

**TIBETAN REFUGEES IN INDIA: A FACTOR IN
INDIA-CHINA RELATIONS 2000-2014**

*Thesis Submission to Jawaharlal Nehru University
in partial fulfilment of the requirements
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DOCTOR OF PHILOSOPHY

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DECLARATION

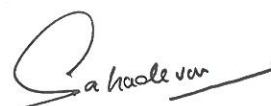
I declare that the thesis entitled “**Tibetan Refugees in India: A factor in India-China Relations, 2000-2014**” submitted by me in a partial fulfilment of the requirements for the award of the degree of **Doctor of Philosophy** of Jawaharlal Nehru University is my own work. The thesis has not been submitted for any other degree of this University or any other university.

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CERTIFICATE

We recommend that this thesis be placed before the examiners for evaluation.

for 
Prof. Rajesh S. Kharat
Chairperson

for 
Prof. Rajesh S. Kharat
Supervisor

*Dedicated to
my dear Family*

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ABBREVIATIONS

ATPD	Assembly of Tibetan People's Deputies
BJP	Bharatiya Janata Party
CERD	Committee on the Elimination of Racial Discrimination
CIHTS	Central Institute for Higher Tibetan Studies
CPC	China Communist Party
CTA	Central Tibetan Administration
CTE	Council for Tibetan Education
CTPD	Commission of Tibetan People's Deputies
CTRC	Central Tibetan Relief Committee
CTSA	Central Tibetan Schools Administration
DIIR	Department of Information and International Relations
EC	Election Commission
FRO	Foreigners Registration office
GOI	Government of India
ICCPR	International covenant on Civil and Political Rights
ICESCR	International Covenant on Social & Economic Rights
IC	Identity certificate
IDP	Internally Displaced Persons
IDPs	Internally Displaced Persons
IDSA	Institute of Defense and Security Analysis
INGO's	Inter Government Organisation
IO	International Organisation
LTWA	Library of Tibetan Works and Archives
MHA	Ministry of Home Affairs

MWP	Middle Way Policy
NEFA	North East Frontier Province
NGO	Non-Government Organisation
NHRC	National Human Right Commission
NORI	No Objection to return to India
OAG	Office of Auditor General
PC	Planning Commission
PLA	People's Liberation Army
PRC	People's Republic of China
PSC	Public Service Commission
RC	Registration certificate
RFA	Radio Free Asia
SARD	Social and Resource Development Fund
SEP	Special Entry Permit
TAP	Tibet Autonomous Prefecture
TAR	Tibet Autonomous Region
TCHRD	Tibetan Centre for Human Rights and Democracy
TGiE	Tibetan Government-in-Exile
TIPA	Tibetan Institute of Performing Arts
TMAI	Tibetan Medical and Astrological Institute
TPFM	Tibetan Freedom Movement
TPiE	Tibetan Parliament-in-Exile
TPPRC	Tibetan Parliamentary and Policy Research Centre
TPUM	Tibetan People's Uprising Movement.
TSJC	Tibetan Supreme Justice Commission

TSJC	Tibetan Supreme Justice Commission
TYC	Tibetan Youth Congress
UDHR	Universal Declaration on Human rights
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNRWA	United Nations Relief and Work Agency

INTRODUCTION

The Twenty first century bears witness to the rise of regional powers like India and China that seek to expand their respective spheres of influence. India has refit its neighborhood policy and now reaches out to several countries across Asia where China also plays the same game. The chances of conflict have increased as their growing spheres of influence quickly overlap with each other as seen in the case of South Asia. Both India and China play significant position in the global spheres due to their increased rise in their economic growth. There is also a growing perception by the World Economist that global economy has shifted from the West to the East, i.e., Asia and they, India and China are the economic power house in the region. Both the countries places special importance to economic development in their foreign policy calculus and therefore strive to have greater influence over the other in the region. Therefore the pattern of the present India-China relations is largely a competition for power and hegemony in the region.

Though India and China are both rising powers, China has not regarded India as an immediate adversary while for India, China is perceived as the major threat to India. India tends to be deeply apprehensive about the threats from China, while China seems unconcerned about the threat from India (Fang 2014:8). Due to the fear of China, India adopted different counter measures like engaging with the neighbors in nuclear weapon, so as to contain China's influence in the region. At the same time, India is very cautious not to anger China because of the fear of the perceived threat from China. This is seen in the case when India deals with the Tibet issue. The Chinese are against India's sympathetic attitude towards the Tibetan refugees and considered it as an act of breach of an agreement. Although India is committed to its stand of stating Tibet as part of China, Beijing remains suspicious of India's policy towards the Tibetan refugees. The establishment of the Tibetan Government in Exile and the popularity of the Dalai Lama is a setback for China. India has adopted a cautious approach towards the Tibetan refugees and has not played the Tibet card well with China. India instead restricts the Tibetan's movement and place ceiling on the Tibetans during the visit of the Chinese officials.

In the present scenario, economic relations and border dispute are important issues which influence Sino-Indian relations. Economic ties and bilateral investment has decrease in the last few years. According to the report by 'The Hindu' on January 13, 2015, India's trade deficit with China rose to \$ 37.8 billion in 2014. India – China trade hit all time high of USD 73.89 billion in 2011 to a decline of USD 66.57 billion in 2012 to USD 65.49 billion in 2013. There is also huge trade imbalance and geo political tension arising out of the unresolved border issue. China also adopt different policy to defy India such as the support of Pakistan on Kashmir issue, nuclear technology, aid and development programmes in the neighboring countries like Nepal, Bhutan and Sri Lanka to curb India's influence in the region. Thus, the present India-China relations witness huge trust deficit between the two countries due to China's active engagement in the neighborhood.

Tibetan refugees also form a contentious issue in India-China relations. It has resulted in prickly relations between the two countries. India's sympathy towards Tibetan refugees is viewed by China as interference in their internal affairs and issues of unending border disputes. Both the countries seek to mitigate their differences that will hinder their economic relationship. The rising powers are in a phase of cooperation and competition and we see a juncture where cooperation and competition co-exist in their relationship. In the study of India-China relation, one would observe that in spite of their continuous effort to build cooperation in every possible factor, there lays a void in their relations. The issue of economic competition, border dispute and Tibetan refugees affects their bilateral relations which hamper the growth and stability in the region.

The study of Tibetan refugees in India can be traced from 1959 after the Communist China succeed in the occupation of Tibet. Since 1949, the top priority of the Chinese Communist party was to incorporate Tibet, Taiwan and Hainan Island into the PRC either by force or peaceful means. In the same year, Mao also ordered for a preparation to march into Tibet. Since then, the People Liberation Army pursued a policy of suppression in order to tighten its control in Tibet. Thus, between 1949-1950, the Chinese Communist Government sent troops to invade Tibet. This move by the Chinese Communist government was strongly resisted by the Tibetans and let to continued armed conflicts between the Tibetan rebels and the Chinese army. The year

1959 marked the victory of the Chinese Communist Government in Tibet, as it led to the escape of the Dalai Lama into India. According to the report from British Broadcasting Corporation (BBC), the Fourteenth Dalai Lama, Tenzin Gyatso, left Tibet on 17th March with an entourage of 20 Men including six Cabinet Minister who entered India on 31st March, 1959. Since then, India became the home of thousands of Tibetan refugees due to its close historical and cultural ties and also due to the presence of their spiritual leader the Fourteenth Dalai Lama. Nepal and Bhutan also accommodated significant number of Tibetan refugees.

Since the 1960's, Indian Government gave refuge to thousands of Tibetan refugees. Although the Indian government continues to allow Tibetans to enter the country, it has not afforded them the same legal status as the first wave of Tibetans. The first wave of Tibetans arrived in the 1970's. They were given Indian Residential Certificates which give them the permission to work within India They were also given the Indian Certificates travel rights to travel outside India and similarly for medical treatments. With the increasing number of Tibetan refugees coming to India, the Government started to grant substantially less assistance to the Tibetan refugees who arrived after 1980's. They were denied both residential certificates and identity certificates. However, some Tibetans who arrived in the second-wave were able to obtain their registration certificates by claiming that they were born in India. These Tibetans were issued registration certificates, which must be renewed once or twice a year. Tibetans who were born in India are also eligible to obtain a registration certificate once they are 18 years old. They were also accorded legal right to claim Indian Citizenship; although the issue of Citizenship is controversial among the Tibetan people. According to the Demographic survey conducted by the Planning Commission of Central Tibetan Administration (CTA), there are 1, 28,014 Tibetan population in exile, of which 94,203 live in India, 13,514 in Nepal, 1,298 in Bhutan and 18,999 scattered in the rest of the world. The Tibetans in India are scattered in different settlements which function under the control of Central Tibet Administration.

India's neighbor, China is at unease about the presence of Tibetan refugees in India as she claims Tibet as part of China and views their presence there as India's encouragement and subtle recognition of Tibetan Autonomy. China expects India to

accept the 'One China' policy which refers that states conducting bilateral relations with PRC should acknowledge the existence of one state called China. Thus, the fact that India's provision of safe haven for the Dalai Lama and thousands of Tibetan refugees, the establishment of the Tibetan Government in Exile is itself seen as interference in its internal matters. Moreover, the growing popularity of the Dalai Lama across the globe, the support of the International community for Free Tibet and continued condemnation of Human Right violation in Tibet is an insult to China. There is also strong protest movement by Tibetans living in Tibet in the form of demonstrations and self-immolations which caught the world's attention. According to the International campaign for Tibet, so far there are 138 self-immolations by Tibetans; the last self-immolation is by a Tibetan nun, Yeshe Kandro on the 8th of April, 2015 at Sichuan province in China. This act of self-immolations which is a tool to reach out the world set a bad image of China and was widely criticized for Human Right violations by International community. The western world's criticism of China on her policy in Tibet and India's continued sympathy towards the Tibetan refugees adds to the anger of China. Therefore, China tried to implicate India and dictate on her position towards the Tibetan refugees by putting its stand firmly on the Panchsheel Agreement also known as the Five Principles of Peaceful Coexistence which was signed on 29, April 1954. The agreement stated the Five Principles as – mutual respect for each other's territorial integrity and sovereignty, mutual non-aggression, mutual non-interference in each other's internal affairs, equality and cooperation for mutual benefits and peaceful co-existence. Due to this, India has no other option but to diplomatically engage the Chinese government to resolve disputes. Thus, from the time of Nehru to the present, India and China relations has witnessed frictions on the Tibet issue.

India–China relations have a long history marked by both ups and downs. China had a legitimate claim that Tibet is a part of the People Republic of China while India doesn't want Tibet to be a part of India but want it to remain buffer zone between the two countries. India considers Aksai China and Arunachal Pradesh as a part of their territory, while China also claims the same of Southern Tibet. Due to the conflict in interest, their relations in the late fifties and the early eighties were sour due to the 1962 war. Since then, there has been India-china witness territorial dispute which complicate their bilateral relations. The situation began to improve with the landmark

visit of the Indian Prime Minister, Rajiv Gandhi in 1988. This visit was a turning point in the history of India and China, as it led to the signing of the 'Joint Communiqué' that stressed on the need to restore friendly relations on the basis of the Panchsheel Agreement. The visit indicated warming of relations as both the countries agreed to broaden their bilateral ties in various areas. In the Joint Communiqué, China expresses her concern about the agitation of the Tibetan separatist activities in India. China also reiterated her position that "Tibet was an integral part of China and those Anti-China political activities by Tibetans was not to be tolerated". Following this statement, India gave assurances to Chinese misgivings about Tibetans in India and began to work closely with China. Thus, the whole of the succeeding years was marked by improvement in their relations through border trade and different rounds of negotiations. But their relations reached a low point with the nuclear test in 1998, which was seen by China as a direct security threat.

The year 2000 also marked a significant progress in Tibet in terms of development. The Chinese Government launched the Western Development Strategy which aimed at boosting the economies of the western region of China. It led to large scale development projects such as the Qinghai-Tibet Railway line which have aroused fears among the Tibetan people as they already felt a threat from the Han Chinese in every sector. This year also marked the escape of the 17th Karma Lama Ugyen Trinley Dorje, to India due to lack of religious freedom inside Tibet. He is considered the true successor of the Rumtek Monastery which was rebuilt by the 16th Karmapa Lama, Rangjung Rigpe Dorje after fleeing Tibet in 1959. His escape is significant due to the fact that the 17th Karmapa Lama, Ugyen Trinley Dorje, the spiritual leader of the Kagyu lineage of Tibetan Buddhism was considered to possess legitimacy, as he has been recognized by both Beijing and Dalai Lama. Moreover, he is also considered the third important in the Buddhist hierarchy after the 14th Dalai Lama Tenzin Gyatso and the Panchen Lama Gedhun Choekyi Nyima. His flight showed the failure of the Chinese claims in Tibet and also posed significant obstacle in China's quest to defend its sovereignty and territorial integrity. China legitimates their presence due to his presence in Tibet and his flight not only led to failure of the Chinese patriotic education to indoctrinate the Tibetan leader but also showed the destabilizing influence in Tibet. The Chinese government had barred the Karmapa from leaving Tibet as Beijing had pushed forward the Karmapa Lama to replace the

Dalai Lama as an alternative leader to the Tibetans. China has always assumed that the Tibet issue will naturally die after the death Dalai Lama and therefore the presence of Karmapa Lama who will be under the control of China will lead to the end of the rise of Tibetans against China. The sudden escape of the Karmapa Lama, was a huge embarrassment for China and it reversed all the policies of China and shattered their aspiration for the end of Tibetan resistance movement. Due to this, China strongly opposed and warned India of granting asylum to the Karmapa but New Delhi played down the issue of political asylum by granting only refugee status to the Karmapa Lama and did not adhere to the demand of China.

But the situation changed in 2003 with the landmark visit of the Indian Prime Minister, Atal Bihari Vajpayee to China which led to the gradual development in their relations. The visit marked the signing of the “Principles for Relations and Comprehensive Cooperation” which formally recognize the Tibetan Autonomous Region (TAR) as an part of the People’s Republic of China’ (PRC). The Indian side affirms that it does not allow anti-China political activities in India and assured its respect for ‘One China’ policy. Thus, the signing of the 1954 Agreement by the then Prime Minister, Jawaharlal Nehru and by A. B. Vajpayee in 2003 affirmed Tibet as ‘an integral part of China’. This agreement marked India’s formal recognition of Tibet as a part of China.

The subsequent years were followed by gradual improvement in the relations between India and China. In the midst of their effort to build better relations with India, the Chinese Government wishes India to take a strong step to curb Tibetan activities against their anti-China protests. India successfully complied with Chinese demands on 11th March 2008, by stopping Tibetan exiles from marching from North India to Tibet in order to protest the Chinese Government. This event coincided with the opening of the 2008 Summer Olympic Games commonly known as known as Beijing 2008 . The Ministry of External Affairs said that, “Government of India does not permit Tibetans to engage in anti-China political activities as the Government of India has to maintain public order. Any activity which causes disruption would be dealt with in accordance with the laws of India”. Thus, on 16th March 2008, 50 Tibetans were detained in New Delhi after they stormed the Chinese Embassy.

In the year 2009, there was a major controversy regarding the visit of the Dalai Lama to Arunachal Pradesh which China had a strong concern as they assert sovereign claim in Arunachal Pradesh. The spokesperson for Chinese Foreign Ministry, Jiang Yu, gave a clear statement that “the visit further reveals the Dalai clique’s anti-China and separatist issue. China’s stand on the so called Arunachal Pradesh is consistent. We firmly opposed the Dalai visiting the so called Arunachal Pradesh”. In spite of strong opposition from China, External Affairs Minister, Somanahalli Mallaiah Krishna, rejected China’s opposition and allowed the visit of the Dalai Lama to Arunachal Pradesh. China accused India of being anti-China. India’s decision to grant asylum was marked by China as a breach of the Panchsheel Agreement signed in 1954. Due to this incident, China felt that India is interfering in the internal affairs of China. Thus, the continued sympathy towards the Tibetan refugees is likely to jeopardize the cordial relations between the two nations. While examining the relations between India and China it is clear that their relations are not only determined by the Tibet factor but also the unending border disputes in the border areas of Arunachal Pradesh and the Ladakh region. Not only that, India is of the opinion that China is arming Pakistan and supports Pakistan on the issue of Kashmir. Thus, the active engagement of China in Pakistan is a threat to India’s security.

With the change in Government, it is likely that India will have a strong stand on Tibet issue. A Tibet activist, Indresh Kumar, senior leader of the Rashtriya Swayamsevak Sangh (RSS) and founder of the Indo-Tibetan Friendship Society while addressing to the Tibetan community in McLeodGanj, encouraged the Tibetan people to continue and re-invigorate their peaceful struggle for Autonomy. In his statement, he stated, “we hope that the Tibet issue is resolved as soon as possible and does not linger on for another 50 years. Centre will provide all cooperation and support the cause”. He also pointed out that the invitation by Indian Prime Minister Narendra Modi to the Exile Tibetan Prime Minister, Lobsang Sangay and Home Minister, Dolma Gyari, to the swearing ceremony was a strong move by the present government and was a part of the renewed approach towards the Tibetan people. Though this act of India has not caused a complete break-off in their diplomatic relations, it was strongly protested by China. But China did not detach itself to the new Government but instead tried to build a pro-active engagement with the newly formed Government. This was shown with the visit of the Chinese Foreign Minister,

Wang Yi's from the 18th – 19th June, 2014 and by President Xi Jinping's visit from the 17th-19th September, Year?. These visits led to the signing of the "Five Year Trade and Economic Development Plan" and China committed USD 20 billion investment over the next five years and agreed to provide greater market access to Indian products. While the visit marked a significant on Tibetan refugees when the Prime Minister of India, turned down President's Xi request to assert New Delhi commitment to 'One China Policy' and shut down the Tibetan Government in India. Xi also refuse 'stapled visa' rolled back which is a contentious issue between India and China due to the disputed border. India, later on, took a cautious stand and give full cooperation to the Chinese is seen when the BJP leader Amit Shah cancelled his meetings with the Dalai Lama on 2nd May 2015 on the ground that it is 'highly inappropriate' and this would have sent negative signals to the Chinese as the Prime Minister was schedule to visit China from the 14th -16th May, 2015.

Thus, after analyzing the relations between India and China, Dr. Swamy Subramanian, an Indian politician, President of Janata Party, has rightly pointed out that "though the Indian Government regards Tibet as a part of China, but in popular parlance and most of our actions we do not behave it as a part of China". It is very much evident that only due to Beijing's continuous pressure towards New Delhi; the Indian Government is forced to control anti China activities in the country. From the nationalist point of view, Tibetan refugees also turn out to be at serious political risk when we consider our own interest in dealing with our relations with China. Overall, India is playing a dual track policy by recognizing China's sovereignty over Tibet and still continues to facilitate Dalai Lama, the Karmapa Lama and the establishment of the Tibetan Government in Exile in its soil. Due to this, Tibetan refugee issues will continue to dominate India-China relations.

The literature available for the proposed study are in the forms of books, research articles, government reports, surveys and documents displayed on various websites and newspaper articles. These provide an extensive coverage on the issue of the migration of refugees, its origin, & implications to the host country. The proposed research work has been broadly reviewed under the following themes.

1. Concept of Refugee

Several attempts had been made in the course of the twentieth century to define the term 'refugee', Hathaway (1991) mentions different phase of refugee protection in the initial decades of refugee law- Judicial, Social and Individualist. From 1920 - 1935, the refugees across the world were mostly defined by the juridical terms. From the Juridical perspective, refugees were a group of persons effectively deprived of the formal protection of the government of its state of origin and no nations was prepared to take responsibility for them. The second approach is the social approach which date back to the year 1935-1939 where, refugees who were victims of social and political phenomena, which separate them from their home society, and in turn lost state protection. The individualist perspective accords of the era 1938-1950 where a refugee by individualist stand is a person in search of an escape from perceived injustice or fundamental incompatibility with their home state. Refugee status view from this perspective is a means of facilitating international movement for those in search of personal freedom.

The most widely accepted definition of a 'refugee' is contained in the 1951 Convention. The mandate of the Convention extends to any person who "as a result of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his formal habitual residence, as a result of such events, is unable or owing to such fear, is unwilling to return to it". Muntarhorn (1992) argues that the status of refugees is conditioned by differing perceptions of the basic question 'Who is a refugee?', and of the right acquiring to refugees. In the sociological sense, the term 'refugee' has a distinct legal history. This legal history is conditioned by certain priorities established at international level. These priorities depend upon the various protagonists involved with the refugee phenomenon: countries of origin, countries of first asylum, countries of resettlement and humanitarian organization. The primary instrument for the protection of refugee is based on the 1951 Refugee Convention and the 1967 Protocol. There are also other instruments which bear upon the Refugee protection such as 1948 Universal declaration of Human Rights and the 1966 Human Right Convention.

Sztucki (1999) points out that since its inception, the 1951 Refugee Convention was a cold war product and Euro-centric due to the fact that none of the communist country except Yugoslavia and China was a party to the Convention. It was Eurocentric on the ground that it was European origin and its displacement was within Europe. However, in the later years the flow of refugees has shifted from the cold war adversaries to non-aligned countries. Thus, on the 31st of January 1967, the United Nations (UN) introduced the Protocol which waived the temporal limitation of the events and provide applicability without geographical limitations. The 1967 protocol is broader and universal in its content and has the broader understanding of the term 'Refugee'. But Hathaway (1990) argues that although the 1967 Protocol removed the temporal and geographical limitations, the 'Universalisation' implies only to person whose migration is prompted by the fear of persecution in relation to civil and political rights. He argues that, it means the Third world refugees are not in the ambit of protection as their flight is more prompted by natural disaster, war, broadly political and economic turmoil than persecution. Thus, only very few Third world refugees can claim of rights mention in the Convention.

The definitions of the term 'Refugee' mention in the 1951 Refugee Convention and the 1967 Protocol seems inadequate for the Third world countries as it needs a broader definition of refugees. With the need to address the issue at the regional level, the OAU (Organisation of African Unity) was set up in 1969 to govern the specific aspects of refugee problems in Africa. Along with this, the 1984 Cartagena Declaration of the Central American regions also outlines the evolution of broader definition of refugees. The term 'refugee' now applies to every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality. The AOU Convention marked the beginning of a refugee protection system which directly addresses the cause of the mass influx, by emphasizing objective conditions in the country of origin. Thus, through this, for the first time the legal term, 'refugee' extends to individuals who were forced to leave their countries owing to aggression by another state and /or as a result of invasion.

For the Asian region, the Principles concerning Treatment of Refugees were adopted by the Asian- African Legal Consultative Committee in the Eight Session at Bangkok in 1966. This is also known as the Bangkok principles, which define 'refugee' as a person who, owing to persecution or well founded fear of persecution for reason of race, color, religion, political belief or membership of a particular social group –a) leaves the state of which he is a national, or the country of his nationality, or has no nationality, the state or country of which he is habitual resident; b) being outside such state or country, is unable or unwilling to return to it or to avail himself of its protection.

India along with all the South Asian countries is not a member of the 1951 Refugee Convention. Weiner (1993) argues that the reason may be due to the fact that none of them has the capacity to control the movement of population. He pointed out the reason for this in three aspects- Firstly, in South Asia, the borders are porous and the governments lack the administrative, military and political capability to enforce rules of entry. Secondly, cross border population movement in South Asia are regarded as issues that affect the internal security, political stability and international relations. Thirdly, there is a possibility of a refugee flow changing the linguistic or religious composition of the receiving area within the country. There is a perceived threat of being culturally and economically swamped. Thus, he concludes that the governments in South Asia have dealt with the unwanted migrants, including refugees as a matter of bilateral and even regional organization. For example, the SAARC chose to exclude the issue of refugee population movements from its purview for the fear that it will disrupt the organization.

Kanitkar (2000) is of the opinion that refugee status need not be permanent as it ceases when a refugee voluntarily avails the protection of his/her country of origin; voluntarily re-acquires nationality or protection of the country of origin or any other country, or when the circumstances in connection with which the person has been recognized as a refugee have ceased to exist thereby enabling a safe return. He stated, the benefit of refugee claim should not be claimed by refugee of asylum seekers where there are grounds of the individual being a threat to the security of the country or who have being convicted of serious crime and constitute danger to the community. He stresses on refugee regime to be determine by the rule of law rather than an ad-hoc administrative measures.

2. Refugee Protection in South Asia:

Samaddar (1997) argues that large scale population movement of refugees, migrants and internally displaced persons have become the defining character of the post-Second World War order. In South Asia, there is an evidence of large scale cross border movements which is due to certain conditions such as political and economic reasons. Patil & Trivedi (2000) state that the situations leading to involuntary migration has been varied and complex in the South Asian region. In the Cold War days, the population displacement were most frequently cause by armed conflicts fuelled by big power rivalry while in the post Cold War, it is mainly due to 'de-structured conflicts' or 'low intensity wars'. They range from pure political reasons, persecution and violence to environment dislocations. They argue that most of the refugees in the South Asian refugees are absorbed in the region.

Mishra & Majumdar (2003) highlight the inconsistent policy with reference to the treatment and right of refugees in the region. The South Asian countries consider political and economic cost of refugee protection as their main challenge in the refugee protection. However, India has been a generous host to refugees from the neighboring countries which is being understood on the basis of the traditional ethos of humanism and hospitality. Bhattarai (2011) acknowledged that protracted refugees has always been a burden for both the host as well as the country of refugee creation as they represent an economic burden, political liability and foreign policy complication or all the above. He further states that there is also a strong possibility of these groups joining hands with the other ultra groups as seen in the case of India.

Under international law, the Principle of Non-Refoulement forbids the rendering of a true victim to their persecution. It is a key facet of Refugee law which concerns to the protection of the refugees from being returned to the place where their life has been threatened. It is the customary law for all the nation state to respect the principle of Non-Refoulement which abides the states not to forcibly send back anyone who seek protection. Due to this principle of Non-Refoulement in international law, the helpless people were entitled to basic human rights and basic standard of living. Chimni (2000) claims that India has scrupulously respected the principle of Non-Refoulement as India give asylum to the 14th Dalai Lama and his followers even though India did not support the Independence or autonomy of Tibet.

Nasreen (2004) is of the opinion that it is the close proximity between neighbours and the porous borders in South Asia that makes refugee flow an everyday phenomena; which leaves states with little or no option but to accept and protect refugees and assistance. Due to this, they do not have any official legal status to determine their rights and duties. However, there is no obligation on the part of the state to accord to asylum; the state can grant the asylum status on the basis of their generosity. All the South Asian states, including India, have not passed any refugee-specific legislation to regulate their entry and status of refugees. Due to this, the refugees are treated under the law applicable to aliens.

Samaddar (2003) is of the opinion that the practices of asylum and care in India and India's role in assisting millions of refugees in the region are based on humanitarian ground. But the care and protection adopted by the government is limited due to the ad-hoc approach and its own political interest. The care and protection measure is wholly shaped by the existing power that formed the government.

Nair (1997) traced the basis of refugee protection to the Declaration of Human Rights in 1948. The Declaration gives basic rights for all human beings irrespective of their nationality or citizenship. The most important development for the protection of refugees is the 1951 Refugee Convention but none of the South Asian countries are party to the Convention. India, though being the largest host to refugee population do not confirm to any International or regional convention nor has its own domestic legislation. The author categorized three types of refugees in India-i) Refugees who receive full protection as per the standards set by the Government of India ii) Refugees whose presence in Indian territory is acknowledge by the UNHCR who are protected under the principle of Non-Refoulement iii) Refugees who entered India and have assimilated into the communities whose presence is not acknowledged either by the India Government or the UNCHR.

India has a record of observing the principle of non-refoulement and so far refugees who faced threat in the country of origin have been not expelled from its soil. But due to the lack of cohesive national policy, which often result in mass rejection at the border or non-recognition of refugees sneaking into the Indian Territory.

3. Tibetan Refugees in India

Anand (2012) highlights the reason for the Tibetans' flight to India for which he claims, that it was due to political and cultural repression and mostly to avoid arrest and persecution for political charges. The entry of the Tibetan refugees was given on the condition that they abstain from violence and political activities. In the early years, the Government reluctantly allowed the Tibetans and were refused entry into India and had to camp at the border. It was only after Indo-China war, that India willingly hosted the Tibetans. He further argues, that the Indian policy towards the Dalai Lama and the Tibetan people underwent dramatic change only when India realized the potential benefit of the presence of the Tibetans in their country. The Government began to adopt more supportive policy and issued Residential certificates and Identity certificates to the refugees and also helped them to organize themselves which led to the establishment of the Tibetan Government in Exile. Norbu (1996) argues that, the Tibetan refugees are known not only in their survival but also for a peaceful struggle for their cause. The motive behind the forced migration from Tibet was due to the fear of the disappearance of their cultural identity and religious institutions. He also highlight two critical aspects of India's policy towards Tibetan refugees, that are – the liberal “non-assimilative” framework as reflected in their settlement framework and the broad “delegated” authority of the Tibetan settlement in India. Such a benevolent policy ensures Tibetan culture and identity and social autonomy in the sea of the host population.

Subba (1988) discusses the economic and social adaptation of the Tibetan refugees in Darjeeling and Sikkim hills, which have close cultural and physical similarities. The Tibetans continue to emphasize religion as the most important norm in the society and the patrilineal clan is still very strong in the region. While in terms of authority and power, the eldest brother or the first wife enjoy and still hold the highest position. In the economic adaptation, he argued that it is not possible for an individual to be confined to one occupation as there is no permanent occupation. It is noted that most of them change their occupation for more than a dozen times from handicrafts to restaurants and therefore it is difficult to identify their primary occupation. He also highlight that most of the refugees in Darjeeling and Kalimpong engage in business, office works, teaching and most of them residing in Sikkim are agriculturist and

labourers. He argues that two main factors are responsible for the smooth adaptation towards the occupational system of the region. The first factor is imparting themselves with various skills for self-employment and the second is wide distribution of skills and engagement in jobs that are not done by the earlier inhabitants of the region they settle in. He claims that the refugees are very successful in keeping their social and cultural values, norms and institution. Samphel (2009) claims the idea of Tibetan refugees to remain in settlement is due to their wish to retain their culture and identity. The settlement enables the Tibetans to practice their own way of life and that helps them not to be absorbed into the local population. The Tibetan refugees managed to rebuilt and reconstruct themselves in exile, what the Chinese have destroyed in Tibet. He argues that the Tibetans engagement in secular institutions of learning, research and training etc. have enable them to maintain their integrity of their culture and spiritual heritage.

Palakshappa (1978) examines the settlement of the Tibetan refugees in Mungod where they adopted retention of their identity and values. He argues that unlike the other sects, the Tibetans were obliged to retain their economic and administrative links to the Dalai Lama as titular, religious and political head of the Tibetan refugees. Through his extensive interview in the Mungod settlement, he gives an account of the reasons or motives for their migration as—the feeling of acute anxiety about the future of Tibet and its people. They were afraid that they will not be allowed to remain as Tibetans, practice Buddhism and Tibetan culture. Many Tibetans heard about the atrocities committed by the Chinese in Lhasa wherein those who do not adopt the Chinese communism were abused and beaten in public. The Chinese were said to be obstructing the marriage of the Tibetans with Tibetans. They were forced to take bride or groom from the Chinese community, and those who had more sheep and cows without the knowledge of the Chinese were made to leave the place overnight in order to escape indignities and humiliation in front of their own village people. The Chinese occupation had created a sense of insecurity in the daily life of the people. These were the main reasons for their migration.

Stobdan (2007) says that the Tibetan Government in Exile was set up to run a parallel network of institutions to monitor and govern the Tibetan refugees in India. This institution of the Government in exile was to govern a future of Free Tibet and claim

that of the presence of the Dalai Lama and his people in India would be a provisional arrangement remains unfounded. Their prolonged stay and the spiritual influence of the Dalai Lama have made the Tibetan refugees well entrenched into Indian system and established support and sympathy among the wide section of the Indian population. The activities of the Tibetans refugees got intertwined with India's Domestic as well as external affairs. He also rightly pointed out that, if the Tibetans are not controlled for their unlawful activities, and then there will be dangerous consequences towards India's security. Thus, India's present ambivalent Tibet policy may risk its relations with China and also create mistrust among the Tibetans.

McConnell (2009) argues that since its inception, the Tibetan Government in Exile was initiated with a twin task of rehabilitating Tibetan refugees and restoring freedom in Tibet. The institution was established under the democratic framework and a series of changes have been implemented to reorganize the administration according to democratic principles. The exile community transplanted its government structures, institutionalized and democratized them but also established a state like polity which looks after health care services, education system, and implementation of Democratic Parliamentary elections. It also serves as a weapon against Chinese propaganda and also as a means of legitimizing Government in Exile in the eyes of western democracies. However the Tibetan Government in Exile (TGiE) remains internationally unrecognized and lack sovereignty over territory both in India and Tibet. She states that the Tibetan democracy is different in evolution and formed from the Western Democracies.

Kharat (2003) argues that the Tibetans face challenges in India firstly, from the local community due to the shared economic opportunities. Secondly, their active engagement in the campaign against China led to the overall change in the Indian community attitude towards the Tibetan refugees as they openly criticize the Indian Government. Thus, the economic relations between the local Indians and the Tibetans have compelled the Tibetan refugees to live on the edge with no choice except to merely survive and exist. The Tibetans too faced a challenge in their own community as the younger generations no longer want to confine in the settlement areas and started moving out in search of work led to another problem for the Tibetan Administration as it risk unity and run the risk of disintegration in the next generation.

Mishra (2014) discusses the socio-cultural and economic resilience and dogged survival in the midst of the exile. It also highlights the policies of the Indian Government as well as the Tibetan Government in Exile on the Education of Tibetan refugees. She acknowledges the contradictions and inconsistencies within Tibetan education in exile. She argues that education for the Tibetan community is important for the protection and preservation of their culture and tradition and also to be engaged with modernity. She also highlights the dilemmas faced by the Tibetans in trying to achieve a balance between 'Tradition' and 'Modernity', in education and the strategies it has sought to achieve with the issue. The Tibetan refugee youths continue to struggle due to their exclusive identity and legacy as a refugee in exile. Kharat (2003a) argues that the survival of the Tibetan refugee is at stake both in China and India. The Tibetan refugees faced problem in socio-economic adaptation due to the rapid growth of populations. He further claims that the actual population might be twice the official population as some of them who live in scattered camps independently. The new arrivals face a dilemma of survival as they find it difficult to adjust due to limited source of income. He argues that due to the rapid increase in population, their presence led to severe strain in the already fragile economy and the infrastructure in the settlements. He states that the economic disparity between the Tibetans and the local population led to casual frictions and conflicts which is mainly due to shared in economic disparities of livelihood.

Stobdan (2006) argues that the presence of the Tibetan refugees had an impact on the country's domestic and external policies. He pointed out the involvement of Tibetans in illegal activities such as trans-border smuggling, money laundering, trafficking of wild life products, rare artifacts and antiques. In the domestic affairs too, the Tibetans have procured tribal certificates, gained employment in government sectors and built vast infrastructures all over India. He also highlighted the dominance of the Tibetan refugees in Arunachal Pradesh, Sikkim, West Bengal, Himachal Pradesh, Uttarakhand and J&K and their involvement in acquiring tribal land through *benami* transaction. He argues that if the prospect for 'Free Tibet' recedes, majority of the Tibetans will opt for stabilizing themselves permanently in India.

4. Tibetans as factor in India-China relations

Fang (2014) observes the main interaction between India and China and tries to understand the asymmetrical relations between them on different issues from border to nuclear, from Tibet issue to regional competitors. Beijing does not take India seriously and have not identified India as an immediate adversary, while for India, China is a major threat. On the issue of Tibet and India, he points out that China is not satisfied with the Indian approach towards the Tibetan refugees, particularly in providing assistance to the Dalai Lama and the Tibetan Government in Exile. Although the Indian side accepts that Tibet is a part of China and restricts the Dalai Lama of carrying out political activities in India, Beijing still remains very suspicious. Due to this, New Delhi avoids angering Beijing and limits the Tibetans anti-China protest in India and endorses China's official claims over Tibet. He argues that India does not support the Independence of Tibet in public but in favour of Tibet's claim of higher degree of autonomy. He is of the opinion that India's reluctance to comply with China's demand to abandon its influence over the Tibetan question is mainly due to the fact that India sees a possible threat from China and sees Tibet's issue as an important source of leverage against China. Lhamo (2014) discusses the geostrategic importance of Tibet and its role in India-China rivalry for their fight for dominance in Asia. She argues that India is the only country that bears the repercussion of China's occupation in Tibet. The occupation not only altered the power equation in the region but also enabled China to exercise geo-strategic influence in South Asia, which in turn challenges India's presence in the region. The untiring support of India for Tibetan cause has put her in a tough position in her relations with China.

Virk (2013) opines the asylum granted to the 14th Dalai Lama by the Indian Government led to the ultimate breakdown of in Sino-Indian relations. Dalai Lama became a tipping point in the breakdown of Sino-Indian relations. The fact that India has provided a safe haven to the Dalai Lama and the thousands of Tibetans has not gone well with the Chinese and continues to be a bone of contention between the neighbours. The establishment of the Tibetan Government in exile irks the Chinese and feel there is too much interference by India in its internal matters.

In the analysis of India-China relations, Archarya (2008) argues that there has been broad political consensus on great engagement between India and China. The PRC

had shift away from its pro Pakistan policy and started to renew the centrality of India in the south Asian region. There is also change in the politics between the two countries in which both sides set aside border issues and cooperate together in the broader regional and global affairs. Thus, there exist new relationships of politics in engagement where both commit to improvising and consolidating ties at the highest political level.

Tibet is a matter of great concern due to its strategic importance. The centrality of the Tibet issue can never be discarded while analyzing Indo-China relations. India shared 4,056 km border with China since 1951 after the occupation of Tibet by China. Thus, historically undefended area in India came under the administrative control and military occupation of China. Dutta and Mohan (2001) argue that it is only when China extended her sovereignty till Tibet, that the geo-politics of the region got altered, and for the first time in history it gave rise to security concerns for India due to the military presence in Tibet.

New Delhi could not stand up for Tibet as it signed the 1954 Agreement which gave away all its specific diplomatic privileges to China. It is only with the occupation of Tibet in 1950 which made China an immediate neighbor to India. The victory of the Chinese army in the 1962 war also gave China leverage over India. Sondhi (2008) rightly pointed out that securing ‘Control of ground’ – the occupation of Tibet, Aksai Chin in Ladakh gave China the advantage in negotiations and talks, pushing the other side into the role of the supplicant. Since then, India lives under the whims and fancies of China in matters relating to Tibet as its border areas. Achary(2003), while making an assessment of the core aspect of border, identified three major problem of Sino-Indian boundary dispute – the critical issue of Tibet; the suspicions of the Chinese side and the concerns of the Indian side regarding the question of Tibet. After the arrival of Karmapa Lama, the Government of India has adopted strict measures regarding fresh arrivals. Kharat (2003c) argues that after the Karmapa Lama’s, the Government of India is following strict policies on the movement of refugees and fresh arrival of Tibetans into India. He claims this sudden change in the nature of India’s policy towards Tibetan refugees as against its relations with China and also possible pressure from the local population in the vicinity of the settlements and scattered camps.

But to understand the present relations between India, China and Tibet (which is legally under China), it is important to study the history of India-Tibet-China. Thus, looking at that, the question of Tibet will date back to the beginning of the Sino-Tibet relationship. There are two conflicting views regarding the status of Tibet. On the one hand, the Tibetans claim that Tibet has always been an Independent nation and that the Sino-Tibet relation has been nothing more than patron-priest relations, with little or no implications of country to country or state to state relations. While on the other hand, the contemporary Chinese politicians and publicist assert that Tibet has always been a part of China. This view is being contested as the tribute relations was also carried out by the East, South East and Central Asian states to China but these countries continue to be Independent while Tibet remains one of the vanquished and failed state. In analysing Sino-Tibet relations, the historical relations were not characterized by continuity but it changed with the change in regime (Norbu, 2001). He also highlights that only when two; almost equally, nationalistic regimes came to power-Delhi (1947) and Beijing (1949) that Tibet began to impinge on their relations. Nehru's policy on Tibet was the same with British India recognizing Chinese suzerainty but not sovereignty over Tibet and protecting Tibetan autonomy by recognizing its treaty making powers especially in relations to India. But the situation changed with the signing of the 1954 Agreement which legitimizes Chinese rule in Tibet. China now had official claim on Indo-Tibetan border based on the Tibetan document. Tibet is vital for India and China for their national security due to the shared border. Due to this fact, the policy makers of both India and China consider Tibet as a key issue in their unending boundary dispute and their foreign relations. There is also trust deficit among India and China. China accused India of secretly supporting Independent Tibet and the Tibetan separatist. The existence of the Tibetan Government in Exile had not directly encouraged or incited political resistance in Tibet but it still plays an important role.

In the relations between India and China, Tibet issue is very dominant as both the countries had their own self-interest invested in it. Kadian (1999) mentions the account of the visit of Indian Prime Minister Rajiv Gandhi, to China in 1988 where the Chinese side expressed the concern of anti-China activities by Tibetans in India. Though the Indian side reiterated the long standing and consistent policy that, Tibet is an autonomous region of China, China refused to issue the Communiqué unless India

addresses the Tibetan question as an integral region of China. Despite the Chinese pressure, Indian Government referred Tibet as the “Autonomous Region” in the Joint statement.

Mehrotra (1997) also pointed out that Tibet will continue to play an integral role in the Sino-Indian relations and will continue to do so until an amicable solution of the Tibetan problem arrives. He has point out that India’s stand on Tibet issue was due to its self-interest as seen in the statement made by Jawaharlal Nehru on 8th Nov, 1950 to Sardar Vallabhai Patel which states, “India could not save Tibetans as its very attempt to save might bring great trouble to it”. Nehru had a strong defensive argument on India’s decision to sign the Agreement of 1954 and claimed that, “India was under duress since Tibet already accepts her status as a region of China in the 17th Point Agreement”. India under Nehru went on to great lengths to ensure and assure the friendship with China which is still evident in India’s Foreign policy. While Singh (2000) gives suggestion that since India has long historical linkages with Tibet, it should find ways and means to secure homelands for the Tibetans. Even the world expects India to play a certain role in helping the Tibetans arrive at certain reasonable solutions through engagements with China. No doubt, due to India’s engagements with the Tibetans refugees, India faced strong repercussion on its internal security and its foreign relations with China.

India and China, the dominant players in Asia tried to influence the neighboring countries through diplomatic means. And with the rise of India and China in the Global politics, there is a continuing struggle to establish dominance. Muni and Baral (1996) argue that India and South Asian countries accepted refugees coming from Tibet in the early fifties keeping in mind the possibility of political decision to use them strategically in their relations with Communist China. On the other hand, according to Sutter (2012), the Chinese foreign policy has demonstrated much greater moderation, engagement and integration with the existing world order. They followed the policy of expanding Chinese interaction with the outside world through economic exchanges and broadening Chinese involvement with International organizations dealing with security, economic, political and cultural matters. They focused on promoting development while maintaining political and social stability and drive for greater power status in the world affairs. His analysis on the policy of the People

Republic of China towards Independent India has been characterized by judicious combination of deep strategy and surface policy.

There are different opinions on India's stand on Tibet. According to Norbu (2001), Nehru and his associates followed the policy of the British. They recognized Tibet, as an Autonomous buffer state between India and China – recognizing Chinese Suzerainty but not sovereignty over Tibet. He also recognized Tibet's Autonomy and accepts its treaty making power especially in relations to India. But with the occupation of Tibet in 1951, Nehru completely changed its policy towards the People's Republic of China and asserted that New Delhi should befriend China by all means and at almost any cost. This was done to protect India's security interest in the Himalayan region. Taking a look at the present times, Murthy (1998) opines that India is in the middle of trying to build her relations with China and also assist the Tibetans. This act of India is not accepted by China. At the same time, the Tibetans also view India as overlooking its interest and ignoring the reality of the Tibetan cause. This conflict has created a tense situation for India and all its efforts to build a balance, failed. He, therefore, says that the issue of Tibetan refugees has become an important factor in the relations between the 'rising power' and the 'emerging power'.

In the initial days, India-China relations were so cordial that they proclaimed their friendship to the extent of 'Hindi Chini Bhai Bhai' (Indians and Chinese are brothers). Patil (2007) examines India's China policy in the 1950's with reference to the balance of power theory. The importance of the bilateral ties between the countries flows from both being the emerging power in which both wants to play an important role in an international system. The continued competition for power graduated to actual conflict due to their long historical struggle over the border areas and their opinion on Tibet. He also observes that Tibet served as a buffer zone between India and China but with the Chinese occupation, the whole authority went under the Chinese administration. India lately realized the security concern along the areas bordering Tibet. There was no proper demarcation and the station of the Chinese military posed a threat to the internal security for India. The final blow came when China attacked India in the 1962 war. He opines thus that the effort of Nehru in settling the differences proved a complete failure.

Singh (2008) writes that China figures as an important player in the region's security due to its location, size and involvement in the region. China will remain the main actor in the whole region unless India takeover its position. Thus, the conflict between China and India remain inevitable as China always tries to overpower India. She has ties with all the neighboring countries like Pakistan, Nepal, Bhutan and Sri-Lanka. He states that the relations between the two worsened after India offered asylum to the fourteenth Dalai Lama and his followers. Similarly, Guihong (2005), reiterates that the core issue of conflict between India and China on the context of their bilateral, external and regional level is the Tibet issue. China accused India of supporting Dalai Lama and its vague stand on the Tibet issue. Thus Tibet and it's boundary issue complicate their relations. Topgyal (2011) is of the opinion that Tibet is a victim of India's moralistic –idealist policies towards China in the 1950's and has now become a victim of the new realism pervading India's policy of engaging and emulating China in the post-Cold War era. The crux of Sino-Indian strategic rivalry is Tibet which is strategically important for both of them. It is vital for India's national security and equally important for China to maintain its claim in the region. The 1962 border war with China changed India's practice, if not its policy towards the Tibetan refugees. Tibet remains the most critical issue in determining the gist of relations between India and China. In the issue of border dispute, China would not have occurred if Tibet remained an Independent country.

Smith (2010) acknowledged that the March 2008 riot in Tibet is the largest anti Chinese protest since the 1959 revolt. The protest spread from all parts of the Tibetan Plateau and extend to the areas outside TAR. He said, the magnitude of the revolt fully justify the characterization as a Tibetan National Uprising. The Tibetans in Tibet undoubtedly intended to exploit China's hosting of the Olympic Games to publicize their cause. They succeeded as the torch relay was disrupted and restricted. The Chinese blamed the Dalai Lama of instigating the riots and the reacted with outrage. The Chinese in order to control the revolt used lethal force that led to the deaths of fifty-hundreds Tibetans and injured many others. This act of China was criticized by the western powers and pressure China to talk to the Dalai Lama. To this, China made a firm statement, that 'it will talk with Dalai lama under certain conditions i.e. he has to abandon all his " split-tist activities" by which it meant all his international activities, even the existence of the Tibetan government in exile and the demand for

Tibetan Autonomy. The 2008 revolt had significant contribution for both-for the Tibetans, it revive the issue of Tibetan self determination and retain their own culture and for China. It resolved to eradicate all opposition within Tibet by means of repressive force and the elimination of international criticism by means of coercive diplomacy.

5. Definition, rationale and scope of the study

There are different definitions on Refugees but the most acclaimed one is the 1951 United Nations Convention relating to the Status of refugees. According to this Convention, a Refugee is a person who “owing to a well founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, is outside the country of his nationality, and is unable to or, owing to such fear , is unwilling to avail himself the protection of that country”.

With the rise of violence and conflicts around the world, it is important to understand the cause of instability amongst the nation states. It may be due to the political, social and economic factor, which had direct impact on the people. In most of the cases, people remain in the country while only adverse cases led to movement across the border. The genesis of the Tibetan refugees in India is due the occupation of Tibet by China and the coercive measures adopted by the Chinese Government which threaten their Tibetan identity. Thus, in the context of Tibetan refugees, India and China relations had been marked by contradiction and complexities due to the existence of the Tibetan Government in Exile and the anti-China activities carried out by Tibetan refugees in India

The study will focus on the problem of Tibetan refugees and its impact on India-China relations. It will cover the study from the period of 2000 as it marked a significant development in China’s policy towards Tibet. The Chinese government launched the ‘Western Development Strategy’ and initiate large scale capital intensive projects inside Tibet which was strongly resisted by the Tibetans. With this programme, there are many positive developments taken place in Tibet but the emerging suffering and extensive destruction has overshadowed the progress and development. The period also marked with the escape of the 17th Karmapa Lama from Tibet into India. The issue is important for India China relations as he is considered

the highest position after the Dalai Lama and therefore cannot be ignored by both India and China. The flight of Karmapa Lama put China under question for its legitimate rule over Tibet. Due to this, the Chinese Government pressure New Delhi not to give political asylum to the Karmapa Lama. However, India decision to host the Karmapa Lama at the cost of their relationship with China shows that India would not conform to all China's expectation over Tibet issue. His escape also led to Indian government adopting strict rules towards the entry of Tibetan refugees

This study aims to understand the Indian Government's policy towards the Tibetan refugees and their relations with China. The stand of India on the issue of Tibet is complex to understand, as India accepts Tibet as a part of China and also hosts and assist thousands of Tibetans on its soil. It will look into the status of the Tibetan refugees in India, their assimilation into the Indian society and it's relation with the local population. It will also look into the issue of conflict between India and China on the Political Institution of Tibetan Government in exile as it serves a platform for a free Tibet movement. The asymmetric relations between India and China on Tibetan uprising will be studied. This study will also look into the effect of Tibetan refugees in shaping the foreign policy of India and its relations with China.

CHAPTER 1

CONCEPTUAL UNDERSTANDING OF FORCED MIGRATION AND REFUGEES

Over the past few years, the world witnesses the rise of migration at a very high rate both forced and voluntary. The government across the world are adopted a differential approach towards the border crossers depending on the interest of the state. A more stringent security in the border areas to regulate the flow of people in the case of migrants and refugees while the border is open for economic exchange which is of the state interest. States across the world define the parameter of their interest and become increasingly defensive about their national interest.

The Second World War marked the refugee crisis do the breakdown of the nation states and started and acknowledges the refugee regime. The classic case of the refugees though dated back to the late 17th century and the mid 18th century witness the rise of persecution based on religious ground among the European states. The religious dissent in the form of a membership in a religious organisation is being targeted and persecuted¹. The religious persecution of the Huguenots, the Jews certainly qualify into the current definition of statutory refugees which serves as a historical model for the classic types of refugees (Zolberg 1992). The classic form of refugees is very much alive as the world witness persecution in the name of religion.

