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Policy Brief

The Unintended Consequences of India's Policy on Citizenship for Tibetan Refugees

Yeshe Choedon

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Summary

The Government-in-Exile needs to take a proactive role in assisting Tibetans who desire to acquire Indian citizenship for livelihood and other instrumental purposes. The Government of India needs to rethink its four conditions and the relaxation of rules with regard to Tibetans travelling abroad in order to assist the Government-in-Exile preserve Tibetan settlements intact and thereby preserve the Tibetan civilization and sustain the Tibetan freedom movement.

Introduction

Most Tibetan refugees arrived in India after the failed revolt against Chinese rule in March 1959. After the defeat of the Tibetan army at the Battle of Chamdo and the signing of the 17 point agreement of May 1951 set the stage for China's occupation of Tibet, the Tibetan Government did make attempts to adjust to the situation. However, the unrest started after the realisation that China was satisfied not just with the occupation of Tibetan territory but was aiming at the systematic destruction of Tibetan civilization and its complete sinicization. A full-scale national uprising against China's rule erupted on 10 March 1959, but it was crushed by Chinese military might. This event led to the flight of the Dalai Lama and around 8000 Tibetans, seeking refuge in India and other neighbouring South Asian countries.

The uniqueness of Tibetan refugees is that they sought refuge not only for personal safety but also for the preservation and protection of their culture and religion which was under relentless attack in their homeland under China's rule. Out of the total Tibetan diasporic community of 128,944 worldwide, around 94,203 are currently based in India. Unlike many other refugee-hosting countries, India did not adopt the policy of integrating Tibetans into mainstream Indian society. Rather, it facilitated the preservation and promotion of their distinctive culture, tradition and identity by setting up separate Tibetan settlements in various parts of India, established separate schools for the Tibetan children and allowed the functioning of the Tibetan government-in-exile to manage their affairs. Most of the Tibetan refugees in India are residing in 39 major and minor settlements, and are involved in either agriculture or agro-industries or handicrafts for their livelihood.¹ There are also many Tibetan refugees living outside these settlements.

The Government of India has given autonomous power to the government-in-exile to manage Tibetan settlements and schools in India. With the generous support and assistance of India and international aid agencies, the Tibetan refugees in India have not only attained self-sustenance but also successfully reconstructed their social, political and religious institutions in exile. Due to these achievements, Tibetan refugees are considered the 'most successful' refugee community in the world.²

Today, three generations of Tibetan refugees are living in India. The first generation comprises mainly of those who came from Tibet in the 1950s and 1960s. The second generation are between 20 and 50 years old and were mostly born and educated in India. And the third generation is that of children of school going age.

1 Department of Home, Central Tibetan Administration, <http://centraltibetanreliefcommittee.org/doh/tibetan-settlements.html>

2 Dawa Norbu, "The Settlements: Participation and Integration", in Dagmar Bernstorff and Hubertus Von Welck, ed., *Exile as Challenge: The Tibetan Diaspora* (New Delhi: Orient Longman, 2003), p. 190.

Challenges

Although Tibetan refugees are successfully rehabilitated and resettled in India, they are confronted with a series of new challenges. Some of the challenges have emanated from the very success of the rehabilitation and resettlement policy. Two such problems are: 1) educated but unemployed Tibetan youth, and, 2) difficulties of travelling abroad for studies, visiting relatives and other social engagements.

The unemployment problem of educated Tibetan youth is the offshoot of the remarkable achievement of transforming a largely illiterate society (in the modern sense of the term) to a fully literate society within two generations. According to the Second Tibetan Demographic Survey of 2009, the general literacy rate is 79.4 per cent, and the effective literacy rate is 82.4 per cent.³ As the number of Tibetan youth with a graduate degree has increased, the government-in-exile could not employ them all in its establishment. The youth do not wish to follow the older generation's occupation of sweater-selling or running small shops in seasonal Tibetan markets in Indian cities. They are confronted with the challenge of finding employment according to their qualification and skill. According to the Second Tibetan Demographic Survey, over 17 per cent of the total workforce population is unemployed or underemployed.⁴

Their status of statelessness disqualifies Tibetan youth from many job opportunities in India. Further, any economic activities outside the Tibetan settlements encounter uncertainty and insecurity as Tibetans neither have the right to own businesses or obtain a licence to engage in business activities nor are allowed to own or buy land. Further, they are not entitled to secure bank loans. The number of unemployed youth has increased over the years with many of them succumbing to drug addiction in the absence of gainful employment.

