affairs of His Holiness the Dalai Lama, the home and Rehabilitation office, the council for Tibetan Education, information and Publicity office, security and personnel office.

In addition to these five offices, there are the office of Tibet in New York and Geneva and the Bureau of His Holiness the Dalai Lama in Delhi, all three of which come directly under the Kashag.

These is also the office of the charitable trust of His Holiness the Dalai Lama in Calcutta which manages the funds of the Tibetan Govt. in exile and come directly under the authority of His Holiness.85

The Tibetan administration in exile has been functioning on the basis of the norms and patterns of the traditional "Tibetans Policy". The supreme authority is vested in the Dalai Lama and the Kashag. As a Government is in no doubt a cripple since it doe not have any formal recognition from the Govt. of India or other nations of the world. But whatever is its international status, the Administration commands the allegiance of the Tibetan refugees who look upon it as the Government of their country in exile to the refugees the presence of the Dalai Lama at the top invests the administration with the traditional prestige and authority.86

It is only during the exile Tibetan for the first time got exposed to the modern ideologies and values before that concepts like democracy, socialism and modernization where alien to them. Sudden exposure to the modern world was a dramatic experience for the first generation to refugees. Now they are fully exposed to modern ideas after living outside to their own country for more than 38 years. Credit must be given to first generation of the uprooted

86. Rajiv Jaisawal, Tibetan Refugees in India, A sociological study of continuity and changes, Centre for the study of social system, School of social science, J.N.U., 1977.
Chapter IV: Exodus of Tibetans to India and Human Rights

Tibetan who had striven hard to keep the old spirit alive many factors contributed in maintaining the tradition, mongoloid feature being the one. They become a part of the Indian social scene yet they are distinct.\(^{87}\)

The Dalai Lama as a symbol of Tibetan identity gave purpose and morale strength to the Tibetan society, both in Tibet and outside Tibet. The very purpose accepting refugee status by the Tibetan in exile to maintain their identity, even after 38 years of residence, they hope to go back to their motherland. This is the determination which maintained the distinction of the Refugee community in India. India is a place or origin of Mahayana Buddhism, still the Tibetan have maintain the distinct identity.\(^{88}\)

In the traditional Tibet society, right from the individual to the nation, almost everyone took, refugee in the three precious games, i.e. Buddha, Dharma, and Sanghar. The fourth refugee was the Lama, who symbolized all the three.

In that sense Tibetans who fled to India are not ordinary refugees. They have taken refugee not as individual alone but rather than as a national policy that was escaped the destruction taking place in Tibet and has sought and been given the protective mantle of a neighbouring friendly country. The extraordinary and unique strong of the Tibetans in India is a strong that demonstrated the vitality of Tibetans cultures and the people the one hundred thousands who fled with their leader the Dalai Lama from Tibet across the Himalya to the safety of a land with its own great religious traditions a land originally the major sources of Tibetan Buddhism.

Since than more than one lakh Tibetans are living as refugees in India trying hard to preserve their traditions against many odds. The Dalai Lama, their moral strength, in the centre in whom their hope to revive the golden past lies, he is the light of their lives. Despite the hardship of leading life in an alien land amongst distinct ethnic and cultural groups, Tibetans have been able to

\(^{87}\) Ibid p.10.
\(^{88}\) Ibid p.2.
maintain their cultural unique still they can not but absorb influences of the outside world.

Since 1959, after the Dalai Lama's exile, over three decades have passed, the unique culture of Tibetans have undergone various changes, but essence remained the same. It is of sociological interest, to understand the under current of the exile community their sprit and their capacity to survive without losing their identity.

In fact the Dalai Lama is the only unifying force amongst the faction ridden Tibetan Refugees. He is still commands total allegiants of his people. Yet the flux of refugee-hood have not spared the traditional values and attitudes relating to the institutions of the Dalai Lama. A survey of a perceptual changes could very well start from the changed mental orientations of the Dalai Lama himself. Thus although the Tibetans have displayed remarkable capacity to adjust themselves to the host country and remain self-sufficient, economically. This adjustment process does not seen to have eroded the Tibetan community feeling. However, the generation gap that is witnessed in the Tibetan community to day has provided much causes of concern for the older generation of Tibet who fear an erosion of Tibetan culture and values due to the impact of Indianization and Westernization among the young.

The highlighted political consciousness of the Tibetan youth's also reflected in the increasing frequency of demonstrations in front of the Chinese embassy in Delhi. The Tibetan Youth Congress recently issued a warning to the Indian Government to resist from any move to negotiate with China over the land that belongs to the Tibetans.

The increasing political consciousness of the Tibetan youth has forced the Dalai Lama also to differentiate between religion and politics. In a recent interview for Asia world he even expressed his willingness to accept a communist system of government provided the freedom of religion is left to the individual. He also been trying to rally Tibet more in the name of Tibetan nationalism rather than on the name of Tibetan religion. He goes on to state
that the reports of foreign journalists are not accurate because their tours and itinerary were conducted by the Chinese authorities and their interpreters were selected by them. He states that even the Tibetan communities residing Tibet unhappy with Chinese domination for the Dalai Lama, there exist common grounds between Madayana Buddhism and the original Maxsiam.

Thus it appears that the religious basis of their communal identity is slowly giving way to the political nation of Tibetan nationalism. This has come about in no small measure due to Westernization and Indianization process being witnessed among the Tibet youth in India. All these support to view that "The culture of an immigrant community is not simply a carry over of its traditional culture, but the result of interactions between this and the receiving societies" (quoted in Bangkok post 1976- op.cit) that this has occurred in spite of the Tibetan administration's efforts to preserve their culture reinforces position.

In general, however, they maintained their culture and religious practices. One another has written that the ability of the Tibetan refugees to build and found in foreign lands numerous monasteries of a remarkably high architectural standards and their success in developing viable monastic communities similar to those of Tibet is one of the miracle of the two twentieth century.