1. Global Forced Migration

The later decades of the 19th century till the twentieth century marked the beginning of the protracted crisis which led to the refugee crisis which led to international concern. The world was divided with the aim of creating its own empire, power and alliances. There were tensions and conflicts based on nationality as people were segregated based on their nationality. Hannah Ardent observed that the nation-state system created the binary where “only nationals could be citizens” and only people of the same nationality enjoy full protection and legal institutions while person of

¹ This is the classic case of refugees from France in which the Hugenots , a protestant group who suffered severely in the hands of the majority Catholics. The state reclaim and eventually Catholicism has been re-established as the state religion and the Protestants were reduced to the minority.

different nationality needed some law of exception unless they were completely assimilated and divorced from their origin (cited in Zolberg 1992:12). The minority of the population who do not come under the state protection look for a protection outside the state. This led to the refugee crisis that moved beyond the national problem but remain the core of international concern.

In South Asia, the term refugees is ambiguous as refugees are illegal migrants, stateless nationals and internally displaced persons are commonly called as refugees without accessing the originality of its claim. The refugee problem form one of the central issues of discussion at international forums. There are also large numbers of migrants claiming the status of refugees but the situation of migrants and refugees are totally different. In order to differentiate between the refugees and the other categories. Differences between refugees and economic migrants are wide and varied. The refugees are often lack established networks and social capitals when they look for the move. They were forced to move due to the threat to life and security. While the movement of the economic migrants are built on established networks with secure finances to move and settle. The networks serve as an agent of security which is less secure in the case of the refugees. The refugees are wholly dependent on the state for their status as state only can determine the legality which otherwise are illegal migrants.

2. Different approaches to Migration

2.1 Transnational Migration

The Transnational migration challenge the existing model of migrant integration from origin and destination centric i.e the migrants aims for the adaptation and integration in the new place to extensive engagement in the cross border connection of the migrants i.e with the state of origin and emigration. The transnational migration is thus a critique to the classical assimilation theory which the migrants become a part of the new society and put aside their distinct culture, language and habits. They established the new social relations with the host state accommodate a new way of life distinct from theirs and eventually assimilate (Faist et'al 2013: 88). Thus in the course of the process of assimilation, the migrants leave behind the old roots and adapt with the new life (ibid). While the transnational migrants argued that

the migrants do not necessarily uproot themselves from the state of origin, they integrate into the new country at the same time engage in the home country. They engaged in the events of their home country and also in the new home, involve in the societies and politics in both the origin and destination. There exist the cross border ties which is which result in simultaneous engagement in more than one place. The transitional perspectives hold strongly that migrants settle and integrate into the new state and maintain the cross border ties between the new home and the old home.

According to the study conducted by Glick, Nina and Fouron on the Haitians Transnational Social fields, they highlight the shift in the individual approach to migration i.e there something that is different from the from the immigrants . According to them, the earlier immigrants in the late nineteenth and early twentieth century choose to broke all their social and cultural relations with their homelands and adapt themselves accepting the new home social, culture, economic and political life. While the later immigrants are seen more adjustable in keeping relations with their homeland and also adapting well in the new land. There is no complete shift due to their establishment in the Newlands. They are seen as active earners of remittances, exchange of information and ideas, and involvement in activities of the country. They built the social fields that linked them to their country of origin and also engage in the activities in the news settlements. (Cited in Faist 2013:12). Thus, today's immigrants are more adaptable to both the societies and they built the social networks across borders.

Dauvergne argued that the nation's states in the globalised world witness the trend of controlling and regulating the movement of people across the borders. This regulation thus becomes the 'last bastion of sovereignty 'in which the states has the sole authority (Cited in Steiner 2013: 7). The world today witnesses more of a closed border while it welcomes globalization. States are more concern for its security by engaging in control of flow of population across the borders in the form passports and visas. This led to the tightening of borders in which the refugees become the victim of such regulations. This mechanism serve as the tool to check the entry and exit – i, e movements of people across the border.

2.2 Human security approaches

Human security is a concept that give primary importance on the individual which is people centred. It comes with the United Nations notion of ‘freedom from fear’ and ‘freedom from want’ and get expanded with the United Nations Development programmes incorporation for the welfare and well being of the individual in matters related to the economic, food health , environment, health, political security etc. The human security approaches thus provide a more inclusive approach to migration as their reference to security is the individual rather than the state. (Steiner, 2013: 4) The individual form the foundation to this approach and therefore highlight an important way of looking at the forced migration studies. This theory approaches a critical to the state response if the state response to displaced population or refugees based on the state security. On the other hand, migration also serves as a means to attain human security. Thus adapting the human security approach in the study of forced migration shows the positive effects which is also a means of safety and security of an individual. The adoption of the Human Security approaches to the movement of people across the borders shows migration as one component of the attainment of individual security. Thus, this view is opposite to the statist view of looking at forced migrants like refugees, stateless people and the internally displace person as a “potentially disruptive threats” to the security of the state (ibid)

2.3 Cross Border Social Movement

The international migration is the cross border connection or the ties that is develop between the migrants and the non migrants. There is a unstated connections between those who leave and those who are remain. There is a close connection between the places of origin and destination and the onward and return movement. This is seen as the salient features of the migration experience and it form an integral component of migration experience (Faist 2013:1). The eighteen century was marked by the age of democratic revolutions and industrial capitalism which form the base of economic organisation. The refugee flow which was caused due to the revolutionary conflicts of this century is different from the classic types as they are directed against the individuals based on their political opinion. The conflicts are based on the political ideology, culture and language (Zolberg 1992:8). There were rise in the ideology which form the major elements in the political ideology. The state has adopted a

doctrine founded on its own to counter the revolutionaries and to repress any political dissent. These led to the rise of the political refugees as people started asking independence from the state adopted counter measures in all existing forms.

The west witness the large number of refugee flows due to the political dissent or nationalist movement. The liberal states were tolerant and provide asylum to the refugees as their presence were also seen well-suited with the foreign policy of the country. They were given asylum on the condition that they will stay out of the domestic politics of the country (Zolberg 1992:11). According to Marrus, the political exiles was relatively to do with the well to do or affluent class as the long term revolution was not possible for the ordinary Europeans as it takes more of a well-off person to flee aboard due to the cost involve which is hard to meet for the ordinary citizens (ibid). This clam can be contested in the present age as due to the acute political repression, people leave their place of residence even if cost their life. The hunger for freedom and security make the individual to flee without even having the financial security. The present age witness the revolutions lead by the low and the middle class people than the affluent as they are the one who suffered most from the state policies.

3. Nationality and Citizenship

While looking at the forced migration studies, nationality and citizenship has been an important indicator of identifying the individual rights. While nationality provide information the origin of an individual, citizenship identify where status of the individual. When an individual is on exile, the importance of citizenship has been more evident than the nationality. Citizenship provides the protection and security has been an outmost importance and therefore Citizenship become aspirations of the refugee community. Citizenship thus becomes the ultimate goal of the refugee community. The formal citizenship assured legal status and formal integration into the host country which provides security and protection along with the assured legal rights. With the rise of international migration, there will be rise in multiple citizenship.

3.1. Integration

The migration process, the first generation tend to find it difficulty in adapting with the with the host country. While the second generation born and raised in their parent country of immigration definitely is more exposed to that society and generally acculturated. There is also possible features that the children of the second generation may integrate into the country of the immigration and maintain very weak transnational ties or none at all and also enter into the homes of their parents, integrate there and not willing return to their place of birth or origin. However, some migrant children will remain the remain the transnational ties and practices (Faist 2013: 105)

While looking at the integration process of the immigrant, Moya argued that the association form by the migrants serve as an important role in connecting the migrants and also contribute in the means of integration. It serve as a platform for social support and basic orientation of the new society , give advice and also help them to find jobs through the networks with their social groups and organised leisure time activities and religious services (Cited in faist 2013:106)

Citizenship entitles a full membership of an individual in a political community with the accorded rights and liberty which is limited only to the people having the nationalities to that state. The state is bound to be the guardian of the individual and gives the protection measures and the individual is subjected to state power. It is the state who decides the criteria for the citizenship based on its set of principles and laws. Citizenship also entitles equal political liberty and abides by the law of the state in whose creation their rights are being validated (faist 2013:112). It also gives the right to nationality along with it responsibility.

Citizenship legitimises the individual the acceptance of the rule and the process of the rule making of the state. Through the citizenship status, an individual is endowed with the equal political rights and liberties by the laws of the land and are bounded in it. But citizenship is not only the correlation between the state and the citizens but involves the emigrants and the immigrant citizens and other citizens. (Fasit

2013:130)² It gives the power to raise voices and their opinion heard through the participation in the formation of the democratic states. The rights of the citizens are accompanied with the duties such as active engagement in the elections of the state, contribute in the nation building, work for the government etc.. Citizenship thus implies to an “affiliation to a political community” which is often referred to as a nation. (Fiast 2013:113). The state thus draws the boundaries of inclusion and exclusion through the citizenship status. States these days are more open to the dual citizenship and open space due to the interconnectedness of people across the borders. The transnational citizens also serve as the interest of their nations by building ties with the state of immigration. Due to this, the ‘Diasporas’ are actively involved in the home land politics and they become very important in the country’s growth and development. They engage in sending remittances, active participation in the politics and relations with the nation states.

4. Citizenship and Security

Citizenship defines the membership of a political community of a state and by virtue is under the state protection. The state legislates to protect citizens at the same time use that legislation to make the citizens suspected of crossing the line as “an enemy of the state” (James and Mcnevin 2013:88) While Yuval and Davis (1990) argued that the acquisition of citizenship is linked to the “social inclusion” which gives the legal rights of the “full membership in a community” which encompasses all the civil, political and social rights and responsibilities. (Pittaway 2013:170)

With the consolidation of the nation states system in the 19th century, citizenship has been the driving force of identification. It accorded the rights and responsibilities to the citizens and excludes others. According to Sassen, citizenship and nationality refers both to the nation states but with a different legal framework. Both identify the legal status of the individual in terms of the membership towards the state. Citizenship largely confine to the national dimensions while the nationality is commonly use at the international level in the context of the nation state system (cited in Samers 2010:

² The citizenship status extends more than the state and the individual and involves those sections of population who has citizenship in the country of immigration, those who holds temporary permits and also the undocumented ones. They may acquire a new citizenship in the country of immigration but they still hold the ties with the state of the origin though their engagement in different activities such as membership of a dparticular social groups, religious and political etc.

224). Though nationality and citizenship commonly interchangeably used and therefore it is hard to differentiate. There is a thin line of their applicability as nationality is inborn which is applied to the individual by 'birth', 'descent' or naturalization while citizenship is the formal acceptance of an individual into the country's political framework through some legal terms.

Nationality is the legal status accorded to an individual and represents the country from which an individual belongs. While citizenship is the formal acceptance into one's political system and is an accorded the legal status in the state. Citizenship is granted through the acceptable of an individual by the government of the country. While it is possible that an individual can have one or more citizenship. Citizenship can be acquired if an individual's meets the criterion that is laid down in the law of the land.

While looking at the forced migration studies, the traditional understanding of refugees show the seeking integration and assimilation with the ultimate aim of seeking citizenship. They look to become citizens in the new homes and have the desire to have a complete shift from a 'refugee' to a 'citizen'. While for the refugees, citizenship would mean inclusion in the society, right to access to freedom, justice and security etc. Due to this, the refugees always have a strong desire to be accepted in the new society which gives them a sense of hope and security. While the integration process is warmly welcome by the migrant community, the migrant population always strive to maintain their culture and traditions in the new land.

Refugee itself is an identity which can further be interpreted and associated as people in need of security, sympathy and care. Due to this, they are label as a burden by the host country which they struggle for the acceptance in the new land. They tried to seek a space for themselves and attempt to develop a positive identity for themselves. Due to the labelling of them as someone in distress or an oppressed group some refugee do not want to admit that they are refugees. There is a continuous struggle of their identity and acceptance in the new home. Due to this labelling, the social inclusion is a challenge among the different refugee communities (Pittaway 20013).

5. Migration and Security

According to the classical understanding, state is the protector of the people who reside within the define territorial boundaries. Though there might not be any contract between the citizen and the state, the citizens are expected to follow the law laid down by the state. The state is absolute and should be obeyed by the citizens. The state has the sovereign power over all within the define territory. Thus, much power and authority the state is responsible for the lives of the citizens and also in determining the strong and the weak state. The strong states tend to reassure the sovereignty and its rights over the citizen which sometimes becomes the cause of instability. Some section suffers the brunt of the state action and chooses to move away from the state and seek protection across the border. They are without the legal protection of neither their state nor the state they seek protection from. For the host state, the act of giving asylum to the refugees and the migrant population itself is an act of openness inviting them to be an active agent of change in their society. This move will bring a sense of acceptance and belongingness which integrate the refugees into the community. This social inclusion will in turn contribute in the 'domestic security' of the country (Pittaway 2013:184).

6. Different approaches to Refugees, statelessness and Internally Displace persons

The ordinary migrants left their home and moved to a new settlement elsewhere voluntarily without any element of persecution but mainly due to economic factors, social and other personal natures. Due to its voluntary in nature, the migrants were not given international protection. Thus a person who leaves his home voluntarily solely to improve her economic prospects is called economic migrants. They were attracted to migrate to the other countries due to the better standard of living and better economic opportunities but still have the capability of having normal relations with the home country unlike the political refugees. In certain cases, the same may be considered a refugee if she proves that she was denied of employment due to the race, nationality etc. which amount to persecution (Trakroo Bhat et.al, 2005) This become a serious concern in International politics as the there is no legal protection entitle for the migrants which can come under the protection regime that is equal to the refugees.

Migration involves in which it requires the change of residence from one country to another for a certain period of time. It may involve the movement back and forth for certain kind of migration while the movement remains a onetime move of the other. Movement of both the temporal and permanent involve the change in residence but the mode of movement experience a different form. While observing Migration trend, there is high rise in migration flows within and between the developing countries. The cross border migration is also unevenly distributed across the globe. It is the developing countries that experience heavy migration within the region and also outside.

6.1. Refugees

The refugees are those who have been obliged to leave their home in order to seek shelter and protection crossing the international border. There are various factors that prompt the refugees to leave their place of residence in a situation in which their security is at stake. In the case of state sponsored instability, migration becomes the only means for human security. Migration thus becomes one of the components for the attainment of individual security (Hayes and Mason 2013).

6.2. Stateless Persons

Stateless persons are those who are not considered to be nationals of any state under the operation of its law. An individual loses his nationality or is deprived of his citizenship or unable to acquire the nationality through marriage, naturalization etc. According to the Hague convention, the states were given the authority to determine the nationals under its own laws. In the Article 1(1) of the Convention relating to the Status of the Stateless person of 28th September 1954, "stateless person" means a person who is not considered a national by any state under the operation of its own law (Leyden, 1966). The concept of refugee should be broadened up and should include a stateless person who has left their country due to the political events. But it is not legally correct to claim that all stateless persons are refugees as some may leave the country due to various other factors which does not come in terms with the refugees.

6.3. Internally Displaced persons

Internally displaced persons are those who leave their place of residence as a result of persecution, human rights violations, or civil and ethnic strife but who have remained in their country of origin or habitual residence. The UN current working definition of IDP's states that "persons who have been forced to flee their homes suddenly or unexpectedly in large numbers, as a result of armed conflict, internal strife, systematic violations of human rights or natural or manmade disaster, and who are within the territory of their own country".

The IDP's did not fall into the category of refugees as they could not meet the criteria set out in the Convention i.e they are not outside the country of origin or habitual residence etc. They were considered as the responsibility of the state as it is the duty of the state to protect its nationals. Therefore, the international protection could not be given to them while their safety and protection lies with the national government.

While trying to understand the legality of the Refugees and others like the migrants, statelessness and Internally Displaced Persons we came to an understanding that refugees got its distinctiveness from the other groups in a way that there is deep-rooted controversy between the individual and the authorities. The refugees were forced to leave their country because their life and freedom are threatened by their own government. The relationship between the individual and the home country is in denial where the individual no longer enjoys protection or do not want an intervention which a state normally provides to its nationals. Among the entire legal instrument that deals with the refugee protection, the widely accepted one is the 1951 Refugee Convention. It lays down the framework of refugee definition that gets expanded with the introduction of few other factors that meet the criteria of refugees.

7. Approaches to 1951 Refugee Convention

The definition of refugees can be found in various international Conventions and Protocols such as the International Refugee organizations and the Statute of the United High Commissioner for Refugees, the Asian- African Legal Consultative Organization, the Organization of African Union, and the Cartagena Declaration etc. But among all these, the 1951 Refugee Convention serves as the main instrument for defining the refugees. It covers the legal protection, the standard for the treatment of

the refugees covering the issues from legal status, employment and welfare and the rights of the refugees etc. It proposes the minimum standard that the refugees can least receive the treatment that is generally accorded to aliens which was clearly stated under Article 1 A (2) of the 1951 Refugee Convention defined refugee as a person who, as a result of events occurring before January 1, 1951 and “owing to well- founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion is outside the country of his/ her nationality and is owing to such fear, is unwilling to avail himself the protection of the country, or who not having a nationality and being outside the country of his/ her formal habitual residence as a result of such events is unable or owing to such fear, is unwilling to return to it”.

The aftermath of the two great World Wars marked the continuous flow of people from one place to another. People have left their home countries or refused to return to their home due to the breakdown of the government or due to the new regime which posed a threat to their life. The main conflict was between the citizens and the government mainly due to the political nature of the country. The government tried to oppress the opponent and the citizens become a victim of persecution. Thus, the relationship between the citizen and the state lack trust loyalty, protection and assistance. During this period of turmoil, the Convention was created to give protection to the people and give direction to the states. But the very nature of granting a refugee status can be a delicate political matter between the sending and the receiving country because of the negative imputation which granting a refugee status carries along with the possible detrimental effect upon which the relationship between the country of origin and refuge. Due to this fact of political in nature, many states are hesitant to grant refugee status to the asylum seekers (Handyman, 1987). This continues even in the present systems as some refugees are preferred over the others and become evident in international politics.

7.1. The 1967 Protocol

The United Nations recognized that the emergence of the new refugee situation situations required changes in the Convention. The Protocol was adopted in 31st January 1967 but came into force on 4th October 1967 which was set up mainly to address the limitation of the 1951 refugee convention which is bound by the time and

the geography of that period. The Protocol is in considerations that the 1951 Convention limits the definition of “who is a refugee”. The Protocol covers all the refugees irrespective of the date that is mention in the 1961 Refugee Convention. The protocols expand the scope of the convention and tried to meet the needs of the present day refugee problems. It seeks to amend a few other provisions of the convention as a part for providing a few more new provisions. The protocol is an independent instrument and it is not a revision within the meaning of the Article 45 of the convention (Mishra, 2010). The obvious restriction in the Convention definition i, e the requirement that the claim relate to a pre -1951 event in Europe was prospectively eliminated by the Protocol . It removed the temporal limitation of the 1951 Refugee convention and further states that it will apply ‘without any geographical limitation’. Even after the elimination of the temporal and the geographical limitations, only persons whose migration is prompted by a fear of persecution on the ground of civil or political status come within the scope of the convention based protection system (Patil and Trivedi, 2000). Thus, by adopting the 1967 Protocol, the governments removed the geographical and time limitations that normally restrict the application of the convention to persons who became refugees.

8. Expansion on the Concept of Refugee

The concept of refugee has been expanded in practice through the evolution of the different institutions such as United Nations High Commissioner for Refugees along with the different regional refugee protection instruments. All these development do not constitute formal amendments of the Convention definition, but they are widening the circumstances in which a person may be allowed to receive international protection.

8.1. The UNHCR

Article 6(a) of the UNHCR statute define refugee as “ any other person , who is outside the country of his nationality, or if he has no nationality, the country of his formal habitual residence, because he has or had a well founded fear of persecution by reason of his race, religion, nationality or political opinion and is unable or, because f such fear, is unwilling to avail himself the protection of the government of the country of his nationality, or if he has no nationality, to return to the country of

his formal habitual residence”. Thus, the essential criterion of the refugee status under the UNHCR is that the human suffering that leads to forced migration is due for material assistance. The statute differs from the convention on the ground that the determination of the refugee status is no longer bounded by the restriction of time and location and applies to all refugees around the world not focusing on Europe alone. The UNHCR has a wider understanding of Refugees and work extensively on the protection of refugees and assistance in the application of refugee status.

8.2. The Regional Instruments

The refugee definition mention in the convention could not address the newly refugee crisis due to the increase in the rise of the refugees backed by certain factors such as political, civil, military and ethnic wars etc. Thus led to the formation of the different regional organization where refugees were defined according to the need of the region. Some of the regional definitions of refugees are as follows

8.2.1. The Organization of African Unity

In the 1960’s there were continuous flow of refugees due to the independence of many countries from the colonial clutch. In 1969 the African Union proposed the adoption of the AOU Convention due to the self determination and national development process that led to millions of refugees in the African Continent. The proposed Convention entered into force on 20th, June 1974 with a broader definition of refugees,

“Who, owing to external aggression, occupation, foreign domination, or events seriously disturbing public order in either part or the whole of his country of origin or nationality is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality”.

The AOU respects and accepts the Convention’s definition of a refugee and also extends the protection of all persons who were compelled to flee across the national borders due to various by reason of any manmade disaster, whether or not from fear of persecution. It is more of a humanitarian commitment to give protection even to those who are victims of natural disaster or economic misfortune. The definitions also acknowledge the reality that the fundamental norms of abuse may occur not only

as a result of the acts of the government but also due to the government loss of authority due to the external aggression, occupation or foreign domination. The international protection is also extended to persons who seek to escape serious disruption of public order ‘in either part or of the whole of their country of origin’ (Patil and Trivedi, 2000). Thus the refugee protection document recognized the person fleeing civil disturbances. Widespread of violence and war are entitled to claim the refugee status in the states that are parties to the convention, regardless of whether they have a well founded fear of persecution. The definition of refugees mention in the AOU is broader in its approach which is more inclusive in its scope and more comprehensive in its coverage which is unlike the 1951 Refugee Convention and the1967 protocol (Mishra, 2010).

8.2.2 The Cartagena Declarations

The Cartagena Declaration was adopted in 1984 by a group of government representatives, academics and distinguished lawyers from the Latin American countries to address the regional needs of refugee definition. The Declaration covers the refugees who fled their country because of the threat to their life, security or liberty due to the generalised violence, massive violation of Human Rights etc. It enlarged the definition of the refugees beyond the 1951 Refugee Convention and the 1967 Protocol. The definition of the refugees are mentioned in section III (3) of the declaration where it include-

“People who have fled their country because of their life, safety or freedom have been threatened due generalized violence, foreign aggression, internal conflicts, massive violations of human rights or other circumstances which have seriously disturbed public order”.

The declaration became the first international declaration recognizing that the victims of massive human rights violation deserve refugee status (Mishra, 2010). In 1985 the General Assembly of the Organisation of the American States approved the Cartagena Declaration and urged the member states to extent support and extends the recommendation and conclusions of the Declarations. The Declaration not only serves the guidelines for the Latin American countries but also became the basis of the refugee policy in region where a number of states have incorporated into their national legislation.

8.2.3. The Council of Europe

The European Union adopted a wider approach towards the refugees by providing protection to the refugees such as in assistance and beneficiaries to those refugees who secure a legal status. Thus in 1997, the European Council on Refugees and Exiles proposed a supplemental definition of refugees as

- i) persons who have fled their country, and or/ who are unable or unwilling to return because their life, safety or freedom are threatened by the generalized violence, foreign aggression, internal conflicts, massive violation of human rights, or other circumstances which have seriously disturbed public order;
- ii) person who have fled their country, and/ or are unwilling to return there, owing to well founded fear of being tortured or of being subjected to inhuman and degraded treatment or punishment or violations of other fundamental human rights

Overall, the different regions extend a wider approach in defining refugees. The understanding of refugee as a group will be better understood through the observation of Simpson who has made a notable observation of what constitute a refugee, “ The essential quality a person need to possess to claim a refugee should be based on the condition that “ he has left his country of regular residence, of which he may or may not be a national, as a result of political events in the country which render his continued residence impossible or intolerable, and has taken refuge in another country, or, if already in absence from his home, is unwilling or unable to return, without danger to life or liberty, as a direct consequences of the political conditions existing there. In general the refugee cannot return without danger to life and or liberty, though it may be, in some cases, but by no means in all, would that complete political submissions to the authorities enable him to return and live at peace. The term political in this description is used in a sense wide enough to include religious conditions.

Other features of the existence of the refugee, such as the absence of statelessness may be incidental but not essential to his quality as refugee in the non- technical sense. A refugee is distinguished from the ordinary aliens or migrants in that he has left his former territory because of political events there, not because of economic conditions or because of economic attractions of another territory (Leyden, 1966).

The definition mention in the regional definition is board and wider in its approach and it is interesting to observe that inspite of being the host to thousands of refugees, none of the South Asian states are party to the 1951 Convention and the 1957 protocol.

9. Procedures for the determination Refugee Status

The determination process is a necessity for the refugees to claim the status in the country of asylum. It is through this that the refugees avail the right and protection measures during their stay as a refugee. The Refugee Convention is under an obligation to set up procedures for the determination of refugee status, it must be noted that the Convention definition is individual in its terms, and hence each applicant will have his or her case decided individually upon his or her own particular circumstances, and that these circumstances may vary widely (Handyman, 1987). Any person is refugee within the framework of the given instrument if he meets the criteria of the refugee definition in that instrument that define the refugee. The person claiming the refugee status can get it only after the approval from the competent authority from the states concerned.

9.1. The International Convention

In order to be under the protection of the 1951 Convention and the 1967 Protocol an individual must satisfy the criteria within the Conventional definition of the term “refugee”. Thus according to the 1951 Convention, a person can qualify to become a refugee only on the condition that he possess the following characteristics-

- A person should be outside the country of his origin or outside the formal habitual residence crossing the national border and seeking protection and shelter to the other states. The initial requirement is that the person must be “outside” his or her country of nationality of habitual residence. Many people may find themselves in refugee-like situations, and may have fled considerable distances, but if no border has been crossed they will not be considered to be refugees (Handyman, 1987). But this case does not necessary mean that whoever is outside the country of origin or crossed the border can be termed as a refugee. The protection can be provided on the condition that the individual were forced to leave or crossed the border due to the fear of persecution.

- The claimant should be unable or unwilling to avail the protection of the country or refused to return to the country of origin due to the prevailing situation which threatens his life.
- The inability or unwillingness should be based on the well founded fear of persecution.

Hathaway is also of the opinion that the Refugee convention should established the determination of the refugee status based on five essential element such as-

- The convention definition includes only persons who have fled their country of nationality, or in the case of stateless person it should be their country of formal habitual residence.
- The refugee claimant's must be genuinely at risk. It is not enough that she truly believes herself to be in jeopardy rather there must be objective facts to provide a concrete foundation for the concern which induces her to seek protection in another state.
- The claimant's flight must be motivated by the prospect of 'persecution' i, e risk of serious harm against which the state of origin is unwilling or unable to offer protection.
- The risk faced by the refugee claimant must have some nexus to her race, religion, nationality, membership in a particular social group, or political opinion.

2. Based on persecution and Fear

According to the UNHCR Handbook (1979), Persecution is “when there is serious indiscriminately or other offensive acts committed by the local populace. They can be considered as Persecution, if they are knowingly tolerated by the authorities, or if the authorities refuse or prove unable, to offer effective protection”. Persecution is a sustained or systematic violation of basic human rights and the failure of state protection. Persecution can be considered as to involve a serious human right violation, including a threat to life or freedom as well as other kind of serious harm to the individual. The concept of persecution is generally related to action taken by the

authorities of a country, though there are also cases of persecution even though the government may not be directly involved in it.

The convention clearly mentions that refugee status will be accorded only to an individual who have left their home country due to the well founded fear of persecution. Thus the applicant must have a sound reason of fear where his/ her existence is under threat and the persons fear is well founded only if the applicant has been a victim of persecution. The persecution may be due to various grounds such as Race, Religion, Nationality, and Membership of a particular social group and Political Opinion. The various ground of persecution may be overlapping but deriving from one of the following factors may contribute to the well founded fear of persecution. Thus, due to the well founded fear of persecution, the individual is unable or unwilling to rely on the protection of his or her country of origin.

The determination of the refugee is usually based on the evaluation of fear and interpretation of what actually amounts to persecution. The Handbook of UNHCR specified five reasons of Fear in order to have a valid claim for refugee status. Fear is a subjective state of mind and therefore it is necessary to take into account the personal and family background of the applicant, his membership in a particular social, religious, national, social and political group, his own interpretation of his situation, his personal experiences etc.

To qualify for the refugee status, an individual's well founded fear must be related to one or more of the Convention grounds i, e the fear of persecution must arise owing to Convention definition, i.e., race, religion, nationality, membership of a particular social group, or political opinion.

10. General Principles determining Refugee Status

The 1951 Refugee Convention gives the provision that the refugee status can be ceased or excluded depending on the individual. In the case of cessation, the claimants are not considered deserving for receiving the international protection. The convention shall not be applicable to those people who were already under the assistance of the UN organ or agency other than the United Nations High Commissioner for Refugees. This includes the refugees who are under the UNRWA and other organizations as mention in Article 1 (D) of the Refugee Convention. But

once the protection ceases from these organizations, the refugees can claim the refugee status under the Convention on the condition that they fulfil the criteria mentioned in the 1951 Convention.

Article 1(E) States those persons who are granted most of the rights normally enjoyed by the nationals (except citizenship) in the country where they have been received shall not enjoy the protection of the 1951 Refugee convention. The convention does not define the specific rights that must be granted by the receiving state. However the person's status must be equivalent to that of the national of the country and she must be given protection against expulsion and deportation. According to the Convention a refugee will cease his/her claim for refugee status when he/she voluntarily re-avail herself the national protection, acquiring a new nationality etc. as mentioned in Article 1(C)

11. The application of the Exclusion Clause

The exclusion clause in the 1951 Refugee Convention is not to grant refugee status to those people who do not deserve international protection. The overall objective of the exclusion clause was that certain acts are so serious that the perpetrators do not deserve the international protection as a refugee. It avoids granting refugee status to those who are criminals of war and who might jeopardise the international security of the asylum countries. The provisions in Article 1 (F) denote the convention shall not be applied to any person with respect to whom there is serious reason for considering that:

- He has committed crime against peace, at war time, a crime against humanity, as defined in the international instruments draw up to make provision in respect of such crimes;
- He has committed a serious non-political crime outside a refuge prior to the admission to that country as a refuge;
- He has been guilty of acts contrary to the purpose and principles of the United Nations.

The claim of refugee status to those who have committed serious non political crime outside the country of refuge prior to their admission to that country as refugees. This ground disallows the claims of person who are liable to sanctions in another state, for having committed a serious crime, and who seek to escape legitimate criminal liability by claiming refugee status and who acts against the principles of the United Nations. While the most prevalent among all the above categories that do not deserve the international protection are divided into three sub groups such as –

- Crime against peace that includes war against aggression or a war in violation of international treaties, agreements etc.,
- War crimes which cover the laws and customs of war as noted under the Geneva conventions including the murder, ill treatment or deportation to slave labour etc.
- Crime against humanity covers all the fundamentally inhumane conduct often grounded on political, racial, religious etc which led to genocide, slavery, apartheid and torture etc.

But it is to be noted that the exclusion clause clearly outlines that it is generally upto the state to decide whether they should exclude the refugee under the terms of the 1951 Refugee Convention. In this case, the states remain the sovereign right to grant the status and conditions of the residence that is to be excluded (Mishra, 2003).

12. India's approach towards the refugees

From the time of its Independence, India had not favoured the inflow of refugees into the country. The movement of the refugees was restricted through the adoption of the various restrictive measures such as the Foreigners Act. The refugees during the partition times were called the “National refugees” as they were entitled to rights afforded by their new countries of residence (Dhavan, 2004). India felt the Convention was inadequate for their refugee regime. But the refugees who entered India at the later stage were not given the same treatment as the earlier refugees during the partition. They were charged with illegal entry, treated at par with the foreigners, and were subjected to domestic laws governing the entry and stay of the foreigners with no rights and protection by the host state. In spite of the increasing

flow, the country does not have a domestic law or the determination procedure to deal with the huge refugee population. Due to the absence of the permanent institutional structures to oversee the refugee issues, the grant of the refugee status remains at the discretion of the political arbitration.

During the time when the 1951 Convention came into force, the South Asian countries like India and Pakistan saw the highest population transfer in the region. India had a choice of acceding to the Convention or pursuing its own choice. Thus India chose the latter and adopted humanitarian approach towards the millions of refugees in the country. India along with all the South Asian states are not a member to any international refugee convention, be it the 1951 Refugee Convention or the 1967 Protocol, unlike the western countries who adopted different approaches towards the refugees such as the Cartagena Declaration (1984) for the Latin American countries and the African Charter (1969) for the African countries. However, due to the provisions in the Indian constitution such as Article 14(Right to Equality before law), Article 21 (Right to life and Liberty) and Article 25(Right to freedom of religion) etc. along with the commitments to various international and regional treaties and conventions relating to universal human rights and refugees such as the UDHR (1948), ICCPR (1966), ICESCR (1966), CERD (1965), Torture Convention (1984) bound India to provide the least minimum standard of treatment to the refugees.

13. India towards the Refugee Convention

Amongst the different Convention, the 1951 Convention relating to the Status of Refugees form the backbone of the refugee protection. According to the 1951 Refugee Convention, “Refugee is a person who “owing to a well founded fear of being persecuted for the reason of race, religion, nationality, membership of a particular social group, or political opinion, is outside the country of his nationality, and is unable to or, owing to such fear, is unwilling to avail himself the protection of that country”. But the concept of the refugees was expanded to include a person who had fled war or other violence in their home country as contained in the 1967 protocol

India’s non ratification of the 1951 UN convention on refugees and the 1967 Protocol was mainly due to the fact that India sees it as Eurocentric in its approach. It covers

only the refugees who faced the civil and the political rights but does not extend to the refugees who are under the social, economic and cultural violations. The Convention did not include the protection to individuals or groups feeling internal wars and situations of generalized violence. It is also pointed out that the rights regime that is contained in the 1951 Convention is too burdensome for the third world countries like India to implement as it can barely meet the needs of its own citizens. Though India is not a member to any of the Conventions and protocols of refugees, India's contribution on giving assistance and protection to refugees is satisfactory (Samaddar, 2003). India therefore did not take a step forward to accede to any legal conventions on refugees.

An additional reason for the non accession of the South Asian countries towards the international Convention on refugees is due to the fact that it is not favourable to them as it is a Cold war instrument based only on 'Political refugees' while most of the exodus of refugees in the region is caused by the 'generalised conflict'. The policy makers also felt that signing of the Convention might entail the obligation that the states may not be able to meet the resources along with the fear that the economic migrants will benefit the Convention Principles. The national legislation will allow the Courts to intervene to protect the interest of the refugees. But it is also a belief that the South Asian countries have been generous to refugees and accession to the Convention would not necessarily improve the condition of the refugees.

Since India is under a constitutional obligation to observe an international law and its non-refoulement policy upon the nation states, India has to acknowledge the refugees due to the judiciary obligation although they do not recognize them as a class. Thus the legal status of refugees in India is governed mainly by the Foreigners Act of 1946 and the Citizenship Act of 1955. These acts apply to all the non citizens equally with no exception for any class of people whether a refugee or asylum seekers.

India had adopted its own policy towards the refugees and strives for the fair, just and reasonable procedures while dealing with the refugees. India felt that there is no needs for the national legislation as India already host millions of refugee's inspite of being not bounded by any legal obligation. India continue to grant asylum to large number of refugees from the neighbouring state and deal with them differently, as some refugees like the Tibetans, the Tamilians etc are recognized by the Government while

the other refugee communities like the Afghans, the Iranians, the Somalians and the Burmese refugees etc are left under the mandate of the UNHCR. Thus, due to the absence of the specific refugee legislation the Government adopted its 'ad hoc' measures to different refugee communities. The refugees were protected under the care of the Supreme Court, the National Human Right Commission (NHRC) and the UNHCR along with other different Non-Governmental Organisations (NGO's). These institutions play a proactive role in safeguarding the rights of the refugees to the host country. They intervene in the Judiciary to gain access to courts for the basic human rights of the refugees and also engage the government to address the need for legal provisions of either the National law or the Refugee convention, whichever works the best for the country.

The signing of the Constitution also felt that signing of the Convention might entail the Obligation that the states may not be able to meet the resources along with the fear that the economic migrants will benefit the Convention Principles. The national legislation will allow the Courts to intervene to protect the interest of the refugees. But it is also a belief that the South Asian countries have been generous to refugees and accession to the Convention would not necessarily improve the condition of the refugees. Since India is under a constitutional obligation to observe an international law and its non-refoulement policy upon the nation states, India has to acknowledge the refugees due to the judiciary obligation.

CHAPTER 2

RESETTLEMENT, ADAPTATION OF THE TIBETAN REFUGEES

With the arrivals of the Tibetans in India, the Indian government under the leadership of Nehru promised to provide all assistance to the Tibetans to settle down in India. At first, they were sent to the transit camps at the border and were later moved to different parts of India. On their arrival to India, they faced the challenge of resettlement and rehabilitation as they had to re-establish themselves in the foreign land. The whole rehabilitation programme was a challenge as Nehru had to seek for lands from the Chief Ministers of the states who were willing to host the Tibetan refugees. Also, the different climatic condition also posed a challenge to the Tibetans who are finding it hard to adapt with the hot climate of India. In the initial days, most of the exile Tibetans was engaged in the road construction in the northern states of India. Due to the harsh climate and poor economic conditions survival had been the only goal.

In response to Nehru's letter, the state of Karnataka was the first to give positive response for the refugee settlement. In 1960, the first refugee settlement was set up in Bylakuppe and Lugsum Sumdupling became the role model of establishment in different parts of India. The Tibetan settlements were chosen to be in a distant location so as to keep the Tibetans away so that they can preserve their own culture and traditions and also to keep them away from the mainstream politics of the country.

With the assistance of the Indian government and the international community, the Tibetans in India witness tremendous changes in their social, economic and political life. Upon his arrival in Dharamsala, the Dalai Lama had two fold missions - the establishment of a representative government for the Tibetans and the preservation of Tibetan culture (Byod 2005). The preservation of the Tibetan culture was the paramount importance given by the Dalai Lama. As in Tibet, the Tibetans faced cultural and religious threat from the Chinese communist due to which the survival of the culture and religion was given the outmost importance.

The Tibetan came to India with the hope and expectation for the survival of their culture and religion due to its shared historical ties. With India being the world largest Democratic country, it serves a good place for the Tibetan culture to flourish and to experience a democratic form of Government. With the assistance of the Indian Government, the Tibetans were put up in different settlement areas in different parts of the country. The survival of their existence looked very precarious due to the harsh climatic condition which made it difficult for them to survive. However, the Dalai Lama and his followers were determined to build a new Tibet-in-Exile. Through the generous assistance of the Indian Government, the CTA was formed in 1959 for governing the Tibetan Community while in exile.

1. Assistance from the Indian government

India along with the neighboring countries like Nepal and Bhutan hosted thousands of Tibetan fleeing Tibet. The Department of Home was established in order to coordinate the immediate relief assistance and also find them a long term solution for the settlement of refugees. The Indian Government allotted plots of land for resettlement and provided facilities like school, hospitals and social welfare schemes, etc. (TPiE 2017:3). Overall, there are 58 settlements in India, Nepal and Bhutan in which there are 26 Agricultural based settlement, 19 Handicraft settlements and 13 Cluster settlements. The settlements are primarily assisted by the Government of India and other voluntary aid organizations.

(Table:2.1) Tibetan Settlement in India, Nepal & Bhutan

Details of Tibetan Settlement in India, Nepal & Bhutan					
S.No.	Name of Settlement Office	Establishment Year	Nature of office	Population (2016)	State Jurisdiction
1	1987	Chief Representative Office (CRO)	Bangalore, Karnataka State
2	Lugsung Samdupling	1960	Tibetan Settlement Office	15599	Bylakuppe, Karnataka
3	Doeguling	1966	"	15795	Mundgod, Karnataka
4	Dekyilarso	1969	"	4723	Bylakuppe, Karnataka
5	Rabgyeling	1971	"	2211	Hunsur, Karnataka
6	Dhondenling	1974	"	4667	Kollegal, Karnataka
7	Phuntsokling, Odisha	1963	"	2263	Chandragiri, Odisha
8	Phendeling	1963	"	1162	Mainpat, Chattisgarh
9	Norgyeling	1972	"	1103	Bhandhara, Maharashtra
10	Dhargyeling	1964	"	1185	Tezu, Arunachal Pradesh
11	Tuting	under the	"	946	Tuting, Arunachal Pradesh

		supervision of Dhargyeling Tibetan Settlement, Tezu until 2012			
12	Choephelling	1975	"	2718	Miao, Arunachal Pradesh
13	Sonamling	1969	Chief Representative Office (CRO)	7545	Leh Ladakh, Jammu & Kashmir
14	Tenzingang	1972	Tibetan Settlement Office	810	Tenzingang, Arunachal Pradesh
15	Kunphenling	1978	"	1171	Ravangla, South Sikkim
16	Deogu Yougyelling : Khera Camp & Lakhanwala	1969 & 1972	"	617	Herbertpur, Uttarakhand
17	Samyeling	1964	"	2026	Majnukatilla, Delhi
18	Bonshi Thobgyal Sarpa	1967	"	355	Dolanji, Himachal Pradesh
19	Tashiling, Pandoh	1965	Tibetan Settlement Office, Mandi	836	Pandoh, Himachal Pradesh
20	Nangchen Division	1966	Tibetan Settlement Office	870	Chuantra, Himachal Pradesh
21	Dege Division	1966	"	2783	Bir, Himachal Pradesh
22	Bir Tibetan Society	1966	"	735	Chowgan, Himachal Pradesh
23	Tibetan Daopon Welfare Society	1967	"	194	Kumrao, Himachal Pradesh

24	Kham Khatok	1967	"	212	Sataun, Himachal Pradesh
25	Choelsum	1966	"	588	Paonta Sahib, Himachal Pradesh
26	Phuntsokling, Dalhousie	1959	"	438	Dalhousie, Himachal Pradesh
27	Yancheen Gatselling	1986	"	1656	Kusumpti, Shimla, HP
28	Dhasa	1967	"	15046	Mcleodganj, Himachal Pradesh
29	Palrabling	1990	"	1745	Dhobi via Katrain -Kullu, HP
30	Dekyiling	1980	"	10395	Kulhan-Dehradun, Uttarakhand
31	Bomdila	1964	"	920	Bomdila, Arunachal Pradesh
32	Gangtok	1965	"	3296	Gangtok, Sikkim
33	Kalimpong	1959	"	1965	Kalimpong, West Bengal
34	Dorling	1959	"	3023	Darjeeling, West Bengal
35	Druk Tibetan Settlement	1963	"	1840	Thimpu, Bhutan
36	Shillong	1963	"	425	Shillong, Meghalaya
37	Tashiling, Sonada	1965	"	538	Sonada, West Bengal
38	Sakya Tibetan Society	1969	"	656	Puruwala - Gorkhuwala, HP
39	Samdupling, Jawalakhel	1960	"	757	Jawalakhel-Kathmandu, Nepal

40	Lodrik : Jampaling, Paljorling & Tashigang	1974	"	1119	Pokhara, Nepal
41	Sharkhum Delekling	1960	Shawara Tibetan Settlement Office	646	Lazimpat, Kathmandu, Nepal
42	Walung	1962		226	
43	Rasuwa Geygyeling	1968		205	
44	Tashi Palkhyil	1962	Tibetan Settlement Office	646	Dhud Kharka-Pokhara, Nepal
45	Choejor (Boudha & Jorpati)	2004	"	3068	Boudha-Kathmandu, Nepal
46	Tashiling Pokhara	1967	"	1424	Chorepatan-Pokhara, Nepal
47	Norzinling	1962	"	674	Dorpatan-Pokhara, Nepal
48	Gyalphak : Kathmandu & Swayambhu	2006	"	2642	Swayambhu-Kathmandu, Nepal
49	Lo Tserok	1971	"	230	

(Source: Department of Home)

2. Resettlement and Rehabilitation programme

In the Resettlement and Rehabilitation programme, the majority of the assistance is from the Indian government. The settlement is administered by the Central Tibetan Administration in collaboration with the Indian government. In India, the Tibetans are settled in different parts of the country - in the North, South, Central and North East. Since majority of the Tibetans were nomads and farmers, agriculture is the most suitable occupation for them. Therefore, agriculture was kept in focus and 26 Agriculture based settlement was established. While Handicraft based settlement was established mostly in the north where agricultural land are limited. The handicraft based settlement focus on traditional Tibetan craft such as carpet weaving, wood carving, etc. Besides these, the Tibetan women were also engage in the sweater selling business in different parts of the states. The sweater selling business happens to be the most prominent engagement of the Tibetans in exile besides agriculture sector.

In India, the Tibetan settlement are scattered in different parts of the country based such as Agriculture based settlements, Handicraft based settlements and small scale business settlements.

(Table: 2.2) Tibetan Settlement in North India

TIBETAN REFUGEE SETTLEMENTS & TYPES		
26 Agriculture-Based	19 Handicraft-Based	13 Cluster Communities
INDIA	INDIA	INDIA
Doeguyulgyelling, Herbertpur	Bir Dege, Bir	Dharamsala, Kangra Distt.
Sonamling, Ladakh	Bir Chauntra, Bir	Dhondupling, Clementown
	Bir Tibetan Society, Bir	Lingsang, Munduwala
	Phuntsokling, Dalhousie	Palrabling, Kullu/Manali
	Gapa Tibetan Society, Kumrao	Samyeling, Delhi
	Kham Kathok, Sataun	Dekyiling, Dehradun
	Paonta Choelsum, Paonta	
	Sakya Tibetan Society, Puruwala	
	TashiJong, Bir	
	Tashiling, Pandoh	
	Tibetan Bonpo Foundation	
	Yangchen Gatselling, Shimla	

(Source: Department of Home)

(Table:2.3) Tibetan Settlement in Northeast India

TIBETAN REFUGEE SETTLEMENTS & TYPES		
26 Agriculture-Based	19 Handicraft-Based	13 Cluster Communities
INDIA	INDIA	INDIA
Choephelling, Miao	Tashiling, Sonada	Bomdila, A.P.
Dhargyeling, Tezu		Darjeeling, West Bengal
Kunphenling, Ravangla		Gangtok, Sikkim
Tenzingang, A.P.		Kalimpong, West Bengal
Tuting, Arunachal Pradesh		Shilong, Meghalaya

(Source :Department of Home)

(Table 2.4) Tibetan Settlement in Central India

TIBETAN REFUGEE SETTLEMENTS & TYPES		
26 Agriculture-Based	19 Handicraft-Based	13 Cluster Communities
INDIA	INDIA	INDIA
Norgyeling, Bandhara		
Phendeling, Mainpat		
Phuntsokling		

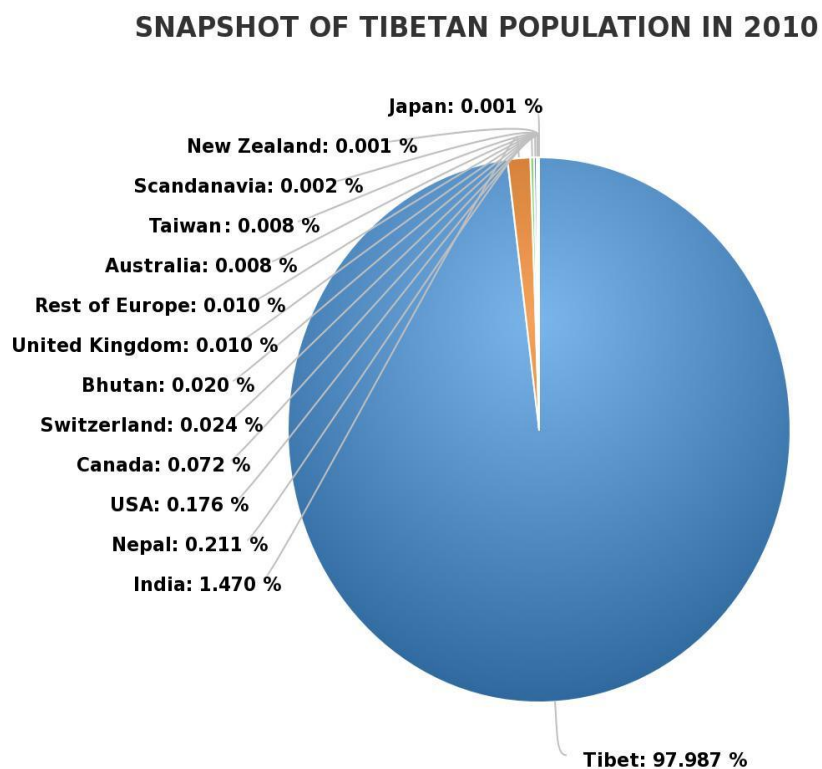
Source: Department of Home

(Table: 2.5) Tibetan Settlement in South India

TIBETAN REFUGEE SETTLEMENTS & TYPES		
26 Agriculture-Based	19 Handicraft -Based	13 Cluster Communities
INDIA	INDIA	INDIA
Lugsung Samdupling, B'Kuppe		
Dickyi Larsoe, Bylakuppe		
Doeguling, Mundgod		
Rabgyeling, Hunsur		
Dhondenling, Kollegal		

(Source: Department of Home)

(Figure: 2.1) Tibetan Population in 2010



(Source: Tibet Data)

26 Agriculture-Based	19 Handicraft-Based	13 Cluster Communities
INDIA	INDIA	INDIA
Choephelling, Miao	Bir Dege, Bir	Bomdila, A.P.
Dhargyeling, Tezu	Bir Chauntra, Bir	Darjeeling, West Bengal
Dhondenling, Kollegal	Bir Tibetan Society, Bir	Dharamsala, Kangra Distt.
Dickyi Larsoe, Bylakuppe	Phuntsokling, Dalhousie	Dhondupling, Clementown
Doeguyulgyelling, Herbertpur	Gapa Tibetan Society, Kumrao	Gangtok, Sikkim
Doeguling, Mundgod	Kham Khatok, Sataun	Kalimpong, West Bengal
Kunphenling, Ravangla	Paonta Choelsum, Paonta	Lingsang, Munduwala
Lugsung Samdupling, B'kuppe	Sakya Tibetan Society, Puruwala	Palrabling, Kullu/Manali
Norgyeling, Bandhara	TashiJong, Bir	Samyeling, Delhi
Phendeling, Mainpat	Tashiling, Pandoh	Shilong, Meghalaya
Phuntsokling, Odisha	Tashiling, Sonada	Dekyiling, Dehradun
Rabgyeling, Hunsur	Tibetan Bonpo Foundation	
Sonamling, Ladakh	Yangchen Gatselling, Shimla	
Tenzingang, A.P.		
Tuting, Arunachal Pradesh		

(Table : 2.6 Tibetan Refugees settlement and Types)

(Source: Department of Home)

With the coming of the refugees to India, the rehabilitation of Tibetan refugees was a challenging task for the Indian government. The Indian government was in the process of rehabilitating 3000 Tibetan refugees in Mysore, 5000 in NEFA, 4000 in J&K for Agricultural or grazing settlement in Ladakh, 150 Training in Small Scale Industries such as Carpentry, Black smithy, Electro-plating, Pottery, Shoe-making, tailoring, etc. (Rajya Sabha Debate, 23 April 1962) While in the following year, in 1968 the total amount spent on the resettlement of the Tibetan refugees till 31st March 1967 was approximately Rs. 5.5 crore. This includes 1.46 crores on education (Rajya Sabha debates , 21 March 1968)

At the settlement level, the previous Tibetan leaders, the Chieftains and the Central Tibetan Administration leaders were responsible for the effective functioning of daily interaction between the exile Tibetans and act as a link between the Tibetans and the Indian authorities. The pre-exile leadership and organization structure were and still are instrumental for the success of the exile Tibetan community in terms of the organizational unity, stability and the resettlement of the thousands of the exile Tibetans (Norbu 2001). The fact that no sovereign state officially recognized the CTA did not alter the functioning of the exile administration. The CTA which was established right after the arrival in India act as an institution that interacts with the GOI on behalf of the Tibetan community.

