

**TIBETAN AND ROHINGYA REFUGEES IN INDIA: A  
COMPARATIVE STUDY**

**A THESIS SUBMITTED IN PARTIAL FULFILLMENT OF THE  
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**TIBETAN AND ROHINGYA REFUGEES IN INDIA: A COMPARATIVE  
STUDY**

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**In partial fulfillment of the requirement of the degree of Doctor of Philosophy  
in Political Science of Mizoram University, Aizawl**

**DEPARTMENT OF POLITICAL SCIENCE  
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**CERTIFICATE**

This is to certify that the thesis entitled “**TIBETAN AND ROHINGYA REFUGEES IN INDIA: A COMPARATIVE STUDY**” submitted by Sonam Yangden Pradhan for the award of the degree of **DOCTOR OF PHILOSOPHY** is a research work, done under my supervision and guidance. The thesis submitted by her has not formed the basis for the award to the scholar for any degree or any other similar title and it has not yet been submitted as a thesis or dissertation in any University. I certify that the thesis represents the objective study and independent work of the scholar.

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## **DECLARATION**

Mizoram University

February, 2025

I Sonam Yangden Pradhan, hereby declare that the subject matter of this thesis is the record of work done by me, that the contents of this thesis did not form basis of the award of any previous degree to me or to do the best of my knowledge to anybody else and that this work has not been submitted by me for any research degree in any other University/Institute.

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Date-

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## **Abbreviations**

ARSA	Arakan Rohingya Salvation Army
ASEAN	Association of Southeast Asian Nations
BDCH	Balurghat District Correctional Home
BJP	Bhartiya Janta Party
BRI	Belt and Road Initiative
BSPP	Burma Socialist Programme Party
CAA	Citizenship Amendment Act
CAT	Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment
CCP	Chinese Communist Party
CERD	Convention on the Elimination of all forms of Racial Discrimination
CTA	Central Tibetan Administration
CTRC	Central Tibetan Relief Committee
EU	European Union
ICCPR	International Covenant on Civil and Political Rights
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ID	Identity Certificate
IDP	Internally Displaced Person
JCCH	Jalpaiguri Central Correctional Home
NPR	National Population Register
NRC	National Register of Citizens
OAU	Organisation of African Unity
PLA	People's Liberation Army
PRC	People's Republic of China
RC	Registration Certificate
RWA	Residents Welfare Association
SDG	Sustainable Development Goals

SLORC	State Law and Order Restoration Council
TAR	Tibet Autonomous Region
TGiE	Tibetan Government in Exile
UDHR	Universal Declaration of Human Rights
UK	United Kingdom
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations International Children's Emergency Fund
UNSC	United Nations Security Council
US	United States
WTO	World Trade Organization

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## **Preface**

The international law that govern the refugees all over the world is mentioned under the UN convention of 1951 and 1967 protocols. But however India was not a party of UN convention on Refugees. India follow its own refugee policy. Even though India did not signed the United Nations Convention on the Status of Refugees, India is hosting number of refugees from different neighbouring countries, like Pakistan, Bhutan, Bangladesh, and Tibet etc.

The first chapter contain the definition of refugees according to the International laws. It briefly discuss the factors behind the creation of refugees, refugee's situation in South Asia and rights of refugees under the international law Further it has also look into the statement of the problems, review of literature, scope, objectives, research questions, research methodology which has been used for the study and also the tentative chapterization.

The Tibetan refugees enter into India in 1959 when china invaded Tibet. Here arise a question as why china invaded Tibet, what was the reason behind the Tibetan migration in India, how they came to India, what are the facilities provided by Government of India to them. Thus to answer all this questions in the Second chapter the historical background, routes of migration and settlement, rehabilitation and adjustment of the Tibetans, impact of Tibetan refugees on host population have been discussed.

The third chapter deals with the historical background of Rohingya refugees where the relationship between India and Myanmar is discussed briefly along with the factors related to their migration. Further it also discuss the reason for their arrival and settlement in India.

The fourth chapter deals with the similarities and differences in the socio-economic status of Tibetan and Rohingya Refugees in India. The study is based on field work that look into the income, education qualification and occupation of both the refugees in India. The outcome of the field survey and the analysis of those findings are also included.

The fifth chapter is based on the similarities and differences in the treatment of the Tibetan Refugees and Rohingya refugees in India along with the initiatives taken by the government of India for the Tibetan refugees and Rohingya Refugees in India. Further, this chapter also highlight whether religion are seen as one of the factors that determine the status of refugees in India based on the field survey.

The Sixth chapter is dedicated to the conclusion where the brief summary of all the chapters are discussed, along with the suggestions.

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## **CHAPTER 1**

### **INTRODUCTION**

## 1.1 Introduction

Refugees is not a new term in the world scenario. It has been seen as one of the problems which either have long duration or short duration and this problem is faced by the world countries not only those who have signed the 1951 United Nations Convention on the Status of Refugees and its 1967 Protocol but also those who have not sign the same. For example, South Asian countries although most of them did not sign the 1951 United Nations Convention on the Status of Refugees and its 1967 Protocol (Oberoi, 2006)<sup>1</sup> create and receive a good amount of refugees.

With the demarcation of territories and creation of nation-states on the grounds of religious, racial, or ideological character and identity those people who did not fit and refused to comply with the ideological or religious identities of the dominant nation-state were persecuted. Similarly, when countries started anti-colonial war which led to the end of colonial rule, the newly independent countries started the process of nation-building. The varied process of nation-building created problems as during colonial rule people from different countries were moved out from their places of origin to other countries for working purposes and settled there but when the colonial rule ended and the nation-building process started the same people were moved out of that particular country leaving them with only one option that is to take asylum in the foreign countries.

According to Ghosh<sup>2</sup>, there are several factors that are responsible for the refugee generation and some of them are

- Failure in Nation-Building

Refugees were created through failure in the process of unification of people within the nation leading to war among the people. Some of the examples are The Kashmiri refugees, Bangladeshi refugees, and the Lhotshampas.

- External Intervention

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<sup>1</sup> Oberoi, Pia (2006). *Exile and Belonging*. New Delhi: Oxford University Press.

<sup>2</sup> Ghosh, Partha S. (2016). *Migrants, Refugees and the Stateless in South Asia*. New Delhi: SAGE Publications India Pvt. Ltd.

Refugees are created through the intervention of foreign countries. Like in the case of Tibetan refugees in India and Nepal and Afghan refugees in Pakistan and India.

- Statelessness

Any person who is not legally recognized by any state or country or not regarded that individual as a national then they are termed as stateless. Bihari of Bangladesh, Indian Tamil of Sri Lanka, Chakma's of Arunachal Pradesh, and Rohingyas from Myanmar can be considered as an examples of statelessness.

- Development and Environmental refugees

People who have been forced to leave their traditional habitat due to mass environmental interruption either naturally or by people. Here, Bangladeshi refugees can be seen as an example.

- Inter-Ethnic Conflict

When there is a Conflict between the two or more ethnic groups within a society which result in creation of refugees are termed as refugees created through inter-ethnic conflict. The Sinhalese-Tamil of Sri Lanka to India falls within this category.

The term refugee has been used in different context based on the several factors from which they are created but the most common is that they are displaced from their country of origin to the new countries and are not able to return to their country because of certain reasons. Sometimes the "refugee" term is also used to refer to the displaced person. However, there are mainly two types of displacements in which either a person can be considered as an internationally displaced or internally displaced person. If a person who is displaced from their place of origin and had crossed the international border and considered under the international legal instruments can be determined as a refugees but if a person who is forced to migrate due to political persecution or violence and left his or her home but did not cross the international border is considered as the Internally Displaced Person (IDP).

The number of refugees increased after the First World War and international organisation were set up to deal with the refugees. However it was only after the Second World War that a refugee was defined by the international organisation and various regimes were created among those regimes the first one is the 1951 United Nations Convention on the status of refugee.

According to Article 1 A (2) of the 1951 United Nations Convention on the status of refugees, and its 1967 protocol refugees are described as

Any 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 or her nationality and is unable or owing to such fear (Banerjee, 2012)<sup>3</sup> or for reasons other than personal convenience, is unwilling to avail him or herself of the protection of the country or who not having nationality and are outside the country of his or her former habitual residence, is unable or owing to such fear or for reasons other than personal convenience, is unwilling to return to it (UNHCR Resettlement Hand Book, 2011).<sup>4</sup>

The word ‘or for reasons other than personal convenience’ were added by the 1967 protocol to the original definition in 1951 convention. The key feature of the Protocol related to the Status of Refugees was that it removed the temporal and geographical limitations contained in the 1951 Convention (Banerjee, 2012)<sup>5</sup>

Similarly there are others Refugee definitions in regional instruments which are important to mention as it expand the 1951 convention definition of refugee. The Organisation of African Unity (OAU) Refugee Convention of 1961 define refugees as

“Every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of

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<sup>3</sup> Banerjee, Swananda (2012). Legal Status of the Refugees in India. Retrieved from <http://paper.ssrn.com>. Accessed on 08/02/2022.

<sup>4</sup> UNHCR Resettlement Handbook (2011). Retrieved from <http://www.unhcr.org/resettlementhandbook>. Accessed on 12/11/2021.

<sup>5</sup> Banerjee, Swananda (2012). Legal Status of the Refugees in India. Retrieved from <http://paper.ssrn.com>. Accessed on 08/02/2022.

his or her country of origin or nationality, is compelled to leave his or her place of habitual residence in order to seek refuge in another place outside his or her country of origin or nationality”

Further 1984 Cartagena Declaration also include the “massive violation of human rights” along with the definition of OAU on refugee (Muni & Baral, 1996)<sup>6</sup>.

However the definition of refugees has both inclusion and exclusion clause because a person must fall under those category to be termed as refugees and that if a person is involved in war, crime, crime against humanity, non-political crime prior to admission in asylum country and if it acts opposed to United Nations purpose and principle will not be recognized as refugees or will be excluded from the status of refugees (UNHCR Resettlement Handbook 2011)<sup>7</sup>.

Refugee are the person who were forced to seek shelter in the foreign countries by leaving their country due to some threat or danger in their country of nationality. Some displaced person also share common characteristics with the refugees but they are not eligible for the protection under international law as they remain within their own country and did not cross the international border so they are termed as Internally Displaced Person (IDP) (Oberoi, 2006)<sup>8</sup>.

The above mention definition of refugee is adopted by all the member country who had signed the United Nations Convention on refugees of 1951. However it is not applicable to the countries who did not sign the same, such countries include the South Asian countries. Seven out of eight south Asian countries did not signed the United Nation Refugee Convention of 1951 (excluding Afghanistan) however South Asian countries have been generous in granting asylum to the refugees despite their strained resources, policies towards refugees has been based on ad hoc administrative decision with no legislative framework to clearly define parameters (Kanitkar, 2006)<sup>9</sup>.

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<sup>6</sup> Muni, SD and Baral, Lok Raj (1996). *Refugees and Regional Security in South Asia*. New Delhi: Konark Publishers Pvt Ltd.

<sup>7</sup> UNHCR Resettlement Handbook (2011). Retrieved from <http://www.unhcr.org/resettlementhandbook>. Accessed on 12/11/2021.

<sup>8</sup> Oberoi, Pia (2006). *Exile and Belonging*. New Delhi: Oxford University Press.

<sup>9</sup> Kanitkar, Satish (2000). *Refugee problems in South Asia*. New Delhi: Rajat Publications.



### **1.1.1 Rights of Refugees under the International Law**

At international level, there are few International Institutions in regard to the protection of refugees that deals with the rights of the refugees. On 14 December 1950, the United Nation High Commission on Refugee was created. At first, it was created for a period of three years but later on it was extended. The UNHCR was created till the time when there will be no refugee problem in the world hence, to provide international protection to refugees and assist governments in finding durable solution for the refugees is the main function of the UNHCR (UNHCR Resettlement Hand Book, 2011)<sup>10</sup>. Under the International Legal Framework some of the Refugee Protection are as follows;

#### **a) Universal Declaration of Human Rights (1948)**

On 10 December 1948, the Universal Declaration of Human Rights (UDHR) was approved by the General Assembly of the United Nations Organisation. The United Nations General Assembly declared UDHR as a common standard of achievement for all peoples and all nations (Jaswal & Jaswal, 2012)<sup>11</sup>. It declares that all member nations should acknowledge and uphold fundamental freedoms and human rights.

In the Universal Declaration, the rights and freedoms set forth is applicable to everyone, without any distinction on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status (Article 2) (Banerjee, 2012<sup>12</sup>; UNHCR, 1995)<sup>13</sup>. While the declaration provides the rights and freedoms to all human beings, there are specific provisions that address the refugee protection, such as Articles 13 in which it is stated that: a) everyone has the right to freedom of movement and residence within the borders of the states and b)

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<sup>10</sup> UNHCR Resettlement Handbook (2011). Retrieved from <http://www.unhcr.org/resettlementhandbook>. Accessed on 12/11/2021.

<sup>11</sup> Jaswal, Paramjit S and Jaswal, Nishtha (2012). *Human Rights and the Law*. New Delhi: APH Publishing Corporation.

<sup>12</sup> Banerjee, Swananda (2012). Legal Status of the Refugees in India. Retrieved from <http://paper.ssrn.com>. Accessed on 08/02/2022.

<sup>13</sup> UNHCR (October 1995). Human Rights and Refugee Protection (RLD 5). Retrieved from <https://www.unhcr.org/3ae6bd900.pdf>. Accessed on 30/11/2020.

everyone has the right to leave and return to the country, including his own country (UN General Assembly, 1967)<sup>14</sup>; Article 14 which stated that: a) everyone has the right to seek asylum in other countries and b) This right may not be applicable in the case of trials arising from non-political crimes or from the opposing acts to the principles of the United Nations (UNHCR, 1995<sup>15</sup>; UN General Assembly, 1967<sup>16</sup>); and Article 15 which stated that: a) everyone has a right to nationality and b) No one shall be subjectively deprived of his nationality nor denied the right to change his nationality (Jaswal & Jaswal, 2012)<sup>17</sup>. These rights are universally uphold and acknowledge by all the member state, whether or not they have adopted the 1951 Convention or the 1967 Protocol. Other important rights that the declaration advocates are the right to life, protection of the law, movement and employment, in addition to the right against torture, slavery, and arbitrary arrest and detention (Zutshi, Satpute & Tahir, 2011)<sup>18</sup> as cited in (Pradhan, 2020)<sup>19</sup>.

#### **b) Geneva Convention Relative to the Protection of Civilian Persons in Time of War (1949)**

The Geneva Convention Relative to the Protection of Civilian Persons in Time of War and it was adopted on 12 August 1949 by the Diplomatic Conference for the Establishment of International Conventions for the Protection of Victims of War, held in Geneva from 21 April to 12 August 1949 came into force on 21 October 1950.

A body of Public International Law, that is the Geneva Conventions and their Additional Protocols which is also referred as the Humanitarian Law of Armed Conflicts was created with the intention of providing minimum protections, standards

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<sup>14</sup> UN General Assembly (1967). Declaration on Territorial Asylum. Retrieved from <https://www.refworld.org/docid/3b00f05a2c.html>. Accessed on 12/04/2021.

<sup>15</sup> UNHCR (October 1995). Human Rights and Refugee Protection (RLD 5). Retrieved from <https://www.unhcr.org/3ae6bd900.pdf>. Accessed on 30/11/2020.

<sup>16</sup> UN General Assembly (1967). Declaration on Territorial Asylum. Retrieved from <https://www.refworld.org/docid/3b00f05a2c.html>. Accessed on 12/04/2021.

<sup>17</sup> Jaswal, Paramjit S and Jaswal, Nishtha (2012). *Human Rights and the Law*. New Delhi: APH Publishing Corporation.

<sup>18</sup> Zutshi, Ragini Trakroo, Satpute, Jayshree and Tahir, Md. Saood (2011). *Refugees and the Law*. New Delhi: Human Rights Law Network.

<sup>19</sup> Pradhan, Sonam Yangden (2020). Legal Status and Rights of Tibetan Refugees in India: A Study of Sikkim and Darjeeling. Retrieved from <http://dspace.cus.ac.in/jspui/handle/1/7137>. Accessed on 02/02/2021

of humane treatment, and fundamental guarantees of respect to individuals who become victims of armed conflicts. The Geneva Conventions is a set of agreements pertaining to the treatment of civilians, prisoners of war and troops who are incapable of fighting. An agreement aimed at protecting the sick and injured soldiers during wartime was established by the first Convention, which was started by the present-day International Committee for the Red Cross and Red Crescent.

A similar agreement was created to safeguard the shipwrecked troops was draught after the Swiss Government decided to hold the Conventions in Geneva. Two further Conventions were established in 1949 following World War II, and the Geneva Convention entered into force on 21 October 1950. While the 1949 Geneva Conventions have been universally ratified, the Additional Protocols have not (Pradhan, 2020). Within the Geneva Convention Concerning the defense of Civilians during armed conflicts there are two Articles which deals with the refugees they are:

#### **Article 44**

In applying the measures of control mentioned in the present Convention, the Detaining Power shall not treat as enemy aliens exclusively on the basis of their nationality de jure of an enemy State, refugees who do not, in fact, enjoy the protection of any government.

#### **Article 70**

Apart from violations of the rules and customs of war, protected individuals are not subject to detain, trial, or conviction by the occupying power for actions taken or viewpoints expressed prior to or during a temporary interruption in the occupation.

Nationals of the Occupying Power who, before the outbreak of hostilities, have sought refuge in the territory of the occupied State, shall not be arrested, prosecuted, convicted or deported from the occupied territory, except for offences committed after the outbreak of hostilities, or for offences under common law committed before the

outbreak of hostilities which, according to the law of the occupied State, would have justified extradition in time of peace <sup>20</sup> (Pradhan, 2020)<sup>21</sup>.

### **c) Convention Relating to the Status of Refugees (1951)**

The 1951 Convention on refugees is a key legal document which defines the term refugee. It is rectified by 145 states and it also provide a framework to the rights of the displaced person and the obligation of nations to protect them. Non refoulment is the fundamental element of this convention which declares that if a refugee is facing threat of their life and freedom in their original country they should not be forced to return back to the same country by the refuge country and this is reflected as a rule of ordinary international law. The UNHCR assists as the protector of the 1951 Convention on refugee and its 1967 Protocol. Accordingly States are expected to cooperate, respect and ensure to protect the rights of refugees (UNHCR, 1951)<sup>22</sup> as cited in (Pradhan, 2020)<sup>23</sup>.

### **d) International Covenant on Civil and Political Rights (1966)**

On December 16, 1966, the United Nations General Assembly enacted the multinational International Covenant on Civil and Political Rights, which became operative on March 23, 1976.

The provisions of this covenant that can be specifically applied to refugees include Articles 2, 12 and 13 which has been discussed in details below (Banerjee, 2012)<sup>24</sup>.

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<sup>20</sup> The Geneva Convention Relative to the Protection of Civilian Persons in Time of War. Retrieved from <https://www.ohchr.org/EN/ProfessionalInterest/Pages/ProtectionOfCivilianPersons.aspx>. Accessed on 14/06/2021.

<sup>21</sup> Pradhan, Sonam Yangden (2020). Legal Status and Rights of Tibetan Refugees in India: A Study of Sikkim and Darjeeling. Retrieved from <http://dspace.cus.ac.in/jspui/handle/1/7137>. Accessed on 02/02/2021

<sup>22</sup> UNHCR (1951). Convention Relating to the Status of Refugees. Retrieved from <https://www.unhcr.org/1951-refugee-convention.html>. Accessed on 14/06/2021.

<sup>23</sup> Pradhan, Sonam Yangden (2020). Legal Status and Rights of Tibetan Refugees in India: A Study of Sikkim and Darjeeling. Retrieved from <http://dspace.cus.ac.in/jspui/handle/1/7137>. Accessed on 02/02/2021

<sup>24</sup> Banerjee, Swananda (2012). Legal Status of the Refugees in India. Retrieved from <http://paper.ssrn.com>. Accessed on 08/02/2022.

## Article 2

1. Each State Party to the Covenant accepts to respect and to ensure all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant without any distinction such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status (UNHCR, 1995)<sup>25</sup>.
2. Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant (Pradhan, 2020)<sup>26</sup>
3. Each State Party to the present Covenant undertakes:
  - a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, even if the violation has been committed by persons acting in an official capacity (UNHCR, 1995)<sup>27</sup>;
  - b) To ensure that any person claiming such a remedy shall have his right there to determine by experienced judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;

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<sup>25</sup> UNHCR (October 1995). Human Rights and Refugee Protection (RLD 5). Retrieved from <https://www.unhcr.org/3ae6bd900.pdf>. Accessed on 30/11/2020.

<sup>26</sup>Pradhan, Sonam Yangden (2020). Legal Status and Rights of Tibetan Refugees in India: A Study of Sikkim and Darjeeling. Retrieved from <http://dspace.cus.ac.in/jspui/handle/1/7137>. Accessed on 02/02/2021

<sup>27</sup> UNHCR (October 1995). Human Rights and Refugee Protection (RLD 5). Retrieved from <https://www.unhcr.org/3ae6bd900.pdf>. Accessed on 30/11/2020.

- c) To ensure that the competent authorities shall enforce such remedies when granted (Pradhan, 2020)<sup>28</sup>.

## **Article 12**

1. Everyone has the freedom to go about and pick where to live within a state's borders.
2. Everyone will have the freedom to leave any nation, including their own.
3. The aforementioned rights are unaffected by any limitations unless mandated by law, required to safeguard public health, morals, public order, national security, or the rights and freedoms of others, and consistent with the other rights guaranteed by the Covenant
4. No one shall be arbitrarily deprived of the right to enter his own country (UNHCR, 1995)<sup>29</sup>.

## **Article 13**

An alien lawfully in the territory of a State Party to this Covenant may be expelled only in the enactment of a decision reached in accordance with law and shall, exclude where considerable reasons of national security otherwise oblige, is allowed to submit the reasons against his/her expulsion and to have his/her case reviewed by, and be represented for the purpose before, the competent authority or the person especially designated by the competent authority<sup>30</sup> (Pradhan, 2020)<sup>31</sup>

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<sup>28</sup> Pradhan, Sonam Yangden (2020). Legal Status and Rights of Tibetan Refugees in India: A Study of Sikkim and Darjeeling. Retrieved from <http://dspace.cus.ac.in/jspui/handle/1/7137>. Accessed on 02/02/2021

<sup>29</sup> UNHCR (October 1995). Human Rights and Refugee Protection (RLD 5). Retrieved from <https://www.unhcr.org/3ae6bd900.pdf>. Accessed on 30/11/2020.

<sup>30</sup> The International Covenant on Civil and Political Rights (ICCPR). Retrieved from <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>. Accessed on 14/10/2019.

<sup>31</sup> Pradhan, Sonam Yangden (2020). Legal Status and Rights of Tibetan Refugees in India: A Study of Sikkim and Darjeeling. Retrieved from <http://dspace.cus.ac.in/jspui/handle/1/7137>. Accessed on 02/02/2021

#### **e) Protocol Relating to the Status of Refugees (1967)**

The Protocol was taken note of with approval by the Economic and Social Council in resolution 1186 (XLI) of 18 November 1966 and was taken note of by the General Assembly in resolution 2198 (XXI) of 16 December 1966.

The General Assembly asked the Secretary-General in the similar resolution to provide the Protocol's text to the States so that they might accede to it when it went into effect on October 4, 1967. With the Geneva Convention in mind, the State Parties to the current Protocol related to the Status of Refugees of 28 July 1951 covers those persons who become refugee due to the events occurred prior to January 1, 1951, taking into account that new refugee situations have emerged since the Convention's adoption and that the refugees in question may not be covered by it, and that it is preferable for all refugees covered by the Convention's definition to have equal status regardless of the dateline January 1 of 1951.

The protocol relating to the status of refugees include 11 articles such as: Article 1 is the General provision; Article 2 that deals with the Co-operation of the national authorities with the United Nations; Article 3 deals with the Information on national legislation; Article 4 is on Settlement of disputes; Article 5 focus on Accession; Article 6 deals with Federal clause; Article 7 is on Reservations and declarations; Article 8 discuss the Entry into Protocol; Article 9 focus on Denunciation; Article 10 discuss the Notifications by the Secretary-General of the United Nations; and Article 11 is on Deposit in the archives of the Secretariat of the United Nations<sup>32</sup> (Pradhan, 2020)<sup>33</sup>.

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<sup>32</sup>Protocol Relating to the Status of Refugees. Retrieved from <https://www.ohchr.org/EN/ProfessionalInterest/Pages/ProtocolStatusOfRefugees.aspx>. Accessed on 10/09/2019.

<sup>33</sup> Pradhan, Sonam Yangden (2020). Legal Status and Rights of Tibetan Refugees in India: A Study of Sikkim and Darjeeling. Retrieved from <http://dspace.cus.ac.in/jspui/handle/1/7137>. Accessed on 02/02/2021

#### **f) Declaration on Territorial Asylum (1967)**

Declaration on Territorial Asylum was adopted by UN General Assembly on 14th December 1967. The Charter of UN General Assembly proclaims to uphold global peace and security, foster amicable ties between all nations in order to achieve international mutual aid in addressing global issues in the fields of economics, society, culture, or humanitarianism, and promote the respect of human rights and fundamental freedoms for everyone, without exception on the ground of race, sex, language or religion. The General Assembly also declared that without any bias to present mechanisms dealing with the status of refugees, States should practice following principles:

##### **Article 1**

1. All States should uphold Article 14 of the Universal Declaration of Human Rights, which states that individuals who have been granted asylum under their jurisdiction may appeal.
2. The right to seek asylum may not be raised by the person who are considered as committed a crime contrary to peace, a war crime or a crime against humanity.
3. To grant the asylum the power shall be rest with the State (UN General Assembly, 1967)<sup>34</sup>.

##### **Article 2**

1. The situation of persons mentioned in article 1, without any bias should be followed by the sovereignty of States and are concern to the international community.