Another major challenge relates to acquiring travel documents for travelling abroad. Tibetans wish to go abroad to meet their relatives or to study or for the purpose of running the monasteries spread over various parts of the world. The Government of India issues an "Identity Certificate" (IC) for Tibetans in lieu of a passport for travelling abroad. Apart from the long and complicated process of procuring the IC, they are also required to apply for a permit to exit the country as well as for re-entry so that they could come back to India. Tibetans with this travel document have encountered problems with immigration officials at various airports as many officials are unfamiliar with this kind of travel document.

3 "Latest Report on 'Second Tibetan Demographic Survey' Released", *The Tibet Post International*, 2010, <http://www.thetibetpost.com/en/news/exile/1289-latest-report-on-qsecond-tibetan-demographic-surveyq-released>

4 Ibid

Issue of Indian Citizenship

Due to the practical problems of getting jobs and earning a livelihood as well as difficulties in travelling abroad on an Identity Certificate, the issue of Tibetans applying for Indian citizenship has gained currency in recent years, especially after the enactment of the Indian Citizenship Act (Amendment) of 1986 which allows for the acquiring of Indian citizenship by anyone born in India between January 26, 1950, and July 1, 1987. The amendment has made a large section of the second and third generations of Tibetan refugees eligible for Indian citizenship.

Although there are no formal restrictions imposed by the Tibetan government-in-exile on Tibetan refugees seeking Indian citizenship, it has actively discouraged them from taking this step.⁵ There is also a strong feeling amongst the Tibetan community that taking Indian citizenship would weaken the Tibetan movement and tantamount to giving up the hope of a Free Tibet. As a result, they condemn those of their compatriots who have adopted Indian citizenship.⁶ But, there are still many Tibetans who would like to take up Indian citizenship for the practical reasons mentioned above.

In 2010, when an India-born Tibetan woman challenged India's Ministry of External Affairs in the Delhi High Court for denying her an Indian passport, the court ruled in her favour.⁷ When there was no change in the Government of India's stand despite the court ruling, another case was filed in the court by a Tibetan man in September 2016. Once again, the court ruled in his favour. This time, the court directed the Ministry of External Affairs to treat all Tibetans who meet the criteria for citizenship by birth as Indians and issue them Indian passports. This became the Government of India's policy from March 2017.⁸ However, the Government soon added riders to this policy in June 2017. It listed the following four conditions for Tibetans seeking Indian citizenship: 1) they are required to get their Registration Certificate (RC) and Identity Certificate cancelled; 2) they should not be staying in designated Tibetan refugee settlements; 3) they should submit an undertaking that they no longer enjoy the benefits offered by the Tibetan government-in-exile; and, 4) they should submit

5 Fiona McConnell, "A state within a state? Exploring relations between the Indian state and the Tibetan community and government-in-exile", *Contemporary South Asia*, vol. 19, no. 3, September 2011, p. 303.

6 Julia Meredith Hess, "Statelessness and the State: Tibetans, Citizenship, and Nationalist Activism in a Transnational World", *International Migration*, 44 (1), 2006, p. 84.

7 High Court of Delhi (2010), "Namgyal Dolkar versus Government of India, Ministry Of External Affairs", <http://www.mcrg.ac.in/AddReading/2013/NAMGYAL%20DOLKAR%20Case.pdf>

8 "Tibetan refugees to get Indian passports", *The Times of India*, April 18, 2017, <https://www.pressreader.com/india/the-times-of-india-new-delhi-edition/20170418/281973197526776>

a declaration that they no longer enjoy any privileges, including subsidies, by virtue of being RC holders.⁹

The government-in-exile has officially adopted a neutral position on this development. Its president, Dr Lobsang Sangay, stated that “The decision to apply for Indian or any other country’s citizenship is a personal choice. If you are eligible, you can apply. The Tibetan administration has no right nor does it intend to interfere in a person’s fundamental rights.”¹⁰

The conditions imposed by the Government of India and the neutral position adopted by the Tibetan government-in-exile have put the Tibetans in India in a dilemma. It amounts to requiring them to leave their homes in the Tibetan settlements where they were born and grew up, and become homeless once again. The fact is that Tibetans desire to take Indian citizenship for the purposes of career, livelihood, and ease of travel abroad. That is, they wish to take Indian citizenship for instrumental purposes rather than because of disaffection towards the Tibetan freedom movement or any policy difference within the Tibetan community in exile.

The government-in-exile seems to be applying double standards. On the one hand, it has been encouraging Tibetans living in other countries, especially those in the West, to take up the citizenship of their host countries and labels them as Tibetan Ambassadors to distant lands. On the other hand, it does not favour Tibetans in India adopting Indian citizenship. This double standard is creating disquiet and division among the Tibetan community in exile.