3. Exile as a challenge

While in exile, the refugees find a lot of challenges in maintaining their culture and traditions and struggle to create a space for themselves in terms of livelihood and sustenance. One of the biggest challenge faced by the refugees is the “social inclusion and security” in the new country (Pittaway 2013:172). The migrant population in general found it difficult to adapt to the lifestyle of the host state which is totally distinct from theirs. While social inclusion in the common understanding would mean the acceptance and adaptation of the host society’s culture, traditions and language etc and make space to fit in the domain of the local’s lifestyle. While some communities integrate successfully in the host state, others choose to stay away and maintain their distinct culture and identity. The migrant population always looks for successful

integration as it would mean the hope for security in terms of access to public welfare schemes, employment, education and health care, etc.

In the process of migration the roles of an individual tend to change as there is always a difficulty in finding the same profession. Men, therefore, often lost their job and feel that their “traditional roles have been stripped away” from them and women tend to assume new roles with “more freedom and autonomy” and the adolescent have more “freedom” of choice and have more opportunities than before (Pittaway 2013: 176). While women step out into their new roles from a traditional home maker to a bread earner gives them the confidence for themselves and their rights in the family and society.

3 Tibetans in exile

In the case of the Tibetans, in order to preserve their own culture and traditions, they chose not to integrate into the host country but maintain their distinct identity. Yeshe Paljor shares about life as a Tibetan in exile -

If you are a Tibetan today, you have no name. If you are a Tibetan today, you will become someone else and that will be for granted. If you are a Tibetan today, you will neither have any country and nor any place to share the ‘home sweet home’ with your family. Though such challenging is being Tibetan today, the fellow Tibetans are not stopping to be it!

If you are Tibetan today, it is very challenging to fare this world. You do not a place to return every evening because you neither have a family waiting there nor any warm home at all! All you have will be somewhere else similarly wishing to be united to one’s home every evening!

1

4. Identification Regime by the Indian Government

Under the 1951 Refugee Convention, Article 1 A (2) a refugee is any person who “owing to a well founded fear of being persecuted for reason of race, religion, nationality, membership of a particular social group or political opinion, is outside the

¹ Yeshe Paljor is an Editor of Tibetan Journal, these lines are an extract from his piece title “ What happen if you are a Tibetan Today...” expressing the life of a Tibetan in exile longing for home . <http://www.tibetanjournal.com/index.php/2012/05/12/what-happens-if-you-are-a-tibetan-today/>

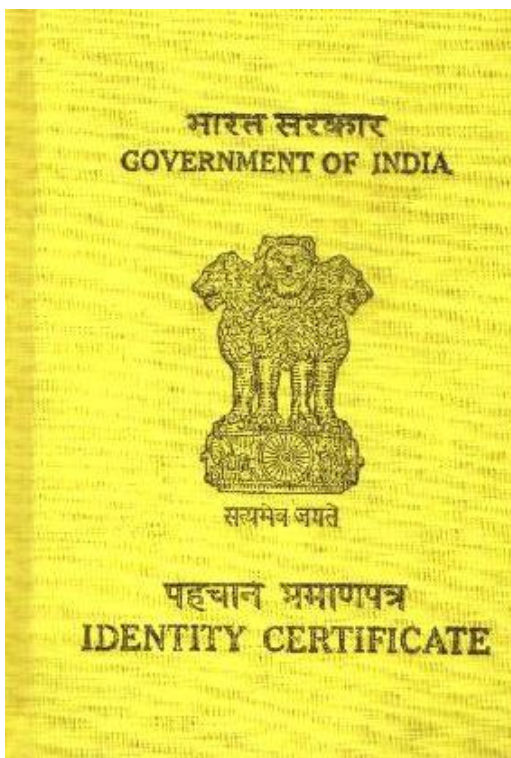
country of his nationality and is unable or, owing to such fear is unwilling to avail himself of the protection of that country". Thus through this, the Tibetans who flee from persecution of the Communist China falls under the category of refugees. But falling under the category of refugees does not necessary provide them protection. It is only through the policy of non-refoulement that they are allowed to enter India and they received protection for the Tibetan Government in Exile. The Indian Government is not bound to provide them any legal assistance of rights to the Tibetans as India is not bound by any Refugee Convention or protocol. Any assistance from the Indian Government or its people is based on humanitarian ground and is not considered as rights or duty to do so. Thus in a country like India, the recognition of refugees is based on the people in power and are always bound to be adhoc in nature. There are no proper grounds on which refugees can claim for their rights.

India approach to refugees is not based on any legal obligation or document but rather on humanitarian grounds. Thus two approaches to refugees can be traced disparities between codified law and unwritten norms (McConnell 2013). On the one hand, India's provision of hospitality to refugees has been posited as the integral part of the Indian culture (Sammaddar 2003) and on the other refugee protection; care and rehabilitation are not underpinned by the national law or are bound to internal law. Without any legal obligation, states are bound to accept or reject refugees based on their own self interest. This is seen in the case of India where state has the ultimate power which is discriminatory in nature. This led to the difference in treatment of different refugees groups while some refugee communities were given the refugee status and some were rejected. While comparing the two refugee communities, we see the communities recognized by the Indian Government more flourishing and well established than the other due to the special protection and welfare measures.

(Figure 2.2) Registration certificates & Identity Certificates



(Source: Phayul .com)



(Source : Lhakar Dairies)



On the recommendation of the Bureau of His Holiness the Dalai Lama (HHDL), Identity Certificates is being issued to the Tibetan Refugees residing in India from the Regional Passport Office in Delhi. The issue of Identity Certificate is subject to the clearance of the Ministry of External Affairs (Consular, Passport and Visa (CPV) PV-III division). In addition to clearance from the State Government Department (Department of Home Affairs/Police/) FRRO is also required for issuance of No Objection certificate to return to India (NOTA) certificate to be stamped on the Identity Certificate.²

Among all the refugee communities, the Tibetans have enjoyed special preferential treatment from the Government of India. The Government of India does not have a refugee law therefore operates under the Foreigners Registration Act 1946 to register their stay in India annually through the 'Registration Certificate for Tibetans' (RC). Under this, Tibetans above the age of 16 years must register themselves to obtain the Registration Certificate which will legalize their stay in India. The RC is a mandatory document to apply for Identity Certificate. The RC's is issued by the Ministry of Home Affairs through the local Superintendent of Police which needs to be renewed annually. While the Ministry of Home Affairs has now extended the renewal of Indian Registration Certificate for Tibetans to once in five years (Times of India, 24 August 2012). This relaxation allows the Tibetans to visit the FRO office only once in five years. The RC's permit the freedom of movement in India and the right to settle in an area where Tibetan settlement is registered. The RC is necessary for opening bank accounts, renting accommodation and running business. The Government of India provided Residential Certificates (RC's) to Tibetans based on three categories-

- 1) Tibetans who came to India between 1959-1979,
- 2) Tibetans who are born in India ,
- 3) Tibetans who arrived in India after 2003 and who carry a Special Entry Permit (SEP) for persons of Tibetan origin issued by the Indian Embassy in Kathmandu.

² The issue of IC is applicable to all stateless people residing in India at the passport office within the jurisdiction they are currently residing. For details see www.passportindia.gov.in

The Tibetans with valid RC's is entitled to apply for Identity Certificates (IC's) issued by the Government of India under the 1967 Passport Act, Section 20 which is valid for ten years and is renewable. The IC allow the Tibetans to apply for a visa if they have to travel outside India and No objection to return to India (NORI) stamp is required to return to India.

4.2 Restriction of RC to the new arrivals

Obtaining the legal document or identity documents like the RC is restricted to the Tibetans who are the new arrivals. The RC as issued by the Indian government with the assistance of the CTA to the Tibetans to keep a track of the new arrivals which allow them to reside in a designated areas as a matter of discretion and executive policy (TJC 2011:8). In the 1990's, the Indian government and the CTA restricted the issue of RC's to the new arrivals and the CTA also encourage them to return to Tibet after their education in India. In January 1995, the CTA effectively ended the issue of RC to the new arrivals in which they regulate their stay in India depending on the purpose of their stay. In 1996, 2843 new arrivals, 1200 Tibetans were asked by the CTA to return to Tibet (ibid). Thus to obtain RC becomes a challenge for the new arrivals as they do not own any legal documents for their stay in India. Without the RC, the Tibetans faced challenges each day from the Indian police who routinely check them to show the documents to availing the basic amenities like opening of shops and restaurants for livelihood and sustenance. RC identifies them as legal residents without it there are chances of being deported back to China. Due to this, the Tibetans do try to obtain the RC's through bribery or claiming that they were born in India (Patil 2002).

Under the 1946 Foreigners Act, the Tibetans are entitled to the rights applicable to the non-citizens aliens residing in India as enshrined in the Indian Constitution. These includes the freedom to practice and propagate their own religion, access to Indian health and education facilities and freedom to work and move around the country. Though, they cannot participate in the Indian politics as their RC does not imply to an Indian citizenship. But Tibetans who got the Indian Citizenship are allowed to participate and engage in politics as they denounced their Tibetan citizenship and

embraced the Indian Citizenship. They are no longer treated as foreigners but are given equal entitlement like any other Indian citizen.

4.3 Renewal of Registration Certificate (RC's)

One of the primary points of contacts that the exiled Tibetans had with the Indian state is the RC's and IC's. The RC's which had to be renewed every year was a very onerous and stressful process as it wholly depends on the discretion of the local officials (McConnell 2013). Since 2012, the Indian government has now relax this provision and allowed that Tibetan refugees born in India and those who have lived in India for more than 20 years to renew their RC for a period of five years (Tashi 2012).

The Tibetans are left with no choice but to comply with the demands of the officer in charge, several TGIE officials also spoke of their frustration while dealing with the administrators. The RC officer in the TGIE Department of Security stated about the problem created by the local officials in delaying the issue of the RC's to the Tibetans. There is also an issue of uneven administration of the RC's office such as in the large agricultural settlements like Karnataka, the issue of RC is easier while in the settlement areas like Delhi and Dharamshala, these documents are likely to be spot checked (McConnell 2011).

The Tibetan Government in Exile and the Indian government officials came in direct contact while dealing with the identity documents issued to the exile Tibetans such as Residential certificates and the Identity certificates. It forms the primary points of contact between the exile Tibetans and these administrators. The Tibetans in India are treated under a Foreigners Act of 1946 which entitles them to the provisions of the identity documents such as RC and IC. The RC which needs to be renewed every year at the Foreigners Registration Office (FRO).

This identity document makes the Tibetans to be in frequent contact with the Indian government. The RC which is the Indian Registration Certificate for the Tibetans give the Tibetans the freedom of movement in India and the right to reside in the area where the RC is registered. The Tibetans who has RC are entitled to apply for the Identity Certificates (IC). These identity documents are issued to the Tibetans with a

de-facto refugee status. The Tibetans who came into India after 1979 are denied these documents and the rights and entitlements that go with it. (McConnell, 2001) But the recent arrivals, the Tibetan who enter India through the Special Entry Permit (SEP) are mostly for the education and pilgrimage. They were issued Special Entry Permit by the Indian embassy in Nepal that must be renewed between six to one year.

5. Citizenship rights of the Tibetans

The construction of Tibetan citizenship in exile is contested as the identity documents that are being issued by the government are not recognized by any other country. The Validity of the Citizenship and the formation of the Tibetan Government in Exile whose legitimacy is a question. The Tibetans have a formalized form of citizenship only in exile as there was no concept of citizenship when Tibet was governed under the Dalai Lama. It had neither a single category of the citizen nor the conferment of homogeneous rights across the Tibetan population. (Fretchette 2006). In fact the Tibetan Nationalism was created only when the Communist China occupies Tibet and the whole discourse of Citizenship got institutionalized only while in Exile (Shakya 1999). Earlier, the relationship between the Tibetan state and its inhabitants was in a very general terms and similar to other arguably “feudal” societies, contingent on an individual's landholdings and positions within socio-economic hierarchies.

5.1 1991 Charter on Citizenship

According to Article 8 of the Charter, Tibetan citizenship is granted to “All Tibetans born within the territory of Tibet and those born in other communities shall be eligible to be the citizens of Tibet. Any person whose biological mother or biological father is of Tibetan descent has the right to become a citizen of Tibet”. Article 9-12 of the charter grant the Tibetan citizen's equality before the law, religious freedom Article 10; Freedom to life, liberty and property; freedom of speech and expression; freedom of movement and association (Article 12).

While Article 13 of the Charter states that the duties of the Tibetan Citizens-

- 1) Bear true allegiance to Tibet
- 2) Faithfully comply and observe the charter and the laws enshrine therein;

- 3) Endeavour to achieve the common goal of Tibet;
- 4) Pay taxes imposed in accordance with the laws;
- 5) Perform such obligation as may be imposed by law in the event of a threat to the interest of Tibet.

5.2 The Concept of Tibetan Citizenship

In the concept of citizenship, the most fundamental relations between the individual and the state is the construction of the political and legal identities. There is a binary which is created to identify that the citizen is a resident in a bounded national community while the ‘other’ is the refugee. Thus through such dualism, the states not only shapes political subjective but also delineates the membership of the national body politic (McConnell, 2011). The case of the Tibetans in exile offers a valuable insight into the relations between the state and its population by disrupting and reconfiguring this citizen refugee binary.

As for the Tibetans, the idea of Citizenship is very new and therefore they have encountered a significant cultural challenges and limitations in their efforts to accommodate the western model of citizenship (McConnell, 2013). There is difficulty in translating and interpreting the concept of the citizenship both in Tibetan language and Tibetan cultural and context (Frechette, 2006). Due to its complexity, there is a general lack of understanding in the concept of citizenship Tibetan Understanding of Citizenship is confined only to the understanding of Tibetan nationalism. It was only in exile, the Tibetans for the first time issued an identity documents called the rangzen lagteb³. The Rangzen lagteb and the chatrel system was introduced in order to meet the expenses of the Tibetan Freedom Movement which the Tibetans made voluntary contribution to run the government.

Miller and Rose had argued that the status of Tibetan citizenship “appears at first glance to represent a conventional shift in state relationship with its population from

³ It is also known as the Green Book which was introduced in 1972 by the Tibetan exiles in under the auspices of the Tibetan Freedom Movement. It also serves as a mechanism for voluntary payment to the Tibetan Government in Exile. This was introduced in order to make the Tibetans contribute to run the government and thereby showing their loyalty to the TGIE.

the one based around subjects and duties to one grounded in citizenship and the language of rights and social responsibilities” (McConnell, 2013). Thus the institutionalization of the Tibetan Citizenship can be seen as a key part of the broad exilic nation building project and the TGIE effort to seek acceptance and legitimacy from the international community (McConnell, 2009a, McConnell, 2013).

While in the case of the Tibetan refugees, the Indian states regarded the Tibetan exiles as ‘de-facto refugees’ while the Tibetan Government in Exile regarded them as its ‘citizens’. The Tibetans were issued Registration certificates (RC’s) which is a legal document issued by the government of India to those Tibetans recognized by the Indian state. The Tibetans who are above 17 years are eligible to apply for the Registration Certificates issued by the Foreign Registration office or the Foreign Regional Registration Office. This needs the renewal of every year or at the maximum of 5 years depending on the individuals. For those Tibetans who are born in India renewal is after every five years.

(Figure: 2.3)Rangzen Lagteb (Green Book)



Source : CTA (Tibet.net)

Among the exile Tibetans, the Green Book has been the passport of the exile Tibetans as it is the only document that allow them to claim their right from the Central Tibetan Administration. In the future, this will become a base to claim the Tibetan citizenship. The payments are a voluntary contribution which symbolizes the recognition of the CTA as their legitimate representation. The Chatrel payment supports the financial

needs of the CTA and it is an important source of revenue of the CTA. The Chatrel will be paid by the exile Tibetans until they regain freedom in Tibet. The Green book is being used for administration and identity documents for the Tibetans in accessing the benefits such as employment in the CTA offices school admission and scholarships etc. The Green Book also allows the Tibetans to participate in the parliamentary elections.

The Tibetans in exile now has a define citizenship rights and duties that is enshrined in the constitution that was drafted in 1963 and the 1991 charter of Tibetans in exile (TGiE 1991). According to the 1991 Charter, every exile Tibetans is eligible for the rangzen lagteb which gives them the rights of citizenship. Thus, rangzen lagteb are therefore universal identification for all Tibetans new and old. The new arrivals need to “become” Tibetan Citizens before they start to engage meaningfully with the exile community. The new arrivals need to seek membership to the Tibetan “state “and become “bonafide” Tibetan citizens and nationals. (McConnell, 2013) Though the new arrival are arguably more “authentic” Tibetans than the second generation Tibetans in exile (ibid). The whole discourse on Tibetan Nationalism is primarily due to the Government in exile policy of a single Tibetan identity. This is implemented through the introduction of the rangzen lagteb to identify the Tibetans and separate them from the rest of the community.

In 2004, the Department of Finance took the charge to issue the rangzen lagtel/ Green Book to all Tibetans-in-exile. Majority of the Tibetans have the Green Book and this also serves as identification for the Tibetans on the part of the Tibetan Government in Exile. More than 90% of the Tibetans have the rangzen lagteb or the Green Book, available to all Tibetans in exile, born in exile or the new arrivals too. (McConnell, 2013) The rangzen lagteb is not legal documents like passport but signifies the authentic Tibetan identity and the only legal document issued by the Tibetan Government in Exile which allows the Tibetans to participate in politics, to received benefits and welfare schemes from the Government. The welfare schemes ranges from accessible to health care, education in the schools runs by the CTA and the pension schemes. It also certifies the citizenship of the Tibetans in exile and approves the application for the Residential certificates and Identity certificates. But Tibetans cannot travel by rangzen lagteb, as there is a requirement of the Identity certificate

issued by the Government of India with the “No Objection to return to India” which allows them to apply for visa and travel outside India.

However, inspite of its legal challenges rangzen lagteb or the green book received considerable degree of international acknowledgement and recognition as this is the only identification document for the Tibetans in exiles. Thus, the rangzen lagteb also acts as a unifying and exclusionary marker of the Tibetan identity. It differentiates the Tibetans from the rest of the community while in exile (McConnell, 2013). The value of rangzen lagteb/Green Book is same to the passport that Indian citizens have though it does not have any legal enforcement. It thus serves as the only identification document between the citizens and the Tibetan Government in exile.

5.3 Formalization of citizenship

The citizenship of the Tibetan refugee is formalised through the ragzen lagteb or the Green Book which need the annual payment of the Chatrel or voluntary contributions to the Tibetan Government in exile. The contributions received from the exile Tibetans are used in functioning of the exile community projects such as education, health etc. The Judiciary under the Government in exile has the power to confiscate the Green Book which means the loss of Tibetan citizenship. This is the penalty available to the exile Tibetans. Citizenship is the unifying marker of the Tibetan identity as it is the mechanism through which the TGiE determines and regulates the membership for the exile community and demonstrates a state like attributes. (McConnel 2011) The payment of the Chatrel signifies the authenticity and legitimacy as reaffirming in each other status as a legitimate government and ‘bonafide Tibetans’ respectively. This establishment of the social contact between the Tibetan and the TGiE through the rights and obligation of the Tibetan citizenship creates a state like political subjects and provide a degree of security for the exile community (ibid). They feel the sense of community and serve as an identity of the Tibetans in exile.

6 The binary of the Indian state and the Tibetans

The renewal of RC is the only process that needs a frequent meeting with the Indian state, the Tibetans faced the frustration in dealing with the complexity of the Indian

officials as most of the time the procedures are performed at the discretion of the local officials. The official in charge make the process unnecessarily lengthy as it takes at least two days to get a sign and a stamp in a single document. These frustrates the Tibetans while dealing with the complexity of the Indian officials (McConnell, 2011) while there is also a new introduction in the system in which the Tibetans have the options of doing the Registration online.

While observing the relations between the Indian Government and the Tibetan Government in exile, there is a geographical unevenness of the administration of the RC's. The documents are easy to get and renew in the large agricultural settlements in the state of Karnataka while it's difficult in the northern settlements in Delhi, Dharamshala and Dehradun. The renewal of the RC remains at the discretion of the Indian Government. Due to the strict policy of the RC'S by the Indian Government, the late arrival Tibetans now made false claim as being born in India.

In 2014, the Election Commission of India (EC) has made a landmark move which allow the Tibetan origin born in India between 1950-1987 to be on the electoral rolls. This enables the Tibetans to vote in the upcoming state elections. Out of the 120,000 Tibetans living in India, 48,000 are now eligible to vote (Contact 20th March 2014). On March 27th 2016, the Dharamshala Municipal elections provide a first time opportunity to the Tibetans to vote in the election. This move is as per the High Court ruling that gives the Tibetans who are born in India before July 1987 and their children are entitled for Indian citizenship (Contact 28th March 2016).

6.1 CTA response to Citizenship

The Tibetans are eligible in applying for the Indian Citizenship but majority of them denied due to the fear of losing their Tibetan identity. They prefer to remain stateless refugees as they feel that is a powerful self declaration of political identity. They resist assimilating into the host community and emphasise the desire of returning to their home country. This policy has also been encouraged by the Tibetan Government in Exile. They see the acceptance of Indian citizenship as 'giving up of hope' or losing some of the 'Tibetan Identity'. (McConnell, 2013) The Government in Exile

not only encourage them to remain as refugees but also accorded them with the status of 'Citizens' while in exile too.

The CTA officially does not encourage the Tibetans to apply for Indian citizenship but did not prevent the Tibetans from applying it. On the 21st August 2013, the Sikyong of the CTA in exile gave the statement that "The Central Tibetan Administration (CTA) cannot prevent anyone from applying Indian citizenship. The decision to apply for Indian citizenship is a personal choice and CTA cannot compel Tibetans to apply for the Indian citizenship". The Tibetans can apply for Indian citizenship and the CTA will help them in providing the supporting documents."

According to the Indian Citizenship Act of 1955, "Tibetans born in India between 1950 and 1987 are eligible for Indian Citizenship and those born after 1987 are also eligible on the condition that if "either of whose parents is a citizen of India at the time of his /her birth". According to Citizenship Act 1955,

Acquisition of Citizenship by birth –

- 1) Except as provided in sub section 2 (a) every person born in India
 - a) on or after the 26th day of January 1950, but before the 1st day of July 1987;
 - b) on or after the first day of 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 parents are citizens of India; or
 - ii) one of whose parents is a citizen of India and the other is not an illegal migrant at the time of his birth
- (2) A person shall not be a citizen of India by virtue of this section if at the time of his birth

a) either his father or mother possess such immunity from suits and legal process as is accorded to any envoy of a foreign sovereign power accredited to the president of India and he or she, as the case may be, is not a citizen of India; or

b) his father or mother is an enemy alien and the birth occurs in a place then under the occupation by the enemy. (MHA 30th December 1955)

Under the Citizenship Act 1955, if a Tibetan is eligible for Indian citizenship is permitted to apply for its citizenship. The Indian citizenship do not allow for dual citizenship therefore obtaining the Indian citizenship deprives the Tibetans of losing their Tibetan citizenship. But Tibetans in general do not apply for Indian citizenship even if they are eligible due to the fear of losing the legitimacy in fighting for the freedom movement. Secondly, there will lose their access to the benefits of the CTA including the right to live in the Tibetan settlement and political positions. Though the CTA claim that they will support the necessary documents of applying the citizenship, it has recently ordered that all the offices under its wing not to issue any Indian citizenship supporting documents to those who reside within India. It has also manipulated the Indian government to issue a notice to all Tibetans who stay in the settlement camps to leave as they are no longer refugees (Phayul 7th August 2017). Thus obtaining the Indian citizenship deprives the Tibetans of the CTA benefits.

6.2 Reforms in the application for Indian Citizenship

Thus, the Delhi High Court issued order of September 2016 does give the Tibetans a citizenship right but also make the Tibetans homeless as they have to leave the settlement in order to get the Indian passport. The Ministry of External Affairs new rules states that –

- 1) The Registration Certificate and Identity Certificate should be cancelled.
- 2) Applicant should not be staying at a designated Tibetan Refugee settlement.
- 3) Application should furnish an undertaking /declaration on plain paper to the effect that he no longer enjoys CTA benefits.

4) Application should furnish an undertaking / declaration on plain paper that he no longer enjoys any privileges including subsidies which would have accrued to him/her by virtue of being a RC holder and that these have been returned /surrendered.

This new rules that is being introduced by the MEA cause a dilemma among the exile Tibetans as they will no longer enjoy the CTA benefits which will leave them outside the settlement of the Tibetans. However this is seen as a violation of the Article 14 (equality before law) and article 21 (right to life and personal liberty) that is mention in the Indian constitution (Hindustan Times 26 June 2017)

The Tibetans are given special preferential treatment by the Indian government through the settlements areas. But the Tibetans have no right for land or property, administration or political power. It has so far not provided employment opportunities to the Tibetans in the government sectors. The Tibetans have limited employment facilities in the informal sectors which led to the crisis in job opportunities. Most of the First generation Tibetans engage in the agriculture and construction sectors while the second generation Tibetans mostly engages in setting up of small business, shops and restaurants etc.

The second generation Tibetans are also privileged as most of them got the opportunity to attend schools run by the Central Tibetan Administration. They received education under the CTA at the lower level while at the higher education; the CTA also provides scholarships to the Tibetans to promote education of higher learning. The Tibetans citizens received the welfare benefits through the Tibetan Government in Exile which is a strategy adopted by the TGIE for integrating the exile Tibetan society. It is also an attempt by the TGIE to extend its responsibility for its citizens (McConnell, 2011). In fact the exile Government establishment was primarily to look after the welfare of the exile Tibetans.

6.3 The Tibetan Rehabilitation policy

In 2014, the Tibetan Rehabilitation policy was introduced by the Ministry of Home Affairs. The Indian government has been collaborating with the Central Tibetan Administration in the resettlement of the Tibetans in exile. The relief of the Tibetans

has been carried out by the Dalai Lama's Central Tibetan Relief Committee (CTRC) which supervises the relief assistance programme. The Government of India has been engaging with the CTRC to understand the problems faced by the Tibetan refugees in India. The Government of India will extend its benefits to the Tibetans refugees and address the concerns and issues of the Tibetans in India. Some of the provisions of the Policy are as follows-

All the states must sign the Lease Agreement for the land that is being acquired by the Tibetan refugees. The Lease agreement has to be signed with the individual Tibetans but with duly authorized representative of the CTRC. The land on lease can be used for the residential, agriculture, commercial and religious activity etc. The benefits of the Central Government Schemes may be extended to the Tibetans such as Mahatma Gandhi rural employment guaranteed Scheme, the Public distribution system, the National Food Security Act, the Targeted Public Distribution System, Indira Awas Yojana, the National Rural Health Mission etc.

The Rehabilitation policy also covers the benefits extended to the states government such as roads, electricity and drinking water schemes etc. There are also plans for the extension of education subsidies to the Tibetan children in schools and colleges. Special provision is also being given for the allocation of separate land for the setting up of Tibetan bazaars such as handloom and handicrafts. The Tibetans were also allowed to undertake economic activity such as licenses and trade, educational and employment facilities through their Registration Certificates. The state government may also provide employment opportunities to the Tibetans in the sector of health and education.

CHAPTER 3

TIBETAN GOVERNMENT IN EXILE

Introduction

The Tibetan Government in Exile (CTA)¹ is as a democratically elected, legitimate representative of the Tibetans in exile. It was set up with an aim to restore freedom in Tibet and to look after the welfare of the Tibetans in exile. The CTA functions as a *de-facto* government of Tibet in exile and exists within the union of the Government of India. It is not just a legitimate government for the Tibetans both in exile and in Tibet but also enjoys the loyalty from its people. The CTA functions as the sole representative of the Tibetans in exile and is determined by the pre-exiled political structures in Tibet, the institution of the Dalai Lama.

The CTA functions according to the western secular concepts of democracy based on the democratic ideas. The structural set up of the CTA, the unofficial acknowledgement of the CTA by the host state and the international community favourably influence the position of the CTA within the exile community and foster its representative claims. (Roemer 2008:122) The Central Tibetan Administration also commonly known as the Tibetan Government in Exile evolved through several stages to witness the present well functioning Democracy in Exile.

His Holiness the 14th Dalai Lama outlined the roadmap of the establishment of Tibetan Government in Exile. He envisions the setting up of Democratic form of governance with the representation from the people. It was established with the plan that the Central Tibetan Administration would be dissolved once the Tibetans return to their homeland. The Tibetans in exile will not impose particular form of governance on their return. Democracy is what the Tibetans practise in exile but that does not mean Democracy should be implemented inside Tibet. But Democracy will remain the aspiration of the Tibetan people. The Tibetans in exile

¹ The Tibetan Government in Exile is an exile democratic government that represents the six million Tibetans both in Tibet and in exile. The title of the TGIE has now been change to Central Tibetan Administration but its powers and functions remains the same. With the devolution of power of His Holiness the Dalai Lama, the CTA is entrusted with the continuity of the Tibetan struggle. In this, the TGIE and Central Government Administration has been use interchangeably as it fits required. But in theory and in practice it it has the same role in the exile administrations.

are not seeking for Democracy inside Tibet but are demanding their legal rights that are under the provision of the Chinese Constitution. The demand is for greater Autonomy under the Chinese administration.

1. Theoretical Approaches to Government in Exile

According to Shain, Exiles are persons who are engaged ‘... in political activity directed against the policies of the home regime against the policies of the home regime itself, or against the political system as a whole, so as to create circumstances favorable to their return’ (Shain 1989:15). While Iwańska further argues that, the exiles engage in political activism that aims to replace or overthrow the present ruler at home (cited in Roemer 2009:37). With this theoretical background, the Tibetan Government in Exile was unlike any other Government in Exile as it was initially set up to ‘rehabilitate and resettled’ the Tibetan refugees from Tibet. Later it was engaged into organizing themselves and working towards change in the political status of Tibet.

1.1 Nature of the Exile Government

In any exile organization history, the nature of the exile organization is determined by its political claim, the origin of its members and the degree of national and international support. In the formal organizational set up like the Government in exile is a well-structured organization that is represented by a lawfully elected leader who enjoys a legitimate status to rule a nation (people and territory). It claims the traditional representation, an argument that emphasis on the legitimacy of its political aims; and acts as the spokesperson of one nation for the nation’s national interest where there is a ‘charismatic’ leader in the forefront (Shain 1989:27-28). The non-government organization also exists but with a less organized group which is represents only by a certain segment of the nation. They and see themselves as one of the alternatives among the other to represent the entire nation.

1.2 Typology of Exile Government

Thus the definition given by Shian stand out to be the most pre-eminent definition of exile government:

Opposition groups that struggle from outside their home territory to overthrow or replace the regime in their independent, occupied or claimed home country. These groups refer to themselves as governments in exile, national committees, provisional governments, national revolutionary councils, national liberation movements, and in other ways that reflect their claim to be sole or at least the most viable alternative to the existing home regime.

(Shain 1991:2)

Every exile organization has a strong historical base in which the formation of the government –in- exile is to seek for recognition and rights, which they lost to the State. In most cases, it eventually is a fight against the home country. Shain classified the government –in-exile- into three dynamic groups based on the background of their history and goals-

- 1) There is government- in-exile, which aims to overthrow and replace the ruling system at home. These organizations neither ask for the changed in the borderlines nor question the existence of the state itself. They claim the legitimate representation of the nation by the portraying themselves as lawfully elected body that is accepted in both exile and home.
- 2) The governments in exile focus on the creation of the new and internationally recognized state that operates outside their claimed territory. However, since the operation is outside the claim territory, it lacked the legitimacy of the state.
- 3) There is government -in –exile that is established to lead the movement for the political independence. They try to regain the power and authority, the territory that has been lost during the wartime.

There are some government-in-exile that fall outside the three classifications because they fall in more than one category. They pass on through different categories during a series of time and are multi -goal oriented approach. (Roemer 2009:38) The failure of one approach led to the adoption of the next feasible goal, which sustains the movement throughout generations.

2. Survival of Government in Exile: Support from National and International

Some exile organization succeeds in achieving their goal while other lost in the struggle. Several factors are responsible for the success of the exile-government. The political success of the exile government is dependent on two factors- the ability to secure its loyalty within its own national community and Gain international support and recognition The exile government runs through support of the host state and the international community. The exile government rely heavily on the international support as it sustain in their struggle

Many exile organisations ascribe vital importance to foreign support for their struggle, and strive to make the case international. They endeavor to generate and activate international enmity towards the home regime and to earn recognition for them at the regime's expense, to undermine and eventually overthrow and replace it.

(Shain 1989:110)

There exists a different kind of exile government set up to fight against the home state. Only those that have the support of the community both the national and international survive and fight for its cause. Shain stated that there is a '... competition among the contestants for power in the state [that can be stated] as a struggle for loyalty and recognition for national and international support of their claim to power' (Shain 1989:17). The support of the national or national loyalty towards the exile government and the international support drive little room for political manoeuvring (Roemer 2009:39). For exiles, the host country is very crucial for its survival as that is the only space available for political activism. However, due to the dependence on the host and the international community for its support, the exile government operates in uncertainty. Thus the claim of the government in exile as the legitimate representative of a nation depends on the high degree of loyalty among the members of its national community both in the home and in exile. Under this circumstance, for the exile government to survive requires the support of the national loyalty, the host country, and the international community, which form the base of its existence.

2.1 Support from the host state

The survival and sustenance of the exiles is due to the generosity of the host country that provides the physical survival such as land and resources for resettlement. The host country is thus seen as a prerequisite for the exile survival and the existence of the government in exile. The host country too enjoys the highest priority to an exile government as it provide base for all the activities of the exiles. Any decision concerning the exiles taken needs the approval of the host country. The destiny of acceptance, deportation and survival is exclusively made by the host government (Roemer 2009, Shain 1989, Iwańska 1981). In any exile government, the importance of the host country is understood well both by the exile communities and the home government.

The existence of the exile government challenges the power and position of the home government. The home government thus works on its best to eliminate the challenge posed by the exile government by influencing the host country policies towards the exiles. They adopted diplomatic means in politics and economy to control the activities of the exiles. The influence from the home country would sometimes result in reducing the hospitality of the exiles, control of on movement and activities, and reduce the support of the exiles. In certain cases, the exiles are also seen as a threat to the host state due to the rising pressure from the home country, which challenges the national interest. Between the power politics played between the host and the home country, the exile faced the challenge of its own survival.

2.2 Exile engagement with international community

There is no static policy followed by any nation states, states change and formulate their policy towards its own national interest. Due to this, the exile faced the daunting task of stability as sates constantly change its stand based on the changing international politics. In international politics, it is almost impossible for nation states to adopt a 'One policy'. Alliances and organisations formed by the states are no longer based on the shared values and friendship; all weight the scale on the growth and benefit from the organisations. There are no permanent allies or enemies; the only thing that remains is the pursuance of state's own permanent interest.

In this context, it is almost impossible for the exile government directly address the government and influence the country's foreign policy. The only possible means of influencing the government is through the indirect engagement with the government through the civil society , the political parties, the religious and cultural organisations, the different NGO's and student organisations etc. Shain argued that these sub groups lacked the exact circumstances and consequence of the exiles and its implications on the host state and therefore can be influenced by engaging them with the issues that is in tune with the goal of the exile government (1989:118). These sub groups can act as a pressure group while formulating the country's foreign policy to which in some extent can work for the benefit of the exile government.

In an age where the nations states functions and formulate policies based on the national interest, there is little or no space for the exiles to raise their struggle. The exiles need to reach out and influence the authorities to support their struggle which is possible only with an undisputed leadership and popular acceptance among all compatriots. The exile government should provide an evidence of having well or maintain loyalties in its relations with the home government. This will enable the exile government to gain international sympathy for their cause and use this means to highlight their plight.

The exiles should also convince the potential supporters to realise that the support to the exiles not only benefits the exiles but the political objectives of the host state (Shain 1989: 79-80, 125-26,). The exile government also has to promote unity among its communities, a well coordinated between the insider and outsider, promote organizational unity that attracts international support. Shain further argued that an exile who lacked this kind of qualities and intact relationship encounter failure to achieve and mobilize the support from the international community (Roemer 2009:49).

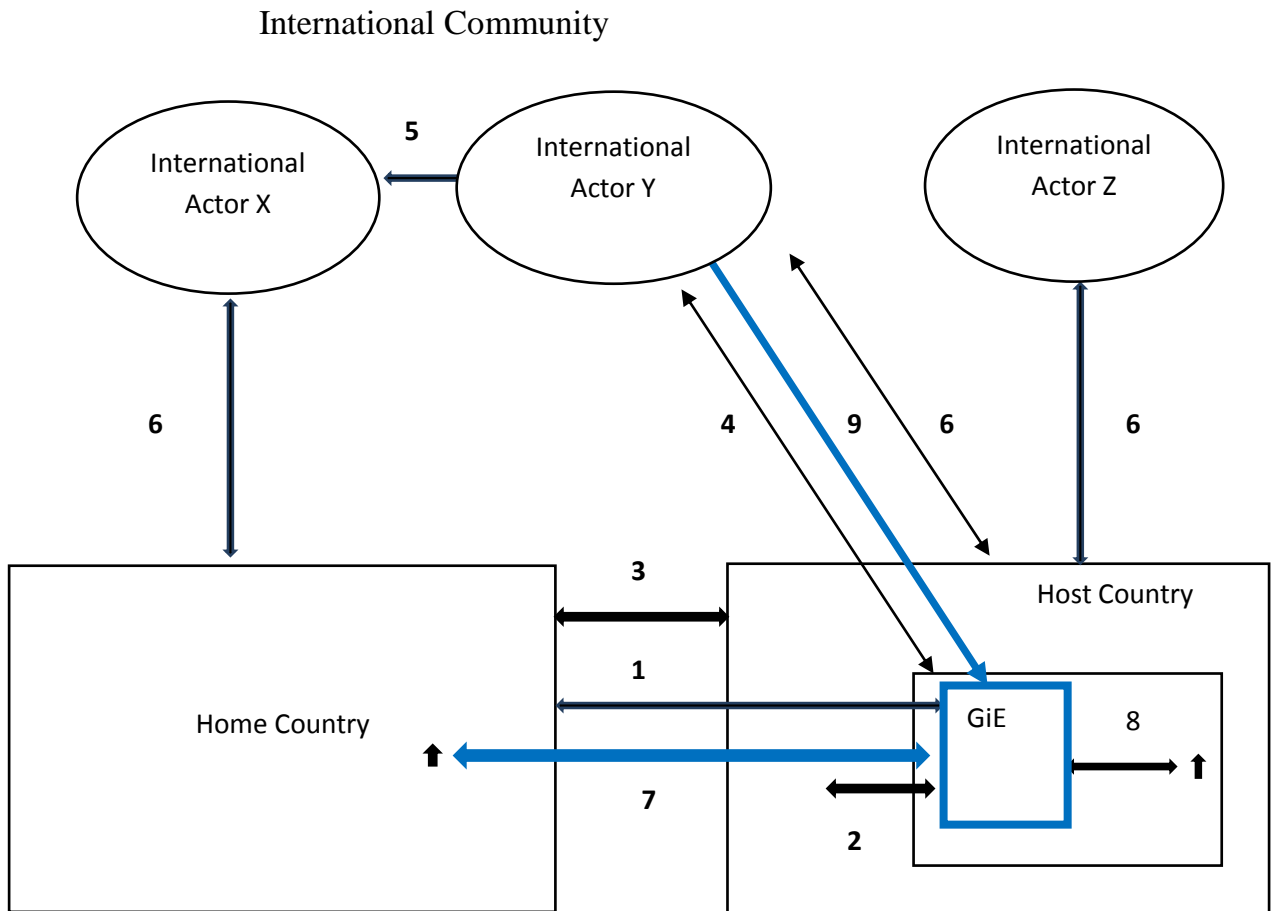
3. Wilson Theory of Organization: Incentive system

In order to make the individual engage in an organization set up , the organization must provide a scope for tangible and intangible incentives for individuals in exchange of their contribution to the organizations. (Wilson and Clark 1961:130) According to Wilson Theory of Organisations, there is a need of the exile government

to adopt a policy that secure survival of the organization. In most cases, exiles are obliged under the host law and therefore not accountable to exile Government. Their membership does not entitle them of the commitment to the organization. They are free to choose their loyalty to either the host state, the ruler at home or the exile administration. (Roemer 2009:51) Therefore, incentives should be invested in them so that they stay connected and feel compliance to their community. Wilson argued that ,“ For Organisation to maintain themselves as system of cooperative activity, they must find and distribute incentives so as to induce various contributors (members, donors, supporters) to perform certain acts [ranging from annual donations to services within the organisational structure] (Ibid)

While analysing Shian’s and Wilson approaches to government in exile, Roemer identified Wilson motivational concept of organisation to explain the Tibeian government exile. It tries to gain support from the national and international for the survival of the exile government.

(Figure: 3.1) The political situation of a Government- in- Exile (GiE)



(Source Roemer 2009:53)

In the main boxes, the home country i.e. the territory under the effective control of an authority that a government in exile strives to replace. In the case of the Tibetans, the home country describes the People Republic of China and the host country describes the host state. The blue box inside the host state identifies the exile government i.e. the CTA that depends on the international actors like XYZ that are represented in the oval. The government in exile has a limited space within the host country. The arrows between the different political actors describe the interactions and relationships, which performs acts according to the investment of incentives. The blue arrows 7 and 9 portray an exile government effort to gain loyalty among its national community while solid arrow line 1 and 6 illustrate government in exile striving to cultivate international support and recognition.

Arrow 1 shows the relationship between the government-in-exile and the present ruler at home. In the case of the Tibetans, it is the relationship between the CTA and the

Chinese leadership. Arrow 2 shows the relationship between the government in exile and the host country i.e. CTA and India. Arrow 3 illustrates the relationship between the host and the home countries i.e. India and China. Arrow 4 describes the relationship between the government-in-exile and the international community i.e. CTA and other international communities and organisations. The government in exile depend on the international community for its financial contributions. Arrow 5 shows the different political authorities in the international political arena i.e. the CTA, government of India and the PRC. Arrow 6 shows the relations between different political actors in the home and the host countries. They are determined by the political developments that are portrayed in arrow 5. Arrow no 7 of blue line describes the relationship between the government-in-exile and the people who stay back in the homeland. In the case of the Tibetans, it is between the CTA and the Tibetans who live in China. Arrow 8 shows the relationship between the government-in-exile and the people who live in the same host country in which the exile administration is set up. The Tibetans in India, which is represented in the blue box, represent it. Arrow 9 shows the relationship between the governments –in –exile with its Diasporas. It represents the CTA relationship with the Tibetans outside India such as in Europe and America. ²

4. Evolution of the Central Tibetan Administration

While in exile, the 14th Dalai Lama has one commitment i.e. to establish democratic institutions for the Tibetans in exile. On 25th April 1959, His Holiness the 14th Dalai Lama called for the reconstruction of Tibetans in exile. His Holiness the Dalai Lama in the North Indian hill station in Mussorie set up the Central Tibetan Administration on the 29th April 1959. In the following year, in May 1960, the CTA was moved to Dharamshala in the Kangra District in Himachal Pradesh. The Central Tibetan Administration was established form in order to meet both the immediate and the long-term needs of the Tibetan people. The CTA was established by the Dalai Lama with the approval of the Indian Government to assists the Tibetans in the rehabilitation process trough different settlements scattered across India. In the initial stage, the task of the CTA was to rehabilitate the Tibetan refugees coming from Tibet

² The chart shows the political situation of the government-in-exile as summarized by Roemer while looking at the theoretical approaches of Shain and Wilson. For further details of the chart and number representation, look at (Roemer 2009:53)

to find a settlement in India. The CTA function like any other sovereign government but without the legal recognition by neither the host country or any other country. In short, it exists and functions without any formal legal recognition. It was set up with the goals of rehabilitation and welfare of the Tibetan community in exile. Later, it becomes the sole and legitimate representative of the Tibetans inside and outside Tibet.

In 1959, the newly found exile administration was laid down under the leadership of the monks and lays of the former Tibetan Government in Lhasa. The structure of the exile administration was laid down by the 45 lay and 80 monks who were the officials of the former Tibetan government, the activist of the TWA and few young aristocrats (Roemer 2009:88).

5. Theocracy to Democracy: Central Tibetan Administration

The Central Tibetan Administration, which was set up in India, went through a significant change from Theocracy to Democracy. The early Tibetan Government was rooted in the institutions of the Dalai Lama, which witness the dominance of the monastic institution. The shifting from the traditional bureaucracy to the modern system of governance has caused frustration among the Tibetan people in exile (Boyd 2005:30) As soon as His Holiness assumes his political leadership; he envisions the change in the political system by giving more power to the people. He introduce a number of changes in the political system in Tibet but unable to introduce the Democratic form of governance due to the invasion of the People Republic of China.

5.1 Democratisation process

The Central Tibetan Administration is a democratically elected government to serve the Tibetans in exile. It is the initiation of the 14th Dalai Lama that the Government in Exile to be a Democratic institutions. The democratisation of the Tibetan polity has been the aspiration of then 14th Dalai Lama even while in Tibet. His Holiness wanted the people to take part in the functioning of the state. His initiation for reforms started in Tibet but the dream of setting up of Democratic institutions could not succeed due to the Chinese invasion. The experience of representation was witness by the exiles when His Holiness advised the setting up elected representatives from the three traditional provinces and one each from the four major school of Tibetan Buddhism.

Thus, elections were held in which 13 representatives were elected to represent the Tibetans in exile. They were known as the Deputies and were designated as Commission of Tibetan People’s Republic (CTPD). This witness the shift in the governance from a traditional feudal set up to modern democratic governance.

The Tibetan Government in Exile which is now called the Central Tibetan Administration undergone through a series of changes to experience Democracy in its full form. With the establishment of the Government in exile in 1960’s, the first Commission of Tibetan People’s Deputies (CTPD) to the sixteenth Tibetan Parliament in Exile in 2016 witnessed long years of reforms in the CTA.

(Table: 3.1) The Duration and Membership of the Successive Parliaments

	From	To	No. of Representatives
First CTPD	02.09.1960	19.02.1964	13
Second “	20.02.1964	01.09.1966	17
Third “	02.09.1966	24.11.1969	17
Forth “	25.11.1969	24.12.1972	16
Fifth “	25.12.1972	04.05.1976	16
Sixth “	05.05.1976	01.09.1979	17
Seventh ATPD	02.09.1979	01.09.1982	17
Eighth “	02.09.1982	01.09.1977	12
Ninth “	02.09.1987	01.09.1988	12
Tenth “	02.09.1988	11.05.1990	12
Eleventh “	29.05.1991	28.05.1996	46
Twelfth “	29.05.1996	30.05.2001	46
Thirteenth TPiE	31.05.2001	30.05.2006	46
Fourteenth “	31.05.2006	25.05.2011	43
Fifteenth “	30.05.2011	29.05.2016	44
Sixteenth “	30.05.2016	-	45

(Source: TPiE 2017:7)

The Central Tibetan Administration (CTA) is also commonly being referred as Tibetan Government in Exile. It is unrecognized government operating within the sovereign space of another state. The Government- in -Exile in exile was established to perform a number of states like function such as rehabilitation, employment, healthcare, education etc. Though it functions as a government, it lacks the characteristic of the government, as it has no power over the territory. Due to this, it lacks the recognition of the international government and is not accepted as a legitimate government by any country. In spite of the fact, the Central Tibetan Administration continue to survive and run the government in exile.

5.2 Reforms in the Central Tibetan Administration

With the formation of the Central Tibetan Administration in 1960, there was a gradual evolution of structural changes in the government in Dharamsala. In the early 1990's, with the vision of having full Democracy, his Holiness made a Democratic reforms in which the election of the interim Kashag (Cabinet) and the expansion of the strength of the Parliament in Exile from 13-46. (TPiE 2017:3) In the process of Democratic governance, the Tibetan Parliament in Exile was given an independent authority. The exile Parliament was empowered to elect the Kashag (Cabinet) which consist of Kalons (Ministers). Until then, the appointment of the Kalons (Ministers) was the exclusive prerogative of His Holiness the Dalai Lama. This change in the fundamental nature gave substance to the proceeding of the parliament where the Kalons are now required to defend and explain the actions and functioning of the executive. This change also has far-reaching effects such as the Member of Parliament play active role in the policy making of the government. The members of the parliament took charge the foreign affairs of the Tibetans inside Tibet and abroad (TPPRC 2012:6)

In the Assembly of Tibetan People's Deputies (1988-1990), it was decided that the administration of the Tibetan Settlement were to be locally elected. On 6th May 1989, in the General Assembly meeting, His Holiness put emphasis on the need for more democratic reforms including the head of the Tibetan Administration. His Holiness continues to bring the democratic set up and advises the *Kashag* to continue the discussion on the process of reform measures.

The 1990's witness a several changes within the political structure of the exiles. With the introduction of the Democratic process, His Holiness empowers the Assembly to establish the norms of Democracy. On the 11th May 1990, His Holiness announced the renouncing the authority that is invested in him to approved the members of the Assembly and supervise its functioning. With this, he declared, the people decision to be final. (TGiE 2017: 29). The 14th Dalai Lama relinquishes his power to appoint both the Ministers and Deputies and instead call for a extraordinary meeting to elect the Cabinet until a new constitution could come into force. (Roemer 2009:92). However, the exile Tibetans did not favour for this shift in the power and authority as they had an inherent faith in His Holiness. On a Special General Meeting, it was agreed that the ministers would continue to be appointed by His Holiness but the elected Assembly will no longer require the approval of his Holiness. The tenth Assembly of Tibetan People's Deputies (ATPD) witness the more democratisation process when His Holiness propose for the expansion in the membership in the parliament from 13-46. In this, the number of the members of the ATPD from the three traditional provinces and four religious sects including the Bon were increased.