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<sup>34</sup> UN General Assembly (1967). Declaration on Territorial Asylum. Retrieved from <https://www.refworld.org/docid/3b00f05a2c.html>. Accessed on 12/04/2021.



2. If State finds any difficulties in granting asylum, States itself or through the United Nations shall reflect appropriate methods to reduce the burden of that State (UN General Assembly, 1967)<sup>35</sup> as cited in (Pradhan, 2020)<sup>36</sup>.

### **Article 3**

1. Even if someone has already entered the country to apply for asylum, they should not be forced to return to a state where they may face persecution. The same goes for rejection.
2. Only in cases of national security or population protection may the aforementioned principle be waived.
3. State will decide whether the exception to previous principle would be justified, it shall consider the possibility of granting to the person temporary asylum or otherwise, of going to another State (UN General Assembly, 1967)<sup>37</sup>.

### **Article 4**

States must not allow those who have been granted refuge to participate in actions that are against the principles of the United Nations (UN General Assembly, 1967)<sup>38</sup>.

#### **g) American Convention on Human Rights (1969)**

American Convention on Human Rights was signed by the Organization of American States on 22 November 1969 came into Force on 18 July 1978.

The signatory of the convention recognize that a person's fundamental rights are based on characteristics of their personality rather than their citizenship in a particular state, and as a result, they warrant international protection in the form of a

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<sup>35</sup> UN General Assembly (1967). Declaration on Territorial Asylum. Retrieved from <https://www.refworld.org/docid/3b00f05a2c.html>. Accessed on 12/04/2021.

<sup>36</sup> Pradhan, Sonam Yangden (2020). Legal Status and Rights of Tibetan Refugees in India: A Study of Sikkim and Darjeeling. Retrieved from <http://dspace.cus.ac.in/jspui/handle/1/7137>. Accessed on 02/02/2021

<sup>37</sup> UN General Assembly (1967). Declaration on Territorial Asylum. Retrieved from <https://www.refworld.org/docid/3b00f05a2c.html>. Accessed on 12/04/2021.

<sup>38</sup> *ibid*

convention that supplements or reinforces the protections offered by the domestic laws of the American states. Considering that these principles have been set forth in the Charter of the Organization of American States, in the American Declaration of the Rights and Duties of Man, (UNHCR, 1995)<sup>39</sup> and in the Universal Declaration of Human Rights, and that they have been reaffirmed and refined in other international instruments, worldwide as well as regional in scope.

In accordance with the Universal Declaration of Human Rights, the ideal of free men enjoying freedom from fear and want can be achieved only if conditions are created whereby everyone may enjoy his economic, social, and cultural rights, as well as his civil and political rights; and considering that the Third Special Inter-American Conference (Buenos Aires cited in American Convention on Human Rights) approved the incorporation into the Charter of the Organization itself broader standards with respect to economic, social, and educational rights and resolved that an Inter-American convention on human rights should determine the structure, competence, and procedure of the organs responsible for these matters<sup>40</sup> (Pradhan, 2020)<sup>41</sup>.

#### **h) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)**

The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNHCR, 1995)<sup>42</sup> was adopted by the General Assembly of the United Nations on 10 December 1984. After being approved by 20 States, the Convention came into effect on June 26, 1987.

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<sup>39</sup> UNHCR (October 1995). Human Rights and Refugee Protection (RLD 5). Retrieved from <https://www.unhcr.org/3ae6bd900.pdf>. Accessed on 30/11/2020.

<sup>40</sup> American Convention on Human Rights. Retrieved from <https://original.religlaw.org/content/religlaw/documents/amerconvhr1969.html>. Accessed on 22/09/2019.

<sup>41</sup> Pradhan, Sonam Yangden (2020). Legal Status and Rights of Tibetan Refugees in India: A Study of Sikkim and Darjeeling. Retrieved from <http://dspace.cus.ac.in/jspui/handle/1/7137>. Accessed on 02/02/2021

<sup>42</sup> UNHCR (October 1995). Human Rights and Refugee Protection (RLD 5). Retrieved from <https://www.unhcr.org/3ae6bd900.pdf>. Accessed on 30/11/2020.

This Convention is an international human rights treaty which mandates a global prohibition on torture and other acts of cruel, inhuman treatment or punishment and creates an instrument to monitor governments and hold them to account. The absolute prohibition on torture and other acts of cruel, inhuman, or degrading treatment or punishment is also accepted as a principle of customary international law. The Optional Protocol to the Convention was adopted on 18 December 2002 by the UN General Assembly and entered into force on 22 June 2006. Its aim is to prevent torture by opening up places of detention to external scrutiny by independent bodies. There are two important articles related to refugees under this convention are Articles 2 and 3 (Banerjee, 2012)<sup>43</sup>.

#### **Article 2**

1. To stop torture in any area under its control, each State Party must implement efficient legislative, executive, judicial, or other measures.
2. Torture cannot be justified under any extraordinary situations, including internal political unrest, a state of war or the prospect of war, or any other public emergency.
3. An order from a superior officer or a public authority may not be invoked as a justification of torture (Pradhan, 2020).<sup>44</sup>

#### **Article 3**

1. No State Party has the right to extradite, deport, or return a "refouler" to another State if there is a chance that he may be tortured.
2. The expert authorities will assess all pertinent factors, including, if applicable, the presence of a continuous pattern of egregious, flagrant, or widespread

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<sup>43</sup> Banerjee, Swananda (2012). Legal Status of the Refugees in India. Retrieved from <http://paper.ssrn.com>. Accessed on 08/02/2022.

<sup>44</sup> Pradhan, Sonam Yangden (2020). Legal Status and Rights of Tibetan Refugees in India: A Study of Sikkim and Darjeeling. Retrieved from <http://dspace.cus.ac.in/jspui/handle/1/7137>. Accessed on 02/02/2021

human rights breaches in the State in question, in order to determine whether such grounds exist<sup>45</sup>.

**i) Convention on the Rights of the Child (1989)**

In 1989, against the backdrop of a changing world order world leaders came together and made a historic commitment to the world's children. They made a promise to every child to protect and fulfil their rights, by adopting an international legal framework that is the UN Convention on the Rights of the Child (Pradhan, 2020)<sup>46</sup>.

In the context of refugees, the treaty stipulates that a child who applies for refugee status whether unaccompanied or accompanied must be protected and given humanitarian aid so they can exercise their rights under the convention and other international human rights or humanitarian treaties. Stated differently, a state that is a party Convention on the Rights of the Child but is not a signatory to any instrument relating to refugees, is still obliged to provide adequate protection and assistance to the refugee child. Article 22 also provides for the state party to cooperate with the United Nations, or any related organisation, to protect such child and to trace family members of the refugee child in order (UNHCR, 1995)<sup>47</sup> to facilitate family reunification (Banerjee, 2012)<sup>48</sup>.

**j) Declaration on the Elimination of Violence against Women (1993)**

On 20 December 1993, the General Assembly of the United Nations approved the United Nations Declaration on the Elimination of Violence against Women. It addresses psychological, sexual, and physical abuse in the family and in other social

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<sup>45</sup> The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Retrieved from <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx>. Accessed on 15/09/2022.

<sup>46</sup> Pradhan, Sonam Yangden (2020). Legal Status and Rights of Tibetan Refugees in India: A Study of Sikkim and Darjeeling. Retrieved from <http://dspace.cus.ac.in/jspui/handle/1/7137>. Accessed on 02/02/2021

<sup>47</sup> UNHCR (October 1995). Human Rights and Refugee Protection (RLD 5). Retrieved from <https://www.unhcr.org/3ae6bd900.pdf>. Accessed on 30/11/2020.

<sup>48</sup> Banerjee, Swananda (2012). Legal Status of the Refugees in India. Retrieved from <http://paper.ssrn.com>. Accessed on 08/02/2022

settings. The definition of violence against women that is presently most commonly used is the one provided by the UN in the Declaration:

‘Any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.’

The Declaration states three categories of violence against women: violence perpetrated by the state, such as violence against women in custody and as part of warfare, violence occurring within the general community, including rape, sexual harassment, trafficking in women and intimidation at work, and violence in the family and in the private sphere, for example incest and selective abortions<sup>49</sup> (Pradhan, 2020)<sup>50</sup>.

#### **k) Guiding Principles on Internal Displacement**

The Guiding Principles on Internal Displacement established the 30 principles which provide the framework for the rights of Internally Displaced People (IDP). The guiding Principle guarantees the protection and assistance to IDPs during displacement until they return, rehabilitate or settle in the country. It also cover protections against arbitrary displacement. Irrespective, of the cause of their displacement it emphasize on the responsibility of national governments to protect and assist all the IDPs (GP 20, 2018).<sup>51</sup>

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<sup>49</sup> Declaration on the Elimination of Violence against Women. Retrieved from <https://www.ohchr.org/EN/ProfessionalInterest/Pages/ViolenceAgainstWomen.aspx>. Accessed on 3/09/2022.

<sup>50</sup> Pradhan, Sonam Yangden (2020). Legal Status and Rights of Tibetan Refugees in India: A Study of Sikkim and Darjeeling. Retrieved from <http://dspace.cus.ac.in/jspui/handle/1/7137>. Accessed on 02/02/2021

<sup>51</sup> GP 20, 2018. Fact Sheet on Guiding Principle on Internal Displacement. Retrieved from <https://crowd360.org/fact-sheet-on-the-guiding-principles-on-internal-displacement/>. Accessed on 10/09/2021.

From the above conventions and protocols related to the refugees it is clear that the International Human Rights law and the Refugee law are closely linked with each other (Pradhan, 2020)<sup>52</sup>.

South Asian countries had suffered from the movement of people from both nationally and internationally and they are also the most refugee creating and receiving countries although they did not ratify the main international instrument for protecting refugees. Mentions have been made earlier that there are many factors which create the refugees and among them the most common factors that is responsible for the refugee influx in the region of South Asia were the breakdown of colonial rule, problems of state and nation building, and Political development in neighbouring region (Chari, Chandran & Joseph, 2003)<sup>53</sup>.

Within the South Asian countries, Maldives is the only country which do not receive and create refugees as compared to the other south Asian countries. Similarly, Srilanka's island status has spared it from being a host to asylum seekers, whereas India falls into the category of refugees receiving country as it is the only nation that share borders with the neighbouring country. Pakistan is also a refugees receiving country but Pakistan share its border with India and Afghanistan and most of the refugees received by Pakistan are from Afghanistan than that of India. Bangladesh is the most refugee generating country and there are Bangladeshi refugee all over South Asia like India, Nepal, and Pakistan. Similarly Nepal, which has been a source of migrants to India and to a much smaller extent Bhutan, also received refugees from Tibet as well as migrants from India (Muni & Baral, 1996)<sup>54</sup>.

When India gained independence, during that period the debate was going on regarding the institutionalization of international refugee regime as that time lots of displacement of people took place so the countries increasingly demand an answer to

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<sup>52</sup> Pradhan, Sonam Yangden (2020). Legal Status and Rights of Tibetan Refugees in India: A Study of Sikkim and Darjeeling. Retrieved from <http://dspace.cus.ac.in/jspui/handle/1/7137>. Accessed on 02/02/2021

<sup>53</sup> Chari, P. R., Chandran, S., & Joseph, M. P. (2003). Missing boundaries: Refugees, migrants, stateless and internally displaced persons in South Asia. Manohar Publishers.

<sup>54</sup> Muni, SD and Baral, Lok Raj (1996). *Refugees and Regional Security in South Asia*. New Delhi: Konark Publishers Pvt Ltd.

solve the question on refugee (Oberoi, 2006)<sup>55</sup>. India initial stand on the treaty regime of the refugee law was declared to be a subject of review in other sense India stand for the rectification of the convention of refugees were under study (Bandyopadhyay, 2007)<sup>56</sup>.

India is not a member of 1951 United Nations Convention on Refugee and its 1967 Protocols (Rastogi, 2016)<sup>57</sup> as India viewed the international laws on refugees as Eurocentric and it also ignored the needs of developing countries (Oberoi, 2006)<sup>58</sup> but for the protection of human rights of refugees and asylum seekers in India, India accepted the “Bangkok Declaration of 1966” along with the principle of non-refoulment including non-rejection at the frontier (Bandyopadhyay, 2007)<sup>59</sup>.

India claims to follow its own refugee policy and provided protection to the asylum seekers and refugees though it is not constituted officially. In India, there are different refugees and asylum seekers from different nations such as Srilankan-Tamil, Bangladeshi refugees, Tibetan refugees, Afghan refugees etc and India treat them differently which has been seen from the perspective that some refugees are well adapted and are living in far well condition than that of the other refugees who are living in vulnerable conditions, such example of those refugees are Tibetan Refugees and Rohingya refugees.

Around 56,000 Tibetan refugees among 80,000 who fled from China among took shelter in India. Tibetan refugee’s influx into the Northern part of India in 1959 was the India’s second experience of mass refugees in India after the partition of India (Oberoi, 2006)<sup>60</sup>. In 1959, when China invaded Tibet the Dalai Lama who is considered as the spiritual leader of Tibetan Buddhism sought asylum in India along with a large number of Tibetans who fled to India. Tibetan refugees seek asylum in a

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<sup>55</sup> Oberoi, Pia (2006). *Exile and Belonging*. New Delhi: Oxford University Press.

<sup>56</sup> Bandyopadhyay, Rathin (2007). *Human Rights of the Non-Citizen Law and Reality*. New Delhi; Deep and Deep Publications Pvt. Ltd.

<sup>57</sup> Rastogi, Komal (2016). What is The Legal Status of Refugees in India? Retrieved from <https://blog.ipleaders.in/legal-status-refugees-india/>. Accessed on 07/06/2022.

<sup>58</sup> Oberoi, Pia (2006). *Exile and Belonging*. New Delhi: Oxford University Press.

<sup>59</sup> Bandyopadhyay, Rathin (2007). *Human Rights of the Non-Citizen Law and Reality*. New Delhi; Deep and Deep Publications Pvt. Ltd.

<sup>60</sup> Oberoi, Pia (2006). *Exile and Belonging*. New Delhi: Oxford University Press.

land that was known to them. The relationship between Tibet and Indian people can be traced back to ancient times. For many centuries, Tibetans had traveled to the various Buddhist temples in India and Nepal, and Indians and Nepalese also, in turn, gone on the pilgrimages of Mount Kailash which is the holy mountain of Tibet' (Forbes, 1989)<sup>61</sup>. The foundation of the culture of Tibet was acquired from the Indian schools. On the basis of this historical connection the Government of India granted asylum on 30 March 1959 to the Dalai Lama who was followed by a large number of Tibetans who came and settled in India. The Government of India established several resettlement camps to rehabilitate the Tibetan refugees. Among them, some of the important settlements are (Desai & Raha, 2011)<sup>62</sup>

- Dharamsala in Himachal Pradesh,
- Ravangla in Sikkim,
- Kalimpong, and Darjeeling in West Bengal,
- Changlang, Tezu in Arunachal Pradesh,
- Chandragiri in Orissa,
- Dehra Dun in Uttarakhand,
- Majnu ka Tila in New Delhi and
- Bylakuppe in Karnataka, etc

The Rohingya refugees who are also regarded as the new boat people were the refugees from Myanmar. During the British period, when India, Burma (present Myanmar), East Bengal (present Bangladesh) were the colonies of British. The British government take workers from the East Bengal and India to work as a labourers, seasonal workers (who help local rich landowners during harvest time) etc to Burma along with many new Chittagonians who also entered Rakhine as they were attracted by the commercialization of rich cultivation and work opportunities (Chaudhury and Samaddar, 2018)<sup>63</sup>. The origin of Muslim in Rakhine can be traced back to 16<sup>th</sup> to 18<sup>th</sup>

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<sup>61</sup> Forbes, Ann Ambrecht (1989). *Settlement of Hope: An Account of Tibetan Refugees in Nepal*. Cambridge: Cultural Survival.

<sup>62</sup> Desai, Mamta, and Raha, Manish Kumar (2011). *The Tibetans – Their Life in Exile in India*. Kolkata: KP Bagchi & Company.

<sup>63</sup> Chaudhury, Sabyasachi Basu Ray and Samaddar, Ranabir (2018). *The Rohingya in South Asia People without a State*. New Delhi: Routledge India.



centuries and Rohingyas were the one of them who were the people from the Chittagong present Bangladesh earlier East Pakistan who were migrated to the Arakan (present Rakhine province) of Myanmar. After the independence of Burma, many Rohingyas moved back to their country but few of them settled there in Rakhine.

During 1963-1964 census which revealed that the Rakhine Muslim had spread to the Yangon and Delta area it made the Bhama Buddhist authorities alert so to stop the further spread of Muslim people in the country the government of Myanmar prohibited the movement of Muslim beyond the Akyab district towards the east they also took away the citizenship rights of the Rohingyas on the ground that they are not the real citizen of the country they were the economic refugee who has migrated to their country during the British period (Ghosh,2016)<sup>64</sup>. With the revised Myanmar Citizenship Law of 1982 the Rohingya became the stateless people as they were excluded from the list of 135 national ethnic group of Myanmar. Although they were exclude from the citizenship right but they were still continuing their living in Burma until late 2016 and early 2017 when the Myanmar military defended its crackdown on Rohingya Muslim minorities as a lawful counter which they feel necessary to defend their country on the ground of alleged abuse that the Rohingyas were creating problems in their country by burning the houses in the area. Thus this created even bigger flow of refugees from Myanmar to the different neighbouring countries.

It is very difficult to trace the exact population of Rohingya refugees in India as there are many who have enter illegally but according to the recent data there 19,004 families settled in different states in India. Some of this states are Jammu and Kashmir, Andhra Pradesh, West Bengal, Delhi, Rajasthan, Uttar Pradesh, Punjab, Maharashtra, Haryana, and Andaman and Nicobar Island (Chaudhury and Samaddar, 2018)<sup>65</sup>.

Certain rights are granted by the India constitution in the case of refugee protection, which are applicable to all non- citizens. Any violation of this rights can be remedied through the recourse to the judiciary as the Indian Supreme Court has held

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<sup>64</sup> Ghosh, Partha S. (2016). *Migrants, Refugees and the Stateless in South Asia*. New Delhi: SAGE Publications India Pvt. Ltd.

<sup>65</sup> Chaudhury, Sabyasachi Basu Ray and Samaddar, Ranabir (2018). *The Rohingya in South Asia People without a State*. New Delhi: Routledge India.

that refugees or asylum seekers cannot be discriminated against because of their non-citizen status (Bandyopadhyay, 2007)<sup>66</sup>.

In her 2016 article, Rastogi mentioned the different kinds of protection offered to asylum seekers that are granted in India:

#### 1) National Treatment

The rights accorded to asylum seekers and refugees in India are the same as Indian citizens and are protected by the Constitution. Such inclusions include the following:

Article 14 – Equality before law or equal protection of the law.

Article 20 – Right to protect in respect of conviction of offenses.

Article 21 – Protection of life and personal liberty.

Article 22: It protects from arrest and detention.

Article 25: This provides freedom of religion.

Article 32: This allows the right to bring a case before the Supreme Court for enforcing fundamental rights.

In addition, Part III of the Constitution establishes educational and social security rights.

#### 2) Treatments for Foreigners

The refugees, under the 1951 United Nations (UN) Refugee Convention, are conferred certain rights as foreigners in India, which include:

Article 13: Right to property.

Article 15: Right to association

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<sup>66</sup> Bandyopadhyay, Rathin (2007). *Human Rights of the Non-Citizen Law and Reality*. New Delhi: Deep and Deep Publications Pvt. Ltd.

Article 17: Right to work and engage in any occupation

Article 21: Right to adequate housing

Article 26: Freedom of movement and residence.

### 3) Different Special Treatment

Especially also under the 1951 UN Refugee Convention, there are special protections about;

Article 28: Right to an identity and travel document.

Article 3(1): No punishment for illegal entry (Rastogi, 2016)<sup>67</sup>.

As India was not a party of 1951 Convention relating to the Status of Refugees and 1967 Protocol, which defines a refugee according to international law, outlines certain rights and services which the host countries have to provide to the refugees (Banerjee, 2012)<sup>68</sup> therefore India has no national refugee law and no regional agreement on the refugees based on the said Convention. However, India time and again argues and claims that it has a law pertaining to the rights and protection of the refugees in accordance with the international norms and Article 51 (C) of the Indian constitution also advocate fostering respect for international law (Rastogi, 2016)<sup>69</sup>.

In India a person who is not consider as a citizen of India is considered as Foreigner. Similarly, the Indian laws which is relevant to refugees include the Registration of Foreigners Act of 1939, the Foreigners Act of 1946, and the Foreigners Order of 1948, the Passport (Entry into India) Act, 1920, the Passport Act, 1967 and the Extradition Act, 1962. The 1946 Act and the 1948 Order allows the government to limit employment opportunities, freedom of association, and a foreigner's possessions and it also restricts movement inside India and prohibits select activities that are

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<sup>67</sup> Rastogi, Komal (2016). What is The Legal Status of Refugees in India? Retrieved from <https://blog.ipleaders.in/legal-status-refugees-india/>. Accessed on 07/06/2022.

<sup>68</sup> Banerjee, Swananda (2012). Legal Status of the Refugees in India. Retrieved from <http://paper.ssrn.com>. Accessed on 08/02/2022

<sup>69</sup> Rastogi, Komal (2016). What is The Legal Status of Refugees in India?. Retrieved from <https://blog.ipleaders.in/legal-status-refugees-india/>. Accessed on 07/06/2022.

political in nature whereas the Passport Act of 1920 and 1967 deal with legitimate entry and exit into India and movement within India (Mohan, 2019)<sup>70</sup>. The influx of refugees is handle by the administrative decision and is exercised within the framework of above mentioned Acts. However, the civil rights are given to all the people in India whether they are the citizen of India or foreigners.

Since 1981, United Nations High Commissioner for Refugees is operational in India and it provide assistance to the government of India to help and support refugees and asylum seekers in the country. UNHCR provide services like health, education and legal aids etc to the refugees and exiled people in with the civil societies, governmental and non-governmental organisation. However it is up to the government of India to grant asylum and to formulate the policies and plans for the refugees and UNHCR is only a helping body to provide support. Indian government have to follow the global obligations emerging from the international agreements like Universal Declaration of Human Rights, Convention on the Rights of the Child and Convention on the Reduction of statelessness while granting asylum and refugees status to the people by the Indian government. By rectifying this conventions India claim itself committed towards certain principles and standards (Tiwari, 2024)<sup>71</sup>.

## **1.2 Statement of the Problem**

India has always been a refugee receiving country from its neighbours whether it is from Pakistan, Bangladesh, Sri Lanka, Afghanistan, Tibet or Myanmar. Although India is not the member of the 1951 and 1967 Protocol related to the UN Convention on the Status of Refugees however, India has been a host for the number of refugees from its neighbouring countries on the basis of humanitarian ground. Two such refugees are the Tibetan Refugees from China and the Rohingya refugees from Myanmar. Tibetan refugees who came to India in 1959 when China invade Tibet. A large number of Tibetans along with their leader Dalai Lama came to India as asylum

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<sup>70</sup> Mohan, Sumitra (2019). *Regimes in International Relations: A Study of Refugee Problem in South Asia*. Kolkata: Kalpana Offset Pvt. Ltd.

<sup>71</sup> Tiwari, Garima (2024). Promoting Effective Refugee Protection in India: Balancing National Interests and International Obligations. *Athens Journal of Law* - Volume 10, Issue 2, April 2024 – Pages 221-232. doi=10.30958/ajl.10-2-3.

seeker. India granted them the asylum and it is about 60 years that they have spent in India as asylum seeker. On the other hand Rohingya refugees which was created due to statelessness and ethnic policies of Myanmar of 1970s led to the mass exodus of Rohingyas in Bangladesh, India and many other countries. Since the independence of Myanmar there has been migration of Rohingyas from Myanmar to Bangladesh but it was not until 2016 and 2017 when the genocides took place in the Rakhine state of Myanmar and the Myanmar military started forcing the Rohingyas to move out of Myanmar. Thus creating a large number of Rohingya refugees in Bangladesh, India etc. India allowed Rohingya refugees only with the refugee's card which was issued to them by the UNHCR and without which they were termed as illegal migrant.

This two refugees are significant for the study because it attempt to examine whether the religion is seen as one of the important factor which determine the status of refugees in India not only that it also try to see why this two refugees have different ends (one is regarded as somewhat successful in India while the other is regarded as the minority community who are in the verge of repartition) while they took asylum in the same country that is India.

Thus this work analyse the similarities and differences in the treatment of the refugees in India and for that reason it also look into the similarities and differences in their socio-economic status. Further, it also tried to analyse the initiatives taken by the Indian Government for the Tibetan and Rohingya Refugees.

### **1.3 Review of Literature**

Abhilasha Jha (2017) in her article Rohingya Refugee Crisis: India's Legal Stand and Way Forward give a complete view of Rohingya refugee's life after escaping from Myanmar and the problems that they are facing in India. It also cover the origination of Rohingya and tried to provide a detailed study on their persecution by critically examining the effect of providing them the shelter in India. Further some case study of Refugees like Srilankan Tamils, Tibetans and their conditions presently in India is also discussed along with the discussion on the approach related to the refugees that should be practice by the host country.

Amal Roy (2011) in his article titled the Socio-Economic Life of The Tibetan Refugees: A Study in Darjeeling and Sikkim Region had examines the manner of how Tibetan refugees adapted their new socio-cultural environment. He reveals routes of migration, settlement patterns, rehabilitation, and socio-cultural integration of Tibetan refugees along with socio-economic changes in their condition.

Claudia Artiles (2012) in her article Tibetan Refugees Rights and Services in India describes that there is an absence of a national legal framework for refugees. But however with the flow of Tibetan refugees in 1959 India granted them the legal asylum and they were also given a Registration Certificate (RC) through which Tibetan refugees can also enjoy their rights similar to all the other citizens of India except the right to vote and work in Indian Government office.