The latest policy of the Government of India is aimed at easing the regulations on Tibetan refugees for travel and study abroad. It has been reported that this new policy was also aimed at discouraging Tibetans from applying for Indian passports.¹¹ Although this move might discourage Tibetans from applying for Indian passports, it would, however, make it easier for them to leave the Tibetan settlements and migrate to other countries. Once they manage to go abroad, many of them would try to get, if not citizenship, at least residential permits. This has been the everyday practice among Tibetan refugees to date. Once they manage to become residents or citizens in Western countries, they would get pension or allowance from the host governments. Thus, while India’s easing of regulations on travel abroad may dissuade Tibetan refugees from applying for Indian passport, there is no way to stop

9 “Government sets conditions for Tibetans to get passports, says move out of settlements, forgo benefits”, *Hindustan Times*, June 26, 2017, <http://www.hindustantimes.com/india-news/govt-riders-for-tibetans-to-get-passports-move-out-of-colonies-forgo-benefits/story-jBsKDOitUKmDACZ1DP2jFK.html>

10 Central Tibetan Administration, “CTA President Iterates Kashag’s Position on Tibetans Applying for Indian Citizenship”, September 29, 2017, <http://tibet.net/2017/09/cta-president-iterates-kashags-position-on-tibetans-applying-for-indian-citizenship/>

11 Vijaita Singh, “Centre opens gates wider for Tibetans going abroad”, *The Hindu*, February 4, 2018, <http://www.thehindu.com/news/national/centre-opens-gates-wider-for-tibetans-going-abroad/article22647025.ece>

them from becoming citizens of other countries. So the question to ponder is: how does this serve the Tibetan national movement and preservation of Tibetan civilization.

Another issue to ponder is whether those Tibetans who migrated to other parts of the world surrendered the house and field allotted to them in the Tibetan settlements in India and whether those getting a pension from the Tibetan government-in-exile surrendered their pension once they started getting pension and allowance from their new host countries. As the Government of India, through its four conditions, is proactive in depriving all these facilities and privileges to those Tibetan refugees applying for Indian citizenship, it requires to consider this issue as well.

Policy Options

It seems to be obvious that the four conditions for acquiring Indian citizenship as well as the new regulations to ease the travel abroad of Tibetan refugees could have a negative consequence in terms of dismantling Tibetan settlements which are nerve centres for the preservation and promotion of Tibetan civilization. Further, the notion that acquiring Indian citizenship would dilute the Tibetan movement is not a convincing argument as the Tibetans in other parts of the world have retained their Tibetan identity and commitment to the Tibetan cause intact despite adopting the host countries' citizenship.

The government-in-exile needs to take a proactive role in assisting Tibetans who desire to acquire Indian citizenship for livelihood and other instrumental purposes. From the long-term perspective, it makes sense to preserve Tibetan settlements intact, as the Tibetan diasporic communities all over the world regard India as their 'second homeland'. Many of the second and third generations of Tibetans were born and raised in these settlements in India. Tibetans abroad not only keep in regular touch with their relatives in India but also visit their former schools and institutions in India. They also come for pilgrimage, visiting not only Tibetan monasteries and different Buddhist sites in India but also to reconnect with their memories of the life they spent in these settlements. So, for the preservation of the Tibetan civilization as well as for the sustenance of the Tibetan freedom movement, it makes eminent good sense to keep the existing Tibetan settlements intact and maintain the vibrancy of the community in these settlements alive. Given all this, the hands-off policy of the Tibetan government-in-exile on the citizenship issue is untenable.

For its part, the Government of India needs to rethink its four conditions as well as the relaxation of rules with regard to Tibetans travelling abroad. India has invested nearly six decades in these Tibetan settlements and in the preservation of the Tibetan civilization in general. The rest of the world, especially the Buddhist communities in various parts of the world, appreciates the Indian contribution in making the Tibetan

refugee a most successful refugee in the world. To improve the conditions of Tibetans in these settlements, the Government of India needs to redouble efforts to implement the Tibetan Rehabilitation Policy of 2014 which it adopted in consultation with the Tibetan government-in-exile. The Government of India could project these thriving Tibetan settlements at the international level as a model for post-conflict reconstruction of war-devastated societies and try to project its expertise to acquire a greater role in United Nations' post-conflict reconstruction and peacebuilding activities with local ownership. In effect, both the Government of India and the Tibetan government-in-exile need to adopt a long-term perspective and rethink their policy towards Tibetans acquiring Indian citizenship.

About the Authors

Yeshe Choedon is Professor in the Centre for International Politics, Organization and Disarmament, School of International Studies, Jawaharlal Nehru University, New Delhi.

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