5.3 Charter of the Tibetan Government in Exile

The Eleventh Assembly of Tibetan People's Deputies (1991-1996) witnessed the introduction of a new Constitution; the *Charter of the Tibetans –in- Exile* came into force. The Constitution Review Committee (CRC) reviewed the 1963 Charter and drafted the 1991 Charter. On the 14th June 1991, the Charter of the Tibetan in exile was finally adopted by the Parliament, which serves as the supreme law governing the functions of the central Tibetan Administration (CTA). The Charter was adopted on 14th June 1991 and duly approved by His Holiness on the 28th June 1991. The new Charter provide the enlargement of the Tibetan parliament with the power to elect the members of the *Kashag* after the nomination of the Candidates by His Holiness the Dalai Lama (TPiE 2017:1) The new Constitution introduce a number of positions in the administration such as the establishment of the Tibetan Supreme Justice Commission (TSJC), the Chief Election Commission (EC). The introduction of the Tibetan Supreme Court of Justice in 1992 formally completes the establishment of the three pillars of Democracy. In the 11th Assembly, the membership of the Assembly got increased to 46 – with 10 each representative from the three traditional provinces

of Tibet³, 2 each from four Buddhist traditions⁴ and Bon⁵, 2 from Europe, 1 from North America, 3 nominated by His Holiness as the head of the Tibetan people.

In this Charter, the Dalai Lama instructed the Drafting Committee to include the provision in which the Assembly has the right to impeach the Dalai Lama through a three-fourth majority vote. He wanted to separate the political authority from the religious authority. Since the introduction of the first constitution in 1963, His Holiness mandated that there should be a provision of impeachment of the Dalai Lama. In an interview with Jerome Cohen, the Sikyong Lobsang Sangay gives insight of the impeachment proposal by His Holiness for the functioning of real Democracy in exile administration. In the Conversation with Jerome, the Sikyong shared the efforts made by His Holiness to introduce democratic institutions in the functioning of the government in exile.

When His Holiness in the first Constitution proposed the provision for impeachment, the issue become scandalous, shocking, and surprising. Some of the Tibetan drafters and translators were accused, alleged, and nearly beaten. However, due to the insistence from His Holiness, the provision for impeachment was kept.⁶ However, this was not acceptable to the Tibetans in exile as they could not think of impeachment when they just lost their country and living in exile. They see the Dalai Lama as the supreme leader in both religion and politics and have faith in him more than the desire for Democracy. His power and authority is well accepted and respected by the Tibetans in exile.

³ The three provinces of Tibet would mean the territories of Kham, Amdo and U tsang. But the two provinces of Tibet Kham and Amdo are now incorporated into the Chinese province of Qinghai and Sichuan.

⁴ The Four schools of Tibetan Buddhism –Nyima, Kagyu, Sakya and Gelug. The Nyima school of Tibetan Buddhism is the oldest Buddhist school whereas the other schools categorize their teachings into the three yanas-Hinayana, Mahayana and Vajrana.

⁵ Bon religion refers to the indigeneous religion of Tibet which differs in its doctrine and rituals from the Tibetan Buddhism. It is based on the teachings of Tongpa gShenrab and exist before the advent of Buddhism in Tibet.

⁶ Jerome, A. Cohen “A conversation with Sikyong Lobsang Sangay”, 8th May 2013, Council on Foreign Relations. Retrieved on 10th February 2017 <https://www.cfr.org/event/conversation-sikyong-lobsang-sangay-0>

5.4. Reforms in the election of Kalons

The 1991 Charter laid down the provisions for the election of the *Kalons* in Article 21 in which the *Kashag* will consist of seven Kalons, which shall be elected by the Assembly through a secret ballot system. The nominee for the *Kalon* must at least secure 70% of votes and in case of the situation where the *Kashag* could not find the seven *Kalons* then three nominees for each of the remaining position of Kalon shall be nominated for re-election from the list of remaining candidates. If the elected *Kalons* are so few to discharge their responsibilities then the *Kashag* can approach the Assembly. With the assent of His Holiness, the Assembly may elect the vacancies of the remaining post of the Kalons within the *Kashag* again.

On the 16th September 1998, His Holiness proposed for further reforms in the election of the *Kalons* in which he suggested that the election of the Kalon Tripa (Chief Executive) by the Assembly should be from the nomination of three members suggested by him. The elected *Kalon Tripa* has to nominate from his colleagues at least 14 candidates to be elected by the Assembly (TPiE 2017:35).

5.5 Devolution of Political power

The Twelfth Assembly of Tibetan People's Deputies (1996-2001) witnessed the amendment of the Charter, which His Holiness approved on 3rd October 2000. In the 2001 Amendment, the direct election by the public for the post of the Kalon Tripa and the Kalon Tripa to nominate Candidates for the election of his *Kalon* colleagues came into effect. Thus, the Assembly were given the authority that they would elect the *Kalon Tripa* from the list of the two members provided by His Holiness. The *Kalon Tripa* would nominate the *Kalons*, which is subject to the approval or rejection by the Assembly through a simple majority vote. His Holiness made further suggestions that *the people directly elect the Kalon Tripa*. Thus, the charter amended provides direct election of the *Kalon Tripa* and the *Kalon Tripa* to nominate candidates for the elections of the *Kalons*. This marked significant milestones in the democratic reform.

5.6 Semi transfer of power to *Kalon Tripa*

The Thirteenth Assembly of Tibetan People's Deputies (2001-2006) mark a significant democratic development with the direct election of the *Kalon Tripa* the

Chief executive of the Central Tibetan Administration. On the first round of Kalon Tripa election, on 12th May 2001 the Election commission of the Central Tibetan Administration announced the top six candidates in which Samdhong Rinpoche got 31,444 (82.75%) while Jochen Thubten stood the second with 3,731 votes (9.82%)⁷. On 29th July 2001, the first direct election of the Kalon Tripa was won by Samdhong Rinpoche who got 29,000 votes i.e. 84.54 % while Juchen Thubten won 12 % of the vote cast by the exile population.

With securing the majority of votes, Samdhong Rinpoche became the first ever elected representative for the post of *Kalon Tripa*. His Holiness, the 14th Dalai Lama appointed Samdhong Rinpoche as the *Kalon Tripa* for the Tibetan Government in Exile. This marked the shift in the Tibetan Government in exile where power has been shifted to the elected representative. The Dalai Lama holds the head of the Tibetan Government in exile but the administrative responsibilities were passed on to the newly elected *Kalon Tripa*. On the 19th March 2011, His Holiness the Dalai Lama gave the official remarks on his Retirement that “Since the direct election of the Kalon Tripa, the system of the institution of Gaden Phodrang of the Dalai Lama as both the spiritual and temporal authority has ended. Since then I describe myself as in semi-retired position”⁸. With this statement, the Dalai Lama announced the semi-retirement from his political leadership in exile.

5.7 Full transfer of power to *Kalon Tripa*

The Fourteenth Assembly of the Tibetan People’s Deputies (2006-2011), the Assembly formally changes its name from Assembly of Tibetan People’s Deputy (ATPD) to Tibetan Parliament in Exile (TPiE). In the 14th Assembly on the 10th March 2011, His Holiness announced that he would devolve his political power to the leadership directly elected by the people. This historic decision of the devolution of the political authority to the elected leaders was not well received by the Tibetan people. The Tibetans in exile strongly plead the Dalai Lama to remain their spiritual

⁷ Central Tibetan Administration, “Result of the preliminary round of kalon Tripa,” <http://tibet.net/2001/05/result-of-the-preliminary-round-of-kalon-tripa-election/>, 10th march, 2016

⁸ His Holiness the Dalai Lama’s Remark on retirement, Central Tibetan Administration, 19th march 2011. <https://www.dalailama.com/messages/retirement-and-reincarnation/retirement-remarks> Accessed on 7th may 2017

and political power but in spite of much attempt His Holiness was stand firmly on this position of transferring the political power to the elected representative.

On the 29th May 2011, accordance with the provision of the amendment, all the political and administrative authorities confer on by His Holiness was vested in the leaders directly elected by the Tibetan people. On an Interview with Radio Free Asia, Dr. Lobsang Sangay give the statement that “The Dalai Lama has decided to transfer the power to the Tibetan people by entrusting [the person] whom they have magnimously chosen as the head of the exile government”(Radio free Asia, 27th April 2017). In the final round of polling, on the 20th march 2011, Dr. Lobsang Sangay won 27, 051 votes (55%). Out of the 83,990 registered voters, 49,184 cast their ballot in which Lobsang Sangay got 27,051 (55 percent), Trisur Tenzin Namgyal Tethong got 18, 405 (37.42 percent) and Kasur Tashi Wangdi got 3173 (6.44 percent)⁹ votes respectively.

With this result, Lobsang Sangay undisputedly became the Kalon Tripa of the Tibetan Government in exile. The power of authority given to his Holiness under Article 19 has been delegated to the *Kalon Tripa*. This process of the power vested in the hands of the Dalai Lama transferred into the Kalon Tripa marked the complete devolution of the power to the Kalon Tripa.

The Fifteenth Tibetan Parliament in Exile (2011-2016), in the Charter Amendment bill no. 39, the official title *Kalon Tripa* of the Central Tibetan Administration (CTA) got change to the *Sikyong*¹⁰. The Tibetan Parliament in Exile unanimously adopted the resolution to change the official title of the *Kalon Tripa* to *Sikyong*. Following the devolution of the political authority in the Tibetan leadership, the leadership was handed over to the first democratically elected leader the *Sikyong*. The *kalon Tripa* (Chief in cabinet) is change to the *Sikyong* (Political Leader) .

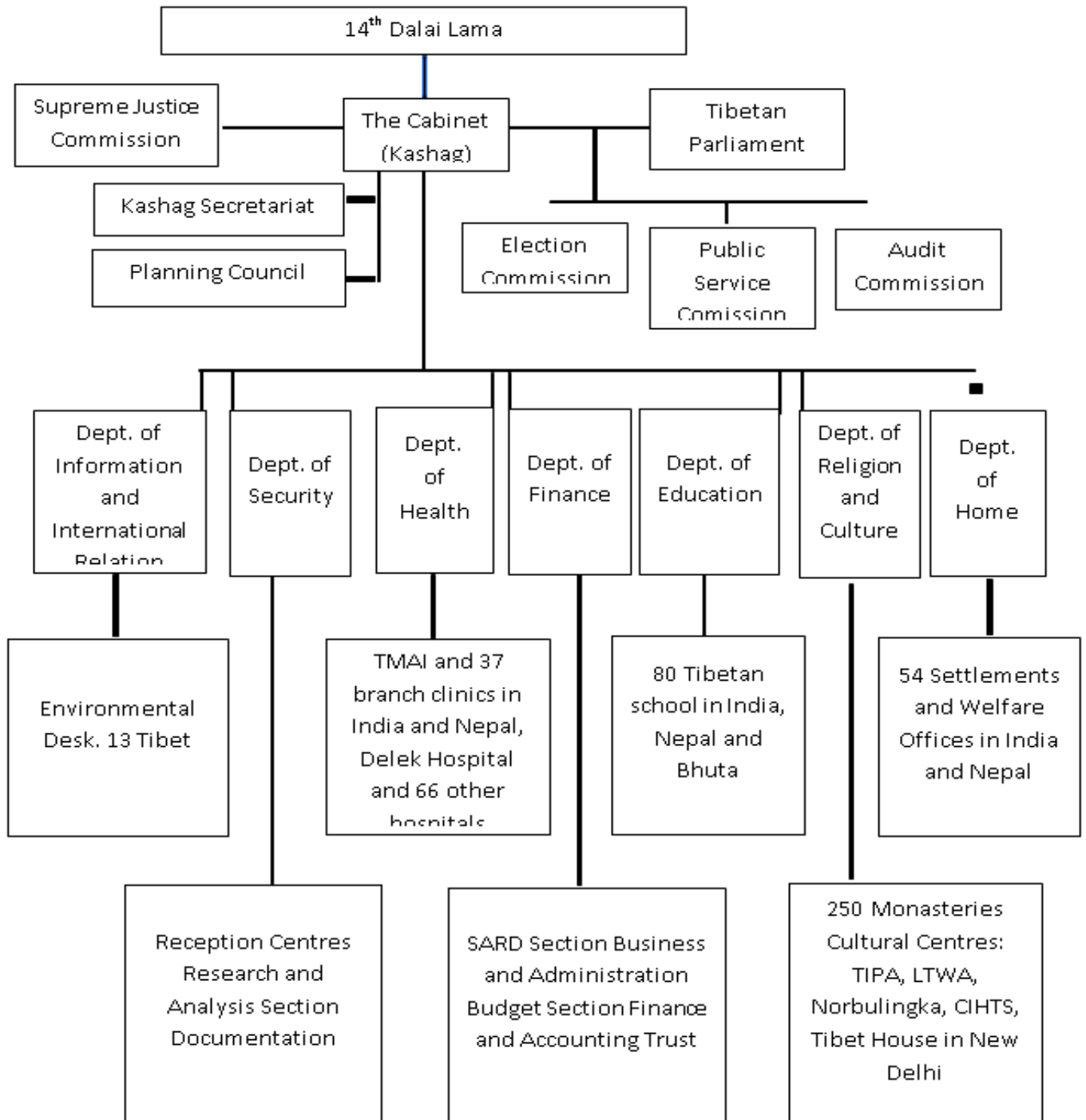
⁹ Tibetans Elect Dr. Lobsang Sangay as Kalon Tripa , Central Tibetan Administration 27th April 2017 <http://tibet.net/2011/04/tibetans-elect-dr-lobsang-sangay-as-kalon-tripa/>

¹⁰ Tibetan Parliament changes ‘Kalon Tripa’ to ‘Sikyong’ Phayul 20th September 2012 <http://www.phayul.com/news/article.aspx?id=32159>

(Figure: 3.2) Structure of the CTA

STRUCTURE AND FUNCTION OF THE TGIE

The Tibetan Government in Exile went through a series of Amendments to experience the Democracy in exile.



(Source: CTA, 2009: 54-55)

Legislature: The Tibetan Parliament in Exile

The Tibetan Parliament in Exile (TPiE) is the highest legislative organ of the Central Tibetan Administration. The Parliament has 45 members who are democratically elected representing the three traditional provinces of Tibet, religion and geographical representations from Tibetans in exile. There are ten members who represent the U-Tsang, Do-Tod and Do med. While the four schools of Tibetan Buddhism and the traditional Bon faith elect two members each. The Tibetans from the West, two from Europe, two from North and South America, one from Australia (TPiE 2017).

The Central Tibetan Administration, most of the legislative powers has been vested on the Dalai Lama. In the early years, the Assembly had no legislative powers and functions, as they were not influential due to the role of His Holiness the Dalai Lama. On the 2nd September 1960, the Commission of Tibetan People's Deputies (CTPD) acted as the Legislature in the Central Tibetan Administration and continued until the sixth Assembly (1979). In the Seventh Assembly (1979-1982), the CTPD change to Assembly of Tibetan People Deputies (ATPD), which continued until the Thirteenth Assembly (2001-2006)? While from the Fourteen Assembly (2006-2016), the Legislature is officially known as the Tibetan Parliament in exile. The numbers of the Legislatures increase from 13-45, which well represented the Tibetans in exile.

7. Questioning the legitimacy of the Legislature

The Speaker and the Deputy Speaker who are elected by the members amongst themselves head the Parliament in Exile. The Parliament in exile adopted the regional and religious quota for representation in the Parliament. While the Tibetans in exile are well represented in the Exile government, there is no representation from the Tibetans in Tibet. Therefore, the legislature does not represent the will of the majority of the Tibetans (Roemer 2009:100). The CTA declares that it represent the Tibetans both in Exile and in Tibet, but the majority of the Tibetans those w are still inside Tibet and their opinion are not heard which question the legitimacy of the exile government. Due to this, the Assembly “acts only symbolically as it s not legitimated

to decide the about the future of Tibet”.¹¹ This difference of opinion in the Tibetan society is not due to the functioning of government rather the policies of the CTA.

Until the fifteenth Assembly, the final decision was being held by the Dalai Lama on all matters relating to the decisions and recommendation in the Assembly. For all papers need to be signed by him to become an act (Roemer 2009:101). Due to this, the Assembly is seen as a powerless legislative body as all the policy decisions are in line with the political ideas of the 14th Dalai Lama. The Deputies has no full political responsibility and legislative has less relevance of realpolitik.¹² While the recent years has witness the shift in the transition of power in which the Dalai Lama become the temporal head and has no direct influence on the exile politics. The democratic transformation in the exile government in which the election in 2001 and 2011 witnessed little or no role of his Holiness in the field of politics. In 2001, in the 13th ATPD, with the election of Samdhong Rinpo as the first democratically elected leader (*Kalon Tripa*) took the responsibility of the political leader which the Dalai Lama called it as ‘ semi retirement ‘ from exile politics. The devolution of the Dalai Lama’s political leadership came in the fifteenth Assembly with the election of Dr. Lobsang Sangay as the Political leadership (*Sikyong*) for the exile government.

8. Election system in the Parliament in Exile

In the exile government, the elections are held after every five in which every exile Tibetan who is at the age of 18 and is an official member of the Tibetan exile Tibetan community is eligible to vote. While the candidate contesting for election should be at least 25 years of age. The session in the parliament are held twice a year with an interval of six months. When the parliament is not in session, the standing committee of eleven members that is represented by two members from each province and one each from the religious denomination constitute the Standing Committee.

The Deputies were appointed by the government in Exile to be the mediator between the government and the exiles. Due to the different settlement that exists in the

¹¹ Roemer mention about the opinion of an interviewer regarding the legitimacy of the exile government.

¹² An opinion shared by the representative of the 13th ATPD on the issue of the legislative powers. The Deputies sees the overall power and responsibility of the Dalai Lama weaken the Legislature as the Dalai Lama has the final say for a bill to become an act. (for detail see Roemer 2009)

different locations, the government in exile work on improving the contacts. The Deputies are founded in the different settlement areas in which they represent the legislature power at the regional level. The Tibetan parliament in Exile keeps in touch with the people through the local parliament that is established in the 38 major settlements.

9. Executive

The Kashag (Cabinet) is the main executive of the Central Tibetan Administration, which is responsible for the executive and administrative responsibilities of the exile government. The Tibetans in exile directly elect the members of the Cabinet for a period of five years. Since 2001, the Tibetans in exile witness the direct election of the 'Kalon' in which the position undermine the power of the political institution of the Dalai Lama. The *Kalon Tripa* also known as the Prime Minister who is the head of the *Kashag*. Among the different departments, the *Kalon Tripa* headed the department of the Security and the Department of Information and International Relations.

10. Department of the Central Tibetan Administration

Under the Executive, the Central Tibetan Administration has seven important departments, which contribute to the working of the smooth functioning of the exile administration.

10.1 The Department of Security

The Department of Security is one of the seven Departments of the Central Tibetan Administration. It was established in 1959 as a Department that look after the security of His Holiness the Dalai Lama. The Security Department act as a protector of the newly arrived Tibetans and assist them at the Reception Centre. The newly arrived Tibetans were received at the Kathmandu centre and they process their entry to India in which they were received at the Delhi centre and then proceed them to Dharamshala. Upon their arrival to Dharamshala they will be given an opportunity to be the special audience to His Holiness before they were sent to different institutions according to their choice. Most of them choose to join Monastic education while some

join the modern education.¹³ The reception Centre also acts as a institution that assist the newly arrivals in free food and lodging, education and profession etc. Thus, the CTA acts as a guardian for the newly arrived Tibetans while in exile.

The Reception Centre also serves as a centre of information about the situations inside Tibet. Due to the strict surveillance and control of the media, the real situations inside Tibet remain unheard of to the outside world. The newly arrivals give the first hand information which is crucial for the Tibetans in exiles. In the case, the political prisoner could give the conditions of the jails and the number of the Tibetans inside the jail (Roemer 2009:102). The Tibetans in exile to lobby the different international organisation that works on Human rights across the globe in turn are using this information. The data and information strengthen the claim of the International organisation and can be used as a means to urge China to end Human Right violation inside Tibet. The Tibetan NGO Called Gu Chu Sum which is form by the former political prisoners of Tibet play actively engage in documenting the stories of the resistance forces carried out by the political prisoners.

10.2 The Department of Information and International Relations

The department is engage in gathering of information of the situation in Tibet and present it to the Tibetans and the international public. It also head the 13 bureaus¹⁴ – the offices of Tibet that is established worldwide It is responsible for promoting the Tibetan struggle to the international public and lobbies the sovereign governments and transnational organisation such as the United Nations and European Union (Roemer 2009:102) . While highlighting the situation inside Tibet, the Human Rights violations such as the curtail of freedom of speech and religion, the imposition of Chinese language etc. The Environment Desk is also set up for monitoring and reporting the environment situation inside Tibet. It promotes Tibetan Environmental issues to international platform and lobbies the international community the fragility

¹³ A conversation with the Director of the Tibetan Reception Centre in Khanyara during a filed visit in October 2016.

¹⁴ The bureaus act as the embassies of the Tibetan Government in exile in which these offices were used to lobby the sovereign states to engage in the cause of Tibet. They mostly use the Human right violation and the environment issues as a policy to lobby the government. Due to China's strong influence in international politics, most of the states would choose not to directly question the act of China as it can have a negative impact on their countries relations with china. However, issues like the condemnation of the violation of human rights and the environment is the concern of the global community.

of the Tibetan plateau, the roof of the world. It disseminates information and awareness about the environment issues to the international community as well as the exile Tibetans.

The Department of Security and Department of Information and International Relations form the most important offices of the exile administration. The Sikyong (President) due to its significant power and position for the exiles administration heads these offices. The Offices are responsible for engaging with the international community and lobbying for the cause of Tibet. The Sikyong connect with the different offices of Tibet scattered in different parts of the world and form a global network to raise the struggle of Tibet in different international platforms.

10.3 Department of Health

The Department of Health was established in 1981 to provide basic health care services to the exile Tibetans. At present, there are 7 Hospitals, 4 Primary Health Care Centres and 43 Clinics located in the different refugee settlements across India and Nepal with 174 Medical Staff and 68 administrative staff. Among the different Clinics and Health Centres, the Tibetan Medical and Astrological Institute (TMAI) is a well-known institute for practicing Tibetan medicine. It caters medical treatment to the Tibetans in exiles at a much-subsidised rate to all the lays, monks and nuns¹⁵. The TMAI also function as a political institution as it emphasises on the preservation of the Tibetan culture through the promotion of the ancient Tibetan medicine. The institute is a centre of learning Tibetan medicine to several exile Tibetans who get trained and qualified. The Tibetan medicine also creates awareness to the people across the globe most the west as Tibetan medicine got an exposure with the western medicine. This institute also in turn support the exile Tibetan struggle morally and financially (Kloss 2000, Roemer 2009). The TMAI interact, plan to promote Tibetan medicine to the western world, and organised different tours every year to the west and Europe organising workshop, exhibition promoting Tibetan medicine and collaboration with medical institutes and hospital.

¹⁵ An interview to a nun regarding the health care services to the nuns. The TMAI provides medicine and treatment to the Tibetans in exile and also extend it to the Himalayan region too. It also provides medical facilities the Indian local population in the settlement areas.

10.4 The Department of Finance

The department of finance is the major department of the Central Tibetan Administration, which is responsible for maintain raise the revenue of the CTA and allocate the budgets and execute it to different projects and programmes. The Finance department in the CTA raise funds from the international community, donor organisation; individuals exile Tibetans and funds from the supporters worldwide. The Social and Resource Development Fund (SARD) is responsible for the international funds that have been granted to the Tibetans in exiles. The SARD is also a institution for the exile NGO's that secure funds from the international donors as most of the NGO'S do not have the official registration of the Indian Foreign Contribution Regulations Act (FCRA). The department of finance is thus divided into four sections-administrations, budgeting, caring and fundraising.

10.5 Department of Religion and Culture

The Department of Religion and Culture is one of the seven major departments of the Central Tibetan Administration. It is established under the executive organ of the Central Tibetan Administration who function is to look after the religious and cultural affairs in the exile community. It supervises the work of the preserving, reviving and promotion of Tibetan religious and cultures. The department is responsible foreseeing the monasteries and Nunneries scattered in the different settlement across India, Nepal and Bhutan. The department is also in contact with the different Tibetan Buddhist centres worldwide and engage in the exchange of programs for religious studies in India, Mongolia, and Kazakhstan (Tandzin 2004). Besides the religious task, the department also look after the five CTA institutions in India

- a) The Tibet House, Delhi
- b) The Tibetan Institute of Performing Arts (TIPA), Dharamshala
- c) The Library of Tibetan Arts and Archives (LTWA) , Dharamshala
- d) The Central institute of Higher Tibetan Studies (CIHTS) , Sarnath
- e) Norbuligka Institute for Tietan Culture in Dharamshala

These centres work within the framework of preserving the Tibetan religion and culture for the Tibetans in exile. According to Norbu, the Tibetan culture is more important for the west than in the exile community. Tibetan culture is largely preserved in exile because of the interest of the west (cited in Roemer 2009:105). To this, I differ in my stand as the Tibetan in exile is deeply rooted in their culture and religion and is part of their identity. The Tibetan schools impart the language and culture to the exile Tibetans at the young age, which invoke a sense of belongingness. The learning of the Tibetan dances, the wearing of the traditional dress and showcasing in different programs during the functions in the schools highlight the importance of culture among the exiles.

10.6 Department of Home

The Department of Home is responsible for the rehabilitation of the Tibetans in exile. Since its inception, the Department of Home works closely with the host government and other international donor organizations in the rehabilitation programme. The department is involved in helping the exile Tibetans to provide settlement, employment and promote self-reliance among the exile Tibetans. According to the CTA, there are 46 Tibetan Settlements Offices, 71 Settlements and Cluster Units, 12 Major Agricultural, 12 Small Agricultural Settlements, 20 Co-operative Societies, 20 Handicraft Centres and 20 Cluster Units in India, Nepal, and Bhutan. To look after the administration and welfare activities, the settlement officer or welfare officer is placed in all the settlement areas.

10.7 Department of Education

In 1960, the Department of Education was established in order to look after the education of the Tibetans in exile. Under the leadership of His Holiness the 14th Dalai Lama, education was given a priority, which led to the establishment of the 73 Tibetan schools in India and Nepal. There are 28 Central Tibetan School Administrations, 18 Tibetan Children's Villages, 3 Tibetan Homes School, 12 Tibetan School Society schools and 12 Snow Foundation Lion Schools. While looking at the exile population, majority of the exile population had their education from one of these establishments. The CTA also extends the schools to the local population in which they are allowed to study along with the Tibetan children.

In the field of education, there is increase in growth beyond the school programmes. The establishment of different higher educational institutions like College for Higher Studies, Sarah, and the Dalai Lama Institute for Higher Education and Central university of Tibetan Studies etc. The College for Higher Tibetan Studies, Sarah emphasis on the language and literature and impart Buddhist philosophy. The college adopt a unique system in which the monks and the lays study in the same classrooms. Occasionally, also a batch of monks comes from a monastery to study for a particular period.

It also gives training to students who are preparing for public services and teachers trainings etc. It also organise exchange students to the Tibetans from the West to come and spend their summer schools in the college to learn Tibetan Buddhist Philosophy and Language. There are also Indian students who join the college who wants to learn language while others join the philosophy class. The institute has such cases in which Indian students join the Buddhist Philosophy class and later decided to join a monastery and become a monk.¹⁶ The college foster among the exile Tibetans preserving and nurturing the language, philosophy, and culture. It impart among the students the knowledge and skills to practice Buddhist culture. It imbibes the academic knowledge to the Tibetan Diasporas and extends to the Himalayan region who shares similarity in the religion, culture, and language.

11. Autonomous bodies

Among the different departments, three constitutional bodies work independently from the rest of the communities.

- 1) Tibetan Election Commission
- 2) Tibetan Public service commission
- 3) Tibetan Audit Commission

11.1 Election Commission

The Chapter VIII of the Charter clearly defines the power and functions of the Election Commission. The Chief Election Commissioner is conducting the democratic election among the exiles. The Supreme Justice Commissioner, the Speaker and the

¹⁶ An interactive session with the principal while attending the 23rd Gurukul programme .

Deputy Speaker and the Kalon Tripa (Sikyong) responsible for setting up a committee for the appointment of the Chief Election Commissioner. With this, the election of the CEC is done through the voting in the parliament in which the candidates who scores the highest votes becomes the CEC. In cases when the Parliament is not in session, the Standing Committee is responsible for the conducting the election of the CEC through the process of voting in which the candidate has to secure two-third of the votes in favour from the total strength of the Standing Committee. For any elections, the Parliament is responsible to appoint two Additional Election Commissioner to look after the election process and results. They are also responsible to look into any electoral disputes and are empowered to take disciplinary actions against the non-fulfilment of the electoral duties from any of the staff or the Regional Election Offices.

11.2 Tibetan Public Service Commission

The commission is responsible for the recruitment and training of the Civil servants to work in the different position in the CTA. Under Article 101-105 of the Charter mention the power and functions of the Public Service Commission. The Chairman is entrusted to look after the Commission for a fixed term of five years period but can be removed by the two-third majority of the total members if the Tibetan Assembly. The removal will be done only after the consultation of the *Kashag* and with the final consent from H.H the Dalai Lama. The rules and regulation that is being formulated by the Public Service Commission require the approval from the Assembly.

11.3 Tibetan Audit Commission

The Audit Commission was established in order to monitor the income and expenditure of the accounts in the Tibetan Administration in exile. The commission will audit the account of all central and local offices of the CTA. The Office of the Auditor general was established in 1962 as one of the executive body under the *Kashag*. But in 1991, with the introduction of the Charter, the Commission was given an Autonomous body accountable to His Holiness, the Dalai Lama. But with the devolution of power by His Holiness, there is a shift in which the Parliament in Exile is responsible for the appointment of the Auditor General. The Auditor General is appointed for a period of 10 years or 65 years of age which ever be the case. The duty

of the Auditor General is to examine and audit all the offices and departments that receive economic or financial benefits from the CTA. It includes all the offices of the CTA, the Autonomous Institutions and self-funded institutions that are fully or partly funded by the CTA. According to this, the educational institutions, the public health centres, the cooperative societies so come under the purview of the Auditor General. It investigates the fiscal record of the Tibetan Administration and shall complete and return the Annual Audit report.

12. Judiciary

Among the three pillars of Democracy, Judiciary form one of the most important functions in the power distribution. In the 1991 Charter, His Holiness the Dalai Lama is responsible for the appointment of the Chief Justice Commissioner with the support of the two-third of the total members of the Tibetan Assembly. Chapter VI of the 1991 Charter Article 62-70 discuss at length the Judiciary of the Central Tibetan Administration. Article 67, the Tibetan Supreme Justice Commission with the approval of His Holiness the Dalai Lama, shall make its own rules of procedures and code of law. A Supreme Justice Commission was set up as the apex tribunal to arbitrate civil cases within the Tibetan Diasporas and for interpreting Tibetan laws. (TPiE 2017:32) However, the rules made shall only come into effect only after the approval of HH the Dalai Lama.

With the devolution of the political power of His Holiness, since 2011 the Chief Justice and the two other Justice Commissioner are appointed by the Parliament in exile out of the nominated candidates submitted by the selection committee. The Judiciary is given the authority to meet the special needs of the Tibetan Administration and citizens in Exile. It is responsible for settling civil disputes among the exile communities but the court decision is subordinate to the Indian law. The Supreme Justice Commissioner does not entertain any major crimes as the Indian law decides the enforcement. The Commission function as an intersection between the CTA and the exiles as it accepts the complaints from the citizens and react it when necessary (Roemer 2009:106). It gives information of the Tibetans scattered in different settlements and aware of the conditions of the everyday life in exile.

13. Role of the NGO's in exile politics

While looking at the Tibetans in exile, we witness the active participation of both the government organisations and the non-government organisations. Several NGO's are associated with cultural groups, religious groups and the political groups. All these NGO's work to solve the urgent social, political and economic needs of the Tibetans in exile. Since the study is on the politics of the exile, a focus will be made on the NGO's that is working on the political aspirations of the Tibetans in exile. A study will look into the 5 Tibetan NGO'S that work in parallel with the Central Tibetan Administration.

13.1 Tibetan Youth Congress

The Tibetan Youth Congress is the largest Tibetan NGO in exile established on 7th October 1970 in Dharamshala. The aim of the TYC was to 'strengthened the Tibetan People's Struggle for Independence and ensured its continuity'. Since, its inception the TYC has been actively engage in the Tibetan community in promotion of Tibetan culture and traditions. One of the objectives of the TYC is to fight for the cause of Tibet- the demand for the total independence even at the cost of one's life. It has gained strength over the years and has now spread its branches to 87 Regional Chapters scattered all over India, Nepal and Bhutan, Norway, Canada, France, Japan, Taiwan, Australia and USA. Every regional branch has 5-10 Regional working committees who supervise the activities of the respective branches. While the activities of the regional branches are supervised by the Central Executive Committee.

During the initial days of its foundation, TYC fight for the common struggle in which it got support from His Holiness the Dalai Lama and his Holiness delivers the inaugural speech. In fact, TYC has been engaged with the CTA in rehabilitation and resettlement of the exile Tibetans. They also actively participate in Democracy in exile by demanding equal representation from the three provinces of Tibet. In the 7th Assemblies of Tibetan people's Deputies, due to the persistent campaign by the TYC, The Deputies were elected by the combined electorate of the people from the three provinces- U-tsang, Kham and Amdo (TPiE 2017:21). They were actively engage in creating awareness programs about the struggle of the exiles among the Tibetans and the local population by conducting programs in the schools, monasteries and local

communities (Roemer 2009:108). The TYC continue to engage in their role of fighting for the cause of Tibet and mobilise the youth to join the struggle of Tibet.

13.2. Differences between TYC and CTA

The movement of the Tibetan struggle witness significant changes from the demand from 'Free Independence 'to 'Greater Autonomy'. With its establishment, TYC laid down its objectives -

To dedicate oneself to the task of serving one's country and people under the guidance of His Holiness the Dalai Lama; the spiritual and temporal ruler of Tibet. To promote and protect national unity and integrity by giving up all distinctions based on religion, regionalism, and status. To work for the preservation and promotion of religion and Tibet's unique culture and tradition. To struggle for total independence of Tibet at the cost of one's life.¹⁷

In addition, there is a clash in the ways and means of struggle. The Tibetan Government in Exile proposed for the "Greater Autonomy" under the Chinese administration while the TYC would work for the Complete Independence from china. The Tibetan Youth Congress is thus infamous for its appeal for Independence movement, which is in contrast with the one proposed by the Tibetan Government in Exile.

While the CTA has stand on following the Middle way policy, which is, not align with the TYC who stand for the Independence of Tibet. However, in surface, there is little or no differences as both CTA and TYC cooperate to work of the cause of Tibet. TYC backs the political stand of the CTA by engaging in the social activities and took active role in creating consciousness of their struggle among for the Tibetan community. However, at the ground, TYC criticise the 'unique Tibetan democratic system' as being nothing more than 'a combination of religious and secular affairs, which has little to do with western democratic ideas' (Roemer 2008:108). While looking at the political discourse, the TYC stand for 'Rangzen' i.e. 'Complete Independence' while the CTA stand for 'Genuine Autonomy' under China. Thus, TYC does not agree with the non-violence approach adopted by His Holiness, the

¹⁷ For details see aims and objectives of Tibetan Youth Congress <http://www.tibetanyouthcongress.org/aims-objectives/>

Dalai Lama as they feel every effort should be adopted to reach their goal. TYC is known for organising protest rally, hunger strike, and demonstrations. While CTA is proposed a non-violent way and adopted dialogue and negotiations, there is little or no positive outcome, as it does not draw enough attention to China.

The younger generations of Tibetan Youths criticize the Government in Exile of its inefficiency while dealing with the Tibetan issue. The Tibetan Government in Exile views this criticism as an act of disrespectful and a threat to their legitimate power. These young Tibetans are more idealistic, question the government, and drive for more of perfect democratic atmosphere. They took active part in the Tibet's Independence movement through various ways from organising demonstrations against the violation of Human Rights in Tibet, garner support, and seek world attention.

13.3 Tibetan Women Association

The Tibetan Women Association was founded in protest against the illegal occupation of the Communist China. The 12 March 1959 marked the Women's Uprising Day when the peaceful protesters of Tibetan Women outside the Potala place were brutally attacked by the Chinese forces. The Tibetan women bravely resisted the Chinese forces in which they were beaten, tortured and jail without any trail. The Movement carry forward by few women who managed to escape from Tibet and revived the organisation in Kalimpong, India. It took almost three decades for the TWA to establish itself as a working organisation. It was only on 10th September 1984; Tibetan Women Association was officially reinstated with the blessings of His Holiness the Dalai Lama. The main objective of the TWA is to raise public awareness of the abuses faced by the Tibetan women in the Chinese occupied Tibet through different platforms.

With its establishment, the Tibetan Women's Association has laid down its aims and objectives –

To raise the awareness about the critical situation in Tibet and to exert international pressure for the improvement of human rights for Tibetans living in occupied Tibet. To promote the social, political and economic equality of Tibetan women, in Tibet and in Tibetan in exile communities. To address the drastic human right abuses

committed against Tibetan women in Tibet-including rape, physical violence, and the denial of fundamental reproductive, religious, and political freedoms and to address other cases of gender based discrimination in the Tibetan exile communities. To ensure Tibetan women access to adequate educational information about the health care childcare and family planning. To assist the needy in the Tibetan community through sponsorship programs that help to support economically disadvantaged families, single parents, children, nuns, the handicapped, the sick, and the elderly. To preserve and promote Tibetan culture, language, tradition, and the arts through community education, literacy and publications. To join hands with the women of the world to promote peace and justice for all.¹⁸

For the first two decades, TWA focus only on the preservation of Tibetan culture through educational and training in handicraft to Tibetan women in exiles. In the 1960's and 1970's, TWA managed to open three handicraft centres in India and support the CTA through the handmade products like Tibetan clothing and carpets which the CTA sold them for profit (Roemer 2009:110). Besides their contribution to the CTA, the TWA focus on the preservation and promotion of the religion and culture among the exiles. The Tibetan women in exile were also given the opportunity to represent in the very early stage of the exile administration. In the second commission of the Tibetan People's Deputies (1964-1966), the membership increased from 13-17 in which additional seats was reserved for female deputy from each of the three provinces (TPiE 2017:10) Since the 1980's, women were allowed to participate in politics and seats in the exile parliament were especially reserved (TWA 2005). The TWA further shift the politics to international platform as they participate in the international conferences and raise the awareness of the situation in Tibet. They took active role in promoting the Tibetan struggle in the international platforms like UN.

In the initial days of the TWA establishment, the CTA was not enthusiastic in promoting the exile Tibetan struggle in the light of the women's right as it fear of the traditional Tibetan perception about gender inequality. It assumed that this would harm the exile struggle than support it. However, with the success of the TWA in the international platform, the CTA changed its standpoint and promote the role of TWA

¹⁸ The Tibetan Women Association aims and objectives .<http://tibetanwomen.org/>

in the Tibetan cause (Roemer 2009:111). With its acceptance, the TWA took more active part in the politics of the exile, since 1995 Tibetan feminism has been used as another angle to promote Tibetan struggle in which they linked women's right to a nationalist cause for sovereignty rather than a social goal of gender equality (Pike cited in Roemer 2009:111). Thus, TWA as an organisation has successfully evolved and address the social and well as the political life of the Tibetan women in exile. They also set up different programs to empower women in exile such as "Empowerment through action" which work on the leadership training, gender sensitization, domestic violence training, nun leadership training, and democracy training.

13.4 Tibetan Centre for Human Rights and Democracy

The Tibetan Centre for Human Rights and Democracy (TCHRD) was established in January 1996 in Dharamshala. It was established with a mission to protect the human rights of the Tibetan people in Tibet and promotion of Democracy among the exiles. The centre monitors the situation in Tibet and collects accounts of the Human Right violation inside Tibet. The centre monitors the human right policies of the People's Republic of China (PRC) and publishes annual reports and thematic reports of the Human Right situation inside Tibet. This is being used to reach out to international community to condemn the Human Right violation committed by China and make China accountable to its atrocities inside Tibet. At the local level, it organise workshops and discussion on the human rights issue in Tibet, campaign among the students, activist and the grassroots leaders etc.¹⁹ The centre organise awareness campaign both human rights and actively participate in international conferences on Human Rights and lobby the states to protect human rights in Tibet.

Besides working on the human right issues, the centre also focus on the promotion of democracy in exile. The centre organised the Democracy awareness tour in the different settlement and among the student community. The TCHRD actively participate in the promotion of Democracy in the education sector in order to strengthen the functioning of Democracy in the exile government. The TCHRD

¹⁹ The Tibetan Centre for Human Rights and Democracy is a registered Non Government organisation founded from a former desk for Human Rights and Democracy under DIIR. It shift its position of working under the desk of the CTA to Non-Government organisation as the Government has a limited space while the NGO have more room for international sphere. (Roemer 2009:112)

promotes the 'Middle Way policy', which is the official stand of the CTA (Roemer 2009:112). Though the TCHRD is not binding to follow the CTA version of Democracy, it chooses to follow this stand and work extensively in line with the promotion of Democracy among the exiles.

The CTA along with the different NGO's use Human Right discourse to seek international support against the Chinese atrocities inside Tibet. The accounts of the political prisoners, the torture, and imprisonment inside the Chinese jail gave the Tibetans an opportunity to use Human Right violation as a means to speak for their political rights. To this, the Tibetans in exile took an opportunity to communicate its political ideologies through the language of the term like 'human rights' and 'injustice' (Mountcastle cited in Roemer 2009:113). The struggle of the Tibetans is kept alive through the struggle of the Tibetans inside Tibet. Once, the Tibetans in Tibet gave up the fight it will be difficult for the exile to pursue the movement

13.5 Gu- Chu- Sum Movement Association of Tibet

Gu-Chu-Sum in Tibetan represents the numbers 9,10,3, which represent the major pro -independence demonstrations in Tibet. The numbers 9th and 10th represents the month September and October 1987 and March 1988 witness the three major uprising in Tibet, which demands for the Independence from the Chinese occupation. These three major unrest for Independence was brutally suppressed by the Communist China and those who took part in the protest were killed, imprisoned and torture in the camps. Thus, the ex political prisoners took initiative in the formation of the Gu-Chu-Sum as it not only marked a significant revolution in Tibet but also a uniting force among the political prisoners in exile. The ex- political prisoners established it on 19th August 1991 in Dharamshala as they feel an association would help them to speak up against the Human Right violation in Tibet and they can continue to work for the freedom movement. In 1993, the Gu-Chu-Sum received official recognition from the Central Tibetan Administration.

Gu-Chu-Sum is more than just an organisation of ex-political prisoners, there are former political prisoners former political activist from Tibet who are now in exile

and family members of the political prisoners²⁰. The ex political prisoners had the determination to continue their struggle for the freedom movement; Gu Chu Sum gave the space to reconnect among themselves. The Gu-Chu- Sum work extensively on the political prisoners which give the evidence of the Chinese atrocities and Human Right violation inside China.

Thus, Gu-Chu-Sum thus represents an organisation that is formed by the former political prisoners of Tibet. This was set up with an aim to create awareness about the political prisoners and the human right violation in Tibet. The organisation engage in documenting the life of the political prisoners and use this evidences as a means to reach out to International Human Right organisation and Amnesty International to end the violation of Human Right violation in Tibet. The Gu –Chu- Sum support the political prisoners in exile on their arrival to India by providing basic amenities like food, shelter and income to the political prisoners.

Since 2000, the ex- political prisoners were also given basic education such as learning Tibetan and English language, computer course etc. This special school enable them to develop an introductory mode of self-reliance.²¹ The Political prisoners in Gu-Chu-Sum were given free education, accommodation, food and other personal expenses. The Gu-Chu-Sum goes beyond its mission and now extends its assistance beyond the political prisoners. The seats in the program were given to the Tibetan from Tibet to receive the education sponsored by the organisation. Moreover, the political prisoners after a few years stay in Gu-Chu-Sum choose to moved abroad to start a new life. Most of the political prisoners moved to Australia under a special program for the former Tibetan Political prisoners and families. The Tibetan community in Sydney is made up of the large number of former political prisoners from Tibet. The political prisoners have now enjoyed the freedom in exile and trying to rebuild their lives in exile.

²⁰ An interaction with the President of Gu-Chu-Sum, Ms Lhagyari Namgyal Dolkar who was the daughter of ex political prisoner, represent the second generations Tibetans in exile .

²¹ The Political prisoners not only suffered physical torture and abuse but are also psychologically weak due to the atrocities they faced while in prison. It is difficult for them to cope up with the normal daily life and attend schools established for the Tibetans in exile. The school in Gu –Chu-Sum is not a formal school but a school for them to prepare for their life.

14. Understanding between the NGO's and the CTA

All the Tibetan NGO's were set up with the mission to fight for the cause of Tibet. The NGO's support the official policy of the CTA as all of them received the blessings and acknowledgement of His Holiness the Dalai Lama. This approval from His Holiness the Dalai Lama provides them a secure position within the exile community as he is seen both as religious and political head. The acknowledgement of the establishment by His Holiness shows the loyalty to the Tibetan leader and therefore to the CTA (Roemer 2009:114). Through the institutions of the Dalai Lama, the Tibetan NGO's are interconnected despite their various specializations and focus areas. Also the organisation based their work on the core issue of Tibet i.e the freedom in Tibet. Besides this, the NGO's depend on the exile government in the form of financial assistance from the CTA. The Tibetan NGO's lacks the FCRA registration and therefore need the received their foreign donations through the SARD section of the Department of Finance. Due to this, a totally independent functioning of the NGO's is almost impossible (ibid). Due to the obligations, the Tibetan NGO's are bound to work in alliance with the policy of the CTA though they officially disagree with the stand of the CTA. The Tibetan NGO's like the TYC and the Gu- Chu –Sum stands firmly on the 'Complete Independence' while the CTA official stand is the 'Middle Way Policy'. In spite of the official differences, the Tibetan NGO's and the CTA function under the same roof due to their reverence to His Holiness the Dalai Lama. The Dalai Lama connects the exile Tibetans as he is seen as the supreme leader of the Tibetans.

15. The Middle Way Policy

The Middle way policy was first proposed by the Dalai Lama in 1988, which is commonly known as the Strasbourg proposal. This was derived from the Buddhist Middle Path doctrine i.e. the avoidance of the extreme and the pragmatic assessment of what can feasibly be achieved. The proposal contains the Five-Point Peace Plan. With this, Beijing also gives a positive respond and announces its willingness to start the negotiation with the Dalai Lama and the Tibetan representatives. The Dalai Lama in the Strasbourg Proposal proposed the Middle way policy, which is the stand of the Government in Exile. Even though, some of them opposed to the idea of it as it involves giving up of Independence while seeking genuine autonomy within the

framework of the people's Republic of China. The middle way policy demands for autonomy within China and that is the only way to come into terms with China. Through the Middle way policy, the Dalai Lama is seeking peaceful solution through dialogue. Though the Strasbourg proposal was in 1988, the different round of talks between the envoys of His Holiness the Dalai Lama and the representative of the Chinese government does not show much result. The Dalai Lama exhorted the Tibetans to reach out to the Chinese people as this will work as a way of gaining international supporters to oppose the Chinese rule without being anti Chinese (Anand 2009:31)

The Dalai Lama and his people went through a serious of changes in their life in exile. Through the struggle for existence and survival in the exile, land is a challenge; there is a bigger battle with China. The political stand of the Dalai Lama shifted from complete Independence to the Middle way Policy. We witness the seesawed in his political vision. But there is always a common goal for him i.e. he will do whatever is best for the Tibetan people (Byod 2005: 17) The Dalai Lama has the final call in the democratization process and also in all the matter of significance. However, with the emergence of Democracy, the exile experiences a new shift in the functions of the government.

There are two opinions among the exile Tibetans, the one who follow the Dalai Lama are willing to return to Tibet if the demands are fulfilled and are willing to compromise with the Chinese. While the other Tibetan groups like the Tibetan Youth Congress stands that they will go back to Tibet only if total sovereignty. Thus, with this conflicting stand, there is a certain degree of ambivalence among the exile communities. OP states that "The youth with their increasing modern world views and access to better education, have become more articulate in expressing their political thoughts" (Byod 2005:40)

His Holiness the Dalai Lama as a peaceful solution is initiating the Middle Way Policy, which is viable for both China and Tibet. As stated clearly, the Tibetan people do not accept the present status of Tibet, which is under the Chinese occupation, nor seek Independence from China. The Middle Way Policy initiates for the 'genuine autonomy' for all the Tibetans in the three provinces of Tibet within the framework of the People Republic of China. The demand for the 'genuine autonomy' is not for

Independence or separation from China but for the protection of the Tibetan culture, religion, and identity. Thus, with this Tibet surrender its political affairs to China and manage only the internal affairs such as religion and culture, environment and ecology, education and health (TPPRC 2005:71). The People Republic of China should control the political affairs defence and international relations.

The Middle way policy is “a mutually –beneficial policy that is based on the principle of justice, non-violence, friendship and in the spirit of reconciliation for the well-being of entire humanity. It does not envisage the victory for oneself and the defeat of the other” (DIIR 2010:1). The Middle way policy is based on the ideological foundation of the universal responsibility, which calls for solving problems through mutual consent and dialogue. Thus, in his 1984 March statement, his Holiness gives a statement that

Irrespective of the varying of the degrees of development and economic disparities, continent nations, communities, families, in fact, all individuals are dependent on one another for their existence and well-being. Every human being wishes for the happiness and does not want suffering. By clearly realising this, we must develop mutual compassion, love, and fundamental of sense of justice. In such an atmosphere, there is hope that problems between nations and problems within families can be gradually overcome and that people can live in peace and harmony.

With this background, His Holiness proposed the Middle Way Policy is neither seeking the separation of Tibet from China by restoring independence in Tibet nor accepting the present situation in Tibet but resolving the issue of Tibet through finding a way which from the two poles extremes. Thus for resolving the issue of Tibet, the Tibetan people must be brought under a single autonomy of administration. The proposal for greater autonomy is based on race, culture, and language.