Garima, Tiwari (2024) article Promoting Effective Refugee Protection in India: Balancing National Interests and International Obligations present the refugees situation in India specially the Rohingya and Srilankan refugee situation which is vulnerable in India due to its concrete refugee policy. Further it described that the refugees are covered under the Foreigners Act of 1946 which separate Indian from non-Indian citizen and with the introduction of the Citizenship Amendment Act of 2019 combined with the concrete refugee law of India had a major impact on the refugees in India.

Girija Saklani (1978) book *The Uprooted Tibetans in India: A Sociological Study of Continuity and Change* is referred as one of the earliest books on the Tibetan refugees. The book is very helpful to understand the Tibetan way of life in Tibet as well as the changes in their life after their migration in India. The book presents the historical background of Tibetan refugees in Tibet which is been displayed in discussion on their religion, culture as well as the political life. Further the author also discuss the reasons related to the Tibetan refugee influx into India along with the relationship between Tibet and China.

Komal Rastogi (2016) in her article What is The Legal Status of Refugees in India provided the history of refugees in India along with the protection granted to the

asylum seeker in India where the rights given to the asylum seekers has been explained under three heads that is a) National Treatment which covers the rights given to the asylum seeker under Indian constitutional jurisdiction b) Treatment in accordance to foreigners under this certain rights are provide to the asylum seeker under the consideration of 1951 Refugee Convention c) Special Treatment which covers the travel documents and exemption from penalties rights under the 1951 Refugee Convention. Apart from that certain laws for the refugees and displaced person and the role of judiciary for the protection of refugee has been described.

Mamta Desai & Manish Kumar Raha (2011) in their book *The Tibetans - Their Life in Exile in India* had discussed the Tibetan refugees in India and their adaptation in India. The main focus of this book is the changes along with ecological adaptation among the Tibetan refugees. Beyond this, the authors also referred to the various problems that confront Tibetan refugees in India as well as the shift in life and activities caused by their interaction with the host population. Overall this book is dedicated to understand the socio economic and religious status of Tibetan refugees in their homeland and the new settlement areas. The only missing aspect that the authors did not discuss is the refugee's policy in India.

Partha S. Ghosh (2016) in his book *Migrants, Refugees and the Stateless in South Asia* has talks about the refugee situation in South Asia in relation to the political connection, relief and rehabilitation, legal dynamics, cultural and psychological dimensions etc along with the historical background of Rohingya refugees but not in details though. However, this book tried to cover-up all the refugees that are present in India.

Phunchok Stobdam (2019) book *The Great Game in the Buddhist Himalayas: India and China's Quest for Strategic Dominance* present the insights on India, China and Tibet relationship which helps in understanding the complexities of the Tibetan issues. It discussed how the China's Buddhist diplomacy is centered on Nepal, Bhutan, and the Indian regions of Arunachal Pradesh, Sikkim and Ladakh which can be influenced by the Chinese diplomacy. Along with that it has tried to analyse how India and China try to deal with the Himalayas if the Tibetan issue remains unsolved.

Pia Oberoi's (2006) *Exile and Belonging: Refugees and Policy in South Asia* book is also largely concerned with the history of refugee policy-making in South Asian countries since 1947. The book draws attention to the important cases of mass forced migration into the region from neighboring countries by focusing on six major cases. The book does not deal with all the aspects of the six refugees like it did not deals with the Tibetan refugees settling in India and the problems they face in one of the chapters.

Sabyasachi Basu Ray Chaudhury and Ranabir Samaddar (2018) in their book *The Rohingya in South Asia* had tried to discuss the condition of Rohingya refugees in India and they claimed that this book to be the first publication that has addressed the Rohingya refugee crises in India. Despite the best efforts it still lack the details on the subject.

Satish Kanitkar (2000) book titled *Refugee problems in South Asia* discussed about the Refugee problem in South Asia while focusing on the refugees and security issues along with the regional approach of refugee problems. Further this book tried to provide the insight on the refugees in Pakistan and Bangladesh.

Saurabh Bhattacharjee (2008) in his article India Needs a Refugee Law came up with an argument that there is need for the establishment of a well define law for refugees in India. The article discuss about the rights that is provided by the Government of India to the refugees even though India do not have any laws related to refugee.

SD Muni & Lok Raj Baral (1996) in their book *Refugees and Regional Security in South Asia* had discussed the definition of refugees, the situation of refugees in South Asia, and reasons for movements leading to refugee flows in the South Asia. At the same time, they discuss Tibetan refugees in South Asia, rehabilitation, and its impact on host countries along with some of the other refugees like Chakma from Bangladesh, Bhutanese refugees in Nepal, Afghan refugees and Srilankan Tamil refugees. However, the authors fail to discuss one of the important point that is the refugee policies in South Asia as well as the history of Tibetan refugees.



Suchismita Majumder, Priyanca Mathur Velath and Kriti Chopra and Madhura Chakraborty (2015) in their book *Rohingyas in India: Birth of a Stateless Community* had discussed about the three main topics that is 1) Rohingyas Languishing behind the Bar. 2) The Stateless People – Rohingyas in Hyderabad, India. 3) Stateless and Suspect: Rohingyas in Myanmar, Bangladesh and India

Sumitra Mohan (2019) book *Regimes in International Relations: A Study of Refugee Problem in South Asia* provide a details on the refugee regimes at international levels along with the refugee problems in international relation. The author tried to critically review the working of regimes in the international relation along with discussing and analyzing the various theories of regimes.

Swananda Banerjee (2012) in her article Legal Status of the Refugees in India presented and insight on the definition of refugee along with the general principles for defining the status of refugee. Brief mentions had been made on the different refugees present in India and the laws related to the refugees in India.

Yeshi Choedon (2018) in her article The Unintended Consequences of India's Policy on Citizenship for Tibetan Refugees briefly highlight the problems concerning Tibetan refugees in India along with the challenges faced by the Tibetan refugees in two major issues: 1) educated unemployment, and 2) shortcomings of travelling abroad. Further, the author also reviews the issue of Indian citizenship as well as the policy options for Tibetan refugees.

Yousuf Storai (2017) article Systematic Ethnic Cleansing: The Case Study of Rohingya Community in Myanmar mainly focusses on Myanmar's state policies since its inception with the Rohingya community, and it also discusses the role of counterpart agencies like major political parties and the military. The article discusses the attempts to analyse the situation in Rakhine state, Myanmar, with reference to the Rohingya ethnic community. It makes the argument that the government machinery as a whole is systematically involved in weakening and expelling the Rohingya community.

Zobayer Ahmed and S.M. Toki Ullah Emtiaz (2020) in their article Major Socio-economic Externalities of Rohingya Crisis in South-East Asia discussed a brief history of the Rohingya and presents the current status of Rohingya people in Bangladesh. It also dealt with the implication of Rohingya crisis in South East Asia, geo political and security issues for the South East Asia along with the cultural, economic, religious, social, environmental and humanitarian implications of Rohingya crisis. This study shows that the migration of Rohingya took place multiple times in 1978-79, 1991-92 and 2016-17, respectively and approximately one million Rohingyas were forced to leave their homeland Arakan and took shelter in Bangladesh.

### **1.3.1 Research Gap**

From the above review of literature, it is clear that all the books and articles have some research gaps. There are only few article and books available on the Tibetan refugees and Rohingya refugees in India. Firstly, those book which deal with the Tibetan refugees in India it only talk about Tibetan refugee's peaceful adaptation in the new settlement areas however it did not explain their status in detail nor they talk about the various problems that they are still facing today. On the other hand those books on Rohingya refugees none of it discuss in detail about the Rohingya refugees in India and their status in India. There are only few articles which deals with the topic but it is also not able to explain the things in detail. Therefore, there is lack of studies covering the status of the Tibetan refugees and Rohingya refugees in India. Further, no such study had conducted regarding the comparative study of Tibetan refugees and Rohingya refugees in India. Thus this work is an attempt to fill up that research gap and also to find some possible solutions for the problems.

### **1.4 Conceptual Framework**

It is important to define the term refugees as it can mean different things to different countries although there is no universally accepted definition of Refugee as all the definition of Refugee has been made to serve the purpose of particular situation. However, there are some definitions which serve as the international meaning or definition of the refugee.

The 1951 United Nations convention on refugee is regarded as the core international legal instrument for the protection of refugees which is also referred as the Magna Carta of international refugee law (Moldovan, 2016)<sup>72</sup>. It define refugee as someone who is outside of their country of habitual residence and is unable or unable to return because of a well-founded fear of persecution due to their race, religion, nationality, membership in a specific social group, or political beliefs.

The 1951 United Nations Convention did not provide protection to those person whose socio-economic rights are violated rather it provide protection to those person whose civil and political rights are violated. It only cover those person who is excluded because to their political beliefs, colour, country, religion, or affiliation with a certain social group. The definition of the convention merely explain the point that definitions symbolize partial interpretations of social reality. Therefore, the concept of a refugee is a doubtful concept and on the basis of different epistemological principles a new competing definitions may emerge (Banerjee, 2012)<sup>73</sup>.

On 22 April 1954, the Convention entered into force and its provisions were amended by the 1967 Protocol and the main feature of the 1967 Protocol relating to the Status of Refugees is that it removed the temporal and geographical limitations contained in the 1951 Convention where the initial provisions limited the refugee status to persons fleeing events prior to 1 January 1951 and within Europe (Moldovan, 2016)<sup>74</sup>. However, no attempt was made to reconsider the definition of the term refugee (Banerjee, 2012)<sup>75</sup>.

While defining the term refugees it is important to mention that the Refugee law is inseparably linked with the human rights and humanitarian law, as well as other fields of international law, such as State responsibility and peace maintenance.

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<sup>72</sup> Moldovan, Carmen (2016). The Notion of Refugee. Definition and Distinctions. Centre for European Study Working Papers, Volume 8, Issue 4, p681

<sup>73</sup> Banerjee, Swananda (2012). Legal Status of the Refugees in India. Retrieved from <http://paper.ssrn.com>. Accessed on 08/02/2022

<sup>74</sup> Moldovan, Carmen (2016). The Notion of Refugee. Definition and Distinctions. *Centre for European Study Working Papers*, Volume 8, Issue 4, p681

<sup>75</sup> Banerjee, Swananda (2012). Legal Status of the Refugees in India. Retrieved from <http://paper.ssrn.com>. Accessed on 08/02/2022

The flow of the refugees in some countries can be examined best with the motivational approach. The motivational approach on refugee mainly focuses on why refugees are influenced to enter into the states which they find suitable for their rehabilitation. The motivational approach is a decision-making process through which the individual chooses the desired outcomes and sets in motion the behavior appropriate to them. According to Kunz, he believes that refugee is created by the push factor rather than the pull factors. He classified refugees into three categories:

Anticipatory refugee: Those refugees who leave their home country before the deterioration of a military or political situation and thus arrives in the second country of settlement prepared, usually with some language, finance, and skills.

Acute refugee: Those refugees who flee their country or region either in masse or in short bursts of person or group escapes, and their main goal is to find shelter in a nearby neighboring nation that will offer asylum.

Intermediate type: There are certain intermediate movements embodying characteristics of both the anticipatory and the acute refugee flight-arrival patterns.

Therefore, the majority of Tibetan and Rohingya refugees in India come under the acute refugees as the majority of them were forced out of their countries due to situations that included war (Kunz, 1981)<sup>76</sup>.

There are some situations where the term refugee or asylum seekers or migrants is used interchangeably which create a confusion between different categories of persons. Therefore, it is important to understand the differences between a refugee, asylum seeker and migrants.

Firstly, Refugees can be defined as a persons who leave their country of origin due to persecution and seek for international protection. Under UN Convention of 1951 along with its 1967 protocol this category of persons receive international protection and assistance.

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<sup>76</sup> Kunz, Egon F (1981). Exile and Resettlement: Refugee Theory. *The International Migration Review*, Vol.15: 42-51.

Secondly, Asylum seekers are the person who leave their country of origin and seek for international protection due to persecution but their claim for refugee status has not been determined legally.

And lastly, Migrant is referred to a persons who leave their country voluntarily in search of a better life and better opportunities but without a well-founded fear of persecution (Moldovan, 2016)<sup>77</sup>.

### **1.5 Rationale and Scope of the Study**

The study focus on the comparative study of Tibetan and Rohingya refugees in India. It tried to examine whether religion is seen as one of the important factors that determine the status of refugees in India. Apart from that, this study also examine the similarities and differences in the treatment of the Tibetan refugees and Rohingya refugees in India. Further, it also tried to highlight the similarities and differences in the socio-economic status of Tibetan and Rohingya Refugees in India along with the initiatives taken by the Government of India for the Tibetan and Rohingya Refugees. However, due to the time constraint and availability of few literature, the study is primarily confined into the comparative study of Tibetan refugees and Rohingya refugees in India by analyzing the data conducted from the field study.

### **1.6 Objectives**

Some of the objectives of the study is as follows;

1. To examine whether religion is seen as one of the factors that determine the status of refugees in India
2. To study the similarities and difference in the treatment of the Tibetan Refugees and Rohingya refugees in India.
3. To analyse the similarities and differences in the socio-economic status of Tibetan and Rohingya Refugees in India.

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<sup>77</sup> Moldovan, Carmen (2016). The Notion of Refugee. Definition and Distinctions. *Centre for European Study Working Papers*, Volume 8, Issue 4, p681

4. To compare the initiatives taken by the Government of India for the Tibetan and Rohingya Refugees.

### **1.7 Research Questions**

On the basis of the above objectives the following Research questions were framed accordingly;

1. Whether religion is seen one of the factors that determine the status of refugees in India?
2. What are the similarities or difference in the treatment of the Tibetan and Rohingya Refugees in India?
3. What are the similarities and difference in the socio-economic status of Tibetan and Rohingya Refugees in India?
4. What are the initiatives taken by the government of India for the Tibetan Refugees and Rohingya Refugees?

### **1.8 Research Methodology**

The study employs both quantitative and qualitative methods of data collection to explore and compare the factors determining the status of both Tibetan as well as Rohingya refugees in India. Both method ensured a comprehensive analysis of various dimensions that have been influencing refugees' lives in India. It also helped this study to explore similarities and differences as well as current socio-economic status of both refugees' communities in India. Quantitative research method was employed to measure the socio-economic status and demographic characteristics of both the refugee communities. Quantitative data was collected from various primary sources like field survey, government report, official website reports of specialized government agencies, etc. Qualitative analysis provided deeper insight into challenges, opportunities, and experiences faced by both the refugees' communities. Qualitative data was collected from secondary sources like books, articles, newspapers, and other existing literatures. Research design of this propose study are descriptive as well as analytical in nature as it tried to describe whether religion is one of the factors that determine the status of refugees in India and what are the similarities or difference in

the treatment of the Tibetan and Rohingya Refugees. It also tried to analyse their migration patterns, the factors that influence their displacement and the initiatives taken by the Government of India for the Tibetan Refugees and Rohingya Refugees in India accurately based on observation method. The study also applied content analysis of various news reports and media broadcastings about Tibetan refugees and Rohingya refugees in India.

### **1.8.1 Area of the Study**

The Government of India had provided various settlements to the Tibetan refugees and Rohingya refugees in India but for this study two states namely West Bengal and Delhi is taken as study area for the purpose of the research and structured survey were conducted among refugees in two states that is West Bengal and Delhi. The data includes income level, education qualification, and employment status, access to health care and living conditions.

For Tibetan refugees, Self Help Centre, Darjeeling and Tashiling Tibetan Settlement at Sonada, Darjeeling from West Bengal had been surveyed. Presently, there are 650 Tibetan refugee in Darjeeling and approximately 540 in Sonada. For Rohingya refugees, Baruipur, South Bengal and Goalpara District, West Bengal had been surveyed. West Bengal and Delhi is chosen for the study because both refugees are there in the respective states and it is good to analyse both refugees socio-political status as well as how respective government have been treating them and what are the major problems and challenges that they have been facing.

The sample size is 200 of which 100 respondents is from Tibetan refugees and 100 respondents is from Rohingya refugees. The sample technique of this study is both Purposive as well as Simple Random sampling as to ensure representation from both the settlement areas. Purposive sampling is used for this study as only Tibetan refugees and Rohingya refugees is selected from all the refugees in India and it is based on Simple random sampling because the respondents which is selected for the study is random wise, where each element have equal and independent chance of being

included in subsequent samples. Both questionnaires and schedules is used to collect the information.

A comprehensive framework was developed to identify the similarities and differences in the socio economic and cultural experiences of both the refugees' communities. Comprehensive framework method examined several factors such as historical context and reason for displacement, legal and political status in India, economic opportunities and challenges, and cultural integration and identity preservation.

## **1.9 Chapterization**

For the better understanding of the Topic the study is divided into six chapters

### **CHAPTER 1: INTRODUCTION**

This chapter contain the definition of refugees according to the International laws. It briefly discuss the factors behind the creation of refugees, refugee's situation in South Asia and rights of refugees under the international law along with the statement of the problem, review of literature, scope of the study, objectives, research questions, research methodology and chapterization.

### **CHAPTER 2: HISTORICAL BACKGROUND OF TIBETAN REFUGEES IN INDIA**

The chapter discuss the historical background of Tibetan refugees and factors related to their migration. It also include the settlement, rehabilitation and adjustment in India.

### **CHAPTER 3: HISTORICAL BACKGROUND OF ROHINGYA REFUGEES IN INDIA**

This chapter deals with the historical background of Rohingya refugees where the relationship between India and Myanmar is discussed briefly along with the factors related to their migration. Further it also discuss the reason for their arrival and settlement in India.



#### **CHAPTER 4: SOCIO- ECONOMIC STATUS OF TIBETAN REFUGEES AND ROHINGYA REFUGEES IN INDIA**

This chapter deals with the similarities and differences in the socio-economic status of Tibetan and Rohingya Refugees in India. The study is based on field work that look into the income, education qualification and occupation of both the refugees in India.

#### **CHAPTER 5: REFUGEES MANAGEMENT IN INDIA: ISSUES AND IMPLICATIONS**

This chapter is based on the similarities and differences in the treatment of the Tibetan Refugees and Rohingya refugees in India along with the initiatives taken by the government of India for the Tibetan refugees and Rohingya Refugees in India. Further, this chapter also highlight whether religion are seen as one of the factors that determine the status of refugees in India based on the field survey.

#### **CHAPTER 6: CONCLUSION**

This chapter summarizes the key findings. It focuses on the India's approach to Tibetan and Rohingya Refugees, highlighting the differences in legal status, social integration and government response. The study shows how these differences affects the lives of refugees in India. It also emphasize the need for a clear and consistent refugee policy that ensure basic rights and supports for all refugees. The chapter suggests ways to improve India's refugee management system while maintaining social harmony and security.

## **CHAPTER 2**

### **HISTORICAL BACKGROUND OF TIBETAN REFUGEES IN INDIA**

## **2.1 Introduction**

It is important to know the relationship between India, China and Tibet so to have a better understanding about the historical background of Tibet. Historically, two of the oldest civilization of the world, India and China lived in harmony and Tibet had acted as a buffer state between China and India. India and China never confronted each other till the occupation of Tibet by China in 1950. For India, the direct result of the occupation of Tibet by China was the transformation of the Indo-Tibet border into Sino-Indian border and the border issue which was nearly non-existent in 1950 suddenly became a serious problem that led to border conflict in 1962 between India and China. This not only affected the normal growth of relationship between the two most populous and major developing countries of Asia for several years, but also altered the geopolitical situation in the entire south Asian region drastically.

India and China presently face identical challenges like feeding the large population, poverty alleviation and economic development. The leadership of the two countries conscious of their historical responsibilities have realized that the differences between the two countries cannot be allowed to keep hostage economic development and mutual interests in the 21st century. The economic reforms in the two countries in the last two decades and the resultant resurgence in growth, globalization of economy and emerging new international situation have brought them much closure to each other to cooperate for mutual benefit and peace and development in the region. The readjustment in policies to respect mutual interests and concerns is marked by shift in focus on commonalities and complementarities and tackling the differences, including border dispute, through peaceful dialogue.

## **2.2 The Origin of Tibetan Kingdom**

Tibet which is also referred as 'the land of snow' or 'roof of the world' was unknown to the world. It was only after the Chinese invasion that the world countries came to know about Tibet. Tibet was isolated from the world mainly due to its geographical, cultural, social, economic and political reasons and compulsions. The Tibetan plateau represents the world's largest and highest land mass.

Historically, Tibet's remote location and challenging terrain made it difficult for outsiders to access. The Himalayan mountain range, with its towering peaks, created natural barriers that deterred travel and communication with neighboring regions (Norbu, 1997)<sup>1</sup>. Additionally, Tibet's distinct cultural and religious practices, deeply rooted in Tibetan Buddhism, fostered a sense of identity and autonomy that resisted external influence (Kapstein, 2006)<sup>2</sup>.

Economically, Tibet's traditional economy was based on subsistence agriculture and pastoralism, which did not encourage extensive trade or interaction with other nations. Politically, Tibet operated as an independent theocracy, governed by the Dalai Lama, which further limited its engagement with the outside world (Goldstein, 1997)<sup>3</sup>.

**Map No-2.2.1: Map Showing Tibet Region Before 1959**



Source: <https://shambhala-adventure.com/tibet-travel-map/>

<sup>1</sup> Norbu, Dawa. *Tibet: The Road Ahead*. London: Rider, 1997.

<sup>2</sup> Kapstein, Matthew T (2006). *The Tibetans*. Malden, MA: Blackwell Publishing.

<sup>3</sup> Goldstein, Melvyn C (1997). *The Snow Lion and the Dragon: China, Tibet, and the Dalai Lama*. Berkeley: University of California Press.

Tibet occupies a total area of about 4, 71, 700 square miles. It has high elevation ranging from 9,000 to 20,000 feet above the sea level. Earlier this plateau was known as 'stod-bod' meaning 'high-bod' and gradually it changed into 'To-bot' which means 'upper- part' and finally from thereon it was called as 'Tibet' (Chopra, 1989)<sup>4</sup>. Lhasa which means the land of God was the capital of Tibet.

The Himalayan Kingdom was divided into different population groups like Khampa, Amdo and U Tsang (whom in some book referred to as Bodpo). It was basically a geo-demographic division. There were some cultural differences that existed among these population groups but no racial differences were there. In the western part of Tibet mostly the khampa people used to reside while the Amdo people used to reside on the North-East region, near China. The Amdo people were reputed to be very clever businessmen and traders and they had a close contact with the Chinese and there was a strong impact and influence of the Chinese culture upon them. Lastly the Bodpo people used to reside in the central regions, which also includes the capital region of Lhasa (Desai & Raha, 2011)<sup>5</sup>.

It is difficult to recall the historical events of Tibet in any proper manner due to the absence of any systematic history except for the myths which have been used by the peoples to explain the history. There are no such authentic data about the early history of Tibet however it had been argued that earlier Tibet was not constitute as a whole it was different small parts ruled by different rulers and its history emerged when the whole part was brought together under one ruler.

Five hundred years before Buddha Shakyamuni came into this world that is circa 1063 BCE there was an empire name Shangshung which comprised of all the parts of Tibet was ruled by the eighteen Shangshung kings. However at the end the empire got divided and Bod Empire came into existence under the rule of King Nyatri Tsenpo who started the age of religious kings after the decline of Shangsung Empire.

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<sup>4</sup> Chopra, N (1989). *Cultural and Political History of Tibet*. New Delhi: Criterion Publications.

<sup>5</sup> Desai, Mamta, and Raha, Manish Kumar (2011). *The Tibetans – Their Life in Exile in India*. Kolkata: KP Bagchi & Company.

In the 7<sup>th</sup> Century AD, Tibet as a powerful nation emerged under the kingship of Song- Tsen- Gampo. Bod Empire became stronger and again it brings all the parts of Tibet under his rule. He had three wives, his first wife was a princess from Sangshung King, his second wife was a princess of Nepal and his third wife was a Chinese princess from Chinese empire because of this marriage to a Chinese princess relations with China were first clearly established. With the influence of the latter two wives, the king adopted Buddhism and also established it in the country after the great Buddhist master Padma ambhava went from India to Tibet in 779 the first monastery was built that is the Potala palace at Lhasa (Praag, 2018)<sup>6</sup>

The Mongols conquered both China and Tibet in the thirteenth century, and for the first time both China and Tibet were under a single government. But it has been argued that even during the time of Mongol rule both China and Tibet was ruled differently and Tibet was not treated as a part of China. The time of their takeover and fall was not the same as Mongol capture china first and Tibet later and release Tibet first than that of the China. When the Mongol Yuan dynasty fell in China, the succeeding Ming dynasty (1368-1644) “exerted no administrative authority” in Tibet.<sup>7</sup>

Another great King of Tibet was Song De-Tsen who invaded China and captured its capital and also ruled some part of India as far as the Bay of Bengal. During his time the first monastery of Samyae was founded by Guru Padma Shambhava. Guru Padma Sambhava, became the saint of that monastery was also known as Lo-Pen Rinpoche (the Precious Teacher). Thus, we find the original Buddhism of Tibet, known as the Red Hat Sect (Desai & Raha, 2011)<sup>8</sup>.

After being ruled by many Kings the Tibetan empire later disintegrated into many small princedoms. Konchong Gyalo in 1073 CE, founded the Sakya Monastery. Later his son Sakya Kunga Nyingpo, by formulating the tantric traditions started the Sakya sect. The Sakya lamas became more powerful that Tibet was ruled by around twenty Sakya lamas. Kublai Khan the first Mongol emperor of China visited the high

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<sup>6</sup> Praag, Michael van (2018). *Tibet: A History*. New York: I.B. Tauris.

<sup>7</sup> Tibet: Human Rights and the Rule of Law, International Commission of Jurists- December 1997

<sup>8</sup> Desai, Mamta, and Raha, Manish Kumar (2011). *The Tibetans – Their Life in Exile in India*. Kolkata: KP Bagchi & Company.

priest of the large Tibetan monastery of Sakya during 13th century, the high priest converted the emperor to Buddhism, and received in return the sovereignty of Tibet. Thus, it led to the beginning of the priest-kings rule in Tibet (Bell, 1928)<sup>9</sup>.