15.1 Provision of Autonomy in the PRC Constitution

The demand of the Middle way policy is based on the provision of autonomy in the Constitution of the People republic of China. The representative of the Dalai Lama proposed the implementation of the constitution provision of the national regional autonomy. It is through this provision, the Tibetans demands for their rights as per

the law of the land. Chapter 4 of the Constitution of the People's Republic of China states that:

All nationalities of the People Republic of China are equal. The state protects the lawful rights and interests of the minority nationalities, upholds, and develops relationship of equality, unity, and mutual assistance among all China's nationalities. Discrimination against and oppression of any nationalities are prohibited; any act which determines the unity of the nationalities or instigates division is prohibited. The state assists areas inhabited by the nationalities in accelerating their economic and cultural development according to the characteristics and needs of the various nationalities. Regional autonomy is practised in areas where people of minority nationalities live in concentrated communities; in these areas organ of self-government are established to exercise the power of autonomy. All national autonomous areas are integral parts of the People's Republic of China. All nationalities have the freedom to use and develop their own spoken and written language and to preserve or reform their own folkways and customs.²²

The Tibetans demand for the greater autonomy or single administration within the territory of the PRC is to protect and preserve Tibetan culture and identity and protect the fragile environment. It will have a better administration and ensure unity and stability in the region. It will ensure peaceful coexistence and harmony in the region that will build stable relations with the Central government. Thus, regional autonomy is the aspiration of the Tibetans which calls for the single administration of the Tibetan areas- U-Tsang, Kham and Amdo but to the Chinese it is "Greater Tibet".

15.2. Democratic process of the Middle Way Policy

Although, his Holiness the Dalai Lama conceived the Middle way policy at the early year in exile he did not imposed it his people. It was taken forward for a deliberation with the Assembly of the Tibetan Deputies and in 1974; an internal decision was made to pursue a meaningful autonomy for Tibet through the means of the Middle Way policy. But this was not imposed on its people, a serious of deliberation was organised in the Assembly, the Kashag , other organisations and individuals etc . The

²² The General Principles of the Constitution of the People Republic of China http://www.npc.gov.cn/englishnpc/Constitution/2007-11/15/content_1372963.htm

Middle Way policy is based on the Five point Peace Plan that was laid down by His Holiness at the US Congress in 1987. In the 1988 European Parliament, he announced the Strasbourg proposal, which is based on the fifth point of the Five Point peace Plan.

With this formal announcement of the Middle Way Policy in Strasbourg , the first deliberation over the Middle way policy was held on 6-9 June, 1988 in Dharamsala presided by the Kashag. The meeting was attended by the members of the Tibetan People's Deputies, Public servants, NGO's ,Autonomous bodies, newly arrived Tibetans and the others representing Tibetans on exile. In the meeting, the proposal was unanimously endorsed (DIIR 2010:6). It is the first time such a policy was adopted through democratic process. While the proposal was carried forward, the Tibetan People's Deputies and the Kashag for the Tibetans to decide called a referendum. However, 64 percent of the Tibetan in exile and in Tibet expresses the opinion that there is no need of referendum and they would support the Middle Way policy or any policy, which His Holiness decides for the people of Tibet (ibid).

On the 18th September 1997, the Assembly of the Tibetan Deputies adopted that His Holiness should decide the issue of Tibet according to the changing political situation in China. Thus, on the 10th march statement 1998, His Holiness further re-instated that he would continue the Middle Way Policy. Further, the support of the Middle way policy was once again re-affirmed by the Tibetans in exile on the Special meeting 17th-22 November 2008 in Dharamsala. In the special meeting, from nearly 600 representatives who attend the meeting 80 percent of them express the support of the Middle Way Policy. (DIIR 2010:7). Finally, on the 20th March 2010, the Tibetan Parliament in Exile unanimously adopted the Middle way policy as the stand of the Government in Exile.

15.3. Sino-Tibetan Dialogue: A chronological account

With the occupation of China in 1950's, Tibet witness different forms of oppression under the Communist China. The Chinese government under the Chairmanship of Moa assert the Chinese presence in Tibet. The Dalai Lama and the people of Tibet could not stand the mighty Chinese forces which resulted in the signing of the 17th

Point Agreement which establish Chinese sovereignty over Tibet.²³ The Tibetan opposed the 17th Point Agreement and claimed that it was signed under duress. However, to China, it marked the peaceful liberation of Tibet, which sets into force the official recognition of Tibet as a part of China. The occupation of China in 1959, led to the escape of His Holiness the Dalai Lama to India Due to the strong resistance by the Tibetan people inside Tibet, China under the leadership of Deng accepts the proposal of dialogue process.

The dialogue process between Sino-Tibet started since 1979 when the Chinese leader Deng Xiaoping invites Gyalo Thondup²⁴ to discuss the status of Tibet and stated that ‘apart from the issue of total independence all other issues can be discussed’. China was willing to discuss and resolve any issue as long as the Tibetans do not demand for Independence. This statement gave the hopes and aspiration of the Tibetans to find an amicable solution within the framework of China. But this has witness the differences in their approaches as for the Tibetans it is about the political status of Tibet while for the Chinese it is about the personal future of the Dalai Lama (TPPRC 2005:72). With this, the Tibetans came into terms with the hope that ‘genuine autonomy’ under the Chinese administration and started the dialogues process. The dialogue process to the Tibetans is about the political issue of Tibet and nature of the autonomy. While for the Chinese, dialogue has been the current system of autonomy and whether it will allow any more autonomy in practice (ibid).

In September 1949, shortly before the proclamation of the People’s Republic of China, the Chinese Communist Party under the leadership of Mao Zedong made it a top priority to incorporate all Chinese territories in–Tibet, Xinjiang, Hainan, and Taiwan into the PRC. On 25th October 1950, the People Liberation Army was ordered to liberate Tibet from the foreign imperialist forces and united to the motherland. To this, the Tibetans responded in radio announcement that there are no foreign forces in Tibetan soil, Tibet had never been a part of China, and Tibet will

²³ According to the 17th Point Agreement, the first point officially takes away the Independent status of Tibet. It stated that “The Tibetan people shall be united and drive out from the imperialist forces from Tibet; that the Tibetan People shall return to the big family of the motherland-the People’s Republic of China”.

²⁴ He is the elder brother of the Dalai Lama, who went to meet Deng Xiaoping to discuss the status of Tibet. with this, Deng invited exile Tibetan to visit their homeland and

fight back to the Communist forces. The Tibetan government decided to send a delegation to negotiate with the PRC.

In the course of the negotiation, the Chinese Ambassador Yuan Xian demanded the Tibetans to agree to three point proposal – “Tibet should be recognised as a part of China, Tibetan national defence will be handled by China, Tibet’s political and trade relations with foreign countries must be conducted through China” (DIIR 2001:6). To this, the Tibetan Government instructed the Tibetan delegates to reject the proposal, particularly the first point (ibid). The Tibetans strongly resisted the advancement of the Chinese forces and fought fierce battles but could not stand for long and eventually Tibet lost the eastern and northern Tibet to the PLA forces. They also lacked international support the cause of Tibet and the negotiations and Tibet had no choice but to sign the 17th Point Agreement on 23rd May 1951. The signing of the agreement is termed as “Agreement of the Central Government and Local Government of Tibet in measures for the peaceful Liberation of Tibet.” With the signing of the 17th Point Agreement, ended Tibet’s Independence but provides for the regional autonomy. Article 3 of the 17 Point Agreement states that “the Tibetan people have the right of exercising the national regional autonomy” under the PRC. The return to the 17th point Agreement would be “ceding substantial authority” that the Chinese government enjoy in Tibet but cannot refuse it as the government still regard the 17th point Agreement as legal. (Liming 2001:46). With this, the Dalai Lama initiated for dialogues and negotiations under the provision of the 17th Point Agreement, which calls for “one country, two systems”.

15.4.1 Hopes and Suspicion (1979-1987)

The period marked the hopes of the Tibetans for the dialogue process with China with the positive outlook to see the development inside Tibet. While, the Chinese were suspicious and fearful that the delegation would find out the fact and witness the poverty and destruction inside Tibet. There is also fear among the Chinese leaders as they witness majority of the Tibetans show their reverence to His Holiness the Dalai Lama.

With the invitation by Deng Xiaoping, the Dalai Lama appreciated the reassuring gesture of Beijing and sent a first fact-finding delegation to Tibet in 1979. Between

1979-1987, there were four fact-finding delegations sent to Tibet to witness the situation inside Tibet.²⁵ The fact finding team give the report that are large scale destruction of religion and monastic institution, no development in Tibet and the Tibetans were extremely poor conditions with low standard of education. The Tibetans in Tibet witness carried out demonstrations in which thousands of Tibetans expressing their devotion of the Dalai Lama and call for Tibetan Independence.

Due to the report of the first fact-finding committee, the communist China tried to introduce reforms measure such as the introduction of the new law ‘the right to autonomy’ to the minorities in Tibet. A fact-finding committee was also sent from Beijing to the “Tibet Autonomous Region (TAR) to look at the economic condition in Tibet and replace the Party Secretary of TAR, General Ren Rong with Yin Fatang who is a Tibetan.

After the second fact-finding delegation, due to the demonstrations of the Tibetans in Tibet and the popular support of His Holiness the Dalai Lama Beijing want the early return of the Dalai Lama to Tibet. The Chinese Ambassador said, “If the Dalai Lama does not prefer to stay long there, he can return to [India]. The Central government will respect his decision.”

With the arrival of the third Tibetan fact-finding delegation in China, the Communist china adopted a preferential policy to the Tibetan Autonomous Region and appointed Hu Yaobang to take up the special responsibility to provide “real autonomy to Tibet” and implement separate policy for Tibet. During these years, it was evident that both the Tibetans and the Chinese are at different expectations and ambitions. Dharamsala main concern in the fact finding commission was mainly for the well being of the Tibetans living in Tibet while for Beijing it was showing the development and progress in Tibet and bringing back the Dalai Lama to Tibet(TPPRC 2005:77).

²⁵ The first fact-finding delegation was sent on 2nd August 1979 in which they tour for Tibet nearly six months. The delegation found out that the claim for the progress and development did not reach Tibet. The second fact-finding delegation was sent on 4th May 1980 and spend nearly three months in Tibet in which the visit was cut short due to the demonstrations by the Tibetans in support of His Holiness the Dalai Lama. The Third fact finding delegation arrived in the first week of June 1980 which report of the low standard of education. On June 1985, the fourth fact finding committee was sent in which the Tibetan delegation visit the eastern part of Tibet, Amdo and also conveyed that the Five Point Policy of Beijing towards the Dalai Lama was rejected by the Tibetan people.

In April 1982, the Tibetan delegation was handed over the “Five Point Policy” which was address to the Dalai Lama. The Five Point Policy welcomes the Dalai Lama to come back and enjoy the political status and living conditions as he had before 1959. This states that Beijing was only interested in the unconditional return of His Holiness the Dalai Lama but not the status of Tibet. The Chinese leader thought the issue of Tibet would be resolved with the reform measures and the creation of the Tibetan Autonomous Region. However, The Tibetan delegates asked for the unification of the Tibetan areas-Kham, Amdo and U-Tsang in a single political and administrative entity.

Due to the differences in demands, in 1984 General Hu Yaobang announced the decision to encourage the Chinese move into Tibet and declare that China need not stock to the “Five Point Policy” as it is no longer necessary to woo the Dalai Lama. While in May 1984, the TAR Party Secretary Yin Fatang accused the Dalai Lama of treason and said that Beijing would welcome him only if he admitted his mistakes (TPPRC 2005:78) . While in October 1984, Beijing declare that the preconditions for dialogues is the Dalai Lama recognition that Tibet is an inalienable part of china. This should be the basis of dialogue between the two sides. This phase marked the Chinese adoption of the hard-line policy towards the Dalai Lama and its dialogue process.

15.4.2 A row over the Internationalisation of the Tibet issue (1987-1990)

Since 1967, the dialogue between Dharamshala and Beijing were inconsiderate as both stand firmly on its position, which is beyond any possible further negotiations. On 21st September 1987, His Holiness unveiled his Five Point Plan for Tibet in the US Congressional Human Right caucus, which includes-

The transformation of the whole of Tibet into a Zone of peace. Abandonment of China’s Population transfer policy, which threatens the very existence of the Tibetan People. Respect of the Tibetan peoples fundamental human rights and democratic freedoms. Restoration and protection of Tibet’s natural environment and abandonment of China’s use of Tibet for the production of nuclear weapons and dumping of nuclear waste. Commencement and earnest negotiations of the future status of Tibet and the relations between the Tibetan and the Chinese peoples.

(TPPRC 2005: 79)

On 23rd September 1987, Beijing rejected the Dalai Lama Five Point Plan on Tibet, opposed the engagement of the Dalai Lama, and sees it as an aim to split China. The criticism by China was strongly opposed by the Tibetans in Tibet in which they carried out anti-China demonstrations in Lhasa, which led to the arrest of the monks. To this, China blamed the Dalai Lama for instigating demonstrations and stirring splitist movement in Tibet.

On March 1988, Dalai Lama appealed to the international community to support the non-violent struggle of Tibet and call for renewal of talks with the Chinese government. To this, China responds positively stating, “If the Dalai Lama publicly gives up the goal of independence, he can live in Tibet rather than in Beijing.” To this, the Dalai Lama announced the detailed framework of negotiations, agreed to give up Independence, and pursued the genuine autonomy of Tibet. The proposal mentions the whole of Tibet to be a self-governing democratic political entity founded by law with an agreement between the Tibetans and the People Republic of China.

Beijing should be responsible for Tibet’s foreign policy while Tibet should maintain its international relations through its Foreign Affairs Bureau on non-political activities. Beijing should demilitarise Tibet and restricted a number of military installation. On June 1988, the Chinese Foreign ministry rejected the proposal stating, “China’s sovereignty over Tibet cannot be denied.” However, later in 23rd, September 1988, the Chinese embassy in New Delhi issues a press release stating Chinese government wiliness to have dialogue with the Central government. To this, the government in exile responded positively stating their willingness to discuss and resolve the use through dialogues. However, China clearly states that the Strasbourg Proposal cannot be the basis of the talk. On 5th March 1989, the Tibetans in Tibet carried out large-scale demonstrations which the Chinese imposed martial law.

15.4.3. Stalemate in Dialogue (1990-1993)

With the decision of China not ready to go for negotiations based on the Strasbourg proposal, the Tibetans side though prepare for dialogue could not find a possible solution to it. In fact, the Chinese Communist party leader urged the Dalai Lama to give up his position of “Independence Tibet” and accused him of as “the root cause to achieve results in the past contacts and to continue negotiations.” On the 23rd January

1992, the Assembly of the Tibetan People's Deputies passed a resolution stating that the exile Tibetan administration should not initiate any new move towards negotiation with China unless there is a positive change in the attitude of Beijing leadership. (TPPRC 2005:83). When both the sides had a firm stand, there is no room for negotiations.

15.4.4 Confrontation (1994-2001)

With the Dalai Lama trying to lobby the international community to initiate dialogue with China, the Communist party decided to follow a hard-line policy on its dealing with the Tibet issue. The Chinese government intensified the repressive measures aimed at eliminating the influence of the Dalai Lama and Buddhism. By the end of 1996, even the photographs of the Dalai Lama was banned and mere possessing it or watching the videos of him could land them up to jail of six to seven years. (TPPRC 2005: 85). They also adopted three major political campaigns- "Patriotic Education," "Spiritual Civilization" "Strike Hard" to undermine religion, culture, and language. Even with the pressure from the international community to bring both to negotiation table failed China, see this as politicising the Tibetan issue. By the end of 1999, the Chinese authorities close down all channels of negotiations with the Dalai Lama. The Chinese President Hu Jintao declared in the congress "Beijing would stamp out separatism and curb "illegal "religious activities in Tibet. While on the 6th March 2001, the People's Daily a newspaper in China refer to Hu statement as cracking down of separatist activities and enhancing patriotic education.

15.4.5. Renewed Contacts (2002-2010)

In June 2001, The Fourth Work Forum on Tibet calls for the economic development strengthens the party structure in the Tibetan areas. The meeting was also used to readjust the official policy on the engagement with the Dalai Lama. It adopted a new approach of engagement and the Chinese leadership established contacts with the Dalai Lama representatives. On the 9th September 2002, the Dalai Lama gave the press release in Dharamshala about the Tibetan delegation Beijing and Lhasa. The positive gesture of Beijing is welcome by the exile government. On the 30th September 2002, the *Kalon Tripa*, urged the Tibetans to refrain from rallies and

demonstrations during the President Jiang Zemin's visit to the United States and Mexico.

On the 10th march 2003, His Holiness express his express over the res-establishment of direct contacts with the Chinese leadership and urged the Chinese leaders to dispel the existing misunderstanding and misconceptions about their position on the Dalai Lama and hope that they will find a solution to the Tibet issue through peaceful means. Since then there were third rounds of delegation were sent to china in which results in the gradual improvement in their relationships.

On the 46th Anniversary of the 10 march uprising, the *Kashag* calls for the "Constitutional framework of the People Republic of China to enjoy the genuine national regional autonomy "as the legitimate requirement of the Tibetan people. On the 10th March 2005 statement, his Holiness reassured the Chinese authorities that the Tibetans will remain fully committed to the Middle Way Policy and not seeking Independence for Tibet. He also assured its willingness to remain within the People Republic of China. With the resume of dialogue, the *Kashag* issued appeal to the Tibetans in exile and its supports to refrain from activities including staging protest and demonstrations on the visit of the Chinese delegates.

During this phase of negotiations, nine rounds of talks were held between the representative of His Holiness the Dalai Lama and the Chinese counterparts. In all the negotiations and dialogue, China has not changed its position on Tibet. The Tibetan has demanded for the unification of all the Tibetan areas under a single administration. These areas should be granted genuine autonomy within the framework of the PRC constitution. The demand of the Tibetans is to ensure development and protection of the culture, tradition, religion, and environment. While the Chinese side has shown no inclination to the Tibetan demands or change their policy on Tibet. For China, Tibet remains inalienable part of its territory and the demand of greater autonomy is seen as the separation from mainland China.

CHAPTER 4

THE 2008 TIBETAN UPRISING: RESPONSE FROM INDIA AND CHINA

Introduction

The 2008 demonstration in Tibet were the largest anti China protest since the occupation of China in 1959. The protest was organized in order to mark the forty-ninth anniversary of the 10 March 1959 revolt against the Chinese rule. The 10 March is the anniversary of the Tibetan uprising in 1959 which led to the flight of the Dalai Lama to India. It also marked the successful entry of the Communist China and the dissolution of the Tibetan government. Though the protest was organized in order to mark the anniversary of the 10th March revolt, it escalated into a major one due to the resentment of the Tibetans inside Tibet who faced continuous discrimination from the Chinese rule. Those in protest carried the Tibetan national flag and demanded freedom and independence from the Chinese rule. This event was in a way organized in order to show their detestation towards the Chinese rule in Tibet. The protest spread out to all parts of the Tibetans plateau, including many areas outside the Tibetan Autonomous region and also outside Tibet. There was strong support from the Tibetans outside Tibet in India and in different settlement across the world. It was the first Tibetan national uprising which was widely swept across Tibet and by those in exile.

According to the Tibetan Government in exile (TGiE), the 2008 uprising led to the death of 220 Tibetans, 5,600 arrested or detained, 1, 294 injured , 290 sentenced and over 1,000 disappeared due to the repressive measures carried out by the Government (Topgyal 2011: 183). On the 14th of March 2008, the Chinese government claimed the death of 18 civilians and one policeman and 382 civilians injured (ibid).

The Tibetans in Tibet has shown their resentment towards the Chinese rule in Tibet due to the restriction and discrimination in many ways such as the restriction on religion and the patriotic education¹ in monasteries and new education policy which

¹ Patriotic education was introduced by the Communist China in order to inculcate a sense of patriotism among the Tibetans and become a law abiding citizens. In the Monasteries and Nunneries, the monks and nuns were instructed to install a national flag in order to strengthen their ideological control to which the Tibetans feel it as eroding their culture. This is one way of controlling the Tibetans way of thinking and be associated and loyal to the government.

gives emphasis on the Chinese language. Ever since the 1950's, the Communist China had adopted a strict policy towards the Tibetans and are often faced with protest from the Tibetans. The 2008 protest itself shows the failure of China's policy in Tibet. Though the protest has been going on in different areas of Tibet and in exiles, it was unique in its own form as the protesters have common characteristics in their form of protest such as displaying the Tibetan flags, the shouting of the Independence slogan and raising the Tibetan flag. This symbolizes the unity in their demand which calls for freedom from China.

(Map 4.1) Genesis of the Uprising



Reported protest as of April 1, 2008

(Source: Barnett Thunder from Tibet)

Every year on the 10th of March, the Tibetans in Tibet and in exiles mark the Anniversary of the failed uprising against the Communist China. The year 2008 marked the 49th Anniversary of the Tibetan uprising which caught international attention due to the Tibetans protest against the Chinese rule and the excessive use of force by the security force. Before this, there were a series of events that lead to the final outburst of Tibetan protest. On 1st August 2007, the opening ceremony of annual horseracing festival in LithangCounty of KandzePerfecture in Sichuan

province provided the first major occasions. In the nomadic village of Runggye Adraka protest sparked for several days which spread to other Tibetan areas. In the following year in October 2007, the authorities tried to stop the monks of the Drepung Monastery from attending the traditional Ganden Phodrang² residence of the Dalai Lamas assuming it to be a preparation of celebrating the award of His Holiness receiving the US Congressional Gold Medal. The monks from Drepung Monastery got arrested by the Chinese forces and were put behind bars. The 10th March 2008 protest rally by the monks calls for the release of arrested monks (TPPRC 2008: 17). The 2008 protest rally witnessed the most remarkable protest movement in China due to the mass participation of the Tibetans across regions. To control the situation, China resorted to excessive use of force to curb the protest at the earliest as the means due to the sensitivity of the issue as China was hosting the 2008 Olympic Games.

1. Uprising: The Insecurity dilemma

Both Tibet and China are inflicted with insecurity dilemma which led to the uprising in 2008. The Tibetans were insecure of their identity due to the different policies adopted by China. The hard-line Chinese policy in the post 1989, Han Chinese migration, the assimilation policies and cultural imperialism was the cause of the uprising. On the other hand, the Tibetan protest and riots heightened the Chinese insecurities and therefore Beijing adopted the hard-line policies in Tibet and against the Dalai Lama. Thus, the hard-line policy adopted by Beijing provoked the Tibetan uprising (Topgyal 2011: 183).

The Chinese claimed that the 2008 uprising was masterminded and incited by the Dalai Clique. The Xinhua news claim that on the 14th of March, the Dalai Lama clique plotted and incited violence which killed at least 18 civilians and one police officer. While there is also a report of an unnamed suspect who confessed to the police that the “Security department” of the Tibetan Government in exile asked him to hand out the leaflets promoting “Tibetans people’s uprising movement” to civilians and monks in Tibet. He further claim that “For the sake of protecting myself, (the Dalai Lama)

² It is the residential quarters of the holder of the Dalai Lama, since the 2nd Dalai Lama this got passed on for generations in the lineage of the Dalai Lama in the Drepung Monastery. While a similar type of government is being formed in exile, the Central Tibetan Administration (CTA) which is established by the Dalai Lama to administer in the Tibetans in exile. It now represents the legitimate government for both the Tibetans in Tibet and in exile. While in Tibet, Ganden Phodrang represents the Power and position of the Dalai Lama, the CTA now represent the Tibetans in exile in which the political power lies in the hands of the elected representative, the Sikyong.

asked me not to participate in the demonstrations in person just in charge of stirring people up” (China Daily 30 March 2008).

While Beijing claim that it had ‘plenty of evidence’ to prove that the uprising was organized by Dalai Lama clique, the Tibetans on the other had attributed the protest to the deep rooted resentment of the Tibetan people under the repressive policies of China. Among the repressive policies adopted by the Chinese, the restriction of culture and religion has largely impacted the Monastic education. To the Tibetan society who is more inclined to the monastic education, religion plays a very vital role in the life of the many monks and nuns. While others claim that the ‘unequal development’, ‘economic marginalization’ and exclusionary modernization and cultural imperialism to which the Tibetan fear for the survival of culture (Topgyal 2011:184-186)

The 2008 march protest is the outburst of the dissatisfaction and the deep rooted resentments by the Tibetans. The March 2008 uprising is not due to the socio-economic grievances but against the Chinese introduction of reform measures in Tibet which is a threat to their identity, culture, religion etc. Chinese authority’s involvement in the practice of religion of the Tibetans, the campaign against the political and spiritual leader the Dalai Lama such as the banning of his pictures and listening to his teachings.

Among the social threat, there has been new developments such as the Han migration into the Tibetan areas. The opening of the Qinghai-Tibet railway led to the large scale inflow of immigration of Chinese. This immigration policy by the Chinese government made the Tibetans marginalized in their own home. The Han Chinese replaces the Tibetans in the job market and the Tibetans were replaced at the township level with the specially trained corps of Chinese official. (TPPRC 2008:17) .The Chinese government also adopted the mass resettlement programmed in which through the policy of re-housing the Tibetan nomadic villages were relocated (ibid). All these lead the more control and restriction to the Tibetan people.

The 2008 Olympic event represents a great opportunity for Tibetans to draw attention to its cause and show its resentment against the Chinese occupation. The Tibetans inside Tibet and those in exiles organized themselves and call for a protest movement

which caught the world wide attention. Their plan was even if Tibet fails to achieve sufficient media attention, the game itself will stoke up enough attention to force China to rethink its position in Tibet. While some of the Tibetans pointed out that they objected the Olympic Games because it is a good opportunity to embarrass China. (Burke 2008:82).

Looking at it, it is evident that both the Chinese and the Tibetans took this opportunity for their own benefits. The Tibetan used this as a call for unity among the Tibetans and gain international support while the Chinese justify their action as an act of self-defense as the Tibetans were also involved in the violent act such as ransacking and burning of Chinese shops, offices and residence, vehicles etc.

According to the reports China Daily, the 14th March riots in Lhasa resulted in the injury of 382 civilians, 241 police officers while the deaths accounts to 18 civilians and one policeman (ChinaDaily, 10 March 2011). According to the Central Tibetan Administration, the Chinese armed police have killed one hundred Tibetans during the peaceful protest and several others got injured (CTA 2008). Many of the injured were refused medical treatment by the Chinese medical staff while many did not seek medical care due to the fear of being arrested by the Chinese government. (Smith 2008: 3) Though there is a report of 100 Tibetans deaths the estimate could be higher as the violence in the area were high and the deaths were not reported to the New Agencies and the government officials. The 2008 Tibetan uprising was due to a series of protest inside Tibet as most of the Chinese government policies in Tibet were not favored by the Tibetan population.

2. Chronology of Revolt in Tibet

According to International Tibet Network,during the 2008 unrest there were more than 150 separate protests documented in Tibet. The majority of the protests were non-violent but the Chinese leadership adopted a violent means of brutal crackdown which lead to the death of over 100 Tibetans. On the 10 March 2008 some five hundreds monks of Drepung Monastery attempted to march into the centre of the city. They were stopped by the Chinese security police and were arrested and beaten while the rest of the monks who were in the monastery weresurrounded by the police. (Smith 2008: 2) Those monks who took part in the protest march demanded the

release of the five monks who were arrested last October while celebrating the award of the Dalai Lama in Washington DC, of the Congressional Gold medal. (Smith 2008:11)

The Foreign Tibetan Rights Group report in CNN also give the similar reports that the ‘protestors sought the release of fellow Drepung monks who was detained by the Government as they celebrate the awarding of the U.S. Congressional Gold Medal to the Dalai Lama’. Those monks who marched on the 10th of March were stopped by the security force and some fifty monks were arrested. The other monks staged a protest and the security force surrounded the monastery and cut off food and water and did not allow the monks to leave the monastery or the outsiders to enter the monastery.

While there was a similar incident of fourteen monks in Sera Monastery who staged a protest in front of the Jokhang , the central temple of Lhasa . These monks were visiting monks from the Golok region of Amdo and Kanze area of Kham who were studying in Sera. These monks were joined by two lay people from Kham and they carried the banned Tibetan flag and shouted slogans for Tibetan Independence. They were arrested and severely beaten and were charged with the crime of “gathering to create disturbance by shouting reactionary slogans” and ‘premeditatedly carrying homemade reactionary flags”. (Smith 2008:12) This was followed by demonstrations in different areas in Tibet by the monks and the lay people. In most of the cases, the protesters were demanding ‘Tibetan Independence’, ‘Long Live the Dalai Lama’ and ‘Dalai Lama should return to Tibet’. The next day, some six hundreds Monks in the Sera Monastery demand the release of their fellow monks. They were prevented from marching to Lhasa and the People’s Armed Police (PAP) used tear gas against those monks and the monastery were subsequently surrounded by the police.

While the Chinese thought that by surrounding the three great monasteries in Lhasa the protest and further demonstrations are under control. However, the news spread of the Chinese government’s brutality against the monks which cautioned the other monasteries that was supported by the lay people. On the 12th march, the Chutsang Nunnery in Lhasa undertook a demonstration against the Chinese presence in Tibet and commemorates the anniversary. The nuns from Chutsang Monastery in Lhasa were also stopped from demonstrating and the monks in other monasteries in Lhasa

and Gaden were deprived of food and water and those arrested were beaten and mistreated by the security force (Smith 2008:3)

On the 14th march, the monks of Ramoche broke out in the streets and scuffle with the police. On the same day i.e. on the 14th march, there was large scale riots between the Tibetans and the security force and the angry Tibetans ransacked and burn many of the twelve hundred Chinese shops, office and residence in the area and set to fire eighty-four vehicles. In this incident, there is a report of three hundred twenty five injured most Han Chinese and twenty five Han Chinese were killed in the incident. The total damage was estimated to be 280 million Yuan (Smith 2008:13). There was a lack of immediate response from the government and the protesters carried on damaging public properties. The situation got out of control and the rioters were issued a deadline of 17th march to surrender. On the 15th march, Lhasa was under military lockdown by the Chinese government. There was a policy adopted by the Communist China that called the people involved in the protest to surrender or else they were to be met with no leniency and repressive measures. The Chinese security force was given the power and authority to arrest those Tibetans involved in the protest demonstrations and riots who carried out the house search and raided homes looking for suspects involved in the riots. Many Tibetans were arrested during the raid and several were killed.

(Map: 4.2) 2008 Protest: Location of monasteries reported restrictions on movement and travel



(Source: Radio Free Asia)

During the 2008 unrest, the authorities in the Tibetan areas of western China declared curfew in the monasteries. According to the TibetanGovernment-in-exile “since the beginning of August, many of the monks had been confined to monasteries day and night”. The monks in the Longwumonastery were restricted from leaving the monastery. Bora Monastery in Gansu province was surrounded by the police 24 hours to keep a watch on the monks and was warned of serious consequences if they leave the monastery. To watch the Olympic Games, the monks in the Kumbum monastery in Xinjiang were refused tickets at the railway station. The Email services in the monastery were discontinued until the Olympic Games in the monastery. While the Tibetans claim the loss of 203 people, Beijing claim 22 of which one is a Tibetan (Radio Free Asia 13th August 2008)

The monks in these monasteries were prevented from demonstrations by the security forces and their monasteries were surrounded by the police. In protest against the use of force by the Chinese security forces against the peaceful protestors, the Monks in different monasteries and the lay people joined the protest movement in large numbers which was met with more use of force and violence in order to stop the march. On the 18th march, a protest march was organized in Kanze, Kham where thousands of Tibetans came out in the streets and joined the protest march and were fired by the PAP and several Tibetans were killed in the rally. (Smith 2008: 15). On the 19th march, the monasteries in Drepung, Sera and Ganden were still surrounded by the security forces and cut off with the supply of food and water. The number of deaths increased and the Tibetan Centre for Human Rights and Democracy (TCHRD) reported the arrest of more than one thousand Tibetans and the death toll rose to sixty five (ibid). On the 20th march there were protest marches that were held in several places in Amdo despite the presence of the large number of the security forces and the Chinese authorities in Gansu issued an ultimatum to the Tibetans who were involved in the riots to surrender before the 25th in order not to face the harsh treatment .

3. The Propaganda of division

The 2008 protest united the Tibetans in Tibet and those in exile, but there are sections of the Tibetans who are working for the government. The Ministry of Public Security, claim that there is enough evidence showing the March 14th riots in Lhasa were not isolated or accidental but part of the “Tibetan People’s Uprising Movement” plotted by the Dalai clique (China Daily 02 April 2008). Whereas the Tibetan regional government chairman, Qiangba Puncog blamed that it is done by the ‘Dalai clique’. There is also condemnation by the Vice President of the Tibetan Branch of the Buddhist Association of China, Dazhag Dainzin Geleg blaming the protestors as “A handful of monks didn’t study the scriptures and didn’t follow our religious code, but echoed the Dalai Clique in splittist efforts to undermine the stability in Tibet and destroy the order of Tibetan Buddhism” (ChinaDaily 17March 2008).

The Chinese also adopted propaganda of division among the Tibetans and put on the Tibetans who were working in the government to “expose, repudiate and enounce the

evil doings of the Dalai Clique and firmly struggle against the separatist”. Those working in the government offices were forced to denounce the Dalai Lama and students of primary and middle schools were required to condemn the Dalai Lama. (Smith 2008:16).

The Chinese authorities give so much emphasis on the Dalai Lama of inciting violence in Tibet but missed the reality that it is the Tibetans in Tibet who is organizing the protest that is mainly led by the monks, nuns and the lay people. The excessive use of force against the peaceful monks and nuns hurt the sentiments of the lay people who turn out in large numbers which escalated into large protest by all Tibetans. There was a large number of protest led by the monks and nuns who shouted the slogan “Long Live the Dalai Lama” and “Tibet Belongs to the Tibetans”. With this in background, the 2008 Beijing Olympics became a flashpoint for protest for the Tibetans inside Tibet and those in exile. According to the reports of the Tibetan Government in Exile, there was an estimate of 140 Tibetans who were killed in the protest.

4. Responses from the Central Tibetan Administration

On the 49th anniversary of the Tibetan National uprising, His Holiness once again highlight the hardship and sacrifice of the Tibetan people and expressed his solidarity to the Tibetans going through the repression and ill treatment. To this, he is trying to find a path of reconciliation with China and live in peace and harmony. The possible solution to this is the unification of the three provinces in Tibet with a single administration. The Kashag appealed to the Chinese government to bring the three traditional provinces under a single administration and urged to find a solution for the survival of the Tibetan people. With this hope is the CTA is pursuing the policy of Dialogue and negotiation with China.

The 2008 National Uprising ignited a sense of hope for the unity of the Tibetans in Tibet and in exile. The Central Tibetan Administration initiated a campaign to highlight the grievances and misrule in Tibet by the Communist China. The Tibetan saw this uprising as “a spontaneous outburst of public resentment built up by years of repression in defiance of authorities that are obvious to the sentiments of the local populace”. The Chinese policy of transfer of Chinese immigrant has also resulted in

cultural genocide in which the Tibetans form the minority there. (TPPRC 2008:22)
The Tibetans got increasingly assimilated into the larger Chinese population.

In the midst of the violence, His Holiness the Dalai Lama reaffirmed the commitment of the CTA in the Middle Way policy and call for dialogue to find a mutually acceptable solution for the Tibet issue. He clarified the suspicion of the Chinese claim by stating that “He had no desire to seek Tibet’s separation or to drive decision between the Tibetans and the Chinese. His only concern is the survival of the Tibetan people’s distinctive “culture, language and identity”. He urged the Tibetan people to keep peaceful protest and remind them that “our struggle is with a few in the leadership of the People Republic of China ...not with all the Chinese people”. He expresses his helplessness to stop violence if Beijing continues to use violent repression. He also justified the Tibetan people's right to protest and said he would not stop them unless China stopped the suppression and withdrew its armed police and troops (TPPRC 2008:22-23). While His Holiness further stated that if the Chinese government ends its repression of the Tibetan people in Tibet, here-affirmed that “he will make every effort to win the supporters of the Tibetan people” (DIIR 2016:168).

While the Chinese claim the 2008 protest as a well estimated plan by the ‘Dalai clique’, the CTA head, Kalon Tripa Samdhong Rinpoche rejected it as “absolutely baseless allegation”. He also alleged that “had the Chinese refrained from using brute force and allow the Tibetans to express their feelings peacefully, the situation would not have worsened” (TPPRC 2008:23). On the 6th April, 2008, CTA also set up Tibetan Solidarity Committee calling for different activities and action programme in support of the 2008 unrest through peaceful protest, relay hunger strike, prayer service and candle light vigils. The committee also sought among the exile community in major cities across the world in the Tibetan communities to carry out mass peaceful protest and other campaign. It tried to again gain support from the international community to stand up for the cause of Tibet.

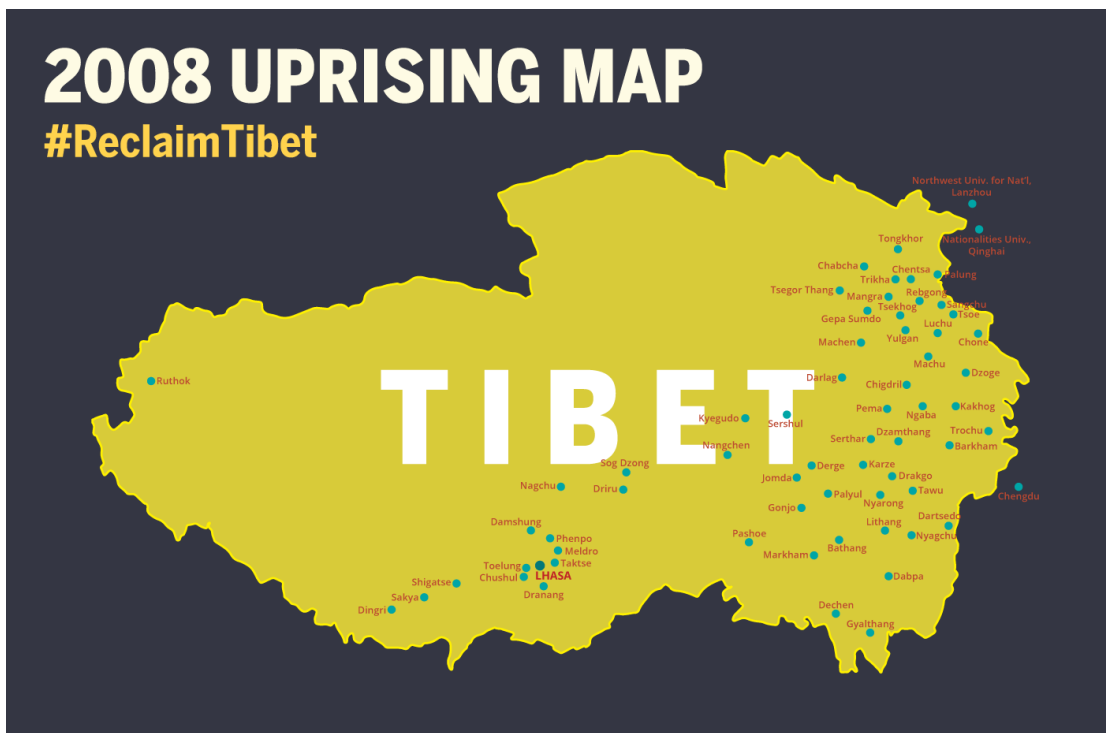
5. Dalai Lama’s stand on the Uprising

In spite of the Chinese accusing the Dalai Lama of instigating violence inside Tibet, the Dalai Lama has different stand regarding the use of violence by the Tibetans. In

his statement regarding the Tibetan Uprising, the Dalai Lama issued a statement on 14th March 2008 in Dharamsala-

“I am deeply concerned over the situation that has been developing in Tibet following peaceful protests in many parts of Tibet, including Lhasa, in recent days. These protests are a manifestation of the deep-rooted resentment of the Tibetan people under the present governance. As I have always said, unity and stability under brute force is at best a temporary solution. It is unrealistic to expect unity and stability under such a rule and would therefore not be conducive to finding a peaceful and lasting solution. I, therefore, appeal to the Chinese leadership to stop using force and address the long simmering resentment of the Tibetan people through dialogue with the Tibetan people. I also urge my fellow Tibetans not to resort to violence.”³ He was upset with the use of violence as it deviate his policy of non-violence. He threatened to resign from his position as the head of the Tibetan Government in Exile.

(Map: 4.3) 2008 Protest location in Tibet



(Source: Student for Free Tibet)

³ <http://tibet.net/2008/03/china-rolls-out-tanks-to-suppress-tibet-protests/>

6. PRC Response to the Uprising

With the protest that starts with a small number of monks from Drepung Monastery, it was seen as a protest by handful of monks which was doomed to fail. But the protest escalated into a worldwide protest by Tibetans and its supporters. It also questioned China's legitimacy of the occupation in Tibet. The brutalities and violation of human rights in Tibet got exposed and faced condemnation by the international community. In order to avoid further humiliation when the 2008 protest started, China expelled all the foreigners especially the media person from Tibet. The Chinese used the PLA forces to crack down the protestors where several hundred tanks were used for shooting the crowds (TPPRC 2008:19). In Lhasa curfew were imposed in which a martial law like situation was imposed. The PAP and the police forces conducted door to door riots in the Tibetan homes and rounded up in the streets and held them in a temporary detention camps. The troops also raided the homes and monasteries and took them away for detention. All the Tibetans who were not registered residents in the city got expelled. There was gross violation of human rights and civil liberties in order to curb the movement.

While it is not possible to give the exact estimation of the people detained, the Reuter reports of 1,000 Tibetans to face trials and sentences before 1 May 2008. On the 3rd September 2008, 42 Tibetans were officially tried in two batches on 29th April and 20-21 June 2008. There were also unofficial reports of lengthy sentences given to the Tibetans in the TAR and other inhabited areas (TPPRC 2008:21)

6.1. Threat to sovereignty

With the rise of violence and death of both the Tibetans and the Chinese inside Tibet, the Chinese government blamed the exile Tibetans leader, the Dalai Lama responsible for instigating riots inside Tibet. China's claim is based on the protest of the Tibetans against the Beijing Olympics by the Tibetans in India and also in other countries of Tibetan settlement. The Tibetans in India organised "March to Tibet" which was given with a name "Tibetan People's Uprising Movement" which was claimed by the Chinese as an act of the involvement of the 'Dalai clique'. The Chinese government

adopted a strict policy towards the Tibetans in order to legitimise the Chinese in Tibet.

a) The Chinese officials forced the Tibetans to denounce their loyalty towards Dalai Lama. In Kanze, Tibetan monks, religious leaders and other Tibetan government officials in Kanze TAP were required to sign a statement denouncing the Dalai Lama. The Tibetans were determined by the Chinese officials to criticize the Dalai Lama and his separatist policy

b) Patriotic education was introduced in order to educate the Tibetans and patronize the Chinese language.

After the 10th March protest, Tibet was in a state of repression under the Communist China. The Tibetans were subjected to house searches; the monks were locked inside the monastery and cut down the supply of food and water. The security force raided house at night and picked up suspects for interrogation in which case many of them never returned back to their homes. The arrested Tibetans were torture and put behind prisons and detention centres. The whole of Tibet was in turmoil and the government adopted repressive measures to bring the situation in control.

6.2 Re-introduction of patriotic education

After the protest, the Chinese adopted strong policy on Tibet with the re launched of the patriotic education campaign in the monasteries and the households were ordered to fly the Chinese national flag on their buildings (TPPRC2008:12). All monasteries were subjected to patriotic education and the anti Dalai Lama. The monks in the Drepung monastery who refused patriotic education were taken away by the security forces. The new education campaign has adopted the new theme “opposing separatism, safeguarding stability and promoting Development (Smith 2008: 27). The patriotic education campaign was first targeted to the Tibetan party members who were subject to strict political education. These party members were then expected to pursue the education campaign in the extended areas like the religious institutions-monasteries & nunneries, education institutions-schools and even at community institutions. (Smith 2008:28) All offices and work units were having a session on patriotic education. All present had to write an article to expose and criticize the Dalai Lama and criticize the “Dalai separatist clique”. They were forced to read out

the speeches naming Dalai Lama as the culprit and referred him as “Dalai” rather than the Dalai Lama. These campaigns were basically done in order to denounce the loyalty of the Tibetans to the Dalai Lama.

The campaign targeted the Tibetans to replace their allegiance to the Chinese were engaged in re-writing history of Tibet and engage several academics both Tibetan and Chinese were sent to various academic institutions. They were also sent to monasteries and the monks in the Polha Monastery in Sangchu, county in Kalho TAP of Gansu and demanded the monks to worship Shugden.⁴ This patriotic education has been widely protested by the monks and nuns.

6.3. Restriction of the photos of the Dalai Lama

The Chinese carried out the search and raids of those who were involved in the March protest and demonstrations. The Chinese government sees the whole incident as an act of the Dalai Lama and therefore works on targeting those Tibetans who are still loyal to the Dalai Lama. On the 18th April, 2008 in a press statement by *Kalon Tripa* Prof. Samdhong Rinpoche that the PRC carried out a systematic effort to create differences between the Tibetans and the Chinese by playing the politics of nationalism and hatred of “Dalai clique” to the Chinese people (TPPRC 2008:13). The security forces searches the photos of the Dalai Lama in the Tibetan homes and if found were forced to burn or destroy. The Tibetans who owned the photos of the Dalai Lama were sometimes arrested by the security forces. The security forces confiscated the photos of the Dalai Lama and even the school children were forced to condemn the Dalai Lama through their speeches and writings.

While violence is being condemned by the Dalai Lama, the Chinese government allow the use of force against the peaceful protesters. The Chinese government deny any Chinese government responsibility for the Tibetan discontentment. The Chinese officials and media have challenged the critics of China’s action in Tibet with ‘irrefutable facts’. The Chinese officials and citizens have aggressively attacked all the critics even those Chinese who express sympathy towards the Tibetans. The opinions in the internet favours for more repressive measures to be adopted to control

⁴ Also known as Dolgyal is a “Dharma protector” whose precise nature worldly Dharma protector. It is basically the worship of the protective spirits whose worship has been discouraged by the Dalai Lama. They form the opposition of the Dalai Lama and his activities.

the Tibetans protest. The Chinese media too focus more on the deaths of Chinese during the riots and denied any forcible repression of the Tibetan demonstrations and protest. China also charged the Tibetan Youth Congress (TYC) as inciting and advocating violence and also termed as a terrorist organisation.

7. 2008 Uprising in India

The 2008 uprising that started in Tibet swept across Tibet and beyond. On 17 March, 2008 Buddhist monks protested at a peace march at Jantar Mantar, New Delhi. The protest is to draw attention and to put pressure on China into creating peace.

(Figure : 4.1) Tibetan Monks joining the peaceful protest march in New Delhi



(Source: Thaopnguyen's photo blog)

The incidents inside Tibet regarding the protest of the Olympic Games in China swept across the Tibetan settlements in India. The Tibetan exiles in India formed the

Tibetans People's Uprising Movement (TPUM) and planned to organise a protest march to Tibet.

In protest against the Beijing Olympics, the Tibetans in India planned to organize a "return march" from India to Tibet. The march is a call for dialogue between the Chinese government and His Holiness the Dalai Lama. The president of the Tibetan Youth Congress, Tsewang Rigzin gave the statement that the march to Tibet is an initiative organized by the exiled Tibetans to strengthen the Tibetan resistance by taking the struggle home. The march will begin from Dharamsala on March 10 on the anniversary of the 1959 of the Tibetans the uprising and the goal is to reach to the Tibetan capital, Lhasa by the Olympics. This initiative is to test the Chinese government on their statement in the past that "the Tibetans are welcome to return to their home". The march is a campaign to show the Chinese and the international community that the Tibetans want to go back to their country (Asianews 7Jan 2008). This led to a major controversy in India as the government responded the Tibetans not to involve in anti-China activities and restrict the protest march to Tibet. On the 10th March 2008, a group of Tibetans started a marched from New Delhi to Lhasa but were stopped by the Indian police. (Muni 2009:7) The protest march was intended to start from the northern India to Tibet which was projected to end in six months to coincide with the opening of the Beijing Olympic Games. Due to the continued pressure from China, New Delhi issued a measured statement re-affirming that Tibet is a part of China and distances itself from demands of the Tibetans for Independence (The Hindu 16 March 2008). The march was suspended very soon after the Indian police arrested the Tibetans.

The Tibetans in India staged demonstrations across the capital to disrupt the Olympic torch rally. Ever since the Olympic torch arrives in New Delhi, the Tibetan protestors made an attempt to disrupt it. On the 17th of April, in the early morning when the Olympic torch was flown from Islamabad, 32 activist from the Tibetan Youth Congress blocked the traffic in which the protestors were arrested by the police and were taken to custody while another batch of protestors around 30 Tibetan activist and Indian supporters shouted the anti-China slogan and called for justice in Tibet. (Phayul 17th April 2008). The Tibetan protesters of around 276 were placed at

preventive arrest, 190 protesters were arrested and 86 were kept in the custody (rediff 17th April 2008).

(Figure: 4.2) Tibetan protesters against the Olympic Games in New Delhi



(Source: The Guardian)

7.1. India's stand on the 2008 uprising

On the March 13, 2008 the official spokesperson of the Indian Ministry of External Affairs gives the statement that “Government of India does not permit Tibetans to engage in anti-China political activities in India and the Government of India has the responsibility to maintain public order. Any activities which cause disruption would be dealt with in accordance with the laws of India”. The Indian government stands firmly not to allow any anti-china activity on its territory (IDSA 07 August 2008). Though India issued a strong statement, the Tibetans continue to hold a peaceful protest march in different parts of the country. On the 16 March 2008, the Tibetans protestors storm the Chinese embassy in New Delhi of which 50 Tibetans got detained by the Indian Police. There were another 200 Tibetans who sit for hunger strike in Jantar Mantar (ibid)

India could not adopt a strong policy due to the fact that it has its own issues like the Kashmir. The Kashmir issue calls for international attention due to the various human rights violations by the Indian army. In order to put the situation under control, India has responded Kashmir issue as internal issue. If India were to intrude on Tibet, Beijing could easily shift its position on the Kashmir issue. Due to this, no Indian government has ever extended political support to the Dalai Lama (Raghavan 2008: 11) It was the 1954 Panchsheel Agreement that recognises Tibet as “a region of China” and affirms its position in China. The 1954 treaty recognizes Tibet as “a region of China” and this has been the official stand of the successive government.

The Ministry of External Affairs, Shri Pranab Mukherjee gives the statement that “We are distressed by report of the unsettled and violence in Lhasa and the deaths of the innocent people. We hope that those involved will work to improve the situation and remove the causes of such trouble in Tibet, which is an autonomous region of China, through dialogue and non-violence means”(BBC 17th March 200) . The response of the Indian Government was criticized by the opposition party Bharatiya Janata Party as “an adequate response” and said that the house should condemn these incidents.

7.2. Support by the Indians leaders

While India is a strong supporter of the Tibet cause due to its long historical and cultural relations which the Indians have always treasured. In his address to the Lok Sabha, on the 7th December 1950, the first Prime Minister of India, Pandit Jawaharlal Nehru showed its support for the cause of Tibet to which he said “ It is not right for any country to talk about its sovereignty or suzerainty over an area outside its own immediate range. That is to say, since Tibet is not same as China, it should immediately be the wishes of the people of Tibet that should prevail and not any legal or constitutional arguments”. On the 24th October, 1962 the first President of India, Dr. Rajendra Prasad in his last speech gave a very strong stand in which he said:

FREEDOM is the most sacred boon. It has to be protected by all means –violent or non-violent. Therefore, Tibet has to be liberated from the iron grip of China and handed over to the Tibetans...

The Chinese invaders have plundered Tibet and destroyed its peaceful citizens. Tibet is nearer to India in religion and culture. We have, therefore, to try hard to rescue

Tibet from the bloody clutches of plunder and let its people breathe in fresh air. If China stealthily infiltrates our land, they should be ruthlessly turned back.

(DIIR 1998:2)

(Figure: 4:3) Indian Politician joining the peaceful protest march, New Delhi



In the 2008 protest, India political leaders like George Fernandes Ex- Defense Minister Member of Parliament and Kiran Rijju the present Union Ministers of State for Home Affairs

(Source: The Guardian)

On the International Convention on Tibet and Peace in South Asia, New Delhi, the then Member of Parliament George Fernandes delivered a keynote address in which he expressed his support for the cause of Tibet in which he stated, "For a patriotic Indians the question of Tibet cannot be just a mere concern for the plight of the Tibetan people and for their struggle for freedom. Tibet link with India goes back far beyond the recorded history...Tibet's independent status in world has a special relevance for India and her security as it has been a serving as a buffer between three great Asian powers-China, India and Russia" (DIIR 1998:79).

India and Tibet share the long historical relations with Tibet but India deeply involved in the Tibet issue only in 1959 after the flight of the Dalai Lama to India. The Indian leaders has so far support the struggle for Tibet but due to the increase bilateral relations between India and China India had to adopt a clear stand on China. On the Sino-Indian relations in 1976, India gave the assurance for the recognition of the “One-China” policy and would not allow the Tibetan factor to come in the ways with China to strengthen the bilateral understanding in the political and economic cooperation. Both India and China tries to improve their relations and work for the common goal of interest in economic prosperity.

In the 23rd June 2003 Joint declaration on “Principles for Relations and Comprehensive Cooperation between the republic of India and the People’s Republic of China. Both the countries foster for promoting the socio-economic development, maintaining pace and stability and enhance globalization. They also adopt a long term constructive and cooperative partnership and build a qualitatively new relationship.

- 1) Both sides are committed to developing their long term constructive and cooperative partnership on the basis of the principle of Panchsheel , mutual respect and sensitivity for each other’s concerns and equality;
- 2) As the two major developing countries, India and China have a broad mutual interest in the maintenance of peace, stability and prosperity in Asia and the world, and a mutual desire in developing wider and closer cooperation and understanding in regional and international affairs;
- 3) The common interests of the two sides outweigh their differences. The two countries are not a threat to each other. Neither side shall use or threaten the use of force against the other.
- 4) Both sides agree to qualitatively enhancing the bilateral relationship at all levels and in all areas while addressing differences through peaceful means in a fair, reasonable and mutually accepted manner. The differences should not be allowed to affect the overall development of bilateral relations (MEA 23 June 2003)

In Joint declaration, the Indian Prime Minister Shri Atal Bihari Vajpayee declared that “the Indian side recognize the Tibet Autonomous region as part of the territory of the People’s Republic of China and reiterates that it does not allow the Tibetans to be engage in the anti-China political activities. While the Chinese sides express its appreciation of the Indian position and reiterates that it is firmly opposed to any attempt and action aimed at splitting China and bringing about Independence of Tibet. The Indiansides recall that India was among the first countries to recognize that there is one China and its one china policy remains unaltered (ibid)

The March 2008 protest also reach India, a silent protest rally is being organised by the by Delhi University which was not much supported by the teachers and students but a number of Tibetan students. There were only three teachers and less than ten students amidst the one hundred and fifty Tibetans. The low count on the support from the Indian was not unusual as it is the same in most of the cases on issues regarding Tibet (Oberoi 2008: 80) There are a small but significant minority of Indians who have supported the cause of Tibet while majority of the Indians are not bothered about it mainly due to the fact that the Government of India considered Tibet as a part of China. It can also be due to the fact that we are infested with our own internal problems that we do not have space for other issues.

7.3. India’s response to the 2008 unrest

While India has been generous towards the Tibetan refugees, India strictly follows the policies stating that Tibet is an autonomous region in China. Indian Government followed a consistent policy in regard to Tibet considering that it is an autonomous region of China. Though India’s official stand is clear, due to its strong historical and cultural relations India is sympathetic towards the Tibetan refugee in India. Tibet is important to India due to its geographical location as it serves as a buffer zone between India and China. Time and again, the Parliament witnessed the Tibet issues while dealing with is relations with China.

On the 10th of March 2008, the Tibetans planned to have a protest march from New Delhi-Lhasa but were stopped by the Indian police. On the 17th April, on the day of the Olympic torch rally, 15,000 police were posted on duty and much of Central

Delhi got sealed in order to avoid the protest and allow for a smooth rally (Guardian 17 April 2008)

(Figure: 4.4) The Tibetan Protestors during the 2008 Olympic Games



(Source: The Guardian)

While India also faced the unrest due to the protest of the Tibetans who are settled in different parts of the country, India's Foreign Minister Pranab Mukherjee warned the Dalai Lama against any political activity that damages India's relationship with China. He further said, Dalai Lama is allowed to preach religion in India and not practice politics. The Dalai Lama would continue to be welcome in India (SAJA forum 2008)

On the unrest in Tibet, Indian Foreign Minister Pranab Mukherjee gave a statement expressing Indian concerns, "We are distressed by reports of the unsettled situation and violence in Lhasa and by the deaths of innocent people. We hope all those involved will work to improve the situation and remove the causes of such trouble in Tibet, which is an autonomous region of China, through dialogue and non-violent means" (BBC 17 March 2008).

In the 2008 protest, a number of questions were raised in the Parliament regarding the protest of the Tibetan refugees in India. An Indian MP from Jharkhand, Shri Yashwant Sinha raised an important question during the session in the Rajya Sabha questioning the stand on India. He argued that, Dalai Lama is an honored guest and questioned the Indian Government regarding the acts of the police who tried to bring down the peaceful demonstrations by the Tibetans. He urged the Government to put an end to the repression carried out by the Chinese authorities in Tibet. (Rajya Sabha Debates, 17March 2008). While India can maintain her relations with China but that does not mean she would surrender her vital national interest. India shared long historical and cultural relations with Tibet and India cannot remain a silent spectator on the turmoil that is going on in Tibet. He further urged the Government of India, the House and the people to ensure the end of suppression in Tibet (ibid).

7.4. Rajya Sabha Session on the 2008 unrest

Q No. 456. Demonstration by Tibetans

24 April 2008

SHRI PYARELALKHANDELWAL: Will the Minister of EXTERNAL AFFAIRS be pleased to state:

Whether the attention of Government has been drawn towards the conflicts taking place between China and Tibetans in Tibet;

Whether it is a fact that Tibetans have demonstrated in many parts of India to protest in that regard;

If so, the details thereof;

Whether it is also a fact that Tibetans have been asked by Government to curb their political activities in India; and

If so, the reasons therefore and the role of Tibetans in the country?

THE MINISTER OF EXTERNAL AFFAIRS (SHRI PRANAB MUKHERJEE):

(a) Yes,

Sir.

(b) and (c) The Tibetan refugee community in India has demonstrated peacefully in many parts of India including, inter alia, in Himachal Pradesh, Goa, Karnataka, Arunachal Pradesh, Jammu & Kashmir, Uttarakhand, Meghalaya, Assam, Union Territory of Chandigarh, Uttar Pradesh, Maharashtra, West Bengal, Orissa and Tamil Nadu.

(d) and (e) Government of India recognise the Tibet Autonomous Region as part of the territory of the People's Republic of China and do not allow Tibetans to engage in anti-China political activities in India

With the instruction of the CTA urging the Tibetans to organise the peaceful rally in all the Tibetan settlement areas in solidarity with the Tibetans who were fighting for the cause of Tibet. The Tibetans organised the Peaceful demonstrations were carried out in different parts of Tibetan settlement in India with major protest being held in Delhi.

(RajyaSabhaDebates, 24 April 2008)

Q.No. 3917. Demonstration by Tibetans in India

30 April, 2008

SHRI SHREE GOPA

SHRI RUDRA NARAYAN PANY:

Will the Minister of HOME AFFAIRS be pleased to state:

The details of places where Tibetans have held demonstration for freedom;

The number of demonstrators arrested;

Whether the demonstrators were holding peaceful demonstrations;

Whether they have submitted memoranda; and the action being taken by the Government on these memoranda?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI SHRIPRAKASH JAISWAL):

(a) to (c) As per available information, Tibetan groups held protest demonstration/agitations in various parts of the country including Delhi and parts of Himachal Pradesh, Karnataka, Jammu and Kashmir, Arunachal Pradesh, Uttarakhand, Maharashtra, Goa, Tamil Nadu, UP, Gujarat, West Bengal, Assam, Meghalaya, Sikkim etc. Over 680 Tibetans were reportedly arrested in different places, mainly in Delhi and Himachal Pradesh. These demonstrations/agitations were by and large peaceful.

(d) and (e) some memoranda were submitted on different occasions. To the extent that they may concern the Government of India, action would be taken in the light of the policy pertaining to Tibetan Refugees in the country (Rajya Sabha Debate, 30 April 2008)

Tibetans movement for freedom has been for more than six decades now and it is the responsibility of the Indians to help them with a solution to the problem. But India so far could not take a firm stand on Tibet due to its quest for better relations with China. Tibetan activist, Tenzin Tsunde is of the opinion that “Leave alone the Chinese but even Indian Marxist has never tried to understand the Tibet issue. Despite our living in India for the last 50 years, there has never been a sincere effort on their part to engage with the Tibetans. They still harbour ill feelings for our community and view it through an extremely stereotypical and narrow perspective. For them, Tibet was and still is a feudal society. Therefore, the Communist takeover was, and still is fully justified” (Oberoi 2008 :81) The Chinese always claim that they have liberated Tibet from the feudal society and do not want to admit the past wrong acts of the Chinese during the Liberation process. According to Lhasang Tsering, “If British imperialism is wrong; if radical subjugation is wrong, if colonialism is wrong, then so is the occupation of Tibet by the Chinese wrong... it is the same as the British had no right , they may have introduced several reforms like abolition of Sati...but it was not their business. India would have done it herself in her time. Similarly the Chinese have no right to dictate the Tibetans. There must be no confusion about their intentions; it is naked and stark colonisation” (ibid).

8. Post 2008 Uprising

After the 2008 Olympics, China is once again willing to engage with Tibetan Government in Exile for dialogue. Though the Dalai Lama Middle Way policy is being widely supported by the Tibetans, it has not brought substantive progress in the last 20 years (Burke 2008) Though the Tibetans tried to use the 2008 Olympics as a platform to embarrass China and seek world sympathy and attention. Yet none of their efforts achieved significant attention to put Tibet in the spotlight.

The 2008 Tibetan uprising show the resentment of the Tibetans inside Tibet against the Chinese rule. It also shows the Tibetans rejection to the legitimacy of Chinese rule over Tibet even those in exiles. It also revives the self determination of the Tibetans and the demand for greater autonomy. The uprising shows the rejection of Chinese rule inside Tibet and the desire of the Tibetans to retain their own identity and culture. It unites the Tibetans inside Tibet and also those in exile and stood for the common goal of self Independence and ends the occupation of China.

(Table: 4.1)Report of Tibetan Newly Arrivals from Tibet (2003 to 2017)

YEAR	NUMBERS
2003	1498
2004	2495
2005	3271
2006	2579
2007	2328
2008	633
2009	740
2010	805
2011	744
2012	321
2013	163
2014	88
2015	92
2016	127
2017	15

(Source: Department of Security)

The table shows the drastic decline in the number of new arrivals in India from thousands to hundred. In 2007, a new arrival of Tibetans in India is 2328 while in 2008 it goes down to 633. This is due to the 2008 protest in Tibet in which the Chinese adopted strict rules at the border which makes it impossible for the Tibetans to flee for freedom. Besides, the Chinese also adopted different repressive measures to the Tibetans to control the protest.

8.1. Eradicate Tibetan identity

For China, the uprising led to a stronger determination to eradicate the Tibetans national identity as it posed a threat to the China's territorial integrity. It aims to eradicate all Tibetan autonomy and resolve the issue of Tibet through colonization and assimilation. Thus the threat to the survival of the Tibetan culture and their identity is greater than ever before (Smith 2008:9). The Chinese later adopted the policy of "patriotic education" and put pressure on the Tibetans to denounce the Dalai Lama. The monks were forced to denounce their spiritual and temporal leader the Dalai Lama and pledge their loyalty to the Chinese government. The Chinese government also increases the presence of the military force inside Tibet in order to prevent another uprising by the Tibetans.

8.2. China's influence the International Community

China responded the Tibetan uprising with a new diplomatic offensive aimed at coercing foreign critics to change the very perception of the Tibet issue. It had successfully conducted the Beijing Olympics inspite of the boycotts by the Tibetans and its supporters. It stressed on the claim that Tibet is an internal matter and needs to resolve between the Tibetans and the Chinese. With the successful completion of the Olympic Games, China emerges as a world power and therefore, asserts its power and authority among the nation states. It also openly criticizes the exiled spiritual leader and ends the dialogue process with the Dalai Lama. China also urge other nations to no longer allow the Dalai Lama for official visits and meeting and termed him as an 'anti-China'. With the hope of the political and economic power, China expects other nations to comply with its demand and coerce the international community to come into conformity with his position. Due to China demand, many countries were forced

to meet the expectations of China and question the Dalai Lama and the Tibetans the legitimacy of their demand for self determination and greater autonomy.

8.3. Adoption of repressive measures

The 2008 uprising though caught international attention and sympathy towards the Tibetan inside Tibet and outside, China become more stubborn on its stand on the Tibet issue. The Tibetan protest shows the manifestation of the rooted resentment of the Tibetan people under the present governance (Burke 2008: 82). The protest led to the deaths of the monks and the lay people but the Chinese denied the validity of such claims of discontentment. China adopted the repressive measures and attempts to eradicate all oppositions within Tibet. It adopted coercive diplomacy in order to eliminate all the criticism by the international community regarding the excessive use of force and the human rights violation inside Tibet.

8.4. Response from the international community

The 2008 Uprising received an unprecedented governmental support from the international community – the government, parliamentarians from across the world. Beijing came under the strong pressure from the international community to resolve the Tibet issue through Dialogue with the Dalai Lama. The world community condemned China for its over-excessive use of force to crack down the peaceful protestors and the human right violation.

On March 20, 2008, 46 Nobel Laureates condemned by raising their concerns against the violent crackdown on the Tibetan protestors and urged the Chinese government to engage in a meaningful dialogue with the Tibetans and address their legitimate. (TPPRC 2008) Over 40 athletes of the 127 global athletes of the Beijing Olympic called for the President to seek peaceful solution for the Tibet issue and improve the human right situation there. Among the athletes, the Polish weightlifting silver medalist Mr. Szymon Kolecki shave his head while competing as an expression of solidarity with the monks in Tibet. Another athlete, Imke Duplitzer boycotted the opening ceremony as a protest against the Chinese policies in Tibet and Darfur, a Australian cyclist was one of the most vocal critics of China's Tibet policy (TPPRC 2008:24)

Due to the support from the international community, the world community urges China to have dialogue with the Dalai Lama and come into terms with the Tibet issue. The Tibetans also learned that the demand for Independence or greater autonomy was essential for the preservation of the Tibetan National Identity. (Smith 2008:9) Thus, the Tibetans realized that the threat to the survival of the Tibetan culture and identity should be to focus on the Tibetans.

9. Revival of unity among the Tibetans in Tibet and in exile

The 2008 uprising showed the Tibetans both in Tibet and in exile had a sense of nation hood and a common struggle. It also exposed the Chinese government brutalities and human right violation in Tibet. The Chinese claim of sovereignty over Tibet is on question once again with the call of Independence.

The Tibetans have to revive their national identity as that will devote their legitimate claim on right to self determination too. The 2008 protest do unite the Tibetans both in Tibet and exile and shared a sense of feeling of fighting for the common cause. Both India and China used its repressive measures to curb the protest movement. Thus, we see a case where India and China will continue to foster their relations while undermining their differences on various issues. In the past, protests and rebellions have been, at least initially, about local issues, and even when they involved larger Tibetan issues, they were isolated by issues, space and time. In 2008, not only did the Tibetans protest on the same day, they were united in their concern for Tibetan identity and rights and the Dalai Lama's exile.

CHAPTER 5

TIBET FACTOR IN INDIA-CHINA RELATIONS

Introduction

The Chinese suspicion regarding the India's intention deepened after India's nuclear test. The Tibet issue got further complicated after the flight of the UgyenTrinleyDorje's flight from Tibet into India. In January 2000, the Karmapa lama, who is considered the third highest lama after the Dalai Lama and Panchen Lama. The Karmapa Lama possesses legitimacy he is recognised by both the Dalai Lama and the Chinese Government. He also received patriotic education from China and is popular among the Chinese. In spite of this, he fled from Tibet and reaches India in January 2000 which causes much of an issue between India and china. His arrival not only cause embarrassment for China but also shows the failure of China's patriotic education to indoctrinate the Tibetan leaders. (Fang 2014:67) It also poses the instability and obstacles in China's quest in defending its sovereignty and territorial integrity (ibid). The Karmapas flight led to international attention on China's position in Tibet.

China's Human Right violation in Tibet is widely criticised by the international community against the flight of the Karmapa Lama lead to a doubt on China for its action in Tibet. According to the reports in The Associated Press, China claimed that the young Karmapa Lama did not escape but went to India to retrieve the religious artefacts, musical instruments and rituals hats in the Rumtek Monastery in Sikkim. These instruments were claimed to be used by the previous Karmapa Lama. This according to the Chinese did not mean a betrayal to the state, the nation, the monastery and the leadership. (Fang 2014: 68) This whole incident leave China in a state of shame and disappointment as China believes that the presence of the Karmapa Lama legitimate their claims in Tibet. The Karmapa Lama decision to leave Tibet and join the Dalai Lama damage Beijing's plan to resolve Tibet issue without the Dalai Lama. It was China's plan to replace the Dalai Lama with the Karmapa Lama to be the leader of the Tibetans (ibid) China's plan of using the Karmapa Lama against the Dalai Lama but also make him the successor of the Dalai Lama..

For the Chinese, the death of the Dalai Lama will bring to an end the fight of the Tibetans against Chinese. China in fact did not want to get engaged with the Dalai Lama for negotiations as he will not live long and his death will resolve the Tibet issue forever. Beijing believed that the Tibetan question will cease to exist once the Dalai Lama passed away. (Fang 2014: 69) All the hopes of China shattered once the Karmapa Lama fled Tibet and joined the Dalai Lama in India.

1. Historical accounts of India-China relations

India has historical relations with Tibet through its cultural, religious and trade exchanges. Tibet maintains cordial and peaceful relations with her neighbours and remains an independent nation until the People's Liberation Army marched in to Tibet in the eastern province of Kham and Amdo in 1949. China declares this as the 'peaceful liberation of Tibet' from the serfs and serfdoms while for the Tibetans it is an occupation by Communist China. The Communist China imposed the so called 17-Point Agreement on measures of Peaceful Liberation of Tibet. This led to a violent protest inside Tibet and that led to the National Uprising in Lhasa in 1959. The People Liberation Army successfully crushed the protest and their spiritual and political leader flees to India. With this, the Communist China complete their task of keeping their hold in Tibet once again and still did not leave it from their control in spite of the repeated attempts by the Tibetans and the International community for negotiations and dialogue on the issue of Tibet.

Before the Chinese occupation, Tibet was known as a land of peace and serve as a buffer between the two neighbours, India and China has peaceful relations with her neighbours. The advancement of the Chinese communist army in Tibet crushed the old Tibetan institutions and completely changes the history of Tibet. The question of Tibet still remains a prominent territorial conflict. The Chinese authority stands firmly on the belief that Tibet has always been a part of China and therefore is inalienable part of China's territory. While the Tibetans and their supporters assert that Tibet exist as an independent sovereign state prior to the Chinese occupation. While this two has the conflicting views on Tibet, India under the leadership of Nehru followed the British policy in Tibet and therefore regarded Tibet as "a de facto independent state" and criticize the communist China's invasion. (Mehrotra 2000) After India got its

Independence, India inherit all the rights and privileges in Tibet from the British and enjoyed the special status until the Chinese Military take a control over Tibet.

1.1 Shimla Agreement

The PRC is being question for its human right violation in Tibet but every country wants to be friendly with China for its own national interest. The border problem between India and China is certainly due to the Tibet issue. It is the McMahon line which was signed by British India and Tibet in 1914 that serves as a boundary between India and China. The 1913 Shimla Conference was convened concerning the status of Tibet negotiated by the representatives of British India, China and Tibet. According to this agreement, Tibet was divided into “Outer Tibet” and “Inner Tibet”. The Inner Tibet include the areas in U-Tsang, western Kham region will be under the hands of the Tibetan Government in Lhasa while the areas like Amdo, eastern Kham will be under the Chinese administration. The Shimla Agreement was signed between British India and Tibet while the China rejects the Shimla Accord. Due to this, the British India and Tibet negotiate the boundary without consulting the Chinese delegates and sealed the bilateral agreement between British India and Tibet through the McMahon line. This line which was drawn out of the tripartite Conference was officially been rejected by China. In the Shimla Conference of 1914, Tibet had the “treaty making power” and that is the reason for the signing the international boundary i,eMc Mohan line with India . It is the McMahon line the Indian Government claimed it as the eastern boundary which is still a controversy between India and China.

1.2 The first Asian Conference

The first Asian Conference was organised in March-April, 1947 in New Delhi with its objective “to bring together the leading men and women in Asia on a common platform to study the problems of concern to the people of the continent, to focus attention on social, economic and cultural problems of the different countries in Asia, and to closer mutual contact and understanding” .In this conference, Tibet was given separate invitation which displease the Chinese. India invitation to Tibet as Independent state that led to a controversy between India and China. Dai Jitao, one of the prominent national leaders who were supposed to lead the Chinese delegation

declined the invitation from Nehru. Dai is of the suspicion that the separate invitation to Tibet as Nehru's having some secret motive in mind. Thereupon, Dai asked the Tibetan authorities to send their delegation together with the Chinese delegation and the National Government of Nanjing offered to pay their travelling expenses. But this was too late for the Nanjing Government to prevail over Tibet (Yang 1987:408).

Due to the opposition by China, India removed Tibet from the list of the invited Independent countries and was not listed at the conference. Though the Conference was meant to be not political, due to China's stand on the issue of Tibet, it turn out to be a political affairs with the demand of the delegates from China pressure Nehru that unless the map in which Tibet is shown outside China is being corrected, China will withdraw from the conference. Due to China's strong demand, Nehru agreed to amend the map and Chinese Observer, George Yeh painted the map of Tibetan region in the same colour as that was used for China. To the Chinese nationalist, Tibet has been a part of the frontier China since the Qing dynasty and the Tibetans were officially recognised as one of the chief national minorities of China (Yang 1987).

After few months of the Asian Conference, India got its Independence from the British on 14th August 1947, Tibet thus demand the return of the Tibetan territories annexed under British India. Thus by claiming those territories, Tibet as disputed the Mc Mohan line, a map that divides India and Tibet based on the 1914 convention. China used this as an opportunity to question the legitimacy of the Mc Mohan line and called McMahan line as the product of the British policy of the aggression against the Tibet region of China (Yang 1987: 4111) According to Maxwell, the "Tibetans regarded the McMahan boundary as the package deal, in which they were to be compensated for the cession of some territory to the British help, a satisfactory boundary with and a large degree of independence from China. Since the British had failed those complementary concessions the Tibetans argued that they could not held to their agreement on the McMahan Line" (ibid: 412). If the accounts made by Maxwell is true then Tibetan demand for the return of its territory not only question the MacMohan line but also challenge India's integrity as states such as Darjeeling, Sikkim, Arunachal, Ladakh will be a disputed territory. Thus KPS Menon, the first ambassador to Nationalist China made a strong statement that "the Government of India simply took the McMohan line for granted". In 1949, India and Tibet had a talk

on the Tibetan Trade Delegation, China express its concern and Indian Ambassador to China, KPS Menon assured that “ India had no intention whatsoever of subverting the integrity of China’s sovereignty and territory. India could not imagine doing anything to upset china at such a difficult time” (ibid 414) .

1.3 The Panchsheel Agreement

After the Chinese occupation of Tibet, Nehru adopted a policy which favours for better relations with China. Thus between 1950-1953, there was a series of diplomatic exchanges between India and China that led to the signing of the Panchsheel Agreement with China in 1954. Since then, Nehru terminology of Tibet changed significantly and Tibet came to be regarded as a province of China (Arpi 2000) Nehru saw China not only as powerful neighbour but which needed to be placated, but as representing a key ally ‘destined to lead the emancipation of hitherto dependent Afro-Asian countries’ (Chaturvedi2004 :79) However such optimism was premature as the Panchsheel Agreement did not last long as China violated the principle of the Panchsheel Agreement. In 1962, the Chinese army enters into the Indian territory in the north eastern part of India. This led to the rise in border conflict between India and China. It is only through the increasing economic interactions in the recent years that Sino-Indian diplomatic relations has begun to be ‘normalised’ (Mehrotra 2000: 65)

1.3.1 India lost its diplomatic contact with Tibet

Since the signing of the agreement of 1954, India lost the direct diplomatic contact with Tibet. The Chinese leader Mao Tse-tung assured the Dalai Lama that Tibet would enjoy special autonomy which no other Chinese provinces enjoyed (Ram 1969:92) Since 1960’s, Indian officials have repeatedly declared the acceptance of Chinese rule in Tibet (Mazumdar 2006: 4325) Indian government took a consistent stand on Tibet is an autonomous region of China. According to the constitution of China, the head of each autonomous entity in China must belong to the majority ethnic groups that are settled in that autonomous city. The constitution also guarantees the autonomy entities a range of rights such as independence of finance, independence of economic planning, independence of arts, science and culture, organisation of local police and the use of local language in these entities (ibid). Through the Constitution of the people Republic of China calls for the rights of the autonomy entities, there is

little or no autonomy in the real sense. Instead the communist China has captured all the power and authorities and restricts the people for claiming these rights.

1.3.2 Abandonment of India's Tibet Policy

The 1954 policy of India was strongly criticized and also called the policy of 'abandonment of Tibet' and the signing away of Tibetan autonomy by the Government of India. According to this treaty, the Government of India pledged itself *inter alia* to respect the territorial integrity of China and also to refrain from interfering in its internal affairs of China. The signing of the Panchsheel Agreement brought a controversy in the Indian Parliament as it equally withdraws all rights India had on Tibet which was passed through the British. The then Prime Minister, Nehru had to justify in the parliament that the treaty with China was basically on the policy that 'No one should invade the other'. Due to its interest in building relations with China, India thus gave up its special rights in Tibet and continue to faced the brunt of it till now with unsettle boundary disputes with China. Both sides have made special claims and that led to a standstill in their talks and negotiations.

Nepal too had followed the same policy with China and recognises the Chinese Sovereignty over Tibet. On 20th September 1956, Nepal signed an agreement to maintain friendly relations with the Government of China. The following year, in 1957 Nepal signed the agreement on "Trade and Intercourse between the Tibet Region of China and Nepal". This agreement relinquished the special rights it had enjoyed in Tibet under the Nepalese Tibetan Treaty of 1856.¹ With this treaty, Tibet lost its status as an Independent country and lost its existence. It also undermines the long historical relations between Nepal and Tibet. China felt that India had a strong interest in Tibet and also charge the Tibetans exiles of using an Indian territory such as Kalimpong as the centre of rebellion.

2. The Chinese Occupation of Tibet

In 1949, the Communist came into power in China and soon after the People's Liberation Army entered into Tibet and claim that 'Tibet is an integral part of China'.

¹ The 1856 Nepal-Tibet treaty also known as the treaty of Thapathali give the power of the Nepal's government (Gorkha) a salami of rupees 10,000 anually permitted to station an envoy in Tibet, allowed to keep their trade marts in Lhasa with the right to trade etc

While the Communist China justifies the entry of the People's Liberation Army as done in order to liberate Tibet, defend the frontier of China (Guruswamy 2003:4103) . While for India, Tibet is a buffer zone and this is the centre of India-china dispute. Beijing sees this as India's effort to make Tibet an Independent state. According to the Chinese archives, the misinterpretation of the India's design to create Tibet an Independent state is also one of the reasons for the 1962 war between India and China (Raghavan 2008:12) It was only in the 2003 Agreement, which reiterated the recognition of the Tibetan Autonomous Region as a part of China. This narrow interest of India to comply with China risks its own claim on the Tibet region.

With the occupation of Tibet in 1950, China got the opportunity to exercise its geostrategic influence over the south Asian region and in turn could challenge Indian dominance in the region. For India, the occupation of Tibet end its buffer zone and crippled the security is its northern frontier. But India could not stand up against China and therefore signed the agreement that took away its special rights in Tibet (Mazumdar 2006: 4325) The position of China in Tibet is being under question and also protests movements both in inside and outside Tibet. The issue of Tibet has gained international attention due to the violation of human rights in Tibet. The Chinese governments have always been concern about the nationalist movement based on ethnicity and religion within china outlying provinces (ibid). For a long time, India deliberately avoided condemning China human rights records and its occupation in Tibet.

2.1 Boundary dispute between India China

The relationship between India and China in the 21st century will continue to be characterised by rivalry and peaceful competition. Since the 1950's India and China relations which was characterised by mutual distrust and hostility. Tibet became a bone of contention between the two sides for several decades. It was Nehru who coined the 'Hindi-Chinibhai-bhai' which literal translation means (India-China brotherhood). While discussing the relations between India and China, the centrality of Tibet can never be ignored as the border conflicts between India and China occur due to Tibet. Before the occupation in 1950, Tibet used to be the buffer zones between the two Asian giants and shares peaceful relations with both the countries. India-china rivalry occurred with the Chinese occupation of Tibet that end the direct

contact between the two countries and the indo-Tibetan border became India-China border. With the completion of the annexation, the People Liberation Army was at the door step of India's northern borders. The Chinese refused to recognise the boundary that was demarcated between British India and Tibetan officials. Due to this, there is a constantly territorial disagreement between India and China.

For a long time India has deliberately avoided condemning China's violation of human rights due to its desire for improvement in their relations with china. India is sensitive about the issue of human rights because of its own record in Kashmir which is less than perfect. One of the primary reasons for the failure of India –China relations is the border disputes which primarily is the status of Tibet. The boundary dispute forms the important argument between India and China. It was the 1954 Agreement that marked the recognition of China's position in Tibet.

2.2 Round of Talk on border disputes

On 24th march 2015, the 18th round of talk between the special representatives of India and China on the boundary question was held in New Delhi. The Indian side was represented by National Security Advisor AjitDoval and the China side by Yang Jiechi, state councillor of China. The main highlights of the 18th Round of talks is the agreed to maintain peace along the Himalayan border till an amicable solution to pending border disputes is found. Both the parties also agreed to expand their bilateral relations in other areas such as railways, smart cities, skill development and renewable energy.

The border dispute between India and China is the disagreement over the 4056 kilometres Indo-China border which is also called the Line of Actual Control. (LoAC). China claims more than 90000 sq km in the eastern sector of the Himalayas which is in the eastern state of India, Arunachal Pradesh. India claims that China also occupy 38,000 sq km of its territory in the Aksai Chin plateau in the west (JagranJosh 25March 2015). In 2016 the 19th rounds of talk was held in which both sides try to solve the border issue. The Chinese side claim that the border dispute is confine to the 2000 kilometres of area in the eastern sector which China hold the claim as Southern Tibet . The National Security Advisor AjitDoval held annual talks with the Chinese counterpart Yang Jiechi to discuss the road ahead to resolve the dispute. On the

border disputes, officials of both sides made an attempt to avert tension along the 3,488 kilometer long Line of Actual Control. These areas remain undemarcated due to the rise of tension between the two sides. For China, the border dispute is mainly in the eastern sector which it claims to be a part of Southern Tibet. The border dispute is confined to the 2,000 kilometres mainly Arunachal Pradesh which India's position is under challenge by China. The Chinese ministry statement, both sides agreed to adhere to "peaceful negotiations to settle the boundary question through fair, reasonable and mutually acceptable solution (20th April 2016).

3. The Strasbourg Proposal

In the Strasbourg proposal Dalai Lama explained that, "Historically, the relation between India and China was never strained. It was only when the Chinese marched into Tibet, creating the first time a common border that tensions arose between the two powers, ultimately leading to the war. Since then numerous dangerous incidents have continued to occur. A restoration of good relations between the world's two populous countries would be greatly facilitated if they were separated as they were throughout history by a large and friendly buffer region (Zhao 1996:255). The Strasbourg proposal put forward the position of Tibet to be a buffer zone between India and China. India also made a similar proposal for the demilitarization in Tibet i.e. China to withdraw its military base from Tibet and India also withdraw its troops on the areas bordering Tibet. The demilitarisation in Tibet is mostly championed by Tibet and India but never was the policy for China. Tibet for China is an integral and inalienable part of China and Beijing will not compromise its position.

According to the Chinese official population data (1990), there are 2,090,000 Tibetans and only 100,000 Hans in the region (Zhao 1996: 256). While the Tibetan sources claim the Han Chinese is the majority in Tibet and the local community faced the threat of the Han Chinese controlling all the means of governance and economy of the region. The TAR which include Amdo, Kham and U-Tsang have witness the rise of Han Chinese in these regions. The Amdo/Qinghai is now Han dominated and in the east and north-east there has been substantial shift in favour of the Han and Qinghai and its neighbouring areas are more Han than the Tibetans. It is only the west and central Tibet that has Tibetan majority. In these areas to witness the rise of the Han

Chinese but they have no intention of settling, they were there due to the requirements as to perform the various functions of the government (ibid 257) .

3.1. De-militarization in Tibet

The demilitarization of Tibet could help Beijing meet its political and military goals for Tibet as this will result in the reduction of the presence of Indian army in the region. This in turn will reduce the economic burden of maintaining large forces along the disputed territory as well as Indian threat to Beijing's control over Tibet. The presence of the Indian army in the border areas of Tibet is seen as a threat to China's control over Tibet. After the 1962 war, India reorganised the military and expand its forces along the border areas. The increase of forces along the disputed lines cause concern to china's due to its position in Tibet (Zhao 1996: 257) China has strong concern for her position in Tibet due to historical claims, any change in the scene or the withdrawal of the forces in Tibet would mean the end of Beijing rule over Tibet. It will have direct implications of China territorial integrity and will faced challenge from the other minority communities which will destabilize the country. Due to this fact, China has chose to oppose the demilitarization process and this will in turn challenge the Chinese position in Tibet.

For India, demilitarization is seen as their favour as this will withdraw the presence of Chinese border in the border areas and also the disputed territory like Arunachal Pradesh and Ladakh region will be secure. The demilitarization in Tibet will drastically reduce the threat of Chinese incursion into India. But the Indian government main concern for demilitarization is the legal position of Tibet. The Indian government is sympathy towards the Tibetan cause and is giving the support to the Tibetans. China has a strong expectation on India for its stand in Tibet cause. China infact wants India to disavow itself from the Tibetan cause and prevent the campaign of the Dalai Lama for Independence or autonomy.

4. China's Interest in Tibet

There are four main reasons for China's attachment to Tibet- i) the sense of tradition and loyalty to the past that prevents China from diluting its presence in Tibet; ii) the maintenance of the overall territorial and national integrity; iii) the importance of China's overall military strategy, the utility of the Han Chinese presence that maintain

China's position in the Qinghai to the west and Yunnan-Sichuan to the south ; iv) Tibet's economic potential (Zhao 1996:256) China's current position in Tibet is primarily political, military and psychological due to the adherence to the historic tradition and territorial integrity.

With Tibet's Independence, China's territorial integrity will be threatened and the China will faced serious concerns from other minority community. Thus, Tibet is a political issue that concerns China's national security; the Chinese government cannot afford to yield the pressure for Tibetan Independence (ibid). Besides these, China also has vital interest in Tibet due to regions rich in natural resources and Tibet being the source of water for the major rivers neighboring China. The area in Tibet is the second largest province of China with an area of 1,200,000 sq after Xinxiang and is sparsely populated. Due to this, the Chinese government adopted the state sponsored entry of the Han Chinese into Tibet and now the Han Chinese are more in number than the Tibetans.

4.1 . Chinese Militarisation in the border areas

The Chinese militarization in the border areas of Tibet in seen as a policy design by China to expand their control in the Indian border areas. India strongly opposed the advancement of China in the border areas and continues to face border disputes since then. The Chinese also develop of Military base in Tibet which was seen as a threat for India. A series of events led to the deterioration in their relations and that led to the Chinese aggression on India in 1962 which is commonly known as the Sino-Indian war 1962. The main reason for this is seen as India's signing away of the Tibetan Autonomy in the 1954 Agreement cause its instability in the Himalayan border. It was only with the Chinese occupation of Tibet that India and China shares the boundary. Tibet always used to be the buffer state between India and China and there is no record of disputes between India and Tibet regarding the boundary. India Tibet relations were known for being peaceful and cordial mainly due to its historical and religious ties. Due to Tibet's strategic location, unless there is a resolution of the problem in Tibet, the problem between India and China is inevitable and will continue to strain India-China relations.

5. India's policy on Tibet

The discussion in the Indian Parliament regarding the development in Tibet is seen as interference in its internal affairs. This accusation was strongly condemned by Nehru and the claim of China was termed as void of substance and unbecoming. He defends the Lok Sabha discussion by claiming that the 'Lok Sabha has the right to discuss any subjects as it thought fit'. He further declared that "we have no desire to interfere in Tibet; we have every desire to maintain the friendship between India and China; but at the same time we have every sympathy for the people of Tibet, and we are greatly distressed at their hapless plight. We hope still the authorities of China in their wisdom will not use their great strength against the Tibetans but will win them to friendly cooperation in accordance with the assurances they have themselves given about the autonomy of the Tibet region. Above all we hope the present fighting and killing will cease".

Nehru clearly stand with the statement that India had no political ambition in Tibet, all its interest lies in the preservation of the traditional connections between India and Tibet. But China could not take this in a positive response and instead carried out various forms of harassment to the Indian traders making it difficult for Indian traders inside Tibet. Most of the traders were from Ladakh the *Kaches* (Kashmiri Muslims from Ladakh) who were in large numbers. The *Kaches* were prominent in Tibet's economy as they act as middlemen in China's trade with Tibet. Majority of them married the Tibetan women and they were forced by the Chinese authorities to quit Tibet. Indian traders in Tibet faced many difficulties as they could neither travel in the country nor get transport to convey their goods. The merchandise that they held was either frozen out rightly or purchased by the Chinese at arbitrary prices. The Chinese created difficulties in payment (Ram 1969:97). All these were against the 1954 Agreement and therefore India did not renew the trade agreement when it expired.

5.1 India's involvement on the Tibet issue

India has been accused of supporting the Tibetans in various events such as the Khampa rebellion in the 1950's and the 1959 Tibetan rebellion. This claim of the Chinese is also supported by the Indian who claims that India supported the Tibetans

in order to destabilize Tibet. Subramanian Swamy, President of the Janata Party and former Minister also accounts of India's involvement in raising the 8,000 strong commando groups of Tibetans who are organised to liberate Tibet from the Chinese. (Swami, 2001)

There was also a report from the Tibetan Government in exile about India's support for the Dalai Lamas group. Thus Fang argues that India's involvement is evident but the silence of China in the White paper is due to the fact that China resolves not to let "Tibet issue become an obstacles in the Sino-Indian rapprochement" (Fang, 2014) This is the policy adopted by Beijing which signals that it prefers to develop friendly relations with India rather than bringing out the differences. This in a way will encourage India to extricate itself from Tibet embroilment and stressing the common interest rather than the differences. China at its best tried not to bring Tibet as an issue between India and China and India and China do undermine Tibet issue while discussing their foreign relations. Beijing is of the opinion that Tibet issue would only give India greater leverage against China and contributes to the internationalization of the Tibet issue (ibid). While the meeting with the Indian and the Chinese leaders, Tibet issue is being undermine and focus is shifted to other areas such as border and economic relations. This shows that both India and China shared the common aspiration to marginalise the Tibet issue while improving their relations in other fields.

5.2 India's stand on Tibet

With the Independence of India in 1947, it inherited all the rights and obligation of the British India regarding Tibet. India wanted continues with the British policy of treating Tibet as a autonomous buffer region between India and China while recognizing China's suzerainty not sovereignty over Tibet (Norbu, 1997). Though India did not have the detail definition of suzerainty, it has the core element of adopting Tibet policy was to maintain Tibet's autonomy² (Fang, 2014). India however was reluctant to make full support to for Tibet as it had a better interest of building friendship with China. India was not willing to confront with China regarding the

² The Indian Prime Minister Nehru said "Regarding the use of the word "sovereignty "or "suzerainty", the word is rather academic [...] Autonomy plus sovereignty leads to suzerainty. Words are not important. What we do attach is the autonomy of Tibet. see Gopal (1993: 350)

issue of Tibet although it had supported the Tibetans resistance movement unofficially. Since the beginning Nehru believed that China will take it possession of the whole of Tibet and no other external force can change the statusquo (ibid). He then denied the Indian Military intervention in Tibet by claiming that India had neither the resource nor the inclination to sent armed assistance to Tibet. (Gopal, 1993) On 12th February 1951, the Indian Prime Minister , Pandit Jawaharlal Nehru said in the parliament that he will not allow the events to affect India's policy or desire to maintain friendly relations with China. (Gopal 1993:335 cited in Fang, 2014) Nehru was firm in fostering diplomatic relation and unwilling to assist the Tibetans independence at the expense of Sino-Indian relations.

Nehru adopted the policy of Non-Intervention in the internal affairs of China though in practice did not accept the Chinese occupation in Tibet. But with the signing of the Seventeenth Point Agreement, China's takeover of Tibet got legalised and India is bound to accept it. India was reluctant to get involved in the China-Tibet imbroglio and therefore did not encourage Dalai Lama's plan for seeking asylum in India. Instead Nehru requested Dalai Lama to work with Beijing on the basis of the 'Seventeen Point Agreement'. India later did not endorse the claim of Tibetans Independence and refuse to sponsor the Tibetan appeal to the United Nations against the PLA invasion. (Fang, 2001) India further abstained from voting in the UN General Assembly that criticised violation of human rights in Tibet. With the signing of the Panscheel Agreement, India thus agreed to accept China's sovereignty over Tibet by using the term 'Tibet region of China' in the agreement.

Although India played the game cautiously on Tibetan question so as not to upset China, it ended in a controversial issue between India and China. Tibet issue continues to dominate and test Sino- Indian relations. The entry of the PLA army and the occupation of Tibet led to China becoming an immediate neighbour to India. The situation in Tibet that led to the flee of the Dalai Lama and thousands of his followers into India. India had not only has to manage its internal crisis but also face the challenge to accommodate all the Tibetan refugees fleeing Tibet. This act of sympathy towards the Tibetan refugees is seen as an act of interference in China's internal matter.

5.3 India's support on the proposal for Autonomy

India though it accept Tibet as an Autonomy of China, it does not fully comply with this in its action. China wants India to stand firmly on the Panchsheel Agreement and accept Tibet as inalienable part of China. India to act and work collectively with China on mutual cooperation and avoid interference in each other international affair. India is known to be the home of the exile Tibetans and being the host for over five decades and more. An Independent Tibet is unlikely in the near future due to China's strong stand on the issue of Tibet. For India, an Independent Tibet is the desire as this will secure its border and end the unending conflicts with China.

Due to the presence of the Tibetan refugees in India, China fears that India will change its position and use them against China. Therefore, India is also not in a hurry to comply with the Chinese demands and continue to unofficially support the exiled Tibetans. Also India knows well that it can play the Tibet card against China and therefore waiting for its own benefit while dealing with Chinese demands. India could have played the Tibet card better had it not revoke its special rights that it inherited from the British. Due to India's interest in building better relations with China, it gave away its special rights in Tibet to China by accepting Chinese rule in Tibet. After the surrender of its rights, India has very less Tibet card to play while dealing with China.

There is a constant fear by China that India will allow the Dalai Lama and the exile Tibetans to be used against China. The Dalai Lama and the Tibetans continue to engage in criticizing China's policies in Tibet and seek the attention of the world leaders. The Communist China view the Dalai Lama's and the Tibetan demand for greater autonomy as a policy to split China and considered as 'Anti-China' policy. China has repeatedly claimed that Dalai Lama is using his position to lobby for Independence for Tibet and break up China. Due to this fear psychosis, China pressure India to suppress the Tibetan activities in the Indian soil and accuse India of Keeping the "Tibetan Question" alive by giving refuge to the Dalai Lama (Mazumdar 2006: 4325)

5.4 Dalai Lama is an honored guest to India

The exile Tibetans has good relations with their host country and the Indians too give due respect to the Dalai Lama and his followers. With years of being in India, there

are no reports of huge differences between the Tibetans refugees and the local communities. There are small incidents of misunderstanding among the Tibetans and the locals but that does not hamper their cordial relationships. But when India has to comprise its relations with China, it always chooses the Chinese over the Tibetans due to its self interest. During the protest, the Indian government limits the movements and actions of the Tibetans. Many Chinese is of the opinion that it was the Chinese government that end serfdom and brought development in the Tibetan areas.

China's mistrust on India grows with the passage of time, the Tibetan Government in exile which was set up with the assistance of the Indian Government is seen by china as supporting the Tibetan exiles. While India clarify that it does not recognised the government in exile and commit to prevent Anti-china activities in the state. It promised not to allow political activities of the exiles and always re-assure that it does have an interest in Tibet. (Raghavan 2008:12) Unquestionably, Tibet and the Dalai Lama factor India-China relations which is inter linked with the boundary dispute. India is more likely to faced issues on its dealing with China due to the active participation of the Tibetan population in the anti-Chinese activities mainly during the visits of the Chinese political leaders. Due to the suspicious of the Chinese political leaders on India for its role in the support of the Tibetan cause led to hardening of its stand on the question of Tawang and the claim of Arunachal Pradesh as part of China (Acharya 2009:11) China and India continue to come into terms but with differences in opinion on various issues. India soft attitude towards the Tibetans and the acceptance of the Dalai Lama and the Karmapa Lama in its territory always challenge China's integrity and continue to be determining factors in their relations.

5.5 India adopted a softer approach towards the Tibetans

India did not follow a strict policy against the Tibetans as the presence of the Dalai Lama and the thousands of the Tibetans is seen as a bargaining chip to China. Due to this, India has leverage over China as the Tibetans can be used as a tool against China of which India is not making use of its potential in this case. Infact, India still now did not use its weight but rather always conform the demands of China. During the visits of the Chinese delegates to India, the movements of the Tibetans are restricted in order to avoid issues with China. India still sees China as a security threat but always choose to collaborate with china rather the stand up with China. Even though many

strategists have acknowledged the significance of the Tibet issue, New Delhi has been very cautious of playing the Tibet card against China.

As a result, India's Tibet policy has been characterised by ambivalence and New Delhi avoids angering China due to the fear of its retaliation. India thus follows in the tune of China and limits the anti-China protest inside India. India though in practice is sympathetic towards the Tibetan refugees due its long historical and religious links but in public and official statement, India always stands with the claim that Tibet has been a part of China. Though India allows the Tibetan refugees to reside in India and assist in forming the Government, but did not give official recognition of the establishment of the Tibetan Government in Exile. In fact, Tibetan Government in Exile is not recognised by any Government and the validity of the Tibetan citizenship is also under question as it doesn't does not have the legal validity.

India though not officially supports the Tibetan Independence, but would like to see Tibet as an autonomous region of China. Due to this, India is reluctant of complying with the Chinese demands to abandon its influence over the question of Tibet (Fang 2014: 50) This is the same reason that the Chinese are not satisfied with India on its dealing with the Tibetan refugees. Beijing continued to develop suspicion about India's sincerity and intentions over the issue of Tibet. This culture of mistrust led to a stumbling block in their relations which needs a special consideration. Therefore unless the Chinese and the Tibetans reach a final agreement, India will continue to involve directly or indirectly over the Tibet issue due to the presence of the thousands of refugees in India. Thus for China, India's involvement is thus seen as against China.

6. China India agreement on the Tibet issue

The best days of the India-China relations was during the signing of the Panchsheel Agreement when India and china relations are marked by the 'Hindi Chinni Bhai Bhai' which was also followed by a year of betrayal in 1962 with the Chinese attack on the Indian territory. The new phase of the Sino-Indian started with the visit of the Indian Prime Minister Rajiv Gandhi into India. The two countries also agreed to accommodate each other on the Tibet issue. The Chinese side express of the concern about the anti-china activities that are going on in India. With this, the Indian side

reiterated its long standing policy on considering Tibet as autonomous region of China and the anti China activities by the Tibetans are not permitted in the Indians soil (Fang 2014) The Indian side took a stand on acknowledging that “Tibet is an autonomous region of China”. While the Indian side is cautious of its position on the Tibet issue, India do favours the claim of Tibet for “Greater Autonomy”.

Due to its geo –strategic location India prefers Tibet to be an autonomous region of China. By this, India does not willingly give up the cause of Tibet nor want to annoy Beijing over the issue of Tibet. Thus for India, the support for the greater autonomy is the best option for addressing the issue of Tibet. As a result, Tibet autonomous status becomes the core elements of India’s Tibet policy (ibid). China has rejected the proposal of Dalai Lama demand for “greater autonomy in Tibet” and considered it as a disguise for seeking Independence. The system of ‘one country’ ‘two system’ which was proposed by the Dalai lama got rejected and Beijing expect India to stay away from the Tibet imbroglio.

CONCLUSION

For Both India and China, Tibet is an important factor that determines the two big powers of Asia. Tibet geo-strategic location is important for India's security due to which India hosted thousands of Tibetan refugees in its own soil. India does not willingly give up the cause of Tibet nor want to annoy Beijing over the issue of Tibet. India support for the demand for greater autonomy to solve the Tibet issue so that it has its border protected which it feels is a threat from China. As a result, Tibet autonomous status becomes the core elements of India's Tibet policy.