Tsong-Ka-Pa, often known as "the Man from the Land of Onions," was born in 1358 in North-Eastern Tibet. In 1409, he established Ganden, the first Gelugpa monastery, and thus began the Gelug lineage. Monastic discipline was reinforced, and he started a movement that prohibited priests from marrying or drinking wine. His adherents were known as the Yellow Hats, which set them apart from the priesthood's Red Hats. Tsong-Ka-Pa died in 1474 and was succeeded by his son Gan-den Truppa.

Sonam Gyatso was born in 1543, he was a great spiritual scholar and most eminent lama of that time. He converted Mongol chieftain Altan Khan to Buddhism and Altan awarded him the name "Dalai," a Mongol translation of his name Gyatso both with the meaning "oceanic" in 1578 and hence the name Dalai Lama (Ocean of Wisdom) originated (Desai & Raha, 2011)<sup>10</sup>

The Chinese were able to expand their power in Tibet during the tenure of the 7th Dalai Lama, and the invasion by Gurkhas solidified the process. Gurkha rulers were successful in establishing their power in Nepal in 1760. The Gurkhas then seized Shigatse, a big town half a mile from Tashi Lhumpo in Tibet, twelve years later. The Chinese government dispatched an army made up partially of Chinese and Tibetans, which was successful in driving the Gurkhas back to Nepal. The presence of the Ambans in Lhasa during 1792 enhanced Chinese influence in Tibet for a while. As British dominance in Bengal and throughout India grew dramatically during that time, the Chinese took the precaution of sealing Tibet to Europeans (Praag, 2018)<sup>11</sup>

Around 1893, during the reign of the 13th Dalai Lama, Thupten Gyatso (1875-1933), Britain established a protectorate over Sikkim and established a trade market in Tibet at Yatung in the Chumbi Valley. The Dalai Lama had a powerful advocate in

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<sup>9</sup> Bell, C (1928). *People of Tibet*. London: Oxford University Press.

<sup>10</sup> Desai, Mamta, and Raha, Manish Kumar (2011). *The Tibetans – Their Life in Exile in India*. Kolkata: KP Bagchi & Company.

<sup>11</sup> Praag, Michael van (2018). *Tibet: A History*. New York: I.B. Tauris.

Russia, which had many Mongol nations (Kalmuks, Buriats) who were Buddhists. Britain attempted to redress the balance and declared war, eventually occupying Lhasa in 1904. During that time, Russia's focus was mostly on her conflict with Japan. Britain and China signed a pact in which the former acknowledged the latter's suzerainty over Tibet and China opened up Tibet for commerce with the Great Britain.

In order to assert her dominance, China attempted to reform and modernise Tibet. In Kham, there was armed intervention. Tibet brought Britain's aid in, but it proved ineffective. In 1910, the Chinese army advanced on Lhasa, forcing the Dalai Lama to flee to India. However, in China, revolution erupted, ushering in an era of instability. The Dalai Lama returned to Lhasa after the Chinese army was forced to retreat from Tibet. He declared himself free of China upon his return and regarded himself as a sovereign. China, on the other hand, declared Tibet to be a part of it. The Sino-British Treaty of 1914 on the Status of Tibet was signed between Great Britain, China, and Tibet, dividing Tibet into two parts: central Tibet, from Ladhak to Chamdo, under the Dalai Lama's administration, with a Chinese representative accompanied by a small escort at Lhasa; and eastern Tibet, Kham, under Chinese administration, with the Dalai Lama control over the monasteries. However, the Chinese never ratified this treaty.

In 1949, China recovered power under communist leadership, and by May 23, 1951, they had seized Tibet and taken control of it. Then, in May 1951, the Central People's Government of China and the Tibetan religious government signed a 17-point agreement in Peking. The most crucial point was that Tibet be incorporated into the People's Republic as an ethnic minority with internal autonomy, with the Dalai Lama and Panchen Lama's privileges preserved, and religious tradition respected. From July 1951, events moved quickly, and the Dalai Lama and his entire court returned to Lhasa (Praag, 2018)<sup>12</sup>.

An armed insurrection by the Khampas (proud warriors) who had previously opposed China erupted in 1956 under unclear circumstances. Following the Lhasa

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<sup>12</sup> Praag, Michael van (2018). *Tibet: A History*. New York: I.B. Tauris.



insurgency on March 10, 1959, the Dalai Lama and his cabinet fled to India, followed by thousands more Tibetans seeking asylum in India.

The Dalai Lama was granted shelter by the Indian government on March 30, 1959, and was publicly welcomed in Tezpur, Assam (Desai & Raha, 2011)<sup>13</sup>.

### **2.3 Factors related to Tibetan Refugee migration**

Tibetan refugees migrated to India for a variety of reasons, including religious, political, educational, social, and economic factors. Palakshappa, a researcher, performed a study among Tibetan refugees in Karnataka in order to learn more about the causes that led to their migration to India. During his research, he discovered that people had offered various reasons for leaving Tibet. He discovered five common causes for their exodus among them, the first of which was related to growing concerns about their faith and culture's destiny underneath the Communist Government. Tibetans feared that they would be denied the right to practice Buddhism and continue their traditional way of living. Second, many Tibetans had heard about Tibetans being tortured and humiliated by the Chinese in Lhasa when they refused to follow Chinese Communism. Third, Tibetans were being forced to marry Chinese brides or grooms by Chinese officials (which was intended to eradicate the ethnicity of which the Tibetans are proud of). Fourth, Tibetans learned that the spiritual leader of Tibet, the Dalai Lama, fled to India. Finally, the Tibetans' property was grabbed by the wealthy people. The Chinese had generated a sense of fear in their daily lives, and this insecurity was the fundamental reason for their migration. (Muni & Baral, 1996)<sup>14</sup>.

Following Tibet's opening to trade and tourism in the 1980s, a second wave of Tibetan exodus occurred as a result of increasing political oppression. Some Tibetan refugees travelled to India in the 1980s as pilgrims to meet the Dalai Lama or to send their children to acquire Tibetan education in India. Others stay longer in India in search of religious or secular education, and are thus directed to Tibetan monasteries

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<sup>13</sup> Desai, Mamta, and Raha, Manish Kumar (2011). *The Tibetans – Their Life in Exile in India*. Kolkata: KP Bagchi & Company.

<sup>14</sup> Muni, SD and Baral, Lok Raj (1996). *Refugees and Regional Security in South Asia*. New Delhi: Konark Publishers Pvt Ltd

and schools throughout the country. Only a few people come to be with their family or friends. Tibetans are also attracted to India because of the economic prospects as well as the freedom of expression, religion, and education (Grent, 2002)<sup>15</sup>.

Early research and publications attempted to draw attention to cases of genocide in Tibet, which resulted in the mass exodus in 1959. In a report based on interviews with selected groups of refugees in India, the International Commission of Jurists<sup>(16)</sup> identified various incidents of religious persecution, torture, forced sterilisation, family dissolution, and other factors that led to forced migration. (Muni & Baral, 1996)<sup>17</sup>

## **2.4 The Origin of Tibetan Crisis**

Historically, Tibet had been very close to India. It was easier and convenient to go to Beijing from Lhasa via India and sea route than by land route. The Anglo-Tibetan agreement of 1904 had granted India military, communication, postal, trading and other rights in Tibet and at the same time recognized the Chinese suzerainty over Tibet. However, the changes in the geopolitical situation due to Chinese occupation of Tibet in 1950 necessitated redefining India's relationship with the People's Republic of China (PRC).

India protested the use of force by the People's Liberation Army (PLA) in dealing with Tibet and hoped that Tibet would be granted genuine autonomy. India recognized Tibet as a region of China and signed the first agreement in 1954 with the government of the PRC after protracted negotiations. This agreement aimed at developing good neighborly relationship between the two countries and conduct border trade between India and Tibet. India trusted China's friendly gestures and

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<sup>15</sup> Grent, Rachel (2002). *Tibetan Refugees in India: Education, Culture, and Identity*. New Delhi: Academic Press.

<sup>(16)</sup> International Commission of Jurist (1959), *The Questions of Tibet and the Rule of Law* (Geneva, 1959); International Commission of Jurist, *Tibet and the Chinese People's Republic* (Delhi: Sterling Publishers, 1966).

<sup>17</sup> Muni, SD and Baral, Lok Raj (1996). *Refugees and Regional Security in South Asia*. New Delhi: Konark Publishers Pvt Ltd

sought security in building peace. India also voluntarily surrendered the special rights it had inherited from the British government according to the 1904 agreement.

The agreement of 1954, in addition to recognizing Tibet as a region of China can be considered as the first confidence building measure between the two countries as it had for the first time laid five principles of peaceful coexistence (Recognizing and upholding each nation's right to govern itself and its land, Refraining from the use of force or threats against one another, Avoiding intervention in the domestic matters of other nations, Ensuring fair and reciprocal cooperation between countries, Promoting harmony and cooperation among nations despite differences) that could still be considered a model for conducting relationship between any two sovereign countries. This agreement was in fact most generous and humane in dealing with the interests and social relations of the people of the bordering region (Bhatkoti, 2014)<sup>18</sup>.

## **2.5 Chinese Involvement and Tibet Resistance**

Tibet's independent kingdom reached its acme in the seventh century under the great king Songtsen Gampo (reigned c. 627-649). This was also the period when relations with China were first clearly established through Songtsen Gampo's marriage to a Chinese princess. Buddhism, which was to become the most salient hallmark of Tibetan culture, was introduced into Tibet in the seventh century, with the first monastery being set up shortly after the great Buddhist master Padmasambhava went from India to Tibet in 779. The Mongols conquered both China and Tibet in the thirteenth century, and for the first time both China and Tibet were under a single government. When the Mongol Yuan dynasty fell in China, the succeeding Ming dynasty (1368-1644) "exerted no administrative authority" in Tibet.

In the late fourteenth century, the great monk Tsongkapa (1357-1419) founded the Gelukpa Order of Buddhism, often called the Yellow Hat Sect, because Tsongkapa's followers wear yellow hats. This has become the dominant form. The early fifteenth century saw the establishment of three great monasteries of the Gelukpa

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<sup>18</sup> Bhatkoti, U.D (2014). Tibet: India-China Relations in 21st Century, Advisor, Confederation of Indian Industry. Retrieved from <http://www.mtac.gov.tw/mtabooke/upload/09503/e3.pdf>. Accessed on 02/ 01/2021

Order in the Lhasa area, the earliest being the Ganden, which Tsongkapa himself established in 1409, and the largest the Drepung (1416); while in 1445 Gendundrup (1391-1475), who was later retrospectively revered as the First Dalai Lama, set up the Tashilhunpo Monastery in Shigatse, which other than Lhasa is Tibet's main city. In 1578, the Mongol Altan Khan conferred the title dalai (meaning "ocean" and implying vast wisdom) on Sonam Gyatso, later regarded as the Third Dalai Lama. The magnificent Fifth Dalai Lama (1617-1682) was the pinnacle of the theocratic system, which gave the Dalai lamas both governmental and religious authority. It subsequently began to decline but did not end until the middle of the 20th century.

China's final imperial dynasty was the Qing (1644-1911), dominated by the Manchu people. In 1720, Manchu troops took over Tibet. The original aim was to calm a tumultuous political situation, but in fact, the Manchus stayed on in Tibet until their dynasty's collapse. They regarded Tibet as part of their empire and established a system by which resident officials answerable to the Qing dynasty stayed in the Tibetan capital. However, the Tibetans retained a great deal of autonomy, including their own government and judicial system, and the Qing did not try to make Tibet a part of China.

One major action of the Qing dynasty in Tibet was the appointment of the Second Panchen Lama as sovereign of part of Tibet in 1728. The title panchen is an abbreviation of a term meaning "great scholar". The Panchen lamas held – and still hold – their seat in the Tashilhunpo Monastery in Shigatse and have been traditionally regarded as temporal and spiritually dominant in that region, but subordinate to the Dalai lamas. Nevertheless, down to the present, the Panchen lamas have the reputation of being far more pro-Chinese than the Dalai lamas. In 1912, the Republic of China replaced the Qing dynasty. Following the principle of inheritance, it regarded those territories that had made up the Qing Empire, including Tibet, as belonging to China, and this remained the view of succeeding Chinese administrations. The most important of the Chinese regimes of the period from 1912 to the establishment of the PRC in 1949 was Chiang Kai-shek's National Government dominated by the Nationalist Party. In March 1929, the Third Nationalist Party Congress formally declared

Mongolia, Tibet and Xinjiang to be part of the Chinese nation, not merely part of the Republic of China. The month before, Chiang Kai-shek's government had set up the Mongolian and Tibetan Affairs Commission, clearly signaling its view that Tibet (and Mongolia) belonged to China.

The Tibetans held a different view. They resisted Chinese military attempts to suppress disorder in Tibet in 1912. The Thirteenth Dalai Lama publicly proclaimed Tibet's independence in Lhasa in February 1913 and the same year expelled all Manchu and Chinese officials and troops from Tibet. In the words of one scholar, these acts "created a de-facto independent Tibet that maintained its own army and government, used its own language and currency and regulated movement across its borders".<sup>7</sup> Although the Chinese had no control over central Tibet, both the Tibetan areas in the east (Kham) and in the north (Amdo) remained clearly part of China.

## **2.6 Role of British India**

Meanwhile, Britain, with its control in India, had become strongly involved in Tibetan affairs, sending troops into Tibet under Francis Younghusband in 1904. From October 1913 to July 1914, Britain sponsored a major conference in Shimla in north India, aiming mainly to determine the status of Tibet and to mark out the borders between India and Tibet. Under the resulting Shimla Convention, the extent of Tibetan autonomy expanded with significant British protection, while Chinese influence was "effectively forced out of the area". Considering that the Shimla Convention marginalized China, it is not surprising that no Chinese government has ever signed it. The Chinese Communist Party (CCP) came to power on 1 October 1949, after winning a civil war against Chiang Kai-shek and his Nationalist Party, and established the PRC. The CCP's policy on ethnic minorities was to ban discrimination and lay down equality, as well as the freedom to use local ethnic languages and to preserve or reform traditional cultures. The CCP allowed a limited autonomy to ethnic minorities by setting up autonomous regions (at province level), and prefectures, counties and banners (at lower levels). Right from the start, the CCP was very clear that it regarded Tibet as part of China's territory. In a speech of 24 September, People's Liberation Army (PLA) Commander-in-Chief Zhu De announced that the new government was

determined to complete “the liberation of all the territory of China”, and he specifically included Tibet.

In January, the Chinese media reported an appeal from the Tenth Panchen Lama in Qinghai Province to liberate Tibet. February 1940 had seen the formal enthronement in Lhasa of the Fourteenth Dalai Lama who, born on 6 July 1935, was still a very small boy. As of 2005, he remains the present incarnation. Late in 1950, the PLA advanced towards Tibet, taking Chamdo in the east in October after a fierce week-long battle. It advanced west, meeting little resistance, but did not move to occupy Lhasa for the time being. The Lhasa regime appealed to the United Nations for help against Chinese aggression. However, for various reasons that are beyond the scope of this paper, the international community did nothing. Meanwhile, Sino-Tibetan negotiations had begun, the Tibetan delegation led by aristocrat and Tibetan cabinet member Ngabo Ngawang Jigme, the Chinese by Li Wei-han. The result was the Seventeen-Point Agreement of 23 May 1951. The Preamble of this Agreement opened with the statement that among the ethnic groups with a lengthy history inside China's borders is the Tibetan people. Among the seventeen points were the following: the Tibetan administration would aggressively support the PLA's entry into Tibet and the consolidation of national defense; and the Tibetan people would return to the large family of the Motherland, the People's Republic of China. Additionally, it guaranteed Tibet's citizens the ability to exercise national and regional autonomy under the Central People's Government. The central government pledged under Point 4 to maintain Tibet's current political structure and the Dalai Lama's established position, duties, and authority.

Chinese troops did not occupy Lhasa until the Agreement was signed. The Chinese justified their attack mainly on the proposition that Tibet was an integral part of China and one of the PRC's top priorities was to reunify the country, a view it had inherited from earlier regimes and many states in the international community supported or regarded as sustainable. The government in Lhasa was equally insistent that Tibet was independent, which meant that the Chinese action was a straight-out invasion of a foreign country by an aggressive power. The Chinese claim assumed that

it was imperialism and Chinese weakness, and certainly not principle, which had led the preceding regimes of the Republic of China to withdraw from Tibet.

In Tibet itself, though not in Tibetan areas outside Tibet, the CCP did initially leave the old political and social system in place. It did not carry out in Tibet the radical revolutionary reforms that characterized most of the rest of the PRC. The 1950s saw several anti-Chinese uprisings in Kham or eastern Tibet but, in the Tibetan heartland, a reasonable attempt both from the Chinese authorities and the Dalai Lama to get on with each other. When, in March 1955, China's State Council set up its Preparatory Committee for the Tibet Autonomous Region, it appointed the Dalai Lama as chairman and the Panchen Lama as one of the deputy chairmen. However, this situation was not to last. In March 1959, a major revolt against Chinese rule and for Tibetan independence took place in Lhasa. Anti-Chinese demonstrations and disturbances went on for several days with comparatively little Chinese response, but then Chinese troops attacked, suppressing the revolt within a week. However, although they had formally defeated the Tibetan forces, they also lost greatly in moral terms. The revolt "marked the end of the attempt to forge a co-existence between Communist China and Buddhist Tibet".

The Dalai Lama immediately fled to India, crossing into exile at the end of March. His flight was to have repercussions that persist to this day. He denounced the Chinese for suppressing the Tibetan people, accused them of turning their backs on the autonomy promised in the Seventeen-Point Agreement and demanded Tibetan independence. He also led the establishment of an important Tibetan community in Dharamsala and set up the Tibetan Government in Exile (the TGIE).

On their part, the Chinese authorities also accused the Dalai Lama of turning his back on the Seventeen-Point Agreement. With the strong support of the Panchen Lama, the Chinese government declared it would eliminate the regime the Dalai Lama had headed in Lhasa and institute "democratic reform". By this, they meant that they would uproot the unequal feudal serf system that had prevailed in Tibet, distribute land to the poor and then proceed towards establishing a socialism like that already prevailing elsewhere in China. The 1959 revolt in Lhasa and the Dalai Lama's flight

to India also affected China's foreign relations. For a start, it had an immediate and very negative impact on relations with India, with which China had been extremely friendly over most of the 1950s. While it is true that Indian Prime Minister Jawaharlal Nehru (1889-1964) stated his wish that the Dalai Lama should not use India as a base for political activities, Nehru was quite prepared to give him refuge and to let him denounce China from India.

The CCP placed part of the blame for the revolt on India. The Chinese government also claimed that the Americans, with whom relations at the time were extremely hostile, were deliberately trying to stir up trouble in Tibet. Although the Dalai Lama and his supporters flatly denied at the time that they were receiving any help from the United States, there is ample evidence that the Chinese were right in their accusations. The Central Intelligence Agency provided such services as training Tibetans in the United States itself and flying them back to Tibet to resist China, and supplying them with equipment. This went on in total secrecy from 1957 until the American rapprochement with China in the early 1970s.

Despite their disclaimers at the time, Tibetan participants are shown in a BBC television programme issued in 1998 as proud of the fact that they had fought in a secret war against China. With secrecy no longer required, their point of view was that they had been fighting in a national Tibetan war against the invading Chinese. The Chinese view was that this was external and unwarranted interference in China's domestic affairs. In September 1965, the Chinese government set up the Tibet Autonomous Region (TAR). This followed the model of autonomous areas, referred to above. There had already been eight Tibetan autonomous prefectures established in the 1950s, of which five were in Qinghai, with one each in Gansu, Sichuan and Yunnan, as well as two autonomous prefectures the Tibetans shared with another ethnic group.



**Map No-2.6.1: Map showing Tibetan Autonomous Region**



Source: <http://www.tibetmap.com/TARbr.html>

The Tibet Autonomous Region (TAR) was the fifth and last autonomous region to be established in the PRC. While an autonomous region is in theory different from a province, the extent of administrative control is actually quite similar. As noted above, earlier regimes had never set up a province-level unit in Tibet. What this means is that the establishment of the Tibet Autonomous Region (TAR) was an important step towards bolstering the authority of the central Chinese government in Tibet. The years of the Cultural Revolution from 1966 to 1976 are acknowledged almost universally as the worst in the PRC's history. This vast campaign was orchestrated by CCP Chairman Mao Zedong (1893-1976), who was obsessed by a vision of class struggle that saw everything as part of a war between the proletariat and the bourgeoisie. Certainly, class struggle took precedence over national struggle to the extent that Mao regarded it as

absurd for minorities to fight against majorities. The proletariat of all nationalities should be uniting in struggle against the overlords of all nationalities. The Tibetan areas were not spared the devastations of the Cultural Revolution. Monasteries were destroyed, religious persecution intensified and factional political struggle erupted on a major scale. In September 1968, Tibet became, along with Xinjiang, the last of China's province-level units to set up the Cultural Revolution's administrative form known as the revolutionary committee. Meanwhile, the Panchen Lama had already become increasingly critical of Chinese policy in Tibet as the situation became tenser in China generally. He fell from favour in 1964 and was imprisoned, not being released until 1978, by which time Mao was dead and his brainchild the Cultural Revolution over (Mackerras, 2005)<sup>19</sup>

## **2.7 Migration and Resettlements in India**

Following the Chinese invasion of Tibet, the 14th Dalai Lama and his followers decided to flee the country, preferring routes that brought them closer to Tibet. From Lhasa, the 14th Dalai Lama began his journey to India. He first landed in Arunachal Pradesh's Bomdila, after which he was escorted to Assam's Tezpur, and then to Mussorie via West Bengal (Moraes, 1960)<sup>20</sup>. It's difficult to say which path was the most popular for Tibetan refugees to arrive in large numbers. Since 1959, fresh Tibetans have been arriving in various parts of India on a regular basis.

The order regulating Tibetan National in India in 1950 mandates that Tibetan nationals must get a permission in the prescribed form from the officer in charge of the police post at the Indo-Tibetan border at the time of their arrival into India. The permit allows such a person to stay and travel in India for the prescribed period, extendable on application (Mohan, 2019)<sup>21</sup>

When Tibetan refugees attempted to enter India, they encountered numerous hurdles and difficulties. The psychological fear of not knowing if they would perish

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<sup>19</sup> Mackerras, Colin (2005). *China's Minority Cultures: Identities and Integration Since 1912*. New York: Longman.

<sup>20</sup> Moraes, F (1960). *The Revolt in Tibet*. New York: Macmillan Company.

<sup>21</sup> Mohan, Sumitra (2019). *Regimes in International Relations: A Study of Refugee Problem in South Asia*. Kolkata: Kalpana Offset Pvt. Ltd

en route to India or arrive safely; physical fatigue brought on by the long journey from Tibet to India, especially many Tibetans who resided in isolated regions of Tibet like Kham, Amdo, and Lhasa faced many difficulties in reaching India; difficulties of language-communication problems with the host population; lack of resistance to tropical diseases, climatic changes, and other factors (Muni & Baral, 1996)<sup>22</sup>.

Following the arrival of Tibetan refugees in India, the Indian government started preparing land for the settlement. The 14th Dalai Lama requested India's then-Prime Minister, Pandit Jawaharlal Nehru, to offer Tibetan refugees with non-cultivable land in the hills and cold climate areas in its several states. As a result, they were given hill territories in South India, Northern India, and the Darjeeling and Sikkim regions (Desai & Raha, 2011)<sup>23</sup>.

Tibetan refugees in India are found living in a variety of locations, mostly in rehabilitation settlements that have formed and grown through time as a result of various projects. The main areas for refugee resettlement in India are as follows:

- Karnataka, in the Southern part
- Madhya Pradesh, Orissa, and Maharashtra in the central region
- Uttar Pradesh, Himachal Pradesh, and Jammu & Kashmir in the Northern Region.
- Sikkim and West Bengal in the Eastern region.
- Arunachal Pradesh in the North- Eastern region

In India, there are 37 Tibetan villages, 14 of which are agricultural settlements, 9 of which are handicraft-based communities, and the rest are agro-industrial and scattered groups (Roy, 2001)<sup>24</sup>. According to the 2007 Report on Refugee Population

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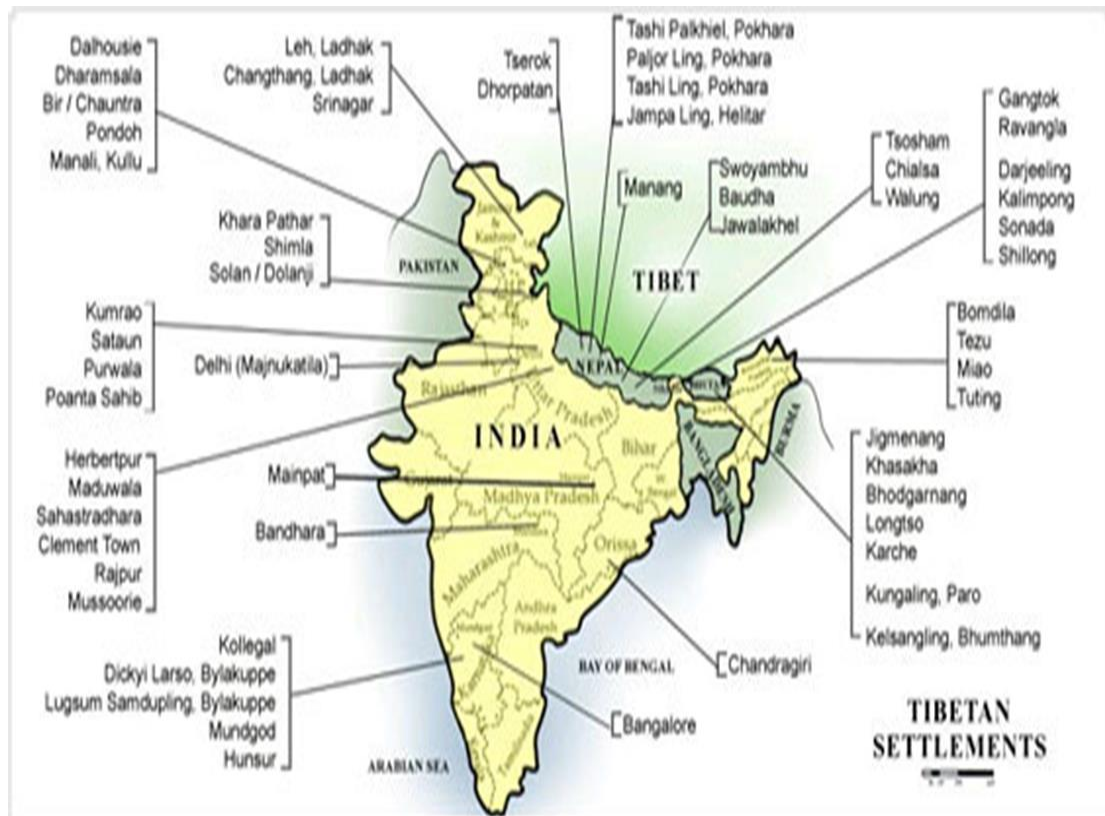
<sup>22</sup> Muni, SD and Baral, Lok Raj (1996). *Refugees and Regional Security in South Asia*. New Delhi: Konark Publishers Pvt Ltd

<sup>23</sup> Desai, Mamta, and Raha, Manish Kumar (2011). *The Tibetans – Their Life in Exile in India*. Kolkata: KP Bagchi & Company.

<sup>24</sup> Roy, Amal (2001). *Social Dynamics of Tibetan Refugees: A Sociological Study in Kalimpong Town*. (Unpublished doctoral thesis) University of North Bengal, Siliguri.

in India, there are 70 scattered Tibetan villages, indicating that outside of planned settlements, a considerable number of Tibetan refugees have managed to find shelter on their own.

**Map No-2.7.1: Map showing Tibetan Refugees settlement in India and Nepal**



Source: <https://www.tibet-house-trust.co.uk/aboutus/page.php?id=18>

Actually, the Government of Indian government provided number of hill lands, some of them were densely forested, where they could develop their communities with the government's direct help. The major goal of the Tibetans' separate settlement was not to integrate them, but to keep them distinct from the country's mainstream political activity. As a result, Tibetan refugees have been able to preserve their culture, language, history, and traditions, and also got the opportunity to preserve a strong sense of Tibetan nationalism.

## 2.8 Rehabilitation and Adjustment of the Tibetan Refugees

The connection between India and China has a major effect on India's policies toward Tibetan resettlements. The Chinese claim of suzerainty over Tibet had created difficulties for India. As a result of human rights violations in Tibet and China's failure to grant Tibetans regional autonomy, the Indian government was forced to provide basic requirements for the Tibetans. Thus, for humanitarian reasons, the Indian government took in the Tibetan refugees.

To aid in the rehabilitation process, the Indian government formed the 'Central Relief Committee for Tibetan Refugees' on April 4, 1959. It was founded by unofficial Indians as a means of distributing excess food, medicine, and other necessities. Various non-governmental organisations stepped forward to assist Tibetan refugees, and a number of foreign countries sent presents and aid to Tibetan refugees in India (Roy, 2011)<sup>25</sup>.

Similarly, in 1960, the Dalai Lama established a Parliament-in-Exile with judiciary, executive, and legislative branches, as well as a separate group of official and independent new organization, the Central Tibetan Administration (CTA), also known as Tibetan Government in Exile, to organize and represent Tibetan refugees and their interests in India and abroad. Members of the Assembly of Tibetan People's Deputies were elected by ballots cast in all Tibetan settlements across the Indian subcontinent, and he established a representative government among Tibetan refugees. The CTA's activities are overseen by the highest executive body call the 'khasang'. This administration "exists only as a non-political and private institution devoted primarily to the cultural development, rehabilitation, and general welfare of Tibetan refugees," and serve as an advisor to the Indian government in carrying out its policies on Tibetan refugee.<sup>26</sup> The following are the seven working departments that make up CTA:

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<sup>25</sup> Roy, Amal (2011). Socio-Economic Life of the Tibetan Refugees. Retrieved from [http://www.academia.edu/8347469/TIBETAN\\_REFUGEES\\_A\\_STUDY\\_I\\_DARJEELING\\_AND\\_SI\\_KKIM\\_REGION](http://www.academia.edu/8347469/TIBETAN_REFUGEES_A_STUDY_I_DARJEELING_AND_SI_KKIM_REGION). Accessed on 19/02/2022.

<sup>26</sup> <http://www.gktoday.in/academy/article/tibetan-refugees-in-india-and-rehabilitation-policy-2014>.

Tibetan Spiritual and Cultural Legacy Department- This department promotes and preserves Tibetan spiritual and cultural heritage.

1. The Department of Home is in charge of Tibetans' overall rehabilitation plans (Asfuroglu, 2012)<sup>27</sup>.
2. The Department of Education is in charge of inspecting and supervising schools in India, Nepal, and Bhutan.
3. The Department of Security ensures or is responsible for His Holiness the Dalai Lama's security. It also considers the receiving centres in Kathmandu, Delhi, and Dharamsala, as well as transit camps.
4. The Department of Finance is in charge of generating revenue in order to administer the administration.
5. Department of Health- This department is in charge of the primary health facilities and hospitals that are placed across the rehabilitation centres.
6. Information and International Relations Department- Maintain contact with the office.

Considering the request of the Dalai Lama the Government of India provided three forms of settlements in India for the Tibetan refugees that is:

- 1) Land based settlement,
- 2) Agricultural based settlement, and
- 3) Handicraft based settlement

The planning and implementation of the relief measures to provide aids to the refugees were in the hands of three agencies,

- 1) The Central Relief Committee, as the authorized channel to accept and distribute the international aids.
- 2) The Government of India along with the state governments.
- 3) The Central Tibetan Administration (CTA) or the office of Dalai Lama for Home and Rehabilitation.

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<sup>27</sup> Asfuroglu, Pelin (2012). The Politics of Representation: The Construction of the Tibetan National Identity in Exile. Universiteit Leiden. Retrieved from <https://openaccess.leidenuniv.nl/bitstream/handle/1887/19802/>. Accessed on 31/ 01/2020.

While performing their duties, these three agencies were linked. The CTA was in charge of selecting the refugees who would be placed on various programmes. This resulted in a division of labour among the refugees in India. It was discovered that about 80% to 85% of the immigrants had agricultural or pastoral backgrounds, they were given agricultural properties (Desai & Raha, 2011)<sup>28</sup>

It was not an easy task for India to rehabilitate a large number of Tibetan refugees. In comparison to traditional Tibetan society and Tibet, India had entirely distinct social, cultural, political, and environmental circumstances. In their early years, Tibetan refugees in India found it very difficult to make a living and live because of this. Tibetan refugees were initially employed in road construction and other labor projects mostly in India's northern states. Their struggle to live in exile was intensified by the terrible climatic and economic conditions. Many Tibetan exiles died as a result of different health issues including as tuberculosis, malaria, and other diseases. In 1959, 167 children and 65 adults died in two camps in West Bengal and Assam: Buxar and Misamari (Norbu, 2001)<sup>29</sup>. They also had to deal with language barriers as well as a slew of other concerns and issues. They first had trouble adjusting physically and culturally, but they quickly started associating with the natives to obtain some advantages. Tibetan marriages with locals began to take place. They also learned the local languages, which helped them communicate with the local population, particularly the Indians in the area.

They had numerous difficulties finding work, especially the elderly, because they had families and were unable to find work readily, however they eventually recovered from their inefficiency of labor in accordance with the demands of the region. They attempted to adjust socially by following their own religious practices, cultural activities, diet, and clothing (Roy, 2001)<sup>30</sup>. Through their hard effort, they were able to integrate into Indian society. The Tibetan and Indian communities have

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<sup>28</sup> Desai, Mamta, and Raha, Manish Kumar (2011). *The Tibetans – Their Life in Exile in India*. Kolkata: KP Bagchi & Company.

<sup>29</sup> Norbu, Dawa (2001). 'Refugees from Tibet: Structural Causes of Successful Settlements'. *The Tibet Journal*, 26(2): pp. 3-25. Retrieved from <https://www.jstor.org/stable/43302483>. Accessed on 07/07/2021.

<sup>30</sup> Roy, Amal (2001). *Social Dynamics of Tibetan Refugees: A Sociological Study in Kalimpong Town*. (Unpublished doctoral thesis) University of North Bengal, Siliguri.

had cordial relations, and both have adjusted well to each other. Tibetans are now regarded as one of the world's most successful exiles, having spent many years in exile in India as refugees.

## **2.9 Impact of Tibetan Refugees in Host population of India**

The Government of India (Separate settlement and delegated authority) has granted Tibetan refugee settlement in India in order to recreate Tibetan society and allow the refugees to continue their lives in exile.

However, refugees have an impact on the host country of India, which can be measured by looking at the relationship between the refugees and the local population. As previously stated, one of the reasons for Tibetans' forced migration was a fear that their cultural identity and religious institutions would be put at risk under Chinese rule and the majority of the Indians shared this sentiment. Separate Tibetan villages, on the other hand, were intended to maintain a cultural divide with the host community. This also implies that the relationship between the refugees and the host population is restricted to market transactions.

Many people in the host population have benefited financially from refugee settlements. As it employed locals in the agricultural field, and many members of the host community were also employed by Tibetan refugees in other fields. Most Tibetan settlements were in remote parts of India, which had previously received little attention from the Indian government in terms of development and funds, but with the establishment of Tibetan settlements, they began to receive benefits such as schools, hospitals, and irrigation canals, among other things. Similarly, foreign charity organisations sponsored similar schemes for local villagers as well. (Desai & Raha, 2011)<sup>31</sup>.

Despite the fact that the Tibetan settlement benefits the local people, there are still challenges and disputes in their relationship. The main cause of conflict was sometimes a lack of communication and a language barrier, which resulted in small

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<sup>31</sup> Desai, Mamta, and Raha, Manish Kumar (2011). *The Tibetans – Their Life in Exile in India*. Kolkata: KP Bagchi & Company.



conflicts or misunderstandings between locals and Tibetans. Another key factor in the conflict between Indians and Tibetans is the Tibetans' quick advancement. Local Indians mistakenly believe that the Tibetans' progress is due to the usage of their resources. As a result, the Indians were continually envious of the Tibetans' progress, and they used to antagonize them over little matters (Muni & Baral, 1996)<sup>32</sup>. The Tibetans, on the other hand, were unconcerned with these events and instead focused on the future.

However, the impact is not consistent throughout the host society. Tibetan refugees control six significant monastic institutions in Ladakh, according to Ladakh intellectuals, and those Tibetan refugees in that area have not learned Ladakhi. The development and mentality that has resulted from Tibetan settlements in the sensitive Himalayan region is not conducive to security (Desai & Raha, 2011)<sup>33</sup>.

Even though there are few incidents of host-refugee conflict in India, some scholars have attempted to examine the tensions between refugees and host elites. The host-refugee tension in the Himalayan region, according to Stobdan, has two causes. To begin, there is the Tibetan refugee population's increase, as well as the economic disparity between them. Second, the Himalayan region's Tibetan cultural and religious dominance must be preserved.

Tensions between the host and the refugees have been seen to be different. More tension appears to have existed in the Himalayan region than in the Indian plains. This can be explained by the fact that Tibetan refugees in Himalayan states share a lot of racial, linguistic, religious, and cultural similarities with the host communities, with the exception of Nepalese. Because of their similarities, the refugees may be tempted to interfere in politics.

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<sup>32</sup> Muni, SD and Baral, Lok Raj (1996). *Refugees and Regional Security in South Asia*. New Delhi: Konark Publishers Pvt Ltd

<sup>33</sup> Desai, Mamta, and Raha, Manish Kumar (2011). *The Tibetans – Their Life in Exile in India*. Kolkata: KP Bagchi & Company.

According to a field survey performed by Saklani for his book "The Uprooted Tibetans in India," 76.92 percent of Indians have a favorable view toward Tibetan refugees, whereas 85 percent of Tibetans have a positive attitude toward Indians.

From the historical perspective of Tibet, it is apparent that Tibet was a land isolated from any other country's social contact. Religious views and rituals dominated the conversation. It's natural that when China invaded Tibet, the Tibetans did not fight back, preferring instead to flee the situation because they were not as advanced as China.

Following the invasion, Tibetans entered into India from various routes because it was the closest country to them at the time. The Indian government acknowledged the Tibetans as asylum seekers and agreed to provide them with settlement areas. They were given hill territories and sites that were densely forested or covered in jungle or forest so that the Tibetans could build towns that were as close to their homeland as possible. Tibetan refugees were given the opportunity to retain their culture, language, and customs, as well as a strong sense of Tibetan nationalism, as a result of this action. The Indian government has set up settlement sites for Tibetan refugees so that they can find work and earn money to help them survive. They studied the nature of the local activities and adjusted themselves following the settlements. They also have access to a number of handicraft centres, which helped to strengthen local economy. However, certain issues arose with the host population, most likely due to economic reasons, but they were able to resolve these issues and became friendly with the host population as a result, making them one of India's most successful refugees.

**CHAPTER 3**  
**HISTORICAL BACKGROUND OF ROHINGYA REFUGEES IN INDIA**

### 3.1 Introduction

Rohingya is one of the most persecuted ethnic minorities in the world according to the United Nations (Faisal, 2020)<sup>1</sup>. Rohingya refugees like any other refugees was originated from a country where they was not accepted as one of the minority ethnic group of that particular country. Therefore it is important to know about the country first from where it was generated and why it was not regarded and one of the minority group of that particular country.

### 3.2 Myanmar

It is believed that Myanmar is the country from where the Rohingyas came from. Myanmar which is formally known as Burma is one of the nation situated in the South of Asia. It is surrounded by the countries like China in the North, Bangladesh and India from the southwest, Laos and Thailand in the east (Majumder, 2015)<sup>2</sup> Bay of Bengal and the Andaman in the south. Its capital city is Yangon and the official language is the Burmese. Its estimated populations was around 60,584,650 (including the Rohingya) and estimated area of more than 261,000 square miles 676,578 km (Demographics of Myanmar, 2018; World Bank, 201 cited by Mohajan, 2018)<sup>3</sup>.

It was colonized by the British in 1824, and had achieved independence in 1948. Burman, Shan, Karen, chin, Karenni, Kachin, and Rakhine are the eight ethnic groups that are formally recognized by the government. There are several different sub-ethnic groups in each ethnic group. In terms of religious basis, it is consisted of Buddhists (89%), 4% Christians (Baptists 3%, and Roman Catholics 1%), 4% Muslims, 1% animist, and 2% others (Ullah, 2011; Singh, 2014; Warzone Initiatives, 2015 cited by Mohajan, 2018)<sup>4</sup>. The minority ethnic groups Kachin, Chin, Shan, and

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<sup>1</sup> Faisal, Md. Mostafa (2020).The Rohingya Refugee Crisis of Myanmar: A History of Persecution and Human Rights Violations. *International Journal of Social, Political and Economic Research*, Volume 7, Issue 3, 2020, 743-761. DOI: doi.org/10.46291/IJOSPERvol7iss3pp743-761. Retrieved from <https://www.researchgate.net/publication/347833119>. Accessed on 06/03/2022.

<sup>2</sup> Majumder, Suchismita (2015). Rohingyas languishing behind the bar. Kolkata: Mahanirban Calcutta Research Group.

<sup>3</sup> Mohajan, Haradhan Kumar (2018).History of Rakhine State and the Origin of the Rohingya Muslims. *IKAT: The Indonesian Journal of Southeast Asian Studies*, Volume 2, Issue 1, 19-46. Retrieved from <https://mpira.ub.uni-muenchen.de/88186/>. Accessed on 23/08/2023.

<sup>4</sup> Ibid.

Rakhine live on the borders of neighboring countries (HRW, 2013)<sup>5</sup>. In Myanmar there are more than 200 dialects and languages that are spoken among the ethnic minority groups.

**Map No-3.2.1: Map Showing bordering Countries of Myanmar**



Source: <https://monitor.icef.com/wp-content/uploads/2015/11/Myanmar-Map.jpg>

The name of the country was Burma in the 1947 Constitution which was changed by the military junta as Myanmar in 1989 (Ullah, 2011)<sup>6</sup> cited by (Mohajan,

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<sup>5</sup> HRW (2013). All You Can Do is Pray. Crimes against Humanity and Ethnic Cleansing of Rohingya Muslims in Burma's Arakan State. Retrieved from [http://www.hrw.org/sites/default/files/reports/burma0413\\_FullForWeb.pdf](http://www.hrw.org/sites/default/files/reports/burma0413_FullForWeb.pdf). Accessed on 29/02/22.

<sup>6</sup> Ullah, A. A. (2016). Rohingya Crisis in Myanmar: Seeking Justice for the "Stateless". *Journal of Contemporary Asia*, 46(3), 438-455.

2018)<sup>7</sup>. According to the 2008 constitution the official name of the country is “The Republic of the Union of Myanmar” (Government of Myanmar, GoM, 2008)cited in (Mohajan, 2018)<sup>8</sup>

Myanmar is divided into seven states for political organization and also functions to separate different ethnic minorities. Like many nations, each of these states is further divided into divisions, townships, wards, and villages.

**Map No- 3.2.2: Map Showing the States in Myanmar**



Source:[https://www.researchgate.net/figure/Map-of-Myanmars-States-and-Regions\\_fig1\\_344329923/download](https://www.researchgate.net/figure/Map-of-Myanmars-States-and-Regions_fig1_344329923/download)

<sup>7</sup> Mohajan, Haradhan Kumar (2018).History of Rakhine State and the Origin of the Rohingya Muslims. *IKAT: The Indonesian Journal of Southeast Asian Studies*, Volume 2, Issue 1, 19-46. Retrieved from <https://mpira.ub.uni-muenchen.de/88186/>. Accessed on 23/08/2023.

<sup>8</sup> Mohajan, Haradhan Kumar (2018).History of Rakhine State and the Origin of the Rohingya Muslims. *IKAT: The Indonesian Journal of Southeast Asian Studies*, Volume 2, Issue 1, 19-46. Retrieved from <https://mpira.ub.uni-muenchen.de/88186/>. Accessed on 23/08/2023.

There are seven states in Myanmar and they are Kachin State Government, Kayah State Government, Kayin State Government, Chin State Government, Mon State Government, Rakhine State Government and Shan State Government. The map of Myanmar reveal the Kachin State as the region located in the northern tip of Myanmar, and it is bordered by the Tibetan region of China and India. Myanmar's highest mountain Hkakabo Razi is located in this region. This mountain also forms the southern tip of the iconic Himalayan mountain region. On the east coast of Myanmar there lies the Kaya State which shares borders with Thailand. This region is mostly inhabited by the Kayah people who belong to Karenni ethnic group. Their culture is similar to that of the Sino-Tibetan people. The Kayin State was previously known as the Karen State, characterized by its mountainous Karen Hills in the northwest. This region is most notable for its tremendous rainfall, with the minimum amount of rain each year coming in at an incredible 120 inches. The Chin State in Myanmar is in the north-west region of this country. The Chin State is known for having the highest poverty levels in the nation, with almost three out of every four people living in poverty. The Mon State is a narrow region that extends along the long peninsula of Myanmar, into the Bay of Bengal. This landmass also includes some small islands. This area is overwhelmingly Buddhist, and produces rice and rubber as its two major exports. The Rakhine State is the easternmost portion of Myanmar. This area is characterized by conflict, with seven different ruling powers marking its long history. To the modern day, this region is still fought over and has been gifted as a prize of war several times. The Shan State is a large landmass on the eastern coast of Myanmar. This big region contains several different ethnic groups, and their own respective armies. This state is rural and known for its agriculture, natural resources like silver and zinc etc.

The majority of the Myanmar ethnic group are the Burman which is also referred as the Bama and Bamar followed by the Shan ethnic group along with the other major and minor ethnic groups. Officially there are 135 major ethnic groups excluding Muslim Rohingyas. Myanmar has vast resources and diverse people. As a nation it is home to many religion and culture where variety of large and small ethnic

groups reside because of this it has also endured almost constant ethnic and military strife. One of such important ethnic conflict arose in the Rakhine state.

The Rakhine State is the homeland of several different ethnic communities. The two major ethnic groups residing in the Rakhine State are the Muslim Rohingya and the Buddhist Rakhine. The majority of the people were Rohingya who were the followers of Islam. On the other hand, the Maghs (Rakhains) were a minority who believed in Buddhism (Faisal, 2020)<sup>9</sup>. Buddhist Rakhines, formerly called the Arakanese, live along the coast of the Rakhine State, known as Arakan and the Kingdom of Mrauk-U in the past, and in the Chittagong and Barisal divisions of Bangladesh. It is also a home for other ethnicities, such as Hindus, the Chins and Myo (Rey Ty, 2019)<sup>10</sup>.

In Arakan, a small number of tribes live in the hills. They are Mros, Kamis, Chaungthas, Chins, Saaks, Ahnus, Chaws, Khaungtsos and Kons (Faisal, 2020)<sup>11</sup>. Similar cultural traits are shared by the Rakhines of Myanmar's Rakhine State and the Arakanese Chakma, who are primarily Buddhist, the Marmas (formerly known as Moghs or Maghs), and other peoples who have lived in Bangladesh's Chittagong Hill Tracts since the 16th century. In Tripura, India, there are also the Arakanese Buddhist Mog people. Other Muslim groups live in Myanmar, such as the Kamans who are the only Muslim taing-yin-tha, or members of the 135 ethnic groups officially recognised by the Burmese government (Rey Ty, 2019)<sup>12</sup>.

Both the Buddhist Arakanese and Muslim Rohingyas have lived together in the broad region of what is now Arakan state in Myanmar and the Chittagong Division in Bangladesh since the pre-colonial era. Historians trace the Muslims living in the

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<sup>9</sup> Faisal, Md. Mostafa (2020). The Rohingya Refugee Crisis of Myanmar: A History of Persecution and Human Rights Violations. *International Journal of Social, Political and Economic Research*, Volume 7, Issue 3, 2020, 743-761. DOI: doi.org/10.46291/IJOSPERvol7iss3pp743-761. Retrieved from <https://www.researchgate.net/publication/347833119>. Accessed on 06/03/2022.

<sup>10</sup> Rey Ty (2019). The Rohingya Refugee Crisis. *International Journal on Human Rights*. SUR 29 - v.16 n.29, 49 – 62

<sup>11</sup> Faisal, Md. Mostafa (2020). The Rohingya Refugee Crisis of Myanmar: A History of Persecution and Human Rights Violations. *International Journal of Social, Political and Economic Research*, Volume 7, Issue 3, 2020, 743-761. DOI: doi.org/10.46291/IJOSPERvol7iss3pp743-761. Retrieved from <https://www.researchgate.net/publication/347833119>. Accessed on 06/03/2022.

<sup>12</sup> Rey Ty (2019). The Rohingya Refugee Crisis. *International Journal on Human Rights*. SUR 29 - v.16 n.29, 49 – 62



frontier between what is now Bangladesh and Myanmar's Arakan State since the 12th century. Through Arab traders who also doubled as missionaries, Islam came to the region in the 7th century CE, during which they intermarried with local Buddhists as well as converted Buddhists to Islam by 788 CE. (Majumder, Velath, Chopra and Chakraborty, 2015)<sup>13</sup>

The Arakans and the Rohingyas, as we call them now, have been living at the frontier between what we now call Bangladesh and Myanmar for centuries. For example, from 1429 to 1785, the autonomous Empire of Mrauk-U governed over what is currently the Rakhine State in Myanmar and the Chittagong Division in Bangladesh, where Muslims and Buddhists of different ethnicities coexisted. During this same period, this region was a protectorate of the Sultan of Bengal at different points in time. By the 18<sup>th</sup> century, it became part of the Burmese Empire (Rey Ty, 2019)<sup>14</sup>.

### **3.3 Brief History of Rohingyas**

The Muslims arrival in Arakan area can trace back their descent to the Arab traders who came to trade in the region as far back as the 8th Century. They ruled (1430-1784) the kingdom of Arakan, Chittagong of Bengal, and parts of India for more than 350 years until the Burmese occupation of 1784. Two communities lived together for hundreds of years. But the problem began since the 1785 AD, when a Magh commander by the name of Ga Than de welcomed the arrival of Burmese troops to take Arakan from the Rohingya Muslims. He became the governor of Arakan state (Faisal, 2020)<sup>15</sup>. Following the Burmese conquest of Arakan in 1784-85, between 35,000 to 40000 Arakanese fled to the neighbouring Chittagong region to avoid Burmese persecution and seek protection in British controlled Bengal. After the occupation of Arakan State by the British in 1826, there started a reverse flow of migrants—from the Eastern Bengal districts like Chittagong to the Arakan with British

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<sup>13</sup> Majumder, Suchismita, Velath, Priyanka Mathur, Chopra, Kriti & Chakraborty Madhura (2015). Rohingyas in India: Birth of a Stateless Community. Kolkata: Mahanirban Calcutta Research Group.

<sup>14</sup> Rey Ty (2019). The Rohingya Refugee Crisis. *International Journal on Human Rights*. SUR 29 - v.16 n.29, 49 – 62

<sup>15</sup> Faisal, Md. Mostafa (2020).The Rohingya Refugee Crisis of Myanmar: A History of Persecution and Human Rights Violations. *International Journal of Social, Political and Economic Research*, Volume 7, Issue 3, 2020, 743-761. DOI: doi.org/10.46291/IJOSPERvol7iss3pp743-761. Retrieved from <https://www.researchgate.net/publication/347833119>. Accessed on 06/03/2022.

encouragement. The immigration continued until the 1930s. From 1936 onwards, mistrust grew between Muslims and Buddhists in British Burma (Majumder, Velath, Chopra and Chakraborty, 2015)<sup>16</sup>

During British rule, the ethnic problems started spreading due to their partiality though the Rohingya community participated in the Second World War in favour of Great Britain (Faisal, 2020)<sup>17</sup>. The first large scale riot between Muslim –Rohingyas and Buddhist- Rakhines in Arakan state took place on March 1942 (Majumder, Velath, Chopra and Chakraborty, 2015)<sup>18</sup>. This was the time where British force surrendered to the Japanese army at Burmese point, Burmese Muslims also participated in their Independence movement and the Mujahid party was formed by some Rohingyas in 1947 to create a separate state for the Muslims in northern Arakan. The seeds of Rohingya separatism had been sown in spite of the effort of some Rohingya leaders to bring different nationalities of Myanmar into a Union (Majumder, Velath, Chopra and Chakraborty, 2015)<sup>19</sup>. They also led the Student Union and have been elected parliament members, even minister of government (Mohammed Yunus, 1994:69) cited by (Faisal, 2020)<sup>20</sup>.