On the 23rd June 2003 Joint declaration on "Principles for Relations and Comprehensive Cooperation between the republic of India and the People's Republic of China both the countries foster for promoting the socio-economic development, maintaining pace and stability and enhance globalization. They also adopt a long term constructive and cooperative partnership and build a qualitatively new relationship. The Indian side formally recognize the Tibet Autonomous region as part of the territory of the People's Republic of China and reiterates that it does not allow the Tibetans to be engage in the anti-China political activities. India has been hosting the Tibetan refugees with special preferences given to them. India's official stand is that it does not support the cause of Independence but supports the demand for autonomy inside China.

The Tibetan protest in India has affected India's relations with China. The soft attitude towards the Tibetans is seen by China as interfering in its internal matters. There is a constant fear by China that India will allow the Dalai Lama and the exile Tibetans to be used against China. Due to the presence of the Tibetan refugees in India, China fears that India will change its position and use them against China. Therefore, India is also not in a hurry to comply with the Chinese demands and continue to unofficially support the exiled Tibetans. Also India knows well that it can play the Tibet card against China and therefore waiting for its own benefit while dealing with Chinese demands.

With the arrival of the Tibetans in the 1959, the Indian government has been assisting the Tibetans in their resettlement and adaptation. Upon his arrival in Dharamshala,

the Dalai Lama had two fold missions - the establishment of a representative government for the Tibetans and the preservation of Tibetan culture. The preservation of the Tibetan culture was the paramount importance given by the Dalai Lama. As in Tibet, the Tibetans faced cultural and religious threat from the Chinese communist due to which the survival of the culture and religion was given the outmost importance. Overall, there are 58 settlements in India, Nepal and Bhutan in which there are 26 Agricultural based settlement, 19 Handicraft settlements and 13 Cluster settlements. The settlements are primarily assisted by the Government of India and other voluntary aid organizations. The Tibetans were also provided with identity documents such as Registration Certificate and the Identity Certificate. This become the primary points of contacts that the exiled Tibetans had with the Indian state .The India government also help in the establishment of the Tibetan Government in Exile. It was set up with an aim to restore freedom in Tibet and to look after the welfare of the Tibetans in exile. The CTA functions as a *de-facto* government of Tibet in exile and exists within the union of the Government of India.

The Government in Exile stand as a Democratic form of governance with the representation from the people. It was established on the plan that the Central Tibetan Administration would be dissolve once the Tibetans return to their homeland. The Tibetans in exile will not impose particular form of governance on their return. Democracy is what the Tibetans practise in exile but that does not mean Democracy should be implemented inside Tibet. But Democracy will remain the aspiration of the Tibetan people. The Tibetans in exile are Tibet are not seeking for Democracy inside Tibet but are demanding their legal rights which are under the provision of the Chinese Constitution. The demand is for greater Autonomy under the Chinese administration.

The structure and functions of the Tibetan Government in exile is deeply ingrained in the principles of Democracy. It also indicates the combination of the rich traditional values of the past and long with the western political concepts of Democracy. The exile administration slowly witnesses the shift in the political leadership from the aristocrats to the common exile Tibetans. The present system witness openness of the leadership in which every Tibetan irrespective gender, religion and social strata is allowed to served in the CTA. In short, the exiles witness a democratic shift from all

Tibetans got the opportunity to serve the exile administration. This shift in the system of administration from traditional to modern form of governance makes it unique in its own characteristics.

The 2008 March protest was dealt seriously by China with the strict laws against those involved in the protest and demonstrations. The 2008 Tibetan protest is due to the strong feeling of frustration among the Tibetans under the repressive forces of the Chinese. The Chinese government use the repressive forces towards the protestors shows the insecurities and failure on the part of the government. The Chinese Communist party introduce cultural and religious reformation inside Tibet and imposed restriction on the Tibetan practices of culture and religion.

The Tibetan uprising has once again revived and reactivated the political divide of India's domestic politics. The Indian political class is divided on how to respond on the Tibet question. For some of the Indians, the Tibet issue is an internal matter or playing it as a strategic card to press and bargain with China for an early amicable border issue. While others wanted the Tibet issue to be treated as China's internal matter. On the March 13, 2008 the official spokesperson of the Indian Ministry of External Affairs gives the statement that "Government of India does not permit Tibetans to engage in anti-China political activities in India and the Government of India has the responsibility to maintain public order. Any activities which cause disruption would be dealt with in accordance with the laws of India". The Indian government stands firmly not to allow any anti-china activity on its territory.

Under the Citizenship Act 1955, Tibetans can apply for Indian citizenship but the Indian citizenship do not allow for dual citizenship therefore obtaining the Indian citizenship deprives the Tibetans of losing their Tibetan citizenship. But Tibetans in general do not apply for Indian citizenship even if they are eligible due to the fear of losing the legitimacy in fighting for the freedom movement. Secondly, there will lose their access to the benefits of the CTA including the right to live in the Tibetan settlement and political positions. Under this Act, the Tibetans are eligible in applying for the Indian Citizenship but majority of them denied due to the fear of losing their Tibetan identity. They prefer to remain stateless refugees as they feel that is a powerful self declaration of political identity. They resist assimilating into the host community and emphasise the desire of returning to their home country. This

policy has also been encouraged by the Tibetan Government in Exile. They see the acceptance of Indian citizenship as 'giving up of hope' or losing some of the 'Tibetan Identity'.

The Government in Exile promote for the Middle Way Policy while negotiation with China. Tibetan has demanded for the unification of all the Tibetan areas under a single administration. These areas should be granted genuine autonomy within the framework of the PRC constitution. So, far there is no solution to the dialogue process. The death of the Dalai Lama will take the Tibetan struggle in a new level, likely to be a violent means as the Tibetan Youth Congress which is a strong body among the Exile Tibetans is in favor of violence means in order to fight for Tibetan Independence. There was of fighting for Tibet cause many not be non-violence means as they see the in -effective of the negotiations between the Tibetan Government and the Chinese Government

Although India played the game cautiously on Tibetan question so as not to upset China, it ended in a controversial issue between India and China. Tibet issue continues to dominate and test Sino- Indian relations. This is the same reason that the Chinese are not satisfied with India on its dealing with the Tibetan refugees. Beijing continued to develop suspicion about India's sincerity and intentions over the issue of Tibet. This culture of mistrust led to a stumbling block in their relations which needs a special consideration. Therefore unless the Chinese and the Tibetans reach a final agreement, India will continue to involve directly or indirectly over the Tibet issue due to the presence of the thousands of refugees in India. Thus for China, India's involvement is thus seen as against China.

REFERENCE

- Acharya, Alka (2008), *China India politics of Incremental Engagement*, New Delhi: Har Anand Publications.
- Acharya, Alka (2003), “The Sino-Indian Border”, *World Focus*, 24(7):9-11.
- Anand, Dibyesh (2009), “China and Tibet: Tibet Matters”, *The World Today*, 65(4): 30-31.
- Anand, Dibyesh (2012), *Tibetan Refugees Search for Existence*, Delhi: Sumit Enterprises.
- Archarya, Alka (2009), “Whither India-China Relations”, *Economic and Political Weekly*, 44(45):8-12
- BBC (2008), “In quotes: Reaction to Tibet protests”, [Online web], Accessed on 2nd June 2017, URL <http://news.bbc.co.uk/2/hi/asia-pacific/7300157.stm>
- Bhattarai, Rajan (2011), “Forced Migration and Security Challenges in South Asia: Issues of Bhutanese Refugees in Nepal”, in Bhatia, Rajiv & Sign Swaran, et al. (eds.) *Transforming South Asia Imperatives for Action*, New Delhi: KW Publishers
- Burke, Denis J(2008), “Tibetans in Exile in a Changing Global Political Climate”, *Economic and Political Weekly*, 43(15): 79-85.
- Chimni, B.S. (2000), *International Refugee Law: A Reader*, New Delhi: Sage Publications.
- Dutta, Sujit and C.RajaMohan (2001), “In Search of Autonomy: Dealing with Global Powers”, in Deshpande, G.P and Acharya, Alka (eds), *50years a Bridge of Dreams India China*, New Delhi: Tulika Publication.
- Faist, T. Fauser, M, Reisenauer, E (2013), “Transnational Migration”, polity Press:United Kingdom.
- Fang, Tien-Sze (2014), *Asymmetrical Threat Perceptions in India-China Relations*, New Delhi: Oxford University Press.

- Guihong, Zhang (2005), "Sino-Indian Security Relations: Bilateral Issues, External Factors and Regional Implications", *South Asian Survey*, 21(1): 61-73.
- Guruswamy, Mohan & Zorawar Daulet Singh (2009), "*India-China Relations: The Border Issue and Beyond*", New Delhi: Viva Books.
- Guruswamy, Mohan (2003), "India-China Border Learning from History", *Economic and Political Weekly*, 38(39): 4101-4103.
- Hathaway, James C. (1991), *The Law of Refugee Status*, Toronto: Butterworths.
- International Tibet Network "2008 protests and their locations", [Online Web] Accessed on 17th May 2016, URL <https://tibetnetwork.org/freedom2/wp-content/uploads/2013/11/2008protestlist.pdf>
- International Tibet Network -"2008 Protest and their locations", [Online Web] Accessed on 17th May 2016, URL <https://tibetnetwork.org/freedom2/wp-content/uploads/2013/11/2008protestlist.pdf>
- Burke, Denis J (2008), "Tibetans in Exile in a Changing Global Political Climate", *Economic and Political Weekly*, 43(15): 79-85.
- Kadian, Rajesh (1999), "*Tibet India and China-Critical Choices, Uncertain Futures*", New Delhi: Visions Books.
- Lhamo, Tseyang (2014), "Relevance of Tibet issue in India's National Security", *Defence and Diplomacy Journal*, 3 (4): 121-131
- Mazumdar , Arijit (2006), " Centrality of Tibet", *Economic and Political weekly*, 41(41): 4324-4325.
- Mazumdar, Arijit (2006), "Centrality of Tibet ", *Economic and Political Weekly* , 41(14): 4324-4325.
- Mc Connell, Finona(2009), " Democracy in Exile: The 'Uniqueness' and Limitations of Exile Tibetan Democracy", *Sociological Bulletin*,58 (1):115-144

- McConneall, Fiona (2011), "A state within a state? Exploring relations between the Indian state and the Tibetan Community and government in exile", *Contemporary South Asia*, 19(3): 297-313.
- McConnell, Fiona (2013), "Citizens and Refugees: constructing and Negotiating Tibetan Identities in Exile", *Annals of the Association of American Geographer*, 103(4): 967-983.
- Mehrotra, L.L. (1997), *India's Tibet Policy An Appraisal and Options*, Tibetan Parliamentary Debates and Policy Research Centre, New Delhi.
- Mishra, Omprakash and Majumdar, Anindyo (2003), "International Refugee Regime: The Challenge of Protection", in Omprakash Mishra and Anindyo, Majumdar (eds), *The Elsewhere People Cross-Border Migration, Refugee Protection and State Responses*", New Delhi:Lancers Books.
- Mishra,Mallica (2014), *Tibetan Refugees in India Education, Culture and Growing Up in Exile*, New Delhi: Orient Blackswan Pvt. Ltd.
- Muni, S.D (2009), " The Tibetan 'Uprising' 2008: India's Response", ISAS Working Paper. NO.59.
- Muni, S.D. & Lok Raj Baral (eds.) (1996), *Refugee and Regional Security in South Asia*, New Delhi:Konark Publishers.
- Muntarhorn, Vitit (1992), *The Status of Refugees in Asia*, Oxford: Clarendon Press.
- Murthy, Padmaja (1998), "Illegal Movement of People Across Borders in South Asia", *Strategic Analysis*, 22 (8):1234-1246.
- Nair, Ravi (1997), " Refugee Protection in South Asia" in Bose, Tapan K & Machanda (eds.) ,*States, Citizens and Outsiders The Uprooted Peoples of South Asia*, Kathmandu: South Asia Forum For Human Rights.
- Nasreen, Chowdhory(2004),"Coping with Refugees in india: The case of Chakma Repatriation", in Imtiaz Ahmed, Abhijit Dasgupta. et al. (eds.) *State, Society and Displaced People in South Asia*, Dhaka: The University Press.

- Norbu, Dawa (1996), “ Tibetan refugees in South Asia”, in SD Muni and Lok Raj Baral (eds.) *Refugees and regional Security in South Asia*, New Delhi: Konark Publishers.
- Norbu, Dawa (1997), “Tibet in Sino-Indian Relations: The Centrality of Marginality”, *Asian Survey*, 37(11):1078-1095.
- Norbu, Dawa (2001), *China’s Tibet Policy*, Surrey: Curzon Press.
- Norbu, Dawa, (2001), “Refugees from Tibet: Structural Causes of Successful Settlements”, *The Tibet Journal*, 26 (2):3-25
- O.P. Helen R.Boyd (2005), *The Future of Tibet*, New York : Peter Lang Publications.
- Oberoi, Honey (2008), “Rethinking Tibet?”,*Economic and Political Weekly*, 43(19):80-83.
- Palakshappa, T.C.(1979), *Tibetan in India- A Case Study of Mungod Tibetans*, New Delhi: Sterling Publishers
- Patil , VT &Trivedi, P R (2000), *Refugees and Human Rights*, Delhi: Authors Press.
- Patil, Sameer Suryakant (2007), “India’s China Policy in the 1950’s: Threat Perceptions and Balances”, *South Asian Survey* 14(2):283-301.
- Raghavan, Srinath (2008), “The Case for Restraint on Tibet”, *Economic and Political Weekly*, 43(14):11-12.
- Rahul, Ram (1969), *The Government and Politics in Tibet*, Delhi: Vikas Publications.
- SAJA Forum (2008), “India warns Dalai Lama, Nepal protest continue”, [Online web], Accessed on 2 June 2017, URL <http://www.sajaforum.org/tibet>.
- Samaddar, Ranabir (2003), *Refugees and the State: Practices of Asylum and Care in India, 1947-2000*, Delhi: Sage Publications.
- Samphel, Thubten (2009), “Maintaining vitality in Exile: The Tibetan Refugees in South Asia”, *Harvard International Review*, 31(3):60-63

- Sautman, Barry (2005), "China Strategic Vulnerability to Minority Separation in Tibet", *Asian Affairs*, 32(2): 87-118.
- Singh, Kr Manoj (2012), *Tibetan war Is China ready for It*, New Delhi: Sumit Enterprise.
- Singh, Swaran (2008), "Sino-South Asian ties: Problems and Prospects", *South Asian Survey*, 15(1): 83-93
- Smith, warren W (2010), *Tibet's Last Stand? The Tibetan Uprising of 2008 and China's Response*", United Kingdom: Rowman & Littlefields Publishers.
- Stobdan, P. (2006), "India's Concerns over Tibet-II", *Defence and Technology*, 38-43.
- Stobdan, P. (2007), "India's Tibet policy", *World focus*, November-December: 417-428.
- Subba, T.B. (1988), "Flight and adaptation: Tibetan Refugee in the Darjeeling – Sikkim Hills", North Bengal: Centre for Himalayan Studies.
- Sutter Robert G (2012), "*Chinese Foreign Relations-Power and Policy Since the Cold War*", United Kingdom: Rowman&Littlefields Publishers.
- Sztucki, Ferzy (1999), "Who Is A Refugee? The Convention Definition: Universal Or Obsolete?", in Nicholson, Frances, Twomey Patrick (eds.), *Refugee Rights and Realities Evolving International Concepts and Regimes*, United Kingdom: Cambridge University Press.
- Topgyal , Tsering (2011a), " Insecurity Dilemma and the Tibetan Uprising in 2008", *Journal of Contemporary China*, 20(69):193-203
- Topgyal, Tsering, (2001b), "China's Strategic Vulnerability to Minority Separatism in Tibet", *Asian Affairs*, 2:87-118
- Virk, SimratKaur (2013), "Institution of the Dalai Lama and the Sino-Tibetan Conflict", *Defence and Diplomacy Journal*, 2(3):77-86

- Yang, Yun-Yuan (1987), “Controversies over Tibet: China versus India, 1947-49”, *The China Quarterly*, 111: 407-420.
- Zhao, Suisheng (1996), “The Implications of Demilitarization of Tibet for Sino-Indian Relations and Asian Security”, *Asian Affairs*, 22(4): 254-260.
- Zolberg et.al. (1989), *Escape from Violence: Conflict and the Refugee Crisis in the Developing world*, New York: Oxford University Press
- Zolberg.et.al (1992), “Escape from Violence: The conflict and the refugee crisis in the developing world”, Oxford University Press, New York.
- TPIE (2017), “Tibetan Parliament in Exile” CTA
- Roemer, Staphanie (2009), “The Tibetan Parliament in Exile”, London and New York: Routledge Taylor & Francis Group.
- TPPRC (2008), “National uprising of Tibet”, New Delhi
- *Rajya Sabha Debate (23 April 1962), “Q.No. 25 Rehabilitation and influx of Tibetan refugees”, [Online web] Accessed on 10th February 2016, URL [http://rsdebate.nic.in/bitstream/123456789/554327/1/PQ_38_23041962_S25_p185_p190.pdf#search=TIBETAN CITIZENSHIP](http://rsdebate.nic.in/bitstream/123456789/554327/1/PQ_38_23041962_S25_p185_p190.pdf#search=TIBETAN%20CITIZENSHIP)
- *Rajya Sabha debates (21 March 1968), “Q No. 735 Resettlement of Tibetan Refugees”, [Online Wed] Accessed on 20th June 2017, URL [http://rsdebate.nic.in/bitstream/123456789/512769/2/IQ_63_21031968_S735_p5694_p5695.pdf#search=TIBETAN CITIZENSHIP](http://rsdebate.nic.in/bitstream/123456789/512769/2/IQ_63_21031968_S735_p5694_p5695.pdf#search=TIBETAN%20CITIZENSHIP)
- *MEA (23 June 2003), “Declaration on principles for relations and Comprehensive Cooperation Between the Republic of India and the People’s Republic of China”, [Online Web], Accessed on 2nd May 2017, URL <http://www.mea.gov.in/in-focus-article.htm?7679/Declaration+on+Principles+for+Relations+and+Comprehensive+Cooperation+Between+the+Republic+of+India+and+the+Peoples+Republic+of+China>

Asianews (7thJan 2008), “Beijing 2008, the “long march of the Tibetans”, [Online Web] Accessed on 5th May 2017, URL <http://www.asianews.it/news-en/Beijing-2008,-the-%E2%80%9Clong-march%E2%80%9D-of-the-Tibetans-11186.html>

BBC (17thMarch 2008), “Tibet Violence ‘concerns’ India”, [Online Web], Accessed on 18th May 2015, URL http://news.bbc.co.uk/2/hi/south_asia/7300661.stm

The Hindu (16th March 2008), “Tibet: India expresses distress, urges dialogue”, [Online Web], Accessed on 12th May 2016, URL <http://www.thehindu.com/todays-paper/tp-national/Tibet-India-expresses-distress-urges-dialogue/article15185482.ece>

CTA (14March 2008), “ China rolls out tanks to suppress Tibet protest “, [Online Web] Accessed on 10th March 2016, URL <http://tibet.net/2008/03/china-rolls-out-tanks-to-suppress-tibet-protests/>

* Rajya Sabha Debates (17 March 2008) “ Session No, 213 Situation in Tibet”, [Online Web] Accessed on 10June 2017, URL [http://rsdebate.nic.in/bitstream/123456789/104262/1/PD_213_17032008_14_p185_p186_21.pdf#search=TIBETAN 2008 PROTEST](http://rsdebate.nic.in/bitstream/123456789/104262/1/PD_213_17032008_14_p185_p186_21.pdf#search=TIBETAN%202008%20PROTEST)

*Rajya Sabha Debate (17 March 2008), “Session No.213 Situation in Tibet”, [Online Web] Accessed on 15 June 2016, URL [http://rsdebate.nic.in/bitstream/123456789/104262/1/PD_213_17032008_14_p185_p186_21.pdf#search=TIBETAN 2008 PROTEST](http://rsdebate.nic.in/bitstream/123456789/104262/1/PD_213_17032008_14_p185_p186_21.pdf#search=TIBETAN%202008%20PROTEST)

China Daily (30 March 2008), “Dalai clique masterminding of Lhasa violence”, [Online Web] accessed on 17th May 2016, URL http://www.chinadaily.com.cn/china/2008-03/30/content_6576350.htm

China Daily (2nd April 2008), “evidence of Dalai clique’s role in riots released”, [Online Web], Accessed on 2nd June 2016, URL http://www.chinadaily.com.cn/china/2008-04/02/content_6584305.htm

Guardian (17th April 2008), “ Protest greet Olympic torch in India”, [Online Web], Accessed on 2nd June 2015, URL <https://www.theguardian.com/world/2008/apr/17/olympicgames2008.india>

Phayul (17th April 2008), “Protests mar troubled torch’s arrival in India”, [Online Web], Accessed on 12th June 2016, URL <http://www.phayul.com/news/article.aspx?id=20700>

Rediff (17th April 2008), “ Tibetans protest torch relay; 276 held in Delhi”, [Online Web], Accessed on 12th June 2016, URL <http://www.rediff.com/news/2008/apr/17tibetrow8.htm>

*Rajya Sabha Debate (24 April 2008), “Q No. 456 Demonstration of Tibetans”, [Online Web] Accessed on 12 March 2017, URL http://rsdebate.nic.in/bitstream/123456789/108520/1/PQ_213_24042008_S456_p30_p30.pdf#search=DALAI LAMA

*Rajya Sabha Debate (30 April 2008), “ Q No. 3917 Demonstrations by Tibetans “, [Online web] Accessed on 5th June 2016, URL http://rsdebate.nic.in/bitstream/123456789/109581/1/PQ_213_30042008_U3917_p83_p83.pdf#search=DALAI LAMA

Indian Institute of Defence Studies & Analysis (07 August 2008), “ Tibetan Uprising and the 2008 Beijing Olympics : A chronology ” [Online Web], Accessed on 6th March 2016, URL <http://www.idsa.in/chronology/TibetanUprisingandthe2008BeijingOlympics>

Radio Free Asia (13 August 2008) “ Tibetan Monks confined during Games”, [Online Web] Accessed on 10th March 2017, URL <http://www.rfa.org/english/news/tibet/Tibetan-Confined-08132008165849.html>

China Daily (3 March 2011), “ Tibetan legislators shrug up Dalai Lama’s ‘ political show’, [Online Web] Accessed on 2nd June 2016, URL http://www.chinadaily.com.cn/china/2011npc/2011-03/10/content_12152289.htm

- * Rajya Sabha (9 March 2011), “Session No. 222 Tibetans in India” ,[Online Web] Accessed on 2 June 2017, URL http://rsdebate.nic.in/bitstream/123456789/539286/1/IQ_222_09032011_U1483_p160_p160.pdf#search=DALAI LAMA
- * Rajya Sabha Debate (14 December 2016) , “ Q No. 3111 Citizenship to Tibetan refugees”, [Online Web] Accessed on 3 December 2016, URL http://rsdebate.nic.in/bitstream/123456789/667926/1/IQ_241_14122016_U3111_p296_p296.pdf#search=TIBETAN CITIZENSHIP
- *Rajya Sabha Debate (14December 2016), “Q No. 3111 Citizenship of Tibetan refugees”, [Online Web] Accsses on 20th June 2016, URL http://rsdebate.nic.in/bitstream/123456789/667926/1/IQ_241_14122016_U3111_p296_p296.pdf#search=DALAI LAMA
- China Daily (17 March 2017), “Tibet religious leaders condemn Lhasa riots”, [Online Web], Accessed on 2nd June 2016, URL http://www.chinadaily.com.cn/cndy/2008-03/17/content_6540401.htm
- Wilson, James and Clark Peter (1961), “Incentive Systems: A theory of Organizations”*Administrative Science Quarterly*, 6(2):129-166.
- Shain, Yossi (1989), *The Frontier of Loyalty: Political Exiles in the Age of the Nation State*, Middletown: Wesleyan University Press.
- Shain, Yossi (eds) (1991), *Government in Exile in Contemporary World Politics*, New York : Routledge.
- Iwańska, Alicia (1981), *Exiled Governments: Spanish and Polish*, Cambridge. MA: Schenkman.
- Roemer, Stephanie (2009), *The Tibetan Government in Exile: Politics at Large*, New York: Routledge.

ANNEXURE-1

17 POINT AGREEMENT

1. The Tibetan people shall unite and drive out imperialist aggressive force from Tibet; the Tibetan people shall return to the big family of the Motherland – the People’s Republic of China.
2. The local government of Tibet shall actively assist the PLA to enter Tibet and consolidate the national defenses.
3. In accordance with the policy towards nationalities laid down in the Common Programme of the CPPCC, the Tibetan people have the right of exercising national regional autonomy under the unified leadership of the CPG.
4. The central authorities will not alter the existing political system in Tibet. The central authorities also will not alter the established status, functions and the power of the Dalai Lama. Officials of various ranks shall hold office as usual.
5. The established status, functions and powers of the Panchen Ngoerhtehni shall be maintained.
6. By the established status, functions and powers of the Dalai Lama and of the Panchen Ngoerhtehni are meant the status, functions and powers of the thirteenth Dalai Lama and of the Panchen Ngoerhtehni when they were friendly and amicable relations with each other.
7. The policy of freedom of religious belief laid down in the Common Programme of the CPCC shall be carried out. The religious beliefs, customs and habits of the Tibetan people shall be respected and lama monasteries shall be protected. The central authorities will not effect a change in the income of the monasteries.

8. Tibetan troops shall be reorganized step by step into the PLA and become a part of the national defence force of the CPR.
9. The spoken and written language and school education of the Tibetan nationality shall be developed step by step in accordance with the actual condition in Tibet.
10. Tibetan agriculture, livestock raising, industry and commerce shall be developed step by step and the people's livelihood shall be improved step by step in accordance with the actual condition in Tibet.
11. In matters related to various reforms in Tibet, there will be no compulsion on the part of the central authorities. The local government of Tibet should carry out reforms of its own accord, and when the people raise demands for reform; they shall be settled by means of consultation with the leading personal of Tibet.
12. In so far as former pro-Kuomintang officials resolutely sever relations with imperialist and the Kuomintang and do not engage in sabotage or resistance, they may continue to hold office irrespective of their past.
13. The PLA entering Tibet shall abide by all the above-mentioned policies and shall also be fair in all buying and selling and shall not arbitrarily take a needle or thread from the people.
14. The CPG shall have centralized handling of all external affairs of the area of Tibet; and there will be peaceful Co-existence with neighboring countries and establishment and development of fair commercial and trading relations with them on basis of equality, mutual benefit and mutual respect for territory and sovereignty.
15. In order to ensure the implementation of this agreement, the CPG shall set up a Military and Administrative Committee and a Military Area HQ in Tibet. And-apart from the personnel sent there by the CPG- shall

absorb as many local Tibetan personnel as possible to take part in the work. Local Tibetan personnel taking part in the Military and Administrative Committee may include patriotic elements from the local government of Tibet, various districts and various principle monasteries; the name-list shall be set forth after consultation between the representatives designed by the CPG and various quarters concerned and shall be submitted to the CPG for appointment.

16. Funds needed by the Military and Administrative Committee, the Military Area HQ and the PLA entering Tibet shall be provided by the CPG. The local government of Tibet should assist the PLA in the purchase and transport of food, fodder and other daily necessities.
17. This agreement shall come into force immediately after signature and seal are fixed on it.

Signed and sealed by delegates of the CPG with full powers: Chief Delegate- Li Wei –Han (Chairman of commission of Nationalities Affairs); Delegate- Chang Ching-Wu, Chang Kuo-hua, Sun Chib-yuan, Delegates with full powers of the local government of Tibet: Chief Delegate- Kaloon Ngabou Ngawang Jigme (Ngabo Shape); Delegate- Dzasak Khemey Sonam Wangdi, Khenchung Thupten Tenthar, Khenchung Thupten Lekmuun, Rimshi Samposey Tenzin Thundup.

Peking 23rd May 1951.

ANNEXURE-2

FIVE POINT PEACE PLAN FOR TIBET

HIS HOLINESS THE DALAI LAMA'S ADDRESS TO MEMBERS OF THE UNITED STATES CONGRESS, WASHINGTON, D.C., SEPTEMBER 21, 1987

The world is increasingly interdependent, so that lasting peace - national, regional, and global - can only be achieved if we think in terms of broader interest rather than parochial needs. At this time, it is crucial that all of us, the strong and the weak, contribute in our own way. I speak to you today as the leader of the Tibetan people and as a Buddhist monk devoted to the principles of a religion based on love and compassion. Above all, I am here as a human being who is destined to share this planet with you and all others as brothers and sisters. As the world grows smaller, we need each other more than in the past. This is true in all parts of the world, including the continent I come from.

At present in Asia, as elsewhere, tensions are high. There are open conflicts in the Middle East, Southeast Asia, and in my own country, Tibet. To a large extent, these problems are symptoms of the underlying tensions that exist among the area's great powers. In order to resolve regional conflicts, an approach is required that takes into account the interests of all relevant countries and peoples, large and small. Unless comprehensive solutions are formulated, that take into account the aspirations of the people most directly concerned, piecemeal or merely expedient measures will only create new problems.

The Tibetan people are eager to contribute to regional and world peace, and I believe they are in a unique position to do so. Traditionally, Tibetans are a peace loving and non-violent people. Since Buddhism was introduced to Tibet over one thousand years ago, Tibetans have practiced non-violence with respect to all forms of life. This attitude has also been extended to our country's international relations. Tibet's highly strategic position in the heart of Asia, separating the continent's great powers - India, China and the USSR - has throughout history endowed it with an essential role in the maintenance of peace and stability. This is precisely why, in the past, Asia's empires

went to great lengths to keep one another out of Tibet. Tibet's value as an independent buffer state was integral to the region's stability.

When the newly formed People's Republic of China invaded Tibet in 1949/50, it created a new source of conflict. This was highlighted when, following the Tibetan national uprising against the Chinese and my flight to India in 1959, tensions between China and India escalated into the border war in 1962. Today large numbers of troops are again massed on both sides of the Himalayan border and tension is once more dangerously high.

The real issue, of course, is not the Indo-Tibetan border demarcation. It is China's illegal occupation of Tibet, which has given it direct access to the Indian sub-continent. The Chinese authorities have attempted to confuse the issue by claiming that Tibet has always been a part of China. This is untrue. Tibet was a fully independent state when the People's Liberation Army invaded the country in 1949/50.

Since Tibetans emperors unified Tibet, over a thousand years ago, our country was able to maintain its independence until the middle of this century. At times Tibet extended its influence over neighboring countries and peoples and, in other periods, came itself under the influence of powerful foreign rulers - the Mongol Khans, the Gorkhas of Nepal, the Manchu Emperors and the British in India.

It is, of course, not uncommon for states to be subjected to foreign influence or interference,. Although so-called satellite relationships are perhaps the clearest examples of this, most major powers exert influence over less powerful allies or neighbors. As the most authoritative legal studies have shown, in Tibet's case, the country's occasional subjection to foreign influence never entailed a loss of independence. And there can be no doubt that when Peking's communist armies entered Tibet, Tibet was in all respects an independent state.

China's aggression, condemned by virtually all nations of the free world, was a flagrant violation of international law. As China's military occupation of Tibet continues, the world should remember that though Tibetans have lost their freedom, under international law Tibet today is still an independent state under illegal occupation.

It is not my purpose to enter a political/legal discussion here concerning Tibet's status. I just wish to emphasize the obvious and undisputed fact that we Tibetans are a distinct people with our own culture, language, religion and history. But for China's occupation, Tibet would still, today, fulfill its natural role as a buffer state maintaining and promoting peace in Asia.

It is my sincere desire, as well as that of the Tibetan people, to restore to Tibet her invaluable role, by converting the entire country - comprising the three provinces of U-Tsang, Kham and Amdo - once more into a place of stability, peace and harmony. In the best of Buddhist tradition, Tibet would extend its services and hospitality to all who further the cause of world peace and the well-being of mankind and the natural environment we share.

Despite the holocaust inflicted upon our people in the past decades of occupation, I have always strived to find a solution through direct and honest discussions with the Chinese. In 1982, following the change of leadership in China and the establishment of direct contacts with the government in Peking, I sent my representatives to Peking to open talks concerning the future of my country and people.

We entered the dialogue with a sincere and positive attitude and with a willingness to take into account the legitimate needs of the People's Republic of China. I hope that this attitude would be reciprocated and that a solution could eventually be found which would satisfy and safeguard the aspirations and interests of both parties. Unfortunately, China has consistently responded to our efforts in a defensive manner, as though our detailing of Tibet's very real difficulties was criticism for its own sake.

To our even greater dismay, the Chinese government misused the opportunity for a genuine dialogue. Instead of addressing the real issues facing the six million Tibetan people, China has attempted to reduce the question of Tibet to a discussion of my own personal status.

It is against this background and in response to the tremendous support and encouragement I have been given by you and other persons I have met during this trip, that I wish today to clarify the principal issues and to propose, in a spirit of openness and conciliation, a first step towards a lasting solution. I hope this may

contribute to a future of friendship and cooperation with all of our neighbors, including the Chinese people.

This peace plan contains five basic components:

1. Transformation of the whole of Tibet into a zone of peace;
2. Abandonment of China's population transfer policy which threatens the very existence of the Tibetan's as a people;
3. Respect for the Tibetan people's fundamental human rights and democratic freedoms;
4. Restoration and protection of Tibet's natural environment and the abandonment of China's use of Tibet for the production of nuclear weapons and dumping of nuclear waste;
5. Commencement of earnest negotiations on the future status of Tibet and of relations between the Tibetan and Chinese peoples.

Let me explain these five components.

One

I propose that the whole of Tibet, including the eastern provinces of Kham and Amdo, be transformed into a zone of "Ahimsa", a Hindi term used to mean a state of peace and non-violence.

The establishment of such a peace zone would be in keeping with Tibet's historical role as a peaceful and neutral Buddhist nation and buffer state separating the continent's great powers. It would also be in keeping with Nepal's proposal to proclaim Nepal a peace zone and with China's declared support for such a proclamation. The peace zone proposed by Nepal would have a much greater impact if it were to include Tibet and neighboring areas.

The establishing of a peace zone in Tibet would require withdrawal of Chinese troops and military installations from the country, which would enable India also to withdraw troops and military installations from the Himalayan regions bordering

Tibet. This would be achieved under an international agreement which would satisfy China's legitimate security needs and build trust among the Tibetan, Indian, Chinese and other peoples of the region. This is in everyone's best interest particularly that of China and India, as it would enhance their security, while reducing the economic burden of maintaining high troop concentrations on the disputed Himalayan border.

Historically, relations between China and India were never strained. It was only when Chinese armies marched into Tibet, creating for the first time a common border that tensions arose between these two powers, ultimately leading to the 1962 war. Since then numerous dangerous incidents have continued to occur. A restoration of good relations between the world's two most populous countries would be greatly facilitated if they were separated - as they were throughout history - by a large and friendly buffer region.

To improve relations between the Tibetan people and the Chinese, the first requirement is the creation of trust. After the holocaust of the last decades in which over one million Tibetans - one sixth of the population - lost their lives and at least as many lingered in prison camps because of their religious beliefs and love of freedom, only a withdrawal of Chinese troops could start a genuine process of reconciliation. The vast occupation force in Tibet is a daily reminder to the Tibetans of the oppression and suffering they have all experienced. A troop withdrawal would be an essential signal that in the future a meaningful relationship might be established with the Chinese, based on friendship and trust.

Two

The population transfer of Chinese into Tibet, which the government in Peking pursues in order to force a "final solution" to the Tibetan problem by reducing the Tibetan population to an insignificant and disenfranchised minority in Tibet itself, must be stopped.

The massive transfer of Chinese civilians into Tibet in violation of the Fourth Geneva Convention (1949) threatens the very existence of the Tibetans as a distinct people. In the eastern parts of our country, the Chinese now greatly outnumber Tibetans. In the Amdo province, for example, where I was born, there are, according to Chinese statistics, 2.5 million Chinese and only 750,000 Tibetans. Even in so-called Tibet

Autonomous Region (i.e., central and western Tibet), Chinese government sources now confirm that Chinese outnumber Tibetans.

The Chinese population transfer policy is not new. It has been systematically applied to other areas before. Earlier in this century, the Manchus were a distinct race with their own culture and traditions. Today only two to three million Manchurians are left in Manchuria, where 75 million Chinese have settled. In Eastern Turkistan, which the Chinese now call Sinkiang, the Chinese population has grown from 200,000 in 1949 to 7 million, more than half of the total population of 13 million. In the wake of the Chinese colonization of Inner Mongolia, Chinese number 8.5 million and Mongols 2.5 million.

Today, in the whole of Tibet 7.5 million Chinese settlers have already been sent, outnumbering the Tibetan population of 6 million. In central and western Tibet, now referred to by the Chinese as the "Tibet Autonomous Region", Chinese sources admit the 1.9 million Tibetans already constitute a minority of the region's population. These numbers do not take the estimated 300,000 - 500,000 troops in Tibet into account - 250,000 of them in the so-called Tibet Autonomous Region.

For the Tibetans to survive as a people, it is imperative that the population transfer is stopped and Chinese settlers return to China. Otherwise, Tibetans will soon be no more than a tourist attraction and relic of a noble past.

Three

Fundamental human rights and democratic freedoms must be respected in Tibet. The Tibetan people must once again be free to develop culturally, intellectually, economically and spiritually and to exercise basic democratic freedoms.

Human rights violations in Tibet are among the most serious in the world. Discrimination is practiced in Tibet under a policy of "apartheid" which the Chinese call "segregation and assimilation". Tibetans are, at best, second class citizens in their own country. Deprived of all basic democratic rights and freedoms, they exist under a colonial administration in which all real power is wielded by Chinese officials of the Communist Party and the army.

Although the Chinese government allows Tibetan to rebuild some Buddhist monasteries and to worship in them, it still forbids serious study and teaching of religion. Only a small number of people, approved by the Communist Party, are permitted to join the monasteries.

While Tibetans in exile exercise their democratic rights under a constitution promulgated by me in 1963, thousands of our countrymen suffer in prisons and labor camps in Tibet for their religious or political convictions.

Four

Serious efforts must be made to restore the natural environment in Tibet. Tibet should not be used for the production of nuclear weapons and the dumping of nuclear waste.

Tibetans have a great respect for all forms of life. This inherent feeling is enhanced by the Buddhist faith, which prohibits the harming of all sentient beings, whether human or animal. Prior to the Chinese invasion, Tibet was an unspoiled wilderness sanctuary in a unique natural environment. Sadly, in the past decades the wildlife and the forests of Tibet have been almost totally destroyed by the Chinese. The effects on Tibet's delicate environment have been devastating. What little is left in Tibet must be protected and efforts must be made to restore the environment to its balanced state. China uses Tibet for the production of nuclear weapons and may also have started dumping nuclear waste in Tibet. Not only does China plan to dispose of its own nuclear waste but also that of other countries, who have already agreed to pay Peking to dispose of their toxic materials. The dangers this presents are obvious. Not only living generations, but future generations are threatened by China's lack of concern for Tibet's unique and delicate environment.

Five

Negotiations on the future status of Tibet and the relationship between the Tibetan and Chinese people's should be started in earnest.

We wish to approach this subject in a reasonable and realistic way, in a spirit of frankness and conciliation and with a view to finding a solution that in the long term interest of all: the Tibetans, the Chinese, and all other peoples concerned. Tibetans

and Chinese are distinct peoples, each with their own country, history, culture, language and way of life. Differences among peoples must be recognized and respected. They need not, however, form obstacles to genuine cooperation where this is in the mutual benefit of both peoples. It is my sincere belief that if the concerned parties were to meet and discuss their future with an open mind and a sincere desire to find a satisfactory and just solution, a breakthrough could be achieved. We must all exert ourselves to be reasonable and wise, and to meet in a spirit of frankness and understanding.

Let me end on a personal note. I wish to thank you for the concern and support which you and so many of your colleagues and fellow citizens have expressed for the plight of oppressed people everywhere. The fact that you have publicly shown your sympathy for us Tibetans has already had a positive impact on the lives of our people inside Tibet. I ask for your continued support in this critical time in our country's history

ANNEXURE- 3

CHARTER OF THE TIBETANS-IN-EXILE

1991

Preface

His Holiness the Dalai Lama has guided us towards a democratic system of government, in order that the Tibetan people in exile be able to preserve their ancient traditions of spiritual and temporal life, unique to the Tibetans, based on the principles of peace and non-violence, aimed at providing political, social and economic rights as well as the attainment of justice and equality for all Tibetan people, Efforts shall be made to transform a future Tibet into a Federal Democratic Self-Governing Republic and a zone of peace throughout her three regions, Whereas in particular, efforts shall be made in promoting the achievement of Tibet's common goal as well as to strengthen the solidarity of Tibetans, both within and outside of Tibet, and to firmly establish a democratic system suitable to the temporary ideals of the Tibetan people.

The Eleventh Assembly of Tibetan People's Deputies do hereby promulgate and legalize this Charter of the Tibetans-in-Exile as their fundamental guide. Adopted on June 14, 1991; Second Day of the Fifth Tibetan Month, 2118 Tibetan Royal Year.

FUNDAMENTAL PRINCIPLES

Article 1 - *Commencement*

This Charter having been adopted by the Assembly of the Tibetan People's Deputies¹ and assented to by His Holiness the Dalai Lama shall come into force on the day appointed by His Holiness the Dalai Lama.

Article 2 - *Jurisdiction*

This Charter shall be binding and enforceable on all Tibetans under the jurisdiction of the Tibetan Administration-in-Exile.

Article 3 - *Nature of the Tibetan Polity*

The future Tibetan polity shall uphold the principle of non-violence and shall endeavour to promote the freedom of the individual and the welfare of the society through the dual system of government based on a Federal Democratic Republic. The polity of the Tibetan Administration-in-Exile shall conform to the provisions herein after specified. No amendments to this Charter shall be made except as specified in the Articles of Chapter XI of this Charter.

Article 4 - *Principles of the Tibetan Administration*

It shall be the duty of the Tibetan Administration to adhere to the principles of the Universal Declaration of Human Rights as specified by the United Nations, and to also urge and encourage all other countries of the world to respect and comply with such Declarations, and shall emphasize the promotion of the moral and material well-being of the Tibetan people, the safeguarding of their social, cultural, religious and political rights, and in particular, the ultimate achievement of their common goal.

Article 5 - *Validity of the Charter*

(1) Any existing law, ordinance, regulation, administrative or executive order which is deemed repugnant to any particular provision of this Charter shall be declared null and void to the extent of its repugnancy. (2) In the event of disputes arising from the above provision, the Tibetan Supreme Justice Commission shall adjudicate all such disputes.

Article 6 - *Recognition of International and Local Law*

All laws, ordinances, regulations, administrative and executive orders of the Tibetan Administration-in-Exile shall conform to the generally accepted principles of international law and in particular comply with the local laws of the host countries.

Article 7 - *Renunciation of Violence and the Use of Force*

The future Tibet shall be a zone of peace and shall strive to disengage itself from the production of all destructive weapons, including Nuclear and Chemical; and,

currently, the Tibetans-in- Exile shall refrain from all warfare as a means to achieve the common goal of Tibet, or for any other purpose.

Article 8 - *Citizen of Tibet*

(1) All Tibetans born within the territory of Tibet and those born in other countries shall be eligible to be citizens of Tibet. Any person whose biological mother or biological father is of Tibetan descent has the right to become a citizen of Tibet; or

(2) Any Tibetan refugee who has had to adopt citizenship of another country under compelling circumstances may retain Tibetan citizenship provided he or she fulfils the provisions prescribed in Article 13 of this Charter; or

(3) Any person, although formally a citizen of another country, who has been legally married to a Tibetan national for more than three years, who desires to become a citizen of Tibet, may do so in accordance with the laws passed by the Tibetan Assembly.

(4) The Tibetan Assembly shall formulate laws of citizenship in order to enforce the above Articles.

FUNDAMENTAL RIGHTS AND DUTIES

Article 9 - *Equality Before the Law*

All Tibetan citizens shall be equal before the law and shall enjoy the rights and freedoms set forth in this Charter without discrimination on grounds of birth, sex, race, religion, language, lay or ordained status, social origin, rich or poor.

Article 10 - *Religious Freedom*

All religious denominations are equal before the law. Every Tibetan shall have the right to freedom of thought, conscience and religion. These religious rights include the freedom to manifest one's beliefs, to receive initiation into religious traditions, and to practice with matters relating to religious commitment, such as preaching or worship of any religion, either alone or in community with others.

Article 11 - *Right to Vote and Nomination of Candidates for the Assembly*

Subject to laws depriving the right to vote, all Tibetan citizens who have attained the age of eighteen shall be entitled to the right to vote. Subject to laws depriving the right to nomination, all Tibetan citizens who have attained the age of 25 shall be entitled to be a nominee.

Article 12 - *Other Fundamental Rights and Freedoms*

Subject to any law imposing restrictions in the immediate and ultimate interest of the Tibetan people and for the benefit of the public, and subject to legal restrictions imposed by the Tibetan Assembly during the tenure ship of a civil servant, all Tibetans shall be entitled to the following rights and freedoms: (a) freedom of life, liberty and property; (b) freedom of speech and expression; (c) freedom of movement; (d) the right to publish and distribute newspapers, periodicals, articles and other writings; (e) freedom to assemble peacefully without arms; (f) when charged and required to appear before a court of law, the right to free legal counsel and interpreter should a person lack necessary means; (g) the right to form and become a member of any religious, cultural, economic, or trade union or other association; (h) freedom of employment in the Tibetan Administration, or any other institution under its jurisdiction, according to qualification; (i) the right to practice any profession or carry out any trade or business enterprise or occupation, including acquisition of land and property, in accordance with the law of the respective host countries; (j) the right of children under the age of 14 years not to be employed in manual labour.

Article 13 - *Obligations of Citizens: All Tibetan citizens shall fulfil the following obligations*

(a) bear true allegiance to Tibet; (b) faithfully comply and observe the Charter and the laws enshrined therein; (c) endeavour to achieve the common goal of Tibet; (d) pay taxes imposed in accordance with the laws; and (e) perform such obligations as may be imposed by law in the event of a threat to the interest of Tibet or other public catastrophe.

Article 14 - *Enforcement of Fundamental Rights and Duties*

Subject to restrictions imposed by law, as specified in Article 12 of this Charter, all Tibetans shall have the right to approach the Tibetan Supreme Justice Commission, and all Tibetan Local Justice Commissions, in the event of violation of rights. The above Justice Commissions are entitled to issue such orders as are necessary to protect these rights as specified therein.

DIRECTIVE PRINCIPLES OF THE TIBETAN ADMINISTRATION

Article 15 - *Achievement of the Common Goal and the Social Welfare of the Tibetans-in-Exile*

The primary aim of the Tibetan Administration-in-Exile shall be to endeavour to maintain a just policy for the achievement of the common goal of Tibet, and in addition, at the present moment, to protect Tibetans in Tibet from present hardships and danger; and shall formulate a policy to secure just and equal opportunities for the economic development of Tibetans-in-Exile. Furthermore, it shall endeavour to provide reasonable opportunities to all Tibetan youth for the procurement of a modern education and the derivation of the ancient cultural heritage of Tibet; and in particular, shall also strive to provide adequate health services for sound mental and physical development. For the implementation of the above objectives, the following tasks may be undertaken.

Article 16 - *Social Welfare*

(1) The Tibetan Administration-in-Exile shall endeavour to secure appropriate means of providing sources of livelihood, happiness and mental and physical well-being for the Tibetan people. Those policies shall include the promotion of equal opportunity and adequate means of livelihood, equal pay for equal work, either within the Tibetan Administration or any other institutions under its jurisdiction, and equal taxation in accordance with the amount of income. (2) The Tibetan Administration shall provide economic assistance and guidance to those who are infirm, physically handicapped, or economically disadvantaged, or to those Tibetan families with large numbers of

children who are unable to adequately raise and educate their children. Reasonable efforts shall be made by the Tibetan Administration to prevent economic exploitation by others, and to educate and assist those exploited by others. (3) In particular, the Tibetan Administration shall modernize agricultural techniques and develop appropriate cottage and home industries to prevent Tibetan settlements and communities from disintegration. It shall operate public and private undertakings, such as co-operatives, trade and business enterprises and communities, in accordance with the regulations laid down by the Tibetan Assembly.

Article 17 - Education and Culture

(1) The Tibetan Administration shall abide by the UN's declarations of the rights of the children and shall provide all Tibetan children in exile, who have reached school age, the opportunity for primary education. (2) A standard education policy shall be formulated in accordance with the fundamental requirements of Tibetans and the endeavour to promote education. (3) It shall endeavour to establish and maintain day schools in the respective Tibetan establishments and shall provide hostel facilities wherever deemed necessary. (4) It shall endeavour to admit Tibetan children from various scattered Tibetan communities, where there are no educational institutions, to the nearest Tibetan schools. (5) It shall give career guidance to Tibetan children by providing expertise in educational counselling. (6) It shall encourage those who are economically able to provide their own financial support for the continuation of their children's education. (7) It shall endeavour to provide special programs and opportunities for technical, professional, and general higher education on the basis of scholarship and merit; and scholarships shall be made available to those unable to pay for such an education. (8) It shall endeavour to improve the residential and non-residential government and private primary, middle and high schools, and it shall endeavour to gradually introduce the Tibetan language as the medium of instruction in all of its schools, with special emphasis placed on moral education rooted in the Buddhist teachings. (9) It shall endeavour to raise public respect for teachers of all grades, and recruit those with meritorious academic records. (10) It shall endeavour to improve the purity and efficiency of academic and monastic communities of monks, nuns, and tantric practitioners, and shall encourage them to maintain proper behaviour. (11) It shall endeavour to disseminate a non-sectarian and wholesome

tradition of Buddhist doctrines. (12) It shall endeavour to provide facilities for monks and nuns to provide appropriate educational and health services for the benefit of the society. (13) It shall endeavour to preserve and promote ancient Tibetan culture in general, and in particular those aspects of Tibetan arts and sciences which are on the verge of extinction, such as the performing arts, metal crafts and other traditional handicrafts. It shall also recognize, honour and reward professional master-craftspeople. (14) It shall endeavour to provide guidance in fields of modern education of special importance, such as contemporary science, and support research in the fields of science, art and technology. (15) It shall support and promote cultural, religious, monastic and academic institutions. (16) It shall promote games and athletic sports.

Article 18 - Health

(1) The Tibetan Administration shall endeavour to promote adequate health, medical and sanitation services, and provide free medical treatment for the needy. It shall conduct special medical care programs for immunization and chronic illnesses and educate people on environmental issues. (2) In particular, it shall endeavour to promote the Tibetan pharmacy and the practice of ancient astro-medical sciences, and conduct comparative research in the field of Tibetan and modern astro-medical sciences. (3) The manufacture and prescription of Tibetan pharmaceutical medicines shall be authorized, regulated and standardized in accordance with the law.