On 4 January 1948, the Republic of the Union of Burma has become an independent country. After independence, communist-backed underground groups engaged Arakan in political violence, rebellion Rakhine Muslim Mujahedeen and followed with other armed rebellious groups. In that same year, the 1948 Union Citizenship Act was passed which included a list of Burma's indigenous races

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<sup>16</sup> Majumder, Suchismita, Velath, Priyanka Mathur, Chopra, Kriti & Chakraborty Madhura (2015). Rohingyas in India: Birth of a Stateless Community. Kolkata: Mahanirban Calcutta Research Group.

<sup>17</sup> Faisal, Md. Mostafa (2020).The Rohingya Refugee Crisis of Myanmar: A History of Persecution and Human Rights Violations. *International Journal of Social, Political and Economic Research*, Volume 7, Issue 3, 2020, 743-761. DOI: doi.org/10.46291/IJOSPERvol7iss3pp743-761. Retrieved from <https://www.researchgate.net/publication/347833119>. Accessed on 06/03/2022.

<sup>18</sup> Majumder, Suchismita, Velath, Priyanka Mathur, Chopra, Kriti & Chakraborty Madhura (2015). Rohingyas in India: Birth of a Stateless Community. Kolkata: Mahanirban Calcutta Research Group.

<sup>19</sup> Majumder, Suchismita, Velath, Priyanka Mathur, Chopra, Kriti & Chakraborty Madhura (2015). Rohingyas in India: Birth of a Stateless Community. Kolkata: Mahanirban Calcutta Research Group.

<sup>20</sup> Faisal, Md. Mostafa (2020).The Rohingya Refugee Crisis of Myanmar: A History of Persecution and Human Rights Violations. *International Journal of Social, Political and Economic Research*, Volume 7, Issue 3, 2020, 743-761. DOI: doi.org/10.46291/IJOSPERvol7iss3pp743-761. Retrieved from <https://www.researchgate.net/publication/347833119>. Accessed on 06/03/2022.

qualifying for citizenship which does not include the Rohingya. This led to further unrest between Muslim-Buddhist relations.

The Muslim rebels who's numbered several thousands in 1948 at the time of independence, quickly reduced to just few by 1950. About 100,000 Rohingya people were killed by the Buddhist Magh community, and 80,000 fled to the Bengal part of British India. In 1961, the Mujahedeen militants were defeated, with the Mayu Frontier Administration established by the national government (Faisal. 2020)<sup>21</sup>.

According to the UN, Rohingyas are among the worlds most mistreated and maybe most neglected minority. The present act of violence is a part of pattern of discrimination that began 50 years ago. Rohingyas' history can be described in three categories that is the Pre-colonial, Colonial and Post-colonial.

In pre-colonial times, Muslim Arabic sailors inhabited the independent kingdom of Arakan (now known as the Rakhine State) between 788 and 810 AD, followed by Bengalis between the 15th and 17th centuries. Prior to colonization, the Rohingyas and Arakanese (the remaining Arakan Buddhist population) coexisted peacefully.

After the British occupied the area after the first Anglo-Burmese war in 1825, this was altered. The British captured Arakan in their first battle against Myanmar in 1824–1826, and supported an inflow of Bengali Indian migrants. By the early 20th century, the immigrant population was double the size of the indigenous Muslim community. The religious networks of the Muslim Rohingya community grew as it took in more migrants, and the Rohingya started to behave, dress, and seem differently from their Buddhist neighbours. Some Buddhist settlements were displaced as the expanding population moved southward. When the Arakense sided with the Japanese during World War II and the Rohingyas pledged allegiance to the British, the division grew even more pronounced. Muslims were given preference over other groups by British colonists. In World War II, they enlisted them as troops and appointed them to

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<sup>21</sup> Faisal, Md. Mostafa (2020). The Rohingya Refugee Crisis of Myanmar: A History of Persecution and Human Rights Violations. *International Journal of Social, Political and Economic Research*, Volume 7, Issue 3, 2020, 743-761. DOI: doi.org/10.46291/IJOSPERvol7iss3pp743-761. Retrieved from <https://www.researchgate.net/publication/347833119>. Accessed on 06/03/2022.

positions of power in the post war government, as opposed to the Buddhists. Both the Japanese and British troops took advantage of the tensions and hostility among the local populace while the war raged in Burma to achieve their own military objectives. The communalist (Buddhist) Rakhine and Burma Independence Army both attacked the Rohingya community during the Japanese rule of Burma (including Arakan), murdering 100,000 of them and driving another 50,000 of them into exile near the East Bengali border.

After Burma won independence in 1948, the anti Rohingya campaign began, typified by prejudice and denial of their citizenship rights. In 1962, Burmese Government was taken over by military coup. They established a military junta and abolished the nation's constitution. Following the 1962 takeover of power by General Ne Win and his Burma Socialist Programme Party (BSPP), the government started dismantling Rohingya political and social groups. In order to register residents and weed out foreigners before a national census, Burmese military and immigration officials launched what they named Operation Nagamin (Dragon King) in 1977.

More than 200,000 Rohingya had left Burma for Bangladesh by May 1978, which the Burmese government said was proof of their unlawful status there. The Burmese army was accused of extensive rape, murder, and violence by the refugees, who also claimed that they had been forcibly expelled. The Bangladeshi government and the International Committee of the Red Cross provided immediate aid, but they were soon overburdened. Thirteen camps were quickly set up along the border for the migrants after the Bangladeshi government asked the UN for assistance.

### **3.4 Origin of the Rohingya Crisis**

The primary reason for the conflict between the ethnic groups after the independence of Myanmar is that the non-Bama ethnic groups are not fully integrated into the government, politics, economy, and culture which was dominated by the Bama. Despite the diversity in Myanmar, only the Bama language, culture, and interpretation of history are covered in educational institutions, and these individuals remain the only ones with the ability to participate in politics and government. Because of their economic, political, and cultural dominance over all other ethnic groups, those

groups keep fighting for recognition for their autonomy and self-determination and continue to wage civil war in Myanmar. The minorities that continue their revolutionary struggles include the Chin, Kachin, Karen, Karenni, Rohingya, Shan, Wa and other ethnic minorities (Rey Ty, 2019)<sup>22</sup>.

In 1962, a coup led by Gen. Ne Win marked the beginning of decades of oppressive military rule. The military junta's rise to power in 1962 which further led to marginalization of the Rohingya. The junta also gave documentation to few Rohingya children and refused to recognize new generations of the Rohingya population (Faisal, 2020)<sup>23</sup>. Throughout the military rule in Myanmar there were several Buddhist- Muslim clashes in Arakan State because of the government adopted laws and policies they continued to become the victim of wide spread discrimination and human rights violations (Majumder, Velath, Chopra and Chakraborty, 2015)<sup>24</sup>.

In 1974, a new law again promote the limit on the rights of the Rohingya, particularly in employment and education. At the time of constituting Rakhaine State from the former Arakan Division the Emergency Immigration Act further reduced the chance of Rohingyas possessing national registration certificates as they were only issued with a Foreign Registration Cards which the Schools and employers do not recognize.

On 6th February 1978, one of the most crucial Rohingya ethnic cleansing action named "The King Dragon Operation" began. The Myanmar military commenced the Nagamin operation with great severity, focusing on a fresh Census mainly aimed at eliminating Burmese citizenship of as many Rohingya as possible and was marked by extensive torture, rape, forced labour and extra-judicial executions. Within three months more than 300,000 Rohingyas went Bangladesh and took shelter

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<sup>22</sup> Rey Ty (2019). The Rohingya Refugee Crisis. *International Journal on Human Rights*. SUR 29 - v.16 n.29, 49 – 62

<sup>23</sup> Faisal, Md. Mostafa (2020).The Rohingya Refugee Crisis of Myanmar: A History of Persecution and Human Rights Violations. *International Journal of Social, Political and Economic Research*, Volume 7, Issue 3, 2020, 743-761. DOI: doi.org/10.46291/IJOSPERvol7iss3pp743-761. Retrieved from <https://www.researchgate.net/publication/347833119>. Accessed on 06/03/2022.

<sup>24</sup> Majumder, Suchismita, Velath, Priyanca Mathur, Chopra, Kriti & Chakraborty Madhura (2015). *Rohingyas in India: Birth of a Stateless Community*. Kolkata: Mahanirban Calcutta Research Group.

in camps of Cox's Bazar district (Faisal, 2020)<sup>25</sup>. Operation Nagamin, or King Dragon was unleashed to crash the Mujahid groups in the Rohingya-dominated areas.

In 1982, Citizenship Law Rohingyas were deprived from the list of 135 national ethnic groups by the revised Myanmar Citizenship Law they lost national protection due to their non-citizenship (Abdelkader, 2014)<sup>26</sup> that caused Rohingyas to become stateless and more vulnerable to arbitrary denial of rights. In Myanmar, citizens whose age is ten years and above are eligible to apply for a national identity card. This identity card is essential for higher education, travel, medical care, business, etc. Those person having no identity card may be detained and imprisoned. The membership of obtaining the full citizenship is given to those national races who are considered by the State to have settled in Myanmar prior to 1848 along with the fluency in one of the national languages (Burmese Rohingya Organisation UK, BROUK, 2014 cited in Mohajan, 2018)<sup>27</sup>. The 1982 Law was based on the principle of *jus sanguinis* which identifies three categories of citizens: full, associate and naturalized. Only few Rohingyas were able to fulfill the requirements that are demanded for being in one of these categories (Majumder, Velath, Chopra and Chakraborty, 2015)<sup>28</sup>

According to this law the Rohingya were not granted full citizenship as they were not eligible to apply for the national identity card instead they only obtained foreign identity cards. As a result, they were restricted from their rights to study, travel, work, exercise to vote, marry, practice their religion, and access health services (Mohajan, 2018)<sup>29</sup>.

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<sup>25</sup> Faisal, Md. Mostafa (2020).The Rohingya Refugee Crisis of Myanmar: A History of Persecution and Human Rights Violations. *International Journal of Social, Political and Economic Research*, Volume 7, Issue 3, 2020, 743-761. DOI: doi.org/10.46291/IJOSPERvol7iss3pp743-761. Retrieved from <https://www.researchgate.net/publication/347833119>. Accessed on 06/03/2022.

<sup>26</sup> Abdelkader, Engy (2014). The Rohingya Muslims in Myanmar: Past, Present, and Future. *Oregon Review of International Law*, Vol. 15, 393. Retrieved from <https://ssrn.com/abstract=2277949>. Accessed on 24/08/2023.

<sup>27</sup> Mohajan, Haradhan Kumar (2018).History of Rakhine State and the Origin of the Rohingya Muslims. *IKAT: The Indonesian Journal of Southeast Asian Studies*, Volume 2, Issue 1, 19-46. Retrieved from <https://mpira.ub.uni-muenchen.de/88186/>. Accessed on 23/08/2023.

<sup>28</sup> Majumder, Suchismita, Velath, Priyanca Mathur, Chopra, Kriti & Chakraborty Madhura (2015). Rohingyas in India: Birth of a Stateless Community. Kolkata: Mahanirban Calcutta Research Group.

<sup>29</sup> Mohajan, Haradhan Kumar (2018).History of Rakhine State and the Origin of the Rohingya Muslims. *IKAT: The Indonesian Journal of Southeast Asian Studies*, Volume 2, Issue 1, 19-46. Retrieved from <https://mpira.ub.uni-muenchen.de/88186/>. Accessed on 23/08/2023.

On 18th September, 1988 by a Dramatic military coup Chief of Army Staff, General Saw Maung came to power. The colour-coded Citizens Scrutiny Cards were introduced which were in pink, blue and green in colour. Pink card was for the full citizens, blue card was for the associate citizens and green card was for the naturalized citizens. The Rohingyas were not issued with any of this cards. They also formed the State Law and Order Restoration Council (SLORC). At that time, in Myanmar many pro-democracy demonstration started. SLORC strictly control all kind of political activities. They killed more than 3000 pro-democracy protesters. Some pro-democracy activists were arrested, tortured and killed in Arakan and many protesters crossed the border and joined revolutionary groups. All the business establishments of Rohingya were seized (Faisal, 2020)<sup>30</sup>.

Then in 1991–1992, the National League for Democracy won the election after the disputed multi-party election. The Myanmar military began another campaign called Pyi Thaya (or Prosperous Country), which began with a buildup of military forces and formation of a border task force, called Nay-Sat Kut-kwey Ye (or Na Sa Ka) which consisted of police, military intelligence and immigration or customs and other officials. The intensified post-election restriction led to a second exodus. Some 250,000 Rohingya crossed into Bangladesh, while another 15,000 ultimately made their way to Malaysia. In the mid-1992, in accordance with the policy of Bangladesh the recognition of Rohingyas closed with a registration cut-off date. Those Rohingyas who arrived or returned after the cut-off date were not able to receive the status of refugees and they are not permitted in the camps. Bangladesh also closed its door to the Rohingya refugees saying they are not Bangladeshis. About 30,000 registered Rohingyas, supported by the U.N. High Commissioner for Refugees are in Bangladesh and informally there are 200,000 unregistered Rohingya residing in Bangladesh. (Majumder, Velath, Chopra and Chakraborty, 2015)<sup>31</sup>

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<sup>30</sup> Faisal, Md. Mostafa (2020). The Rohingya Refugee Crisis of Myanmar: A History of Persecution and Human Rights Violations. *International Journal of Social, Political and Economic Research*, Volume 7, Issue 3, 2020, 743-761. DOI: doi.org/10.46291/IJOSPERvol7iss3pp743-761. Retrieved from <https://www.researchgate.net/publication/347833119>. Accessed on 06/03/2022.

<sup>31</sup> Majumder, Suchismita, Velath, Priyanka Mathur, Chopra, Kriti & Chakraborty Madhura (2015). Rohingyas in India: Birth of a Stateless Community. Kolkata: Mahanirban Calcutta Research Group.

In response to UNHCR's intensive advocacy efforts to document the Rohingyas the Burmese authorities in 1995 started issuing them with a temporary Registration Card (TRC) (a white card) in accordance to the 1949 Residents of Burma Registration act. The TRC does not mention the holder's place of birth and cannot be used to claim citizenship (Faisal, 2020)<sup>32</sup>.

On May 28, 2012, a Buddhist woman, was allegedly raped and murdered by three Muslim men in Ramri Township in southern Arakan State which once again started the conflict in the region. In response to this incident around 100 Rohingya were killed (including 10 Muslim pilgrims travelling on a bus in Tounngop) and 120,000 were displaced (Mohajan, 2018)<sup>33</sup>.

June 2012 violence between Muslim Rohingya and Rakhine Buddhists in Arakan State of Myanmar increased the number of Rohingya refugees in neighbouring Bangladesh. It led some of the 140,000 internally displaced to take an effort to flee across the border. A month after the violence that is on July 12, President Thein Sein called for illegal Rohingya to be sent to third countries. Again on 21 October, although the government of Myanmar claimed that they had taken the necessary measures to prevent the recurring violence, the conflict broke out. After 2012 riots, the mass exodus of Rohingya from Myanmar in Arakan state was the most recent incident of persecution and forced evacuation. Rohingyas are caught between Buddhist dominated Myanmar and Muslim-dominated Bangladesh so they started entering into India through the north east States. After the deadly religious persecution and massacre in Myanmar which wiped out the entire village of Rohingyas in the last few years thousands of Rohingya Muslims have taken refuge in India. The exact number of those

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<sup>32</sup> Faisal, Md. Mostafa (2020). The Rohingya Refugee Crisis of Myanmar: A History of Persecution and Human Rights Violations. *International Journal of Social, Political and Economic Research*, Volume 7, Issue 3, 2020, 743-761. DOI: doi.org/10.46291/IJOSPERvol7iss3pp743-761. Retrieved from <https://www.researchgate.net/publication/347833119>. Accessed on 06/03/2022.

<sup>33</sup> Mohajan, Haradhan Kumar (2018). History of Rakhine State and the Origin of the Rohingya Muslims. *IKAT: The Indonesian Journal of Southeast Asian Studies*, Volume 2, Issue 1, 19-46. Retrieved from <https://mpira.ub.uni-muenchen.de/88186/>. Accessed on 23/08/2023.



Rohingyas who entered in India is not known, it is estimated to be around 20,000 to 25,000. (Majumder, Velath, Chopra and Chakraborty, 2015)<sup>34</sup>

On 9th October 2016, in Maungdaw and Rathedaung district some Rohingya rebellion ambushed Border Guard Police where nine police officers was killed, and 10,000 rounds of ammunition and 62 firearms was robbed. Once again during 10 to 12 October, 2016 they killed 4 Myanmar soldiers (Faisal, 2020). In the respond to the attacks, on 10 October 2016, the Government of Myanmar stopped all the humanitarian aid to the Rohingya (Mohajan, 2018)<sup>35</sup>. On November 12, a lieutenant colonel was killed and injured several others by 60 armed members of the Rohingya militants. After this incident security forces destroyed 1,500 Rohingya buildings, and helicopters fired indiscriminately into Rohingya villages killing hundreds of Rohingya people. More than 100 Rohingya have died, and more than 90,000 have escaped from Myanmar (Faisal, 2020)<sup>36</sup>

To safeguard the Rohingya community and their rights the Arakan Rohingya Salvation Army (ARSA) was founded by some Arakanese youth. On 25th August 2017, they targeted 30 security camps and killed 12 Myanmar Police officers (Lynn, 2017)<sup>37</sup>. Following this incident Genocides started all over the Arakan. From August 2017 to the end of 2018 more than 620,000 Rohingya refugees have migrated to Bangladesh and taken shelter in Cox's Bazar, Bangladesh refugee camps (Mohajan, 2018)<sup>38</sup>. It has been analysed that around 354 Rohingya villages in the state of Rakhine burned, houses looted, and widespread rapes was committed and approximately 24,000 Rohingya people killed including 730 children, 40,000 victims of bullet

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<sup>34</sup> Majumder, Suchismita, Velath, Priyanka Mathur, Chopra, Kriti & Chakraborty Madhura (2015). Rohingyas in India: Birth of a Stateless Community. Kolkata: Mahanirban Calcutta Research Group.

<sup>35</sup> Mohajan, Haradhan Kumar (2018).History of Rakhine State and the Origin of the Rohingya Muslims. IKAT: *The Indonesian Journal of Southeast Asian Studies*, Volume 2, Issue 1, 19-46. Retrieved from <https://mpira.ub.uni-muenchen.de/88186/>. Accessed on 23/08/2023.

<sup>36</sup> Faisal, Md. Mostafa (2020).The Rohingya Refugee Crisis of Myanmar: A History of Persecution and Human Rights Violations. *International Journal of Social, Political and Economic Research*, Volume 7, Issue 3, 2020, 743-761. DOI: doi.org/10.46291/IJOSPERvol7iss3pp743-761. Retrieved from <https://www.researchgate.net/publication/347833119>. Accessed on 06/03/2022.

<sup>37</sup> Lynn, Kyaw Ye (2017). 12 killed in Rohingya militant attacks in Myanmar west. Retrieved from <https://www.aa.com.tr/en/asia-pacific/12-killed-in-rohingyamilitant-attacks-in-myanmar-west/893434>. Accessed on 15/05/2022

<sup>38</sup> Mohajan, Haradhan Kumar (2018).History of Rakhine State and the Origin of the Rohingya Muslims. IKAT: *The Indonesian Journal of Southeast Asian Studies*, Volume 2, Issue 1, 19-46. Retrieved from <https://mpira.ub.uni-muenchen.de/88186/>. Accessed on 23/08/2023.

wounds, 34,000 thrown into flames, 17,718 women and girls raped, 114,000 injured and 115,000 houses destroyed (Faisal, 2020)<sup>39</sup>

The bloodbath that the Myanmar army's military operations generated, which ultranationalist Buddhists support, led to the displacement of more than half a million to one million Rohingyas. Myanmar security forces have the right and duty to engage in battle with the ARSA, as both sides are combatants who must engage in armed conflict based on the laws of war. But international humanitarian law states that on the one hand, reprisals against civilian population and their property are forbidden and military actions on both sides must be proportionate on the other hand. It also establishes that Rohingya civilians must be spared from military attacks under all circumstances and at all times.

Both Article 3 common to all four Geneva Conventions and Protocol II additional to these Conventions affirm that: (1) there should always be a distinction between the armed forces and civilians; (2) all persons taking no active part in the combat, including the wounded and the sick, must be treated humanely; (3) the only legitimate objective is to weaken the enemy's armed might; (4) and the civilian population, including women and children, as well as civilians' homes, property and cultural objects, must be protected, as they are not military targets. (Rey TY, 2019)<sup>40</sup>

Most of the persecuted Rohingyas fled to Cox's Bazar in neighbouring Bangladesh to seek refuge and a safe haven, which is where the Bangladeshi government welcomed them. After Rohingyas left their villages, their houses and properties were bulldozed. At least 55 Rohingya villages were destroyed in order to eliminate the evidence. About half a million Rohingyas still remain in the Rakhine State in Myanmar. UN envoy Yanghee Lee claims that mass graves show "hallmarks of genocide". The Rohingya's mistreatment was described as a "textbook example of ethnic cleansing" by Zeid Ra'ad Al Hussein, the High Commissioner for Human Rights

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<sup>39</sup> Faisal, Md. Mostafa (2020). The Rohingya Refugee Crisis of Myanmar: A History of Persecution and Human Rights Violations. *International Journal of Social, Political and Economic Research*, Volume 7, Issue 3, 2020, 743-761. DOI: doi.org/10.46291/IJOSPERvol7iss3pp743-761. Retrieved from <https://www.researchgate.net/publication/347833119>. Accessed on 06/03/2022.

<sup>40</sup> Rey Ty (2019). The Rohingya Refugee Crisis. *International Journal on Human Rights*. SUR 29 - v.16 n.29, 49 – 62

in United Nation at the time. A group of Nobel Peace prize winners urged the UN Security Council to defend the Rohingya against more atrocities.

### **3.5 The response of the International Communities**

The Association of Southeast Asian Nations (ASEAN), of which Myanmar is a member, was blasted for keeping mum on the persecution of the Rohingya. India and Japan support Myanmar. China and Russia oppose United Nations resolutions on the Rohingya issue. The European Union (EU) and the United States (US) imposed economic sanctions on top military officials as a form of punishment. The United Kingdom (UK) is calling for repatriation, while China mediates between Bangladesh and Myanmar on repatriation. With China's overtures, Bangladesh and Myanmar signed an agreement to execute the Chinese settlement plan for the deportation of the Rohingya from Bangladesh's Cox's Bazar to Myanmar's Rakhine State.

The country is currently grappling with the burden of housing about 1 million illegal Rohingya refugees in Cox's Bazar. Not allowed to work in Bangladesh, the stateless Rohingya refugees are desperate and are only permitted to work as part-time volunteers. There are over 200 aid agencies operating in the Rohingya camps. Purporting to serve the Rohingya in the refugee camps, some Non-Governmental Organisations (NGO) are allegedly engaged in corruption and nepotism, while the locals at Cox's Bazar seeking employment with these charities were turned away. Sixty-five shipwrecked Rohingya who were survivors of human trafficking were found stranded in southern Thailand. Human trafficking of vulnerable Rohingya refugees is on the rise. Rohingya girls are the targets of sex trafficking (Rey TY, 2019)<sup>41</sup>

Myanmar cannot be considered a politically stable nation, especially from the ethnic point of view. Apart from Rohingya issue, the country has still to manage tensions (which turn into conflicts) among other minorities (Shan, Karen, Kachin and Lisu) that together account for 40% of the population. In fact the Rohingya crisis is not even the top priority of the nation.

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<sup>41</sup> Rey Ty (2019). The Rohingya Refugee Crisis. *International Journal on Human Rights*. SUR 29 - v.16 n.29, 49 – 62

The first democratically appointed government in Myanmar's history took office in 2016, but detractors claim that Aun San Suu Kyi's administration is hesitant to support the Rohingya and other Muslims out of concern for offending Buddhist nationalists and jeopardizing the civilian government's power-sharing arrangement with the military. The de facto leader has rejected global criticism of her handling of the situation and completely disputed that ethnic cleansing is occurring. In December 2017, the Myanmar government terminated collaboration for the rest of Yanghee Lee's tenure as UN Special Representative on Human Rights in Myanmar and refused her entry, further confirming the situation.

Myanmar is bound by the 1948 Genocide Convention, which requires it to take similar steps to stop and punish those who commit massacre. But how will the perpetrators of crime punish themselves? Though Myanmar Government is justifying the indiscriminate attacks on civilians as a response to ARSA attack, the history is self-explanatory on how Rohingyas have been systematically targeted by the Government. The response of international community on the other hand has been extremely slow and reserved towards this crisis. There is a common belief among Rohingya as well as many Bangladeshis that international community is discriminatory to the Muslims. The United Nations Security Council (UNSC) which is a potential avenue to take action against serious human rights abuse such as genocide became neutralized by the presence of reliable friend China. Following the eruption of violence in late August, Britain requested a Security Council meeting but China resisted stronger involvement by the UN.

Another UNSC resolution demanding an end to political repression and human rights violations in Myanmar was also blocked by China and Russia using VETO power. Chinese interests in Myanmar can be visible by the \$7.3 billion deep-sea port project in KyaukPyu as part of its ambitious 'One Belt, One Road' plan. KyaukPyu is important for China because that is where a Chinese oil and gas pipeline enters, providing them with an alternative path for Middle Eastern energy imports that bypasses Malacca Straits, a shipping chokepoint.

Being a strong regional economic association, ASEAN has strong capability to improve the situation in Myanmar. However, it is limited by its non-interference principle in member states' domestic affairs. Only Malaysia, which has a majority of Muslims, has expressed concern against the situation. Despite the issue spilling into neighboring countries and becoming Tran's boundary, ASEAN still has not shed their non-interference behavior in tackling the multidimensional humanitarian crisis.

The United Nations has called on the entire international community to put disagreements over politics aside and support the ongoing humanitarian efforts to aid Rohingya Muslim refugees. The region's accessible safety space for Rohingya refugees has become extremely unstable due to these countries' reluctance to sign the 1951 Refugee Convention and the lack of national laws in most South-East Asian countries, which abstain from becoming parties to the 1951 Refugee Convention and the 1967 Protocol on the grounds that signing the Convention may result in a rise in the number of refugees arriving in their territory, which could impose a significant financial burden. Major role players including India in particular have actually not come out and supported when their support could have been actually crucial.

### **3.6 Role of India: Border connection between India and Myanmar through Mizoram**

A virtually open border situation exists between India (in Mizoram) and Myanmar. Eastern Mizoram touches Myanmar while the western part touches Bangladesh. As a result, there are movements of people from both Bangladesh and Myanmar into the state, more so from Myanmar. Many Myanmarse nationals routinely come to southern districts of Mizoram. During the 1990s, in some districts of Mizoram, daily wage laborers came from bordering areas of Myanmar for shopping and medical treatment as a matter of routine. The chins who lived across the border in Myanmar were ethnically Mizos, and as such, there was no suspicion attached to them when they visited Mizoram. In the Saiha sub-division of the district, now a full district, villages nearest to the border were Vawanbrek, Saichang- kawm, and Lungpher, which were motorable and just a kilometer away from the border. On the Myanmar side, three to four days of walk were required to reach the nearest motorable route. Naturally, they

preferred to come to Mizoram for shopping and other amenities, particularly during the Christmas season. It was difficult to say how many such Myanmarese stayed back in Mizoram. However, one could get some idea from the record by computing the figure of permanent and temporary residence. The 1991 census showed that chhimtuipui district registered a much higher decadal growth than two other districts, Aizawl and Lunglie (Ghosh, 2016)<sup>42</sup>.

It is not deniable that crisis in Myanmar has collateral effect on its surrounding countries. The influx of refugees has also gravely touched India. However, the country has not taken a decisive stand against this ghastly situation. India has a unique history of providing asylum to many people who migrated from the imminent threat in their respective countries. They expected security and necessities while harboring in this country and it performed its role as protector of human rights in the international community. It provided shelter to Tibetans, Chamkas from Bangladesh, refugees from Afghanistan, Sri Lanka etc. However, it has refused to extend similar hospitality to Rohingyas who have settled in places like Delhi, Hyderabad, Kashmir, West Bengal and the northeastern states.

The Government refuses to even recognize Rohingyas as refugees. The refugees lie in a state of void where they cannot return to their home and the country wherein they seek asylum refuse to acknowledge them. Union Minister for Home Affairs, Kiren Rijiju of Bhartiya Janta Party, is ignorant about India's history in granting refuge and its obligations under the Customary International Law. His statement about Indian being not signatory to the accord on refugees, starkly contradicts the conduct of the Government when it came to granting asylum to refugees in the past on ad hoc basis under The Passport (Entry of India) Act, 1920, The Passport Act 1967, The Registration of Foreigners Act, 1939, The Foreigners Act 1946 and Foreigners Order 1948. Even otherwise, India is a signatory to the International Covenant on Civil and Political Rights (ICCPR) (Pandhi & Tanvi, 2018)<sup>43</sup>, wherein as per Article 2 and 26 of the Convention, protection can be granted to the stateless

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<sup>42</sup> Ghosh, Partha S. (2016). *Migrants, Refugees and the Stateless in South Asia*. New Delhi: SAGE Publications India Pvt. Ltd.

<sup>43</sup> Pandhi, Abhinandan and Tanvi (2018). Rohingya: A Cry for Help. *South Asian Law Review Journal*, Volume 4. Retrieved from <https://salrj.thelawbrigade.com>. Accessed on 15/06/2022

Rohingyas in India. However, India and Indians instead of showing leadership and setting an example for the international community, are creating an atrocious atmosphere for the Rohingyas. Rohingyas are largely living in the northern states of India. Since 2016, they have been targeted by the right-wing Hindu groups who have been calling for their eviction from the State, with groups even threatening attacks if the government rejected their call. In December 2016, the Vishwa Hindu Parishad, a group with links to the ruling Bhartiya Janta Party (BJP), demanded eviction of refugees from Jammu, calling them a threat to security. Another group, the Jammu and Kashmir National Panthers Party, started a public campaign against the Rohingya, putting up billboards in the city calling on Rohingya and Bangladeshis to leave the State. In February 2017, a BJP member whose lawyer is the BJP spokesman in Jammu, filed a petition in the state High Court seeking Rohingya's deportation, arguing that there had been a sharp increase in illegal migrants from Burma and Bangladesh. The campaign by Hindu groups against the Rohingya in Jammu has prompted vigilante-style attacks against them (Pandhi & Tanvi, 2018)<sup>44</sup>

In April, unidentified assailants reportedly set on fire five huts housing Rohingya in Jammu. Four days earlier several Rohingya families living in the outskirts of Jammu alleged that unidentified people beat them up and set ablaze the scrap they collected to earn a livelihood. The basis of this extreme violence and hostility towards Rohingyas by the Government is to safeguard its political and international relations with Myanmar.

When Prime Minister Narendra Modi visited Myanmar on 05th to 07th September 2017, on his return, he generously praised the leadership of Aung San Suu Kyi and expressed full support against the terrorist attacks on Myanmar Security Forces. Myanmar is extremely significant for India's security, stability and prosperity. It's vital for its business and connectivity initiatives.

In July 2017, Senior General Min Aung Hlaing, the commander-in-chief of Tatmadaw visited India and met with Indian army's chief, Prime Minister, Defence

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<sup>44</sup> Pandhi, Abhinandan and Tanvi (2018). Rohingya: A Cry for Help. *South Asian Law Review Journal*, Volume 4. Retrieved from <https://salrj.thelawbrigade.com>. Accessed on 15/06/2022

Minister, and National Security Advisor. India is maintaining a distinct relationship with Tatmadaw apart from diplomatic relations with Naypyidaw and heavily investing in Tatmadaw with huge arms export and ‘appears apathetic about the humanitarian ramifications of emboldening an army that has been widely accused of serious human rights violations and subversion of democracy’ (Pandhi & Tanvi, 2018)<sup>45</sup>.

### **3.7 Factors related to Rohingya Refugee migration**

They faced numerous types of oppression after the independence of Myanmar such as denied citizenship, excessive taxation, confiscation of property, mosque destruction, torture, extrajudicial killing, restrictions on freedom of movement and marriage, forced deportation, destruction of houses and villages (Faisal, 2020)<sup>46</sup>.

Rohingya refugees like any other refugees migrated to India for various reasons among them the main reasons is to save their lives. It is stated that Fear of death and rape along with no earning are the main reasons of their escape. Other reasons like Forced eviction and destruction of houses, Murder of family members like Parents, Brother, Sister, Wife, Children & other relatives, Rohingya men are taken by police and they never return back, Arbitrary arrest, Violence against Women as Women were the victims of two forms of discrimination: one for being a woman and the other for being a Rohingya. They were raped and forcibly taken away from their home. Minor girls are also tortured sexually and Unmarried, beautiful girls are the main target of Na Sa Ka (Majumder, Velath, Chopra and Chakraborty, 2015)<sup>47</sup>.

Following this reasons some other Rohingya refugee arrive India because of the economic aspects. The majority of these individuals have family in India. They are mostly found in Delhi and Jammu. They also mention that a large number of their relatives hold refugee cards. Therefore, there is a widespread belief among these individuals that obtaining a refugee card, Good opportunity of work, no restriction of

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<sup>45</sup> Pandhi, Abhinandan and Tanvi (2018). Rohingya: A Cry for Help. *South Asian Law Review Journal*, Volume 4. Retrieved from <https://salrj.thelawbrigade.com>. Accessed on 15/06/2022

<sup>46</sup> Faisal, Md. Mostafa (2020). The Rohingya Refugee Crisis of Myanmar: A History of Persecution and Human Rights Violations. *International Journal of Social, Political and Economic Research*, Volume 7, Issue 3, 2020, 743-761. DOI: [doi.org/10.46291/IJOSPERvol7iss3pp743-761](https://doi.org/10.46291/IJOSPERvol7iss3pp743-761). Retrieved from <https://www.researchgate.net/publication/347833119>. Accessed on 06/03/2022.

<sup>47</sup> Majumder, Suchismita, Velath, Priyanka Mathur, Chopra, Kriti & Chakraborty Madhura (2015). *Rohingyas in India: Birth of a Stateless Community*. Kolkata: Mahanirban Calcutta Research Group.



movement, secure place in India is rather simple and Indian Government helps foreigners for better living. They know that some Rohingya people already live in Delhi. There is a good image of India as a secure country with opportunities to live a peaceful life. All these concepts are developed either by their relatives or by their neighbours or other known people. There is a tendency among Rohingyas to come to India, somehow manage to stay here, and then bring the whole family.

Some Rohingyas families are in India for two or three years and they are the remaining who have come last. It is quite clear from here that there is a continuous flow of Rohingyas in India. The draw factor is now India's positive reputation and these individuals' families whereas continuous persecution in Burma and an already developed negative image of Bangladesh serves as the push factor

However it has been clear that extreme human right violation and mass exodus, violence against Rohingyas in the state has continued over the years. Destruction of houses, forced labour, confiscation of land, rape etc, all these have lead Rohingyas to leave their land every day, before and after 2012.

### **3.8 Routes of Migration**

After the outbreak of the violence lots of rohingya refugees fled Myanmar by crossing the land into Bangladesh, others take to the sea to reach Malaysia, Indonesia, India and Thailand to escape from persecution (Faisal, 2020)<sup>48</sup>

Fleeing violence and persecution, Rohingya refugees are risking dangerous journeys to reach India for safety. Many travel through Bangladesh, with over 50 crossing through the Hilly Border in South Dinajpur. This district, bordering Bangladesh on most sides, is a small northeastern region of India. A few Rohingyas also entered through Cooch Behar's Changra Bandha border, while one individual crossed directly from Myanmar through Manipur. (Majumder, 2015)<sup>49</sup>

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<sup>48</sup> Faisal, Md. Mostafa (2020). The Rohingya Refugee Crisis of Myanmar: A History of Persecution and Human Rights Violations. *International Journal of Social, Political and Economic Research*, Volume 7, Issue 3, 2020, 743-761. DOI: doi.org/10.46291/IJOSPERvol7iss3pp743-761. Retrieved from <https://www.researchgate.net/publication/347833119>. Accessed on 06/03/2022.

<sup>49</sup> Majumder, Suchismita (2015). Rohingyas languishing behind the bar. Kolkata: Mahanirban Calcutta Research Group.

Out of 55 Rohingya who crossed through the Hilli Border, only 7 managed to reach Delhi first. They likely followed this route: Hilli - Balurghat - Malda - Delhi. The remaining 48, possibly arrested, also planned this route. After Hilli, they likely head to Balurghat, with some stopping in other parts of South Dinajpur. To avoid arrest, some Rohingya reportedly travel to Burdwan and then take a train to Delhi. Delhi and Jammu appear to be their preferred destinations. Since Jammu is accessible from Delhi and Delhi has a UNHCR office, reaching the Indian capital is likely their primary goal. (Majumder, 2015)<sup>50</sup>

There is no proper routes mentioned regarding the arrival of Rohingya refugees in India as they came to India from Myanmar through Hilly border, mountains, and rivers in different parts or states of India in which few of them came from north east states like Manipur, others crossing hili reached Balurghat and South dinajpur (Kushmumdi, Buniadpur). Some people arrive at Burdwan and from there, pick the train towards Delhi. It is found that Delhi and Jammu are the desired destination of Rohingyas. As it is known to them that Jammu can be reached from Delhi and because of the office of UNHCR in Delhi, their primary target is to reach the capital of India. Before reaching Delhi some were arrested on their way and moved towards various detention camps (Majumder, Velath, Chopra and Chakraborty, 2015)<sup>51</sup>.

### **3.9 Arrival and settlement in India**

The Rohingyas began to migrate towards the closest surrounding nations following the beginning of unrest in their own country. Bangladesh, India, Malaysia, Laos, and others are a few of those nations.

In India the Rohingyas have spread into places like Delhi, Hyderabad, Mumbai, Saharanpur, Muzaffarnagar, Jammu, Noida, Mewat (Haryana), and Aligarh. They reside in Delhi's Kalindi Kunj, Khajuri, Nizamuddin, and nearby Noida slums. Some of them live in rented apartment, slums, relative house.

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<sup>50</sup> Majumder, Suchismita (2015). Rohingyas languishing behind the bar. Kolkata: Mahanirban Calcutta Research Group.

<sup>51</sup> Majumder, Suchismita, Velath, Priyanka Mathur, Chopra, Kriti & Chakraborty Madhura (2015). Rohingyas in India: Birth of a Stateless Community. Kolkata: Mahanirban Calcutta Research Group.

About 2,300 Rohingyas live in substandard circumstances in temporary tents in Jammu, which is home to their largest colony. On the other hand there is the influx of Rohingya Muslims into West Bengal via Bangladesh. In the previous six months over a thousand Rohingya refugees have been imprisoned and transported to jails in the State. They are distributed in three correctional homes. One is in Balurghat District Correctional Home (BDCH) and the other two are Berhampore Central Correctional Home (BCCH) and Jalpaiguri Central Correctional Home (JCCH) (Majumder, Velath, Chopra and Chakraborty, 2015)<sup>52</sup>

On august 2017, according to Hardeep Singh Puri, Union Housing Minister the Rohingya refugees are to be relocated to apartments intended for those with lower incomes section with basic amenities and police protection.

India did not rectify the 1951 and it 1967 protocol related to the UN Convention on Refugees but India is a member of UNHCR's Executive Committee and there is an office of UNHCR at New Delhi which provide refugees with the refugee registration card and some of the Rohingyas also have this registration card.

It has been clear that the Rohingya refugees are not settled in accordance to the United Nation Refugee framework. Although government is trying to provide them with the basic necessity but the process is tremendously slow. Rohingyas on the other hand seems to be interested in coming to India because of the reasons like living a better life with the refugee card. Their main motive to enter India is to reach New Delhi the capital of India where the United Nations High Commissioner for Refugees (UNHCR) office is located and get registered as a refugee.

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<sup>52</sup> Majumder, Suchismita, Velath, Priyanca Mathur, Chopra, Kriti & Chakraborty Madhura (2015). Rohingyas in India: Birth of a Stateless Community. Kolkata: Mahanirban Calcutta Research Group.

**CHAPTER 4**

**SOCIO-ECONOMIC STATUS OF TIBETAN REFUGEES AND ROHINGYA  
REFUGEES IN INDIA**

## 4.1 Introduction

Socio-economic status is a comprehensive economic and sociological metric that takes into account a person's work experience and of an individual's or family's economic and social standing in comparison to others, based on afctors including income, education, and occupation (American Psychological Association, 2019)<sup>1</sup>. In order to determine the socioeconomic position of a family, the household income, their educational qualification, and occupation as well as combined incomeof the earners are examined. However, socio-economic status is employed to show the economic disparity between people in the society as a whole (Islam and Mustaquim, 2014)<sup>2</sup>.

To describe the position of a family or an individual in a society the socio-economic status can be categorized into three levels- high, middle, and low. A family's or individual's placement in one of these categories depends on three variables such as income, education, and occupation

Thus, to look into the socio-economic status of Tibetan and Rohingya refugees in India the main focus is given to three variables that are income, education, and occupation. For that purpose areas like Majnu Ka Tila (MT), Shaheen Bagh, Kalindi Kunj area of Delhi and Self Help Centre Darjeeling, Tashiling Tibetan Settlement, Kalimpong, Hardaha, South 24 Paragnas areas of West Bengal were selected for the study

## WEST BENGAL

During the colonial rule in India, Bengal including East Bengal (now Bangladesh) and West Bengal (now a state of India) was one of the provinces which has the capital of India of British empire in India. Within the period of colonial rule,

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<sup>1</sup> American Psychological Association. (2019). Socioeconomic status. Retrieved from <https://www.apa.org/topics/socioeconomic-status>. Accessed on 02/12/2020.

<sup>2</sup> Islam, Md. Monirul and Mustaquim, Md. (2014). Socio Economic Status of Rural Population an Income Level Analysis. Retrieved from [https://www.researchgate.net/publication/281375205\\_Socio-Economic\\_Status\\_of\\_Rural\\_Population\\_An\\_Income\\_Level\\_Analysis#:~:text=It%20is%20a%20measure%20of,%2C%20and%20occupation%20%5B1%5D](https://www.researchgate.net/publication/281375205_Socio-Economic_Status_of_Rural_Population_An_Income_Level_Analysis#:~:text=It%20is%20a%20measure%20of,%2C%20and%20occupation%20%5B1%5D). Accessed on 21/03/2020.

later due to the riots and administrative purpose the Bengal was separated between East Bengal (Muslim majority) and West Bengal (Hindu majority). The capital of India under the British rule was also shifted to New Delhi. After the Independence of India the division remained the same leaving West Bengal under the rule of India and East Bengal under the rule of Pakistan.

West Bengal is the fourth most populous state of India with ninety-one million inhabitants residing in 88,752 square kilometers area of land. The state has both the hill and the plain regions. It shares its border with the three international countries viz Nepal, Bhutan, and Bangladesh along with the other states of India like Sikkim, Assam, Bihar, Orissa, and Jharkhand which somehow lead to the center of both the refugees in India. The capital of West Bengal is Kolkata earlier Calcutta. Bengali Hindus are in majority even though there is the existence of various people from different religions in the state of West Bengal. West Bengal is religiously diverse as 70.53% of people follow Hinduism along with 27.01% following Muslim religion.

In the northern extreme of the state lies the Darjeeling Himalayan hill region. This region has a large number of Nepali immigrant population along with the various ethnic communities like Bhutia, Lepcha, Sherpa, Tamang, Tibetan etc. Almost entire Buddhist population in West Bengal is from this region.<sup>3</sup> Tibetan refugees were given settlement in the Darjeeling region of West Bengal due to the similar environmental conditions as some of the states were chosen for the Tibetan refugees settlements in consideration to their similar homeland environment condition as Tibet and because of the presence of the large number of people following Buddhist religion in that area also contributed it as a suitable area for the settlement of the Tibetan refugees.

West Bengal consists of 23 districts planning to introduce 7 new districts taking the count to 30 districts in total.<sup>4</sup> The largest district of West Bengal is the South 24

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<sup>3</sup> The Bengal Chamber (2016). Discover Bengal: A Guidebook of Business Prospects in West Bengal. Retrieved from <https://www.bengalchamber.com/economics/discover-bengal.pdf>. Accessed on 02/02/2024.

<sup>4</sup> Chakraborti (2022). West Bengal to have 7 new districts in six months for better administration. Times of India. Retrieved from: <https://timesofindia.indiatimes.com/city/kolkata/west-bengal-to-have-7-new-districts-in-six-months-for-better-administration/articleshow/93286162.cms>. Accessed on 28/07/2023.

Parganas which is also known as Dakshin 24 Parganas in terms of land area.<sup>5</sup> It is now the home for many Rohingya refugees which was established by the local people with the support of Non Governmental Organisations (NGOs) even though Government of India do not had a positive view over this issue the State Government of West Bengal had a positive stand on this matter. It is the fact that Rohingyas travel to India through West Bengal as West Bengal is a state which shares its border with the international country Bangladesh.

## **DELHI**

New Delhi, the capital of India, sits within the National Capital Territory of Delhi. It's the center of India's government, politics, and culture. India itself is a federal country with 28 Self-governing states and 8 union territories. Unlike states, union territories are directly controlled by the national government and have less autonomy. Delhi serves is also a union territory under the Indian constitution. It is jointly administered by both the local and central governments of India. The national government has its key buildings located in Delhi. Therefore, the central government holds the ultimate say over them, giving them significant influence over a large part of New Delhi.<sup>6</sup>

New delhi was not the capital of India during the British rule. The capital of India during that time was Calcutta and later the British Raj (colonial government) decided to move India's capital from Calcutta and build a brand new city next to existing Delhi. This new capital, finished in 1931, became known as New Delhi, while the older city became Old Delhi. New Delhi is not a separate city, but a district within the much larger metropolis of Delhi, located in northern India. Despite its compact size of 16.5 square miles, it's one of the world's fastest-growing cities.

Delhi is governed by the Municipal Corporation of Delhi. More than 13 million people live in Delhi. Although, the majority of people follows Hinduism (86.8%) but

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<sup>5</sup> Arora(2024). Largest District in West Bengal, Know the Name of All Districts. Retrived from <https://currentaffairs.adda247.com/largest-district-in-west-bengal/>. Accessed on 09/03/2024.

<sup>6</sup> Pillalamarr, Akhilesh (2016). India's Capital City: Should We Call It Delhi or New Delhi?. Retrived from: <https://thediplomat.com/2016/09/indias-capital-city-should-we-call-it-delhi-or-new-delhi/>. Accessed on 31/11/2023.

the city is also home to the significant number of Muslim, Sikh, Jain and Christian groups. More than 13 million people. Delhi shares its border with the two states of India and it is surrounded by Haryana on the three sides and Uttar Pradesh in the east. The city sits on the western bank of the Yamuna, right at the edge of the vast Gangetic plains.<sup>7</sup> Near the bank of Yamuna river lies the Tibetan and Rohingya refugees settlement and camps. Neither Tibetan nor Rohingya refugees have been officially designated these areas in Delhi by the government to establish permanent settlements or camps.

Majnu Ka Tila which in 2000 was renamed as new Aruna Nagar Colony is a very unique settlement among Tibetan settlement in India because it was not a settlement area provided by the Government of India. When government of India provided Tibetan refugees with the formal settlement areas it was insufficient to house all the refugees therefore, the unplanned settlement was set up outside the formal designated area for the Tibetan refugees and Majnu Ka Tila is one of that Settlement. Initially these refugee colony are managed by the particular community organisation which is known as the Residents Welfare Association (RWA) which was established in 1965 by election. The credit for the development of Majnu Ka Tila goes to Residents Welfare Association as it secure resources and built connections with Indian politicians and bureaucrats. Residents Welfare Association directly address issues with Indian officials instead of relying on the Central Tibetan Administration (CTA).

Since the Residents Welfare Association operates independently of the Central Tibetan Administration, it has more freedom to negotiate with the government. Later, a Central Tibetan Administration Tibetan Welfare Office was established in 1984, similar to what happened in other Tibetan settlements. However, unlike those settlements where the Welfare Office took charge, the Residents Welfare Association in Majnu Ka Tila retains more power. Interestingly, the Residents Welfare Association and the Welfare Office don't have a clear superior-subordinate relationship. Instead, they often collaborate and use each other's authority to strengthen Majnu Ka Tila's

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<sup>7</sup> Briney, Amanda (2018). Geographic Facts About New Delhi, India. Retrived from <https://www.thoughtco.com/geography-of-new-delhi-1435049>. Accessed on 11/05/2022



bargaining position with the Indian government. This unique dual administrative structure, compared to other unplanned settlements, has helped Majnu Ka Tila navigate its informal status and achieve economic success outside the official resettlement process.

Majnu Ka Tila's residents had to rely on their business sense to make a living. This entrepreneurial spirit turned Majnu Ka Tila into the commercial hub for Tibetan exiles in India. It's a common stop for Tibetans traveling within the country. The area is a hive of business activity, with large shopping centers housing travel agencies and stores selling designer Tibetan clothing (chubas) alongside smaller shops offering clothes, bags, shoes, and incense. It also boasts a significant number of trendy cafes, restaurants, guesthouses, and street vendors serving Tibetan fast food. The entire look and feel of Majnu Ka Tila, from the buildings' design to the products sold, is crafted to create a strong Tibetan identity. This atmosphere attracts not only Tibetans but also many outsiders who visit the colony. However, this was not the case during earlier period in this settlement as the first Tibetan generation faced many problems like the lack of water supply, sanitation, disreputable air and lack of jobs etc. The present condition of this settlement was only possible due to the effort made by the Residents Welfare Associations in negotiating with the Government of India (Balasubramaniam and Gupta, 2020)<sup>8</sup>.

Kalindi Kunj is the biggest camp for Rohingya refugees in Delhi, but the Indian government provides almost no help to run it. Rohingya refugees arrived in Kalindi Kunj, Shaheen Bagh, and other camps sometime after 2012.<sup>9</sup> Over 250 residents of the Delhi camp hold official UN refugee cards, which should protect them from unwarranted arrest. All the refugees are living in the makeshift houses in the camps.

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<sup>8</sup> Balasubramaniam, Madhura and Gupta Sonika (2020). From Refuge to Rights: Majnu ka Tilla Tibetan Colony in New Delhi. *Swedish Journal of Anthropology*. DOI: 10.33063/diva-409765. Retrieved from <https://www.researchgate.net/publication/341353656>. Accessed on 03/09/2022.

<sup>9</sup> Choubey, Nitya (2024). The struggles of being Rohingya women. Retrived from <https://caravanmagazine.in/communities/struggles-of-rohingya-women>. Accessed on 16/03/2024.