THE EXECUTIVE

Article 19 - Executive Power

The executive power of the Tibetan Administration shall be vested in His Holiness the Dalai Lama, and shall be exercised by Him, either directly or through officers subordinate to Him, in accordance with the provisions of this Charter. In particular, His Holiness the Dalai Lama shall be empowered to execute the following executive powers as the chief executive of the Tibetan government: (a) approve and promulgate bills and regulations prescribed by the Tibetan Assembly; (b) promulgate acts and ordinances that have the force of law; (c) confer honours and appointments; (d) summon, adjourn, postpone and prolong the Tibetan Assembly; (e) send messages and addresses to the Tibetan Assembly whenever necessary; (f) dissolve or suspend

the Tibetan Assembly; (g) dissolve the Kashag or remove a Kalon or Kalons; (h) summon emergency and special meetings of major significance; and (j) authorize referendums in cases involving major issues in accordance with this Charter.

Article 20 - *The Kashag and the Chief Kalon*

Under the leadership of His Holiness the Dalai Lama, there shall be a Kashag and a Chief Kalon primarily responsible for exercising the executive powers of the Tibetan Administration.

Article 21- *Election of the Kalons*

- (1) The Kashag shall consist of seven Kalons who shall be elected by the Tibetan Assembly in accordance with the law by means of a secret ballot.
- (2) The original nominees for Kalons shall consist of not more than 21 members nominated by sub- committees of the Tibetan Assembly by means of a secret ballot. The Kalons shall be elected following selection of the nominees.
- (3) Qualifications of a Kalon:
 - (a) Must be a citizen of Tibet; (b) At least 35 years of age; (c) Not declared mentally unsound by a court or a licensed medical practitioner; (d) Not declared legally bankrupt; (e) Not convicted of any criminal offence by any court of law; (f) Not declared disqualified by more than two-thirds majority in the Tibetan Assembly; (g) Not a Kalon who is serving a second consecutive term in office; (h) Not previously removed as a Kalon as prescribed in clause (3) & (4) of Article 29 of this Charter; (i) Does not enjoy service, status or economic benefit from other countries detrimental to the interest of the Tibetan people.
- (4) Any person nominated as a Kalon who is unwilling to accept the office must be withdrawn from the nomination within the allotted time in accordance with the notification.
- (5) A nominee must secure at least 70% of the total number of votes to be elected as a Kalon.

- (6) If seven Kalons are not elected, three nominees for each remaining position of Kalon shall be nominated for a reelection from the list of remaining candidates.
- (7) Provided further that if the total of 3 Kalons are not elected upon the subsequent ballot, the required percentage for election may be reduced to, but not below, 55%, and subject only to the approval of more than two-thirds majority of members present in the Tibetan Assembly. If the Kalons are elected upon reduction of the required percentage of votes, the number of Kalons thus elected shall not exceed three.
- (8) If a two-thirds majority of members present in the Tibetan Assembly has not approved the reduction of the required percentage of votes for election, or if after the reduction, the required percentage has not been secured by 3 candidates for the position of Kalon, the matter shall be presented to His Holiness the Dalai Lama and decided thereon in accordance with His advice.
- (9) If the number of elected candidates with equal percentages of votes exceeds the required number of Kalons, all such candidates who got equal percentage of votes will then form the nominees and voting started again.
- (10) (a) If the elected Kalons are so few that they are unable to discharge their responsibilities properly, then the Kashag may approach the Tibetan Assembly, whereupon the matter may be submitted to His Holiness the Dalai Lama, and following His assent, the vacancies for the remaining positions of Kalons within the Kashag may be elected by the Tibetan Assembly. (b) In the event of the death, replacement, or resignation of a Kalon, his or her replacement shall be elected within six months. (c) In the case of such an election, the nominees for the replacement of the Kalons required thereof shall not exceed three for each position of Kalon. (d) Further, in the case of no such nominee securing the required percentage as laid down in the regulation, reelection of the Kalon or Kalons shall not be required. (e) A Kalon so elected shall hold office for the same period as that of the remaining term of the incumbent Kashag.

- (11) Any member of the Tibetan Assembly elected as a Kalon shall cease to be a member of such Assembly, and any civil servant of the Tibetan Administration elected as a Kalon, shall resign from his or her service provided that, upon completion of a Kalon's term, he or she shall be entitled to receive benefits of old age according to his or her former rank and the duration of the previous service.
- (12) This specific procedure applicable to the election of Kalons as formulated by the Tibetan Central Election Commission, in accordance with the provisions of this Charter, ratified by the Tibetan Assembly, and with the assent of His Holiness the Dalai Lama, shall henceforth come into full force and effect.

Article 22 - *Tenure of Kashag*

- (1) Subject to Article 29 of this Charter, and unless otherwise specified, such as the dissolution of the Kashag or the removal of a Kalon or Kalons before the expiration of a term, the tenure of the Kashag shall be 5 years.
- (2) Except in cases of dissolution of the Kashag as specified in Article 29 of this Charter, the re-election of any Kalon shall not be invalid, provided that such re-election of a Kalon shall not exceed two consecutive terms.

Article 23 - *Election of the Chief Kalon*

A Chief Kalon shall be elected, in accordance with the law, by the elected Kalons by means of a secret ballot. Election of a Chief Kalon shall be valid by a simple majority.

Article 24 - *Tenure of the Chief Kalon*

Except in the case of a removal, in accordance with clause (5) of Chapter 29 of this Charter, and before the expiration of a term, the tenure of the Chief Kalon shall be one year. Provided that he or she can remain as Chief Kalon if re-elected.

Article 25 - *Oath or Affirmation by the Chief Kalon and Kalons*

All Kalons, including the Chief Kalon, shall, before assuming office, take and subscribe before His Holiness the Dalai Lama an oath and affirmation of office and secrecy according to the form prescribed by law.

Article 26 - Salaries of the Chief Kalon and Kalons

The Chief Kalon and Kalons shall be entitled to receive such salaries, allowances and other privileges during their term as determined by the Tibetan Assembly by law.

Article 27 - Meeting of the Kashag

The Chief Kalon shall preside over meetings of the Kashag, and during his or her absence, it shall be presided over by a Kalon elected for the purpose.

Article 28 - His Holiness the Dalai Lama's Summoning of the Kashag Meetings

(1) His Holiness the Dalai Lama may, from time to time, summon a meeting, or may be requested by the Kashag to attend Kashag meetings. The Kalons shall be in attendance during such meetings and His Holiness the Dalai Lama shall preside over these Kashag meetings. (2) The Kashag shall be exclusively responsible for the expeditious execution of resolutions passed thereof in the meetings of His Holiness the Dalai Lama and the Kashag.

Article 29 - Obligations of the Kashag and Removal of Kalons

- (1) The Kashag shall be collectively responsible for the discharge of their duties, and in general it shall be accountable and answerable to the Tibetan Assembly.
- (2) The Chief Kalon shall allocate portfolios to the individual Kalons with the consent of His Holiness the Dalai Lama, and His decision shall be binding.
- (3) The entire Kashag may be dissolved, or any Kalon or Kalons may be removed, as the case may be, with the approval of more than a two-thirds majority of the total members of the Tibetan Assembly.
- (4) His Holiness the Dalai Lama may, in cases of an emergency, dissolve the Kashag or remove a Kalon or Kalons, including the Chief Kalon, as the case may be.
- (5) If at any time the Chief Kalon makes a reasonable recommendation regarding the dissolution of the Kashag or the removal of a Kalon or Kalons, including himself, such a recommendation submitted through the Tibetan Assembly,

shall come into force with the support of a two-thirds majority of the total number of the Kalons in the Kashag, and the approval of His Holiness the Dalai Lama.

- (6) If the entire Kashag is so dissolved, a new Kashag shall be elected in not less than 30 calendar days from the day of dissolution, if the Tibetan Assembly is in session. If the Assembly is not in session and an emergency session is required to be summoned, the replacement of the Kashag shall be elected within 60 calendar days, except in the case of a removal of a particular Kalon, in which case his or her replacement may be elected within 6 months.
- (7) The Kashag shall continue to hold office in accordance with the law even after the expiration of its term until such time as the newly elected Kashag takes and subscribes its oath and affirmation of office. In the case of a removal of a particular Kalon, as specified in clauses (3) (4) (5) of this article, he or she shall cease to hold his or her office. In the case of the dissolution of the entire Kashag, the incumbent Kashag shall continue to hold office until such time as the newly elected Kashag takes and subscribes the oath and affirmation of office provided that they do not make new decisions relating to policy matters.

Article 30 - *Conduct of Business of the Tibetan Administration*

All executive business of the Tibetan Administration shall be conducted in the name of His Holiness the Dalai Lama. The Kashag shall formulate detailed regulations concerning transaction of administrative business, rules and regulations, and the making of decisions, by the chief Kalon or Kalons of the Kashag; and those laws shall come into force with the approval of the Tibetan Assembly and the assent of His Holiness the Dalai Lama.

Article 31 - *Council of Regency*

The Council of Regency shall exercise executive powers and authority in the following circumstances:

- (1) (a) at such time as His Holiness the Dalai Lama has not assumed or retained the powers of the head of the Tibetan Administration and the executive

functions therein; (b) when the Tibetan Assembly, by more than three-fourths of its total members in consultation with the Tibetan Supreme Justice Commission, decides that, in the highest interests of the Tibetan Administration, and the Tibetan people, it is imperative that the executive functions of His Holiness the Dalai Lama shall be exercised by the Council of Regency.

- (2) If such a situation arises, a three member Council of Regency shall be elected jointly by the Kashag and the Tibetan Assembly in accordance with law, by means of secret ballot. Provided that any Tibetan who desires to become a nominee of the Council of Regency shall fulfill the same qualifications as those for becoming a Kalon as specified in clause (3) of Article 21 of this Charter.
- (3) If any Member of the Kashag, member of the Tibetan Assembly, or civil servant of the Tibetan Administration and its private institutions is elected as a member of the Council of Regency, he or she shall relinquish his or her present position.
- (4) A Regent, once elected as member of the Council of Regency, shall take and subscribe an oath and affirmation of office and secrecy before the Chief Justice Commissioner of the Tibetan Supreme Justice Commission.

Article 32 - *The Chief Regent of the Council of Regency*

- (1) There shall be a Chief Regent in the Council of Regency who shall be elected jointly by members of the Tibetan Assembly and Kashag by a majority vote. However, the Council of Regency shall be collectively responsible for the conduct of their business.
- (2) Except in the case of a removal before the expiration of a term, in accordance with Article 34 of this Charter, the tenure of the Chief Regent shall be one year. Provided that he or she can continue to remain as the Chief Regent if re-elected.

Article 33 - Duties and Powers of the Council of Regency

- (1) The Council of Regency shall have all the executive powers and authority as prescribed in Article 19 except as otherwise prescribed in sub-clause (f) & (g) of the same Article.
- (2) Subject to clause (f) of Article 19, the Council of Regency may, in consultation with the Kashag and the Chief Kalon, with the approval of more than two-thirds majority of the members of the Kashag, call for a popular referendum to suspend or dissolve the Tibetan Assembly.
- (3) Subject to clause (g) of Article 19, the Council of Regency may, in consultation with the Speaker and Deputy Speaker of the Tibetan Assembly, dissolve the Kashag or remove a Kalon or Kalons, as the case may be, with the approval of more than two-thirds of the total members of the Tibetan Assembly.
- (4) At the earliest time for His Holiness the Dalai Lama to assume the executive authority and power of the Tibetan Administration, the Council of Regency or a Regent, the Kashag or a Kalon, the Tibetan Assembly or a member thereof, may introduce a bill in the Tibetan Assembly to reinstate the power and authority of His Holiness the Dalai Lama. Upon adoption of such a bill the Council of Regency shall be dissolved. (5) In all other matters of procedure, the Council of Regency shall adhere and comply in accordance with duly passed laws.

Article 34 - Dissolution of the Council of Regency and Removal of Regents

- (1) Whenever any Regent of the Council of Regency, as a result of death or otherwise, is unable to discharge his or her duties and responsibilities, the Kashag and the Tibetan Assembly shall, in accordance with law, jointly elect his or her replacement.
- (2) Any Regent(s) or all three Regents of the Council of Regency may be removed, with the approval of more than two-thirds majority of the total members of the Tibetan Assembly in consultation with the Kashag.

- (3) In the case of a situation requiring the removal of a member of the Council of Regency when the Assembly is not in session, the Standing Committee of the Tibetan Assembly may, in consultation with the Kashag, suspend the powers and authority of that particular Regent. Provided that the Kashag and the Standing Committee of the Tibetan Assembly shall jointly explain such removal when the assembly reconvenes and, if approved by more than a two-thirds majority of the total members of the Tibetan Assembly, that Regent shall be removed from his or her office. The Tibetan Assembly shall also elect in the same session a new Regent as his or her replacement in accordance with Article 31 of this Charter.
- (4) If two or three Regents of the Council of Regency are required to be removed from office while the Tibetan Assembly is not in session, the Kashag in consultation with the Standing Committee of the Tibetan Assembly shall summon an Emergency Meeting of the Assembly and recommend in that session the removal of such Regents. The Tibetan Assembly may approve the removal of two or three Regents by more than two-thirds of its total members. Provided that any or all of the Regents of the Council of Regency shall be given an opportunity to present an explanation thereof. The Tibetan Assembly shall also elect, in the same session, their replacements in accordance with Article 31 of this Charter.

Article 35 - *Term of Office and Salary of the Council of Regency*

- (1) Unless the Council of Regency is required to be dissolved, or a Regent(s) is required to be removed as specified in Article 33 of this Charter, or in the appropriate event of reinstating power and authority in the hands of His Holiness the Dalai Lama, the term of each Council of Regency shall not exceed 3 years.
- (2) In the event of removal of one or two Regents, their replacement shall hold office for the same period of time as that of the remaining term of the former. Provided that in the event of removal of all Regents, the term of office of the new Regency shall be three years.

- (3) In the event of removal of a particular Regent, he or she must immediately relinquish his or her position. Provided that if all three Regents are removed, they shall continue to hold office until such time as the newly elected Regency takes an oath and affirmation of office, provided that they do not make decisions relating to policy matters.
- (4) The Regents shall be entitled to receive such salaries, allowances and other privileges during their tenure ship as determined by the Tibetan Assembly in accordance with law.

THE LEGISLATURE

Article 36 - *Legislative Power*

All legislative power and authority shall rest in the Tibetan Assembly, and such legislation shall require the assent of His Holiness the Dalai Lama to become law.

Article 37 - *Composition of the Tibetan Assembly*

The Tibetan Assembly shall consist of:

- (1) (a) 10 members elected from each of the three regions of Tibet without discrimination of sex; (b) 2 members elected from each religious denomination: Nyingma, Kagyud, Sakya, Geluk and Yungdrung Bon. (c) 2 members elected by Tibetans residing in Canada and the United States of America; (d) 2 members elected by Tibetans residing in European countries.

According to clause (a) of this Article, there shall be at least 2 elected women members from each region to represent that region's constituency.

- (2) The Tibetan Assembly may increase the number of regional deputies as and when required.

Article 38 - *Qualifications for Membership of the Tibetan Assembly*

The qualifications of a member of the Tibetan Assembly shall be: (a) Must be a citizen of Tibet. (b) Must be at least 25 years of age. (c) Not declared mentally unsound by a Court or a qualified medical practitioner. (d) Not declared bankrupt. (e)

Not convicted of any criminal offense by a court of law. (f) Not a member of the Tibetan civil service engaged in profit-orientated enterprises. (g) Does not enjoy service, status or economic benefit from other countries detrimental to the interest of the Tibetan people. (h) Not declared disqualified in accordance with the election rules and regulations prescribed by the Tibetan Assembly.

Article 39 - *Duration of the Tibetan Assembly*

Subject to Article 57 of this Charter, on the dissolution of the Tibetan Assembly before the expiration of its duration, the term of each Tibetan Assembly shall be 5 years.

Article 40 - *Sessions of the Tibetan Assembly*

His Holiness the Dalai Lama shall summon the regular Tibetan Assembly to meet at such time, place and duration as may be recommended by the Speaker and the Standing Committee of the Tibetan Assembly in this behalf. The Secretary General of the Tibetan Assembly shall send notices summoning members of the Tibetan Assembly to such a session. A time period of six months shall not pass between the last session and the date appointed for the next session.

Article 41 - *Special Sessions*

- (1) His Holiness the Dalai Lama may, at His discretion, summon a Special Session of the Tibetan Assembly, or He may do so at the recommendation of more than 50% of the members of the Kashag, the Tibetan Assembly, or the Standing Committee of the Tibetan Assembly.
- (2) In an event which requires the summoning of a special session of the Tibetan Assembly for the purpose of matters specified in clause (1), sub clause (b) of Article 31 & clause (4) of Article 34, the Speaker of the Tibetan Assembly may, in consultation with the Kashag, summon such a session.

Article 42 - *Standing Committee of the Tibetan Assembly*

- (1) When the Tibetan Assembly is not in session, there shall be a Standing Committee of the Tibetan Assembly which shall consist of 2 members from

each region, 1 member from each of the religious denominations, and 1 member from among those directly nominated by His Holiness the Dalai Lama, either elected or selected. This Standing Committee shall be re-designated each year.

- (2) The Standing Committee shall exercise authority and the conduct of business in such manner as the Tibetan Assembly may direct in accordance with law.

Article 43 - *His Holiness the Dalai Lama's Annual Address and Messages to the Tibetan Assembly*

- (1) At the commencement of the first session of each Tibetan Assembly, or at the commencement of the first session of each year, His Holiness the Dalai Lama shall address or send messages to the Tibetan Assembly.
- (2) His Holiness the Dalai Lama may, at His discretion, address or send messages to the Tibetan Assembly or the Standing Committee of the Tibetan Assembly on such occasions when a Bill or other legislation is returned by His Holiness to the Assembly for reconsideration, in accordance with law.

Article 44 - *Right of Admission of Kalons in the Tibetan Assembly Session*

The Kalons shall have the right to take part in debate, discussion and submit any recommendations or explanation in the sessions of the Tibetan Assembly, provided that the Kalons are not entitled to vote in the Tibetan Assembly.

Article 45 - *The Speaker and Deputy Speaker of the Tibetan Assembly*

- (1) At the commencement of the first session of each Tibetan Assembly, the members shall elect a Speaker and a Deputy Speaker from among the Assembly members by means of a secret ballot.
- (2) After the election of the Speaker and the Deputy Speaker of the Tibetan Assembly, and as soon as possible before assuming their respective offices, they shall each take an oath and affirmation of office before His Holiness the Dalai Lama according to the form as prescribed by law.

- (3) If either the Speaker or the Deputy Speaker so elected is removed by more than a two-thirds majority of the total members in the Tibetan Assembly, he or she shall vacate his or her office on and from the day of such a resolution.
- (4) When the Tibetan Assembly is in session deliberating on a matter concerning the removal of either the Speaker or the Deputy Speaker of the Tibetan Assembly, he or she shall not partake in such a session.
- (5) In the event of the seat of the Speaker or the Deputy Speaker of the Tibetan Assembly becoming vacant due to removal, death or otherwise, as soon as may be, their replacement shall be elected in accordance with law.

Article 46 - *Privileges of the Members of the Tibetan Assembly*

- (1) Any member of the Tibetan Assembly shall not be liable to any proceedings in any Tibetan Justice Commission with regard to any statement made or voting procedures held in the Tibetan Assembly or any Committee thereof.
- (2) All matters regarding privileges of the members of the Tibetan Assembly shall be defined in accordance with law made, from time to time, by the Tibetan Assembly.

Article 47 - *Oath or Affirmation by Members of the Tibetan Assembly*

Every member of the Tibetan Assembly shall, before taking his or her seat, take and subscribe before the Speaker or Deputy Speaker of the Tibetan Assembly, or a person appointed on his or her behalf, an oath and affirmation of office according to the form as prescribed by law.

Article 48 - *Voting in the Tibetan Assembly*

Except as provided in the Articles and other provisions of this Charter, all other business of the Tibetan Assembly shall be determined by a majority vote. In the case of a even or tie of votes, with regard to business matters, the Speaker of the Tibetan Assembly shall, in his or her discretion, cast the deciding vote whereupon the matter may be resolved.

Article 49 - *Quorum of the Tibetan Assembly*

- (1) If two-thirds of the total number of members, either in the Tibetan Assembly or its Standing Committee, as the case may be, are in session, it shall have the right to resolve any matter. Provided that when the total percentages are calculated the fractions thereof shall not be taken into account.
- (2) If a session of the Tibetan Assembly is required to be adjourned by more than a week in the absence of the minimum quorum required, the Speaker of the Tibetan Assembly may, in consultation with His Holiness the Dalai Lama, adjourn the meeting.
- (3) If any member of the Tibetan Assembly vacates his or her seat during a session, or if it is later discovered that a non-member was present and had voted in the session, the matter deliberated thereupon by the Tibetan Assembly shall remain valid provided that such a person present and voting without any right shall not be eligible in the future for nomination as a member in the Tibetan Assembly.

Article 50 - *Salaries and Allowances of Members of the Tibetan Assembly*

All members of the Tibetan Assembly shall, from the day of taking an oath and affirmation of office until the expiration of their term, be entitled to receive salaries and allowances as may be determined by the Tibetan Assembly in accordance with law.

Article 51 - *Introduction and Passing of Bills*

- (1) No bill or legislation dealing with the imposition, remission, abolition, alteration or regulation of any tax, or regulation for borrowing of money for the Tibetan Administration or giving of any guarantee by the Tibetan Assembly, shall be introduced without the recommendation of the Kashag. Provided that existing laws for the reduction or increase of any tax shall need no recommendation from the Kashag.

- (2) Any bill or legislation formally deliberated in the Tibetan Assembly involving an expenditure of the Tibetan Administration shall not be passed without the recommendation of the Kashag.
- (3) Subject to the preceding Articles, the Tibetan Assembly or any member therein is entitled to introduce any bill or legislation, or propose any amendment, as prescribed in the rules of the Tibetan Assembly.
- (4) Any bill or legislation, if necessary, can be referred for consideration and recommendation to the Committee(s) specially appointed for that purpose before being discussed or deliberated in the Tibetan Assembly.

Article 52 - *Annual Budget of the Tibetan Administration*

- (1) The Kashag shall be required to produce an annual statement of expenditure and estimated receipts of the entire Tibetan Administration for the coming year before the Tibetan Assembly. The annual budget statement shall be divided into the following categories:
 - (a) The sums deemed necessary to meet the estimated expenditure from the revenue of the Tibetan Administration as stated in the succeeding clause; and
 - (b) the sums required to meet other expenditure(s) proposed to be made from the revenue of the Tibetan Administration.
- (2) The sum of expenditure(s) deemed necessary to be made from the revenue of the Tibetan Administration as stated in sub-clause (a) of the preceding clause shall be as follows: (a) expenditures necessary for the office and dignity of His Holiness the Dalai Lama; (b) the salary and allowances of the Speaker and Deputy Speaker of the Tibetan Assembly; (c) the salary, allowance and pension of the Chief Tibetan Justice Commissioner of the Tibetan Supreme Justice Commission; and (d) debt charges for which the Tibetan Administration is liable, including interest and redemption charges.
- (3) The sum of expenditure to be made as stated above shall not be liable for vote in the Tibetan Assembly. However, the Tibetan Assembly shall not be prevented from discussing any of the above matters.

- (4) The sums of all expenditures required to be made, as specified in sub clause (b) of clause (1) of this Article, shall be subject to the approval of the Tibetan Assembly in accordance with budget regulations as set forth by the Tibetan Assembly, and it shall assent, reduce or reject the proposal, as it thinks fit.

Article 53 - Rules of Procedure of the Tibetan Assembly

The Tibetan Assembly shall formulate rules of procedure and conduct of business, with the approval of more than two-thirds of its total members, in accordance with the provisions of this Charter, and such rules shall then come into force.

Article 54 - Restriction on Discussion

No discussion or question shall be raised in the Tibetan Assembly with respect to the conduct of the Chief Tibetan Justice Commissioner in the discharge of his or her duties, except in regard to the issue of removal of the Chief Tibetan Justice Commissioner made by the findings of a Committee especially appointed by the Tibetan Assembly, and upon its recommendation to and with more than a two-thirds majority of the total members of the Tibetan Assembly, and with the approval of His Holiness the Dalai Lama.

Article 55 - Promulgation of Ordinances

- (1) Any legislation, bill or proposal passed by the Tibetan Assembly and presented to His Holiness the Dalai Lama shall be treated as law once He assents to its enactment. His Holiness the Dalai Lama shall decide within 14 working days whether such legislation shall be approved, or He may return the proposal with recommendations as is deemed fit within that time. Thereafter the Tibetan Assembly shall deliberate upon His Holiness' recommendations for the proposal and then present the same to His Holiness the Dalai Lama for re-approval within fourteen working days.
- (2) If at any time the Tibetan Assembly is not in session, and if any issue of major significance arises which renders it necessary and urgent, His Holiness the Dalai Lama, may in consultation with the Standing Committee of the Tibetan Assembly, promulgate ordinances which have the same force of law.

- (3) Any ordinances promulgated may be amended, altered or annulled by the Tibetan Assembly through deliberation during their subsequent session.

Article 56 - Referendum

His Holiness the Dalai Lama may, in pursuant to clause (1) of Article 55 of this Charter, on any legislation, bill or proposal passed and presented to His Holiness the Dalai Lama by the Tibetan Assembly, call for a referendum. Such a referendum shall become law if a majority vote by the Tibetan people is obtained and His Holiness the Dalai Lama assents to its enactment within 14 working days from the election result.

Article 57 - Dissolution of the Tibetan Assembly and Removal of a Member

- (1) In the interest of Tibet and its people, His Holiness the Dalai Lama may, in consultation with the Kashag, the Chief Tibetan Justice Commissioner, the Speaker and Deputy Speaker of the Tibetan Assembly, either prorogue or dissolve the Tibetan Assembly in accordance with the provisions of this charter.
- (2) If any member of the Tibetan Assembly has lost public support and confidence after assuming office, or if his or her conduct is found incongruent to the qualifications of the Tibetan Assembly as determined by Article 38 of this Charter, and if such an allegation or accusation made thereof is approved by a majority of its members, he or she shall be required to resign from membership in the Tibetan Assembly.
- (3) In the event of such a removal, resignation, dissolution, death or election as a Regent or Kalon, as the case may be, the election for new members of the Tibetan Assembly shall be held within 180 days from the day thereof.

Article 58 - Non-Liability of the Proceedings of the Tibetan Assembly

- (1) Any manner of the proceedings of the Tibetan Assembly shall not be called into question by any Tibetan Justice Commissioner under the pretext of any alleged irregularity or discrepancy with the regulations.

- (2) No member of the Tibetan Assembly who is empowered under this Charter with regard to the conduct of business, regulation, discipline or for maintaining order within the Tibetan Assembly shall be subject to the jurisdiction of any Tibetan Justice Commission.

Article 59 - *Special General Meeting*

- (1) If a situation necessitates polling of the general Tibetan public in respect to an emergency or significant public issues, His Holiness the Dalai Lama may either promulgate an ordinance, or a Special General Meeting may be summoned on the joint proposal of the Kashag and the Speaker and the Deputy Speaker of the Tibetan Assembly, with the consent of His Holiness the Dalai Lama.
- (2) The composition of the representatives to such a meeting shall include the members of the Tibetan Assembly and others appointed in this behalf; the Kashag shall jointly decide, in consultation with the Tibetan Assembly or the Standing Committee of the Tibetan Assembly, the agenda, time, and venue of its occurrence.
- (3) Once the agenda of the Meeting, the number and composition of representatives, and time and venue are decided, the Office of the Secretary General of the Tibetan Assembly shall issue notification within 45 days prior to the day of such a meeting.

Article 60 - *Regional Committee of Bhod Rangwang Denpe Legul*

- (1) There shall be a Regional Committee of Bhod Rangwang Denpe Legul in all places where Tibetans-in-Exile reside. It shall be comprised of at least 3 members, but not more than 11, elected by the residents of the respective Regions. In direct co-ordination with the Tibetan Assembly, the committee shall carry out effective activities that are related to the achievement of the common goal, and for the advancement of the moral and material well-being of the Tibetan people.

- (2) The formation, dissolution and integration of all Regional Committees of Bhod Rangwang Denpe Legul shall be subject to the jurisdiction of the Tibetan Assembly.
- (3) The composition, conduct of business and auditing of revenues collected by the Regional Committees of Bhod Rangwang Denpe Legul shall be subject to the direct jurisdiction of the Tibetan Assembly.
- (4) The Tibetan Assembly shall have the discretion to approve existing organizations in regions to carry out the functions of the Regional Committee where a Regional Committee of Bhod Rangwang Denpe Legul cannot be constituted as prescribed in clause (1) of this Article.

Article 61 - *Office of the Secretary General*

There shall be a permanent Office of the Secretary General in the Tibetan Assembly. It shall consist of one Secretary General, and the required number of his or her staff shall be determined by the Speaker and the Deputy Speaker of the Tibetan Assembly in consultation with the Kashag, in accordance with the regulations governing the appointment of civil servants of the Tibetan Administration.

THE JUDICIARY

Article 62 - *Tibetan Supreme Justice Commission*

There shall be a Tibetan Supreme Justice Commission vested with judicial powers suitable to the temporary and special needs of the Tibetan Administration and citizens in exile. It shall consist of a Chief Tibetan Justice Commissioner until such time as the Tibetan Assembly appoints additional Justice Commissioners of law.

Article 63 - *Chief Tibetan Justice Commissioner of the Tibetan Supreme Justice Commission*

- (1) The Chief Tibetan Justice Commissioner of the Tibetan Supreme Justice Commission shall be appointed by His Holiness the Dalai Lama, and if supported by more than two-thirds of the total members of the Tibetan Assembly, he or she shall be appointed as the Chief Tibetan Justice

Commissioner by His Holiness the Dalai Lama in His capacity as the chief executive of the Tibetan Administration.

- (2) No person shall be qualified for appointment as a Chief Tibetan Justice Commissioner of the Tibetan Supreme Justice Commission unless he or she is a citizen of Tibet and has the experience of being in the legal profession for 5 consecutive years in any court of law, or has been a licensed attorney for at least 10 years. Provided that for a period of 10 years from the commencement of the operation of this Charter, the appointment of the Chief Tibetan Justice Commissioner shall not be subject to the qualification requirements specified in this Article.
- (3) A Tibetan who is appointed as the Chief Tibetan Justice Commissioner shall, before assuming office, take and subscribe an oath and affirmation of office in the presence of His Holiness the Dalai Lama according to the form prescribed by law.
- (4) Unless a resolution is passed demanding the removal of the Chief Tibetan Justice Commissioner of the Tibetan Supreme Justice Commission by more than two-thirds of the total members of the Tibetan Assembly and with the assent of His Holiness the Dalai Lama, the Chief Tibetan Justice Commissioner of the Tibetan Supreme Justice Commission shall continue to discharge his or her duties until the age of 65.
- (5) Any person upon retirement or resignation from the position of the Chief Tibetan Justice Commissioner of the Tibetan Supreme Justice Commission may not be allowed to hold any profit- orientated office in the Tibetan Administration.
- (6) In the event of a fixed duration of leave sought by the Chief Tibetan Justice Commissioner of the Tibetan Supreme Justice Commission, his or her replacement shall be appointed as prescribed in Article (67) of this Charter by law.

Article 64 - A Committee of Jurors

- (1) There shall be a permanent jury, consisting of three citizens, to assist in the judicial proceedings of the Chief Tibetan Justice Commissioner of the Tibetan Supreme Justice Commission. The members of such a jury shall be appointed by the Chief Tibetan Justice Commissioner of the Tibetan Supreme Justice Commission in consultation with the Kashag. At least two of the three jurors shall have obtained law degrees from recognised Law Schools. The term of office of the Members of the Committee of Jurors shall be three years. Provided that no restriction is made regarding his or her appointment for subsequent terms of office.
- (2) If at any time a judicial enquiry is deemed necessary in regards to major cases, the Chief Tibetan Justice Commissioner of the Tibetan Supreme Justice Commission shall from time to time directly appoint a jury consisting of not more than 9 Tibetan citizens, who have experience in matters of law, in addition to the 3 regular jurors.

Article 65 - Salary of the Chief Tibetan Justice Commissioner

- (1) The Chief Tibetan Justice Commissioner of the Tibetan Supreme Justice Commission shall be entitled to receive salary, allowances, pensions, and other privileges as determined by the Tibetan Assembly according to law.
- (2) The salary, allowances and other privileges of the Chief Tibetan Justice Commissioner of the Tibetan Supreme Justice Commission shall not be altered or reduced to the detriment of his or her privileges during his or her term of office.

Article 66 - Jurisdiction of the Tibetan Supreme Justice Commission

- (1) The Tibetan Supreme Justice Commission shall be the supreme appellate court regarding legal issues involving individuals and public institutions of the Tibetans-in-Exile. It shall be the highest judicial authority of the Tibetan Administration.

- (2) As all Tibetans-in-Exile are required to adhere to the laws of the respective host countries, the Tibetan Supreme Justice Commission shall have no authority over civil and criminal proceedings while in exile. It will nevertheless exercise its authority over the following: (a) cases involving interpretation of the wordings of the Charter of the Tibetans-in-Exile; (b) cases involving issues of fairness on the conduct of business of the executive departments or civil servants of the Tibetan Administration; (c) cases involving redressal of grievances regarding the services of civil servants of the Tibetan Administration and such institutions under its jurisdiction; (d) disputes involving land and property in the Tibetan settlements; (e) cases of arbitration involving Tibetan communal disputes, social welfare and security; (f) pronouncement of judgements in types of cases other than those specified in this Article; and (g) it shall have the authority over and offer guidance to the Tibetan Local Justice Commissions and the Tibetan Administration in regard to their conduct of business involving legal matters.

Article 67 - *Rules of Procedure and Code of Law of the Tibetan Supreme Justice Commission*

Subject to the provisions of any law as specified in this Charter passed by the Tibetan Assembly, the Tibetan Supreme Justice Commission shall make its own rules of procedure and codes of law, and once approved by His Holiness the Dalai Lama, they shall come into effect.

Article 68 - *Obtaining Opinion from the Tibetan Supreme Justice Commission*

The Tibetan Supreme Justice Commission may issue the following types of opinions in the following matters:

- (1) regarding interpretation of the terms, phrases and meanings of this Charter;
- (2) concerning legal matters of a significant nature, or a fact of such nature that has arisen or is likely to arise; and

(3) other matters of legal ambiguity. Whenever His Holiness the Dalai Lama asks for its opinions, the Tibetan Supreme Justice Commission shall submit its views and opinions on legal issues.

Article 69 - *Tibetan Local Justice Commission*

- (1) The Tibetan Supreme Justice Commission may, from time to time, authorize the Tibetan Administrator of a respective Tibetan settlement, or a Tibetan civil servant, or any other Tibetan person thereof, to conduct legal business, of a permanent or temporary nature, as a circuit Tibetan Local Justice Commissioner.
- (2) Whenever needed, a Commission of Jurors or Judges to assist in the judicial proceedings of the Tibetan Local Justice Commissioner shall be appointed, as the need may be, by the Supreme Tibetan Justice Commissioner.

Article 70 - *Office of the Tibetan Judicial Administration*

Under the Supreme Tibetan Justice Commissioner an Office of the Tibetan Judicial Administration may be established. This office shall offer guidance to the Kashag, the Tibetan Assembly, and individual members thereof in connection with judicial matters and preparation of bills.

THE ADMINISTRATION OF TIBETAN SETTLEMENTS

Article 71 - *The Administration of Tibetan Settlements in Exile*

There shall be a Tibetan Administrative Office in every Tibetan settlement in exile, defined by: (a) Settlements engaged primarily in agriculture (b) Settlements engaged primarily in handicrafts and Co-operatives (c) Monastic Communities (d) Schools and Academic Institutions (e) Self-employed communities (f) Scattered Tibetan Communities; and (g) Other places of residence.

Article 72 - *Tibetan Administrator and Assistant Tibetan Administrator of the Tibetan Settlements*

There shall be a Tibetan Administrator in every Tibetan settlement, and an Assistant Tibetan Administrator in larger Tibetan settlements.

- (1) Any Tibetan resident of a Tibetan settlement, regardless of sex or of lay or ordained status, shall be entitled to stand for nomination for election as a Tibetan Administrator subject to the qualifications prescribed in Articles 11 and 38 of this Charter. Provided that the diplomatic representatives of the Tibetan Administration shall not be elected as a Tibetan Administrator.
- (2) An Assistant Tibetan Administrator may be elected by the respective Tibetan Local Assembly, as deemed necessary, without direct election by the general Tibetan public. Such an election shall require the support of at least a two-thirds majority of the total number of members of that Tibetan Local Assembly.

Article 73 - *Election of the Tibetan Administrators of the Tibetan Settlements*

- (1) There shall be a preliminary election for nomination from amongst the general Tibetan public in each of the respective settlements, and those citizens shall be divided into sub-committees, each consisting of not more than 25 Tibetan citizens, for the election of a Tibetan Administrator.
- (2) 4 candidates shall be elected from amongst the nominees who have secured the highest vote, before holding the final election for the positions of the Tibetan Administrator of each respective Tibetan settlement.
- (3) The candidate who is elected to be the Tibetan Administrator shall secure more than 51% of the total number of votes within that respective Tibetan settlement.
- (4) If any candidate has failed to secure 51% of the vote within the respective Tibetan settlement, a decision shall be made in accordance with Article 74 of this Charter.
- (5) If any member of the Tibetan Local Assembly or any locally appointed staff of the Tibetan settlement is elected as the Tibetan Administrator or Assistant Tibetan Administrator, such persons shall resign from his or her former membership or position.

Article 74 - *The Appointed Tibetan Administrator and Appointed Assistant Tibetan Administrator*

There shall be both a Tibetan Administrator and an Assistant Tibetan Administrator, or either, as the case may be, for each Tibetan settlement appointed by the Central Tibetan Administration under the following circumstances:

- (1) when the required percentage of votes has not been secured from the general Tibetan public within the respective Tibetan settlement as specified in clause (3) of Article 73 of this Charter;
- (2) either a candidate elected from amongst the general Tibetan public has failed to meet qualifications, or the general Tibetan public has expressed an unwillingness to hold an election for the time being; and
- (3) either the Elected Tibetan Administrator has failed to discharge his or her responsibility, or has lost the confidence of the general Tibetan public, or if the Community is unusable to select his or her replacement the Central Tibetan administration shall appoint their replacements.

Article 75 - *Removal of Appointed Tibetan Administrators*

In any Tibetan settlement, if any Tibetan person qualified to be their Administrator or Assistant Tibetan Administrator is found among the general Tibetan public while the Appointed Tibetan Administrator and/or Appointed Assistant Tibetan Administrators are holding their respective offices, as soon as the Tibetan Administration is notified thereof by the Local Tibetan Assembly, the appointed Administrator or Administrators may be replaced.

Article 76 - *Tenure of the Tibetan Administrators*

- (1) Unless a situation otherwise necessitates their removal before the expiration of their term, and in accordance with the provision of the regulation, the term of office of the Tibetan Administrator and Assistant Tibetan Administrator shall be 3 years.

- (2) Unless otherwise a situation necessitates their removal in accordance with Article 91 of this Charter, there shall be no objection to the re-election of any Tibetan Administrator or Assistant Tibetan Administrator.

Article 77 - *Duties of the Tibetan Local Administrators and Assistant Tibetan Local Administrators*

All Tibetan Local Administrators and Assistant Tibetan Local Administrators shall have the following duties:

- (a) to conduct all administrative business of their respective Tibetan settlements;
- (b) to carry out judicial responsibilities authorized by the Tibetan Supreme Justice Commission;
- (c) to make efforts to maintain harmony, safety and security among Tibetan citizens and between Tibetans and the indigenous people of the respective area; and also to make efforts to adhere to the local laws of the respective host countries and respect the customs and traditions of the people therein;
- (d) to carry out all the official responsibilities instructed by the Tibetan Assembly, the Kashag, the concerned Department and other Departments of the Central Tibetan Administration, in accordance with regulations;
- (e) to fulfil the objectives and oversee the efficient functioning of the Tibetan Local Co-operative Societies as prescribed by law; and
- (f) any other duties deemed to be in the interest of the Tibetan people, from time to time, according to the prescribed rules and regulations.

Article 78 - *The Tibetan Local Assembly of Tibetan Settlements*

- (1) There shall be a Tibetan Local Assembly in each of the respective Tibetan settlements.
- (2) (a) Each Tibetan Local Assembly shall be comprised of members, regardless of sex or of lay or ordained status, from among the Tibetan residents of their respective settlement, who shall be entitled to stand for nomination and be

elected as a member of the Tibetan Local Assembly as prescribed in Articles 11 and 38 of this Charter; (b) Or, each Tibetan Local Assembly may consist of elected members of the Board of Directors of the Tibetan Co-operative Societies, Regional Bhod Rangwang Denpe Legul, leaders and representatives of Tibetan Villages, or elected members of the various communities and Associations. It shall be provided that no Tibetan Administrator and Assistant Tibetan Administrator shall become members.

Article 79 - *Number of Members and Duration of the Tibetan Local Assembly of Tibetan Settlements*

- (1) The quorum of each Tibetan Local Assembly of each Tibetan settlement shall be comprised of not less than 11, but not more than 35, members depending on the population of the respective Tibetan settlements.
- (2) Unless circumstances demand dissolution of the Tibetan Local Assembly before the expiration of the term, each Tibetan Local Assembly of the respective Tibetan settlement shall have a term of 3 years.

Article 80 - *Speaker and Deputy Speaker of the Tibetan Local Assembly*

- (1) At the commencement of the first session of each Tibetan Local Assembly, a Speaker and a Deputy Speaker shall be elected from among members by means of a secret ballot and by majority vote.
- (2) After their election, the Speaker and Deputy Speaker of the Tibetan Local Assembly shall take and subscribe the oath and affirmation of their respective offices before the Tibetan Local Justice Commission.

THE TIBETAN ELECTION COMMISSION

Article 96 - *Tibetan Central Election Commission*

There shall be an independent Tibetan Central Election Commission for the discharge of duties pertaining to the election of the members of the Tibetan Assembly, the Speaker and Deputy Speaker of the Tibetan Assembly, the Kalons and Chief Kalon;

and any other election responsibilities in regard to referendums on major issues involving the interest of Tibetan citizens.

Article 97 - *The Chief Tibetan Election Commissioner and Functions of the Commission*

- (1) Whereas His Holiness the Dalai Lama shall appoint the Chief Commissioner of the Tibetan Central Election Commission; other members of the Tibetan Central Election Commission may be appointed, from time to time, by the Chief Commissioner of the Tibetan Central Election Commission in consultation with the Kashag.
- (2) The rules of procedure and the functions of the Tibetan Central Election Commission shall be determined by the Tibetan Assembly, and after the consent of His Holiness the Dalai Lama, such regulations shall come into full force.
- (3) The Tibetan Central Election Commission shall formulate general election regulations, and following the approval of the Tibetan Assembly and the assent of His Holiness the Dalai Lama, such regulations shall come into full force in accordance with the provisions of this Charter.
- (4) The Tibetan Central Election Commission shall investigate and resolve all irregularities or discrepancies involving election procedure, and if the decision made by the Commission is disapproved, the matter may not be brought before any other Tibetan Justice Commission except the Tibetan Supreme Justice Commission.
- (5) Any irregularities or discrepancies involving election procedure in separate Tibetan settlements may be investigated and resolved by the Tibetan Local Election Commission, and if the decision made by the Tibetan Local Election Commission is disapproved, the matter may be brought before the Tibetan Central Election Commission. Provided further that if the matter still remains unresolved, the matter may be referred to the Tibetan Supreme Justice Commission.

Article 98 - *Salary of the Chief Commissioner of the Tibetan Central Election Commission*

- (1) The Chief Commissioner of the Tibetan Central Election Commission shall be entitled to receive salary, allowances, pensions and other privileges as determined by the Tibetan Assembly according to law.
- (2) The salary, allowances and other privileges of the Chief Commissioner of the Tibetan Central Election Commission shall not be altered or reduced to the detriment of his or her privileges during the tenure of office.

Article 99 - *Tenure of the Chief Commissioner of the Tibetan Central Election Commission*

- (1) Unless a situation arises which calls for the removal of the Chief Commissioner of the Tibetan Central Election Commission, and approved by more a than two-thirds majority of the total members in the Tibetan Assembly and consented to by His Holiness the Dalai Lama, the tenure of the Chief Commissioner of the Tibetan Central Election Commission shall be 5 years, or his or her attainment of 65 years of age, as the case may be.
- (2) Any person, upon completion of his or her tenure ship, retirement, resignation or removal from the position of the Chief Commissioner of the Tibetan Central Election Commission may not be allowed to hold any office entitled to benefit in the Tibetan Administration.

THE PUBLIC SERVICE COMMISSION

Article 100 - *Public Service Commission*

There shall be an independent Public Service Commission for the appointment of the gazetted officials of the Central Tibetan Administration.

Article 101 - *Composition of the Public Service Commission*

The Public Service Commission shall consist of a Chairman, and two or three members, as the case may be, appointed by His Holiness the Dalai lama.

Article 102 - *Duties and Powers of the Public Service Commission*

The Public Service Commission shall formulate rules and regulations in regard to the appointment, training, privileges and powers of the gazetted officials of the Central Tibetan Administration as determined by the Tibetan Assembly by law.

Article 103 - *Rules of Procedure and functions of the Public Service Commission*

The Public Service Commission shall formulate specific rules of procedure as determined by the Tibetan Assembly, and following the consent of His Holiness the Dalai Lama, such regulations shall come into full force.

Article 104 - *Salary of the Chairman of Public Service Commission*

The Chairman of the Public Service Commission shall be entitled to receive salary, allowances, pensions and other privileges as determined by the Tibetan Assembly according to law. The salary, allowances and other privileges of the Chairman and the members of the Public Service Commission shall not be altered or reduced to the detriment of his or her privileges during the tenure of office.

Article 105 - *Term of Office of the Public Service Commission*

- (1) The term of office of the Chairman and the members of the Public Service Commission shall be 5 years, or his or her attainment of 65 years of age, as the case may be.
- (2) The Chairman, or any and all of the members of the Public Service Commission may be removed, if approved by a two-thirds majority of the total members of the Tibetan Assembly, in consultation with the Kashag, and with the consent of H.H. the Dalai lama.
- (3) No person, upon the completion of his or her tenureship, retirement, resignation or removal as the Chairman of the Public Service Commission shall be allowed to hold any office entitled to benefit within the Tibetan Administration.

THE TIBETAN AUDIT COMMISSION

Article 106 - *The Tibetan Audit Commission*

There shall be an independent Tibetan Audit Commission to examine, in accordance with law, all income and expenditure accounts of the Tibetan Administration in-exile, including all Administrative Departments and establishments receiving economic or financial assistance from the Tibetan Administration.

Article 107 - *Composition of the Tibetan Audit Commission*

- (1) There shall be an Auditor General appointed by His Holiness the Dalai Lama.
- (2) The Auditor General shall, before taking his or her office, subscribe before His Holiness the Dalai Lama, an oath and affirmation of office according to the form as prescribed by law.

Article 108 - *Duties and Powers of the Tibetan Audit Commission*

- (1) The Tibetan Audit Commission shall have exclusive authority to audit and investigate, according to law, the entire fiscal record of the Tibetan Administration, including all Tibetan Administrative Departments and establishments, which are recipients of grants, funds, or monies from the Central Tibetan Administration.
- (2) The Tibetan Assembly shall determine the specific regulations in respect to the audit procedures, duties and powers of the Tibetan Audit Commission, and following the consent of His Holiness the Dalai Lama, such regulations shall come into full force and effect.
- (3) The Tibetan Audit Commission shall complete and return the annual Audit Report and Certified Accounts to the respective Tibetan Administrative Departments within 7 months from the day appointed in that behalf, at the end of each fiscal year; consequently, the respective Tibetan Administrative Departments shall submit clarifications, together with the Certified Accounts and Audit Report, within 9 months at the end of each fiscal year to the Audit Commission.

Article 109 - *Salary and Allowances of the Auditor General*

- (1) The Auditor General shall be entitled to receive salary, allowances, pensions and other privileges as determined by the Tibetan Assembly in accordance with law.
- (2) The salary, allowances and other privileges of the Auditor General shall not be altered or reduced to the detriment of his or her privileges during the tenure of office.

Article 110 - *Tenure of the Auditor General*

Unless a situation arises which calls for the removal of the Auditor General by His Holiness the Dalai Lama in consultation with the Kashag, or unless an resignation is approved by more than two-thirds of the total members of the Tibetan Assembly, and consented to by His Holiness the Dalai Lama, the maximum tenure of the Auditor General shall be 10 years, or his or her attainment of 65 years of age, as the case may be.

AMENDMENT OF THE CHARTER AND TRANSITIONAL PROVISIONS

Article 111 - *Amendment of the Charter*

- (1) Except in regard to Article (3) and (4) of Chapter I, all Articles of Chapter II and III and Article (19) of Chapter IV as prescribed in this Charter, any other provision thereof may be altered, amended or revised, if necessary, by an act passed by more than two-thirds of the total members of the Tibetan Assembly, and with the assent of H.H. the Dalai Lama, in accordance with the law.
- (2) Any provision in regard to Article (3) and (4) of Chapter I, and all Articles of Chapter II and III and Article (19) of Chapter IV as prescribed in this Charter, may be amended or revised, if necessary, by an act passed by more than two-thirds of the total members of the Tibetan Assembly and assented to by His Holiness the Dalai Lama in accordance with the law.

Article 112 - Referendum

His Holiness the Dalai Lama may, if He thinks fit, direct that an act pertaining to the amendment of this Charter be submitted for a referendum. Such an amendment shall be considered unnecessary unless ratified by more than two-thirds of the total number of Tibetan citizens qualified to vote.

Article 113 - Transitional Provisions

Any resolution pertaining to all administrative business and policy matters of Tibetans in-exile which is ratified prior to the commencement and operation of this Charter shall not be subjected to judicial proceedings before any Tibetan Justice Commission under the pretext that such a decision is repugnant to any provision of this Charter.

Article 114 - Infrastructural Reorganisation

Any organisational or operational alterations of any provision of this Charter shall commence within 90 days from the day of the commencement of the operation of this Charter.

Article 115 - Discrepancies Regarding the Translation

An official translation of this document into English, or any other language, as approved by the Tibetan Assembly shall be recognised as an accurate rendition. Provided that if any discrepancies arise regarding the interpretation of the terms, phrases and meanings of this document, the original Tibetan text shall be considered as authoritative.