## **4.2 Tibetan Refugees in India**

Following the 1959 Chinese occupation of Tibet, many Tibetans fled to India for refuge. India was not alone in offering sanctuary; Nepal and Bhutan also received refugees from Tibet. Various routes were utilized by Tibetan refugees to reach India they also crossed the Himalayas. Some common paths to reach safety include:

- Lhasa to Kalimpong via Phari and Jelep Pass
- Tachienlu (Kangding) to Assam through the Lohit Valley
- Lhasa to Assam through Tawang
- Tachienlu to Leh and Srinagar via Chamdo,
- Often passing through Nepal before reaching India
- Tachienlu to Leh and Shimla, potentially using the Hindustan Tibet Road

Determining the most commonly used route by Tibetans fleeing to India is challenging. However, scholars suggest that the Lhasa-Phari-Jelep-Kalimpong route was favored by many Tibetans seeking asylum in India. Consequently, Darjeeling and Kalimpong became significant hubs for Tibetan refugees. Likewise, New Delhi emerged as a central transit point for those journeying to various states, including Dharamsala in Himachal Pradesh.

Geographically, Tibetans were categorized into three groups according to their regions of origin. Those originating from central Tibet were known as "U Tsang," while individuals from the western part of Tibet were referred to as "Kham," and those from the northeastern region were identified as "Amdo." The maximum number of Tibetan refugees hailed from central Tibet (U Tsang), with the Kham from the western region and Amdo following in numbers.

## **4.3 Rohingya Refugees in India**

Following the beginning of unrest that broke out in their own country, the Rohingyas began to migrate towards the closest surrounding nations. Few of those nations include, Bangladesh, Malaysia, India, and Laos.

Thousands of Rohingya Muslims have sought safety in India to escape persecution and violence in Myanmar. The official's report suggests that Rohingyas are entering through the northeast border and estimates there are 20,000-25,000 Rohingya refugees in India (Majumder, 2015). Across various Indian cities, Rohingya refugees have found shelter. These locations include Delhi (slums like Kalindi Kunj, Khajuri, Nizamuddin and neighboring Noida), Jammu, Hyderabad, Mumbai, and towns in Haryana like Mewat, Saharanpur, Muzaffarnagar, and Aligarh. Their living situations vary, with some occupying rented apartments, while others reside in slums or stay with relatives (Majumder, et al, 2015)<sup>10</sup>.

On the other hand, West Bengal is seeing a rise in Rohingya Arrivals. The West Bengal government lacks clear data on the total number of undocumented Rohingyas in the state. There are concerns about a growing number of Rohingya Muslims entering West Bengal from Bangladesh. Intelligence officials say that over a thousand Rohingyas have been detained in West Bengal in the past six months. To save themselves from the detention they took an alternative route that is Hilli to Balurghat/South Dinajpur to Burdwan to get the train to Delhi. Their primary goal is to reach New Delhi because Delhi has a United Nations High Commissioner for Refugees (UNHCR) office through which they can get the UNHCR recognized card for their peaceful stay in India. Traveling toward Jammu is accessible from Delhi (Majumder, 2015)<sup>11</sup>.

#### **4.4 Brief Profile of the Survey Area**

To look into the socio-economic status of Tibetan and Rohingya refugees in India Majnu Ka Tila, Shaheen Bagh, Kalindi Kunj area of Delhi and Darjeeling, Kalimpong, Hardaha, South 24 Parganas areas of West Bengal had been selected for the study because of its location as all over India the presence of both the refugees are

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<sup>10</sup> Majumder, Suchismita, Velath, Priyanca Mathur, Chopra, Kriti & Chakraborty Madhura (2015). Rohingyas in India: Birth of a Stateless Community. Kolkata: Mahanirban Calcutta Research Group.

<sup>11</sup> Majumder, Suchismita (2015). *Rohingyas languishing behind the bar*. Kolkata: Mahanirban Calcutta Research Group.

in that particular state and it will be easy to analyze the state policy towards them and the central government initiatives.

### **Darjeeling**

Darjeeling has a Tibetan community center on Gandhi Road which is known by the name Tibetan Refugee Self-Help Center. This center, housing roughly 650 Tibetans, is overseen by a Settlement Officer who manages all aspects of the community's well-being. The Settlement Officer is supported by an Office Secretary and additional staff.

Around 17 kilometers from Darjeeling town, in Sonada, lies the Tashiling Tibetan Settlement. This community, with roughly 540 residents, is governed by a Tibetan Settlement Office under the Central Tibetan Administration. Additionally, a cooperative society, overseen by the Indian government, operates within the settlement.

### **Kalimpong (West Bengal)**

Kalimpong Tibetan settlement has a total population of around 1284. It has one settlement office which is located in the Rai Bahadur compound which is functional under Central Tibetan Administration.

### **Hardaha village, South 24 paragnas (West Bengal)**

Hardaha village is located in the Baruipur subdivision of South 24 Parganas district. It takes 1 and a half hours to from Kolkata. It is the home to around 30 to 31 Rohingya refugee families consisting of 80 to 90 people. Along with that the south 24 Paragnas is also home to many Rohingya refugees living in and around the areas.

### **Majnu Ka Tila (Delhi)**

The Samyeling Tibetan Settlement, New Aruna Nagar Colony or Majnu ka Tilla [MT] is a colony in Delhi. It has both a settlement office and a Regional Welfare Association. It is located on the bank of the Yamuna River. This colony is headed by

the Samyeling Tibetan settlement office which is located opposite the Tee Dee restaurant. The office was first established in 1984 and acts as a bridge between the Tibetans in Delhi and the Department of Home, Central Tibetan Administration. It is the principal office whose aim is to look after the overall affairs of Tibetans in and around Delhi. The total population is around 1005 consisting of 300 families.<sup>12</sup> The head of this Settlement is Dorje Tsering and Karma Dorje.

### **Shaheen Bagh (Delhi)**

It is also located near Kalindi Kunj. There is a camp for refugees and it is a home for around 225 Rohingya refugees.

### **Kalindi Kunj (Delhi)**

A meeting point for South Delhi and Noida in Uttar Pradesh, Kalindi Kunj is the exact where Delhi ends, and Noida starts. It consists of a camp for refugees where there are 387 Rohingya refugees are currently residing.

## **4.5 Data Analysis**

The study includes 200 respondents in total, 100 of whom are Rohingya refugees and 100 of whom are Tibetan refugees. From the 100 Tibetan Refugees and Rohingya refugees sample, 50 respondents are from West Bengal and 50 respondents are from Delhi respectively.

### **i. Respondents: Tibetan refugee**

Majnu ka tila out of 50 respondents 3 were the Tibetan official respondents who were male and 47 are common Tibetan refugees of which 27 were female and 20 were male respondents. From West Bengal 50 respondents out of which 30 were from two places of Darjeeling that is 15 respondents from the Self-help group where 13 were female respondents and 02 were male respondents and 15 respondents were from Sonada where 06 were male respondents and 09 were female respondents and 20

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<sup>12</sup> <https://centraltibetanreliefcommittee.net/settlements/tibetan-settlements-in-india/north-india/samyeling-delhi/>

respondents are from Kalimpong in which 12 were female respondents and 08 were male respondents.

**ii. Respondents: Rohingya refugee**

Out of 50 respondents from Delhi 30 are from Kalindi Kunj refugee camp which consists of 21 female and 9 male respondents and 20 respondents are from Shan Bagh Camp of which 13 were female respondents and 06 were male respondents. From West Bengal 50 respondents were taken from Hardaha village and South 24 paragnas which consist of 36 female and 14 male respondents.

**Table 4.5.1: Total Number of the Respondents**

Place	Tibetan Refugees	Rohingya Refugees
West Bengal	50	50
Delhi	50	50
Total	100	100

Source: Field Survey

The information on the Socio economic status of Tibetan and Rohingya refugee in particular area are presented on the following tables and figures.

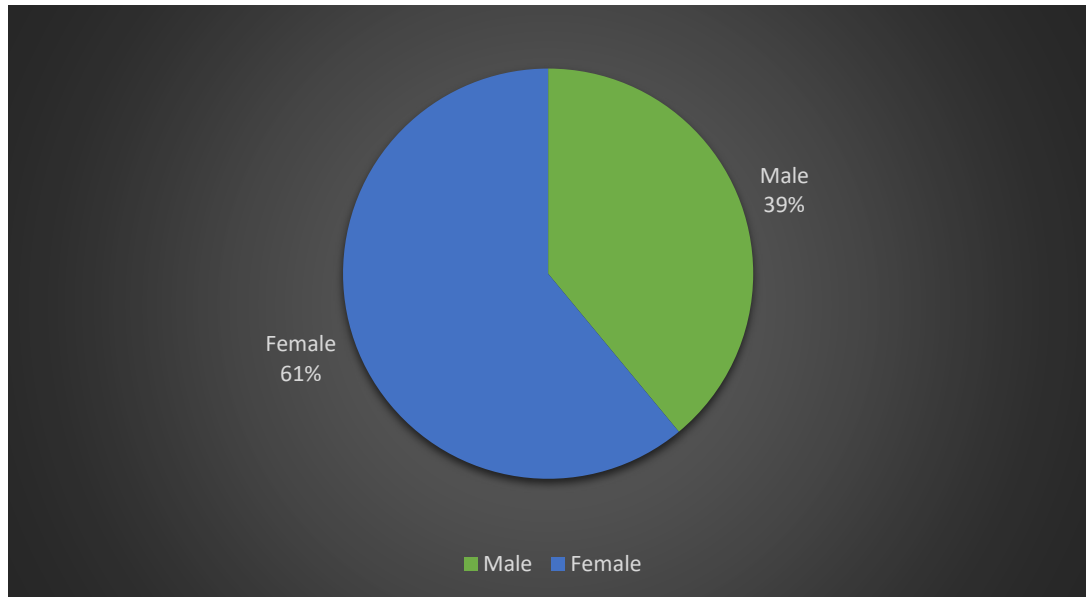
**4.5.2 Gender Profile of the Respondents**

**Table 4.5.2.1: Gender Profile of the Tibetan Respondents**

Sex	Number of Respondents	Percentage (%)
Male	39	39
Female	61	61
Total	100	100

Source: Field Survey

**Figure 4.5.2.1: Gender Profile of the Tibetan Respondents**



Source: Field Survey

Table 4.5.2.1 and figure 4.5.2.1 shows the gender profile of Tibetan refugees in which the number of female respondents is 61% out of that 34% of female respondents are from West Bengal and 27% are from Delhi which is more than the male respondents of 39% in which 16% are from West Bengal and 23% are from Delhi.

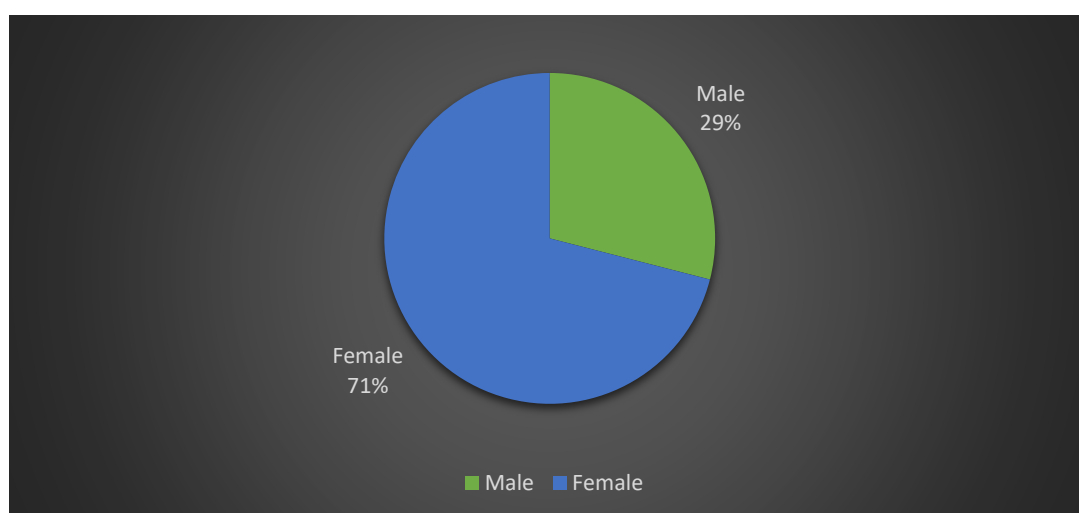
This points out that, in both areas, the female respondents are higher than the male respondents and it also represents that Tibetan society is dominated by female members rather than male members Majnu ka Tila is a colony where they do business rather than just a settlement like other Tibetan settlement so the higher number of women respondents shows that female used to work equally with the man and in comparison to this the West Bengal settlement has large female respondents basically due to the work, which the male member do that keep them away from their home.

**Table 4.5.2.2: Gender Profile of the Rohingya Respondents**

Sex	Number of Respondents	Percentage (%)
Male	29	29
Female	71	71
Total	100	100

Source: Field Survey

**Figure 4.5.2.2: Gender Profile of the Rohingya Respondents**



Source: Field Survey

Table 4.5.2.2 and figure 4.5.2.2 shows the gender profile of Rohingya refugees in which the number of female respondents is 71% out of that 36% of female respondents are from West Bengal and 35% are from Delhi which are more than the male respondents of 29% in which 14% are from West Bengal and 15% are from Delhi. This points out that, in both area, the female respondents is higher than of the male respondent because of the reasons like the male members were either killed during their escape and some are kept in detention centres, and others male respondents used to work and earn for the family which keeps them away from the home.



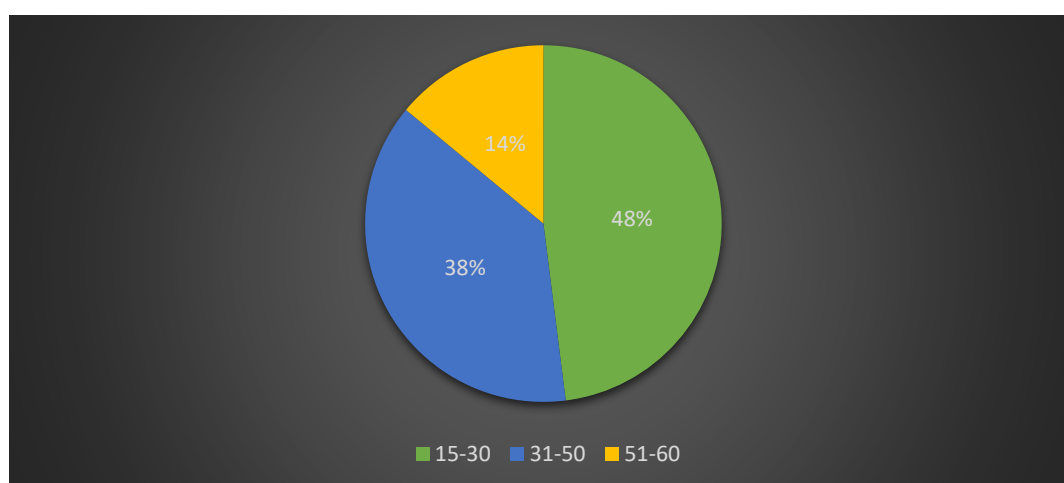
### 4.5.3 Age Group of the Respondents

**Table 4.5.3.1: Age Group of the Tibetan Respondents**

Age Group	Number of Respondents	Percentage (%)
15-30	48	48
31-50	38	38
51-60	14	14
Total	100	100

Source: Field Survey

**Figure 4.5.3.1: Age Group of the Tibetan Respondents**



Source: Field Survey

Table 4.5.3.1 and Figure 4.5.3.1 displays that the people within the age group of 15-30 years old are higher in number than that of the other age group. As it shows 48% of the Tibetan respondents both from West Bengal and Delhi fall within the age group of 15-30 years old, 38% of respondents between the age of 31-50 years old, and 14% of respondents between the age of 51-60 years old. It indicates that the majority

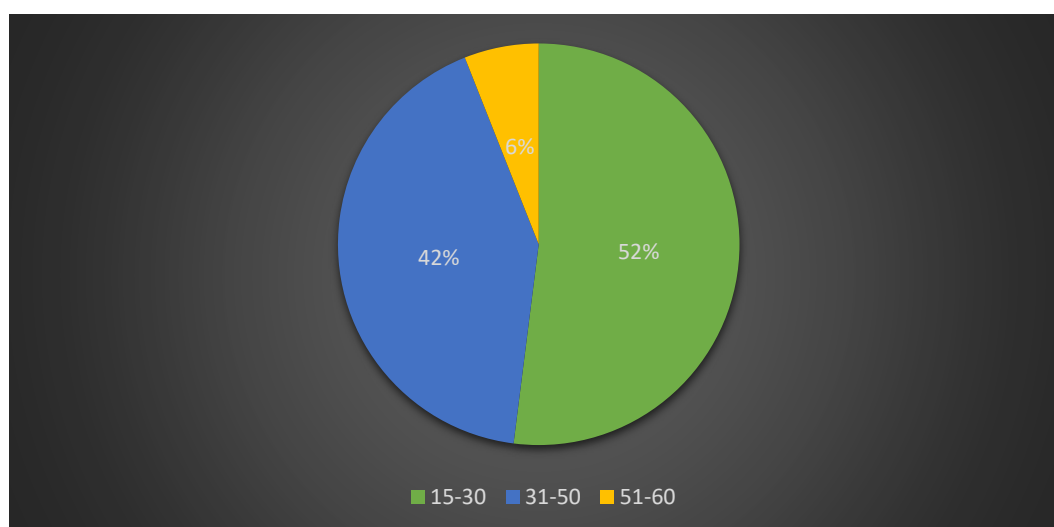
parts of the samples are in the 15-30 years age group in both areas, they are found more suitable and convenient for the study.

**Table 4.5.3.2: Age Group of the Rohingya Respondents**

Age Group	Number of Respondents	Percentage (%)
15-30	52	52
31-50	42	42
51-60	06	06
Total	100	100

Source: Field Survey

**Figure 4.5.3.2: Age Group of the Rohingya Respondents**



Source: Field Survey

Table 4.5.3.2 and figure 4.5.3.2 displays that the Rohingya respondents within the age group of 15-30 years old are higher in number than that of the other age group. As it shows among 100%, the 52% of respondents are between the ages of 15-30 years old, 42% respondent are between the age of 31-50 years old, 06% of respondents are between the age of 51-60 years old.

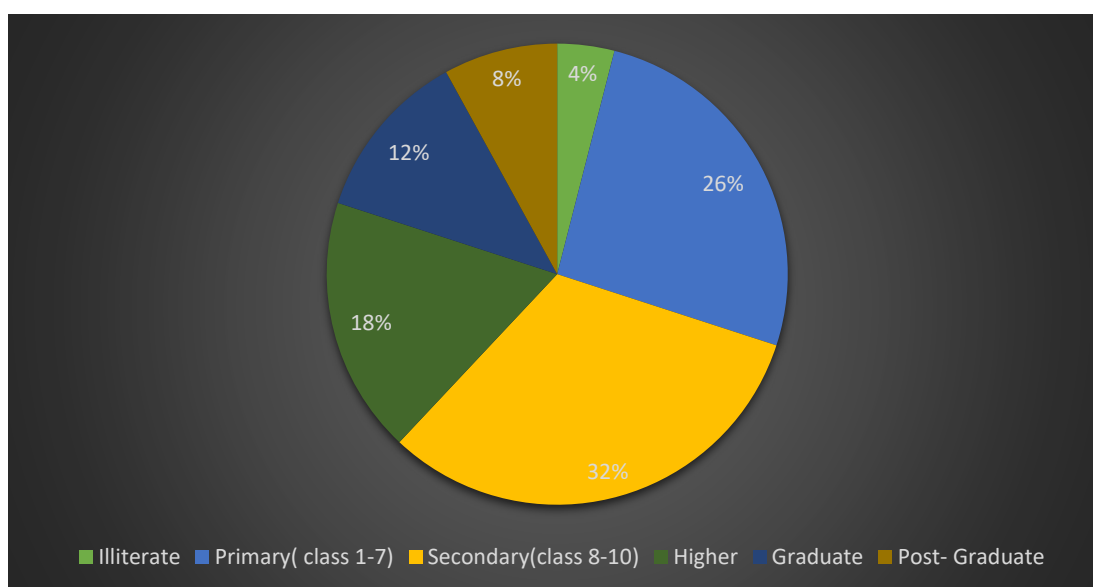
#### 4.5.4 Educational Qualification of the Respondents

**Table 4.5.4.1: Educational Qualification of the Tibetan Respondents**

Educational Qualification	Number of Respondents	Percentage (%)
Illiterate	04	04
Primary( class 1-7)	26	26
Secondary(class 8-10)	32	32
Higher	18	18
Graduate	12	12
Post- Graduate	08	08
Total	100	100

Source: Field Survey

**Figure 4.5.4.1: Educational Qualification of the Tibetan Respondents**



Source: Field Survey

The educational qualification among the Tibetan refugees at the secondary level is higher, which is 32% of the total number of respondents among which 17% are from West Bengal and 15% are from Delhi followed by the primary level education qualification of respondents which is 26% where 12% are from West Bengal and 14% are from Delhi. Amongst the respondents who have higher level education consist of 18% from which 10% are from West Bengal and 8% are from Delhi, while 5% are from West Bengal and 7% from Delhi which is 12% have graduate level education and 8% including 3% are from West Bengal and 5% from Delhi have post-graduate level education qualification. Lastly, if we look at the illiteracy rate it's 4% out of which 3% are from West Bengal and 1% are from Delhi as shown in the above Table 4.5.4.1 and Figure 4.5.4.1.

The first generation of Tibetan refugees who came to India in early stage of their asylum were not exposed to the outside world before, as Tibet were dominated by the religious beliefs and practices so there was no schools which preaches the western and other languages and they were not able to go to schools as they never went to any schools in their homeland that is why the language became a major problems of Tibetan refugees in India.

The secondary and primary level education qualification is higher among Tibetan refugees is due to the respondents age group as a large number of the respondents were from the age group of 31 to 50 which is the second generation of Tibetan refugees as shown in Table 4.5.3.1 and Figure 4.5.3.1.

Firstly, they also faced the struggle to cope up with the education system during their residence in India as basically Tibetans from this groups were involved in working and earning for the betterment of their and their family future. Therefore, most of them are school dropouts.

Secondly, the other reason for their lack of higher education qualification is due to the availability of the higher Tibetan school education as most of the schools under Tibetan Government in Exile during that period does not provide higher education in the schools under Central Tibetan Administration.

Thirdly, because of the language barrier only few people were able to go to the school and complete their courses the others were not able to fulfill their school course and left the course in between because they find it difficult for them to understand and study the new languages due to unfamiliarity.

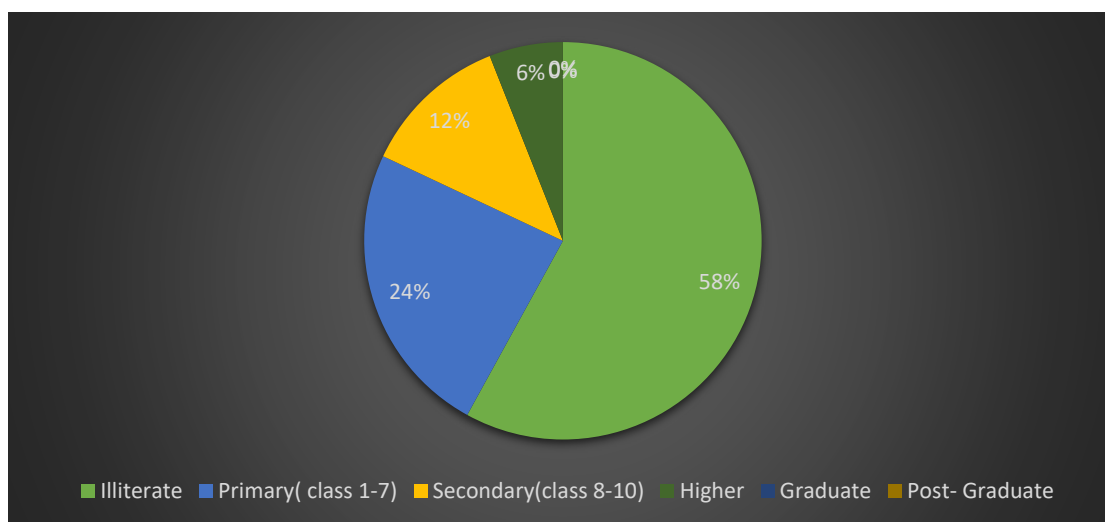
However, the third or the younger and present generations of Tibetan refugees are acquiring higher education in different fields by attending different schools and colleges, although all of them did not attend the Tibetan school and colleges but they are applying and attending various other schools and colleges under central and state government.

**Table 4.5.4.2: Educational Qualification of the Rohingya Respondents**

Educational Qualification	Number of Respondents	Percentage (%)
Illiterate	58	58
Primary( class 1-7)	24	24
Secondary(class 8-10)	12	12
Higher	06	06
Graduate	00	00
Post- Graduate	00	00
Total	100	100

Source: Field Survey

**Figure 4.5.4.2: Educational Qualification of the Rohingya Respondents**



Source: Field Survey

The illiteracy rate is higher among the Rohingya refugees, which is 58% of the total respondents out of which 39% are from West Bengal and 19% are from Delhi followed by 24% of Primary level educational qualification respondents which include 7% from West Bengal and 17% from Delhi, the respondents who have secondary level educational qualification is 12% including 3% from West Bengal and 9% from Delhi, 1% from West Bengal and 5% from Delhi that is 6% consist of higher level educational qualification of the respondents, no respondent have graduate and post-graduate education qualification as shown in the above Table 4.5.4.2 and figure 4.5.4.2.

Rohingya refugees have a higher illiteracy rate because these respondents are from the first generation of Rohingya refugees in India before they arrived in India they never went to schools because of the domination by the other ethnic groups in their homeland and after the conflict when they came to India they were not able to secure a place for their stay let alone attending the educational institutions.

Similarly, after their residence in settlement camps or slums, among the second generation of Rohingya refugees only a few people were able to afford school and even though some of them got into the schools the language and their poor economic condition became a problem to achieve their education that is why many of the

Rohingya children were not able to continue their education which is reflected in the large number of illiteracy and dropout. Only some of them are continuing their school courses.

However, the fact cannot be neglect that the younger and present generation of Rohingya refugees are attending school and pursuing for higher education. Some of them are even getting their education in kuran knowledge and those who study and complete the quran education becomes the ulemas and maulvi in future.They are the person who preaches or interpret the quran to the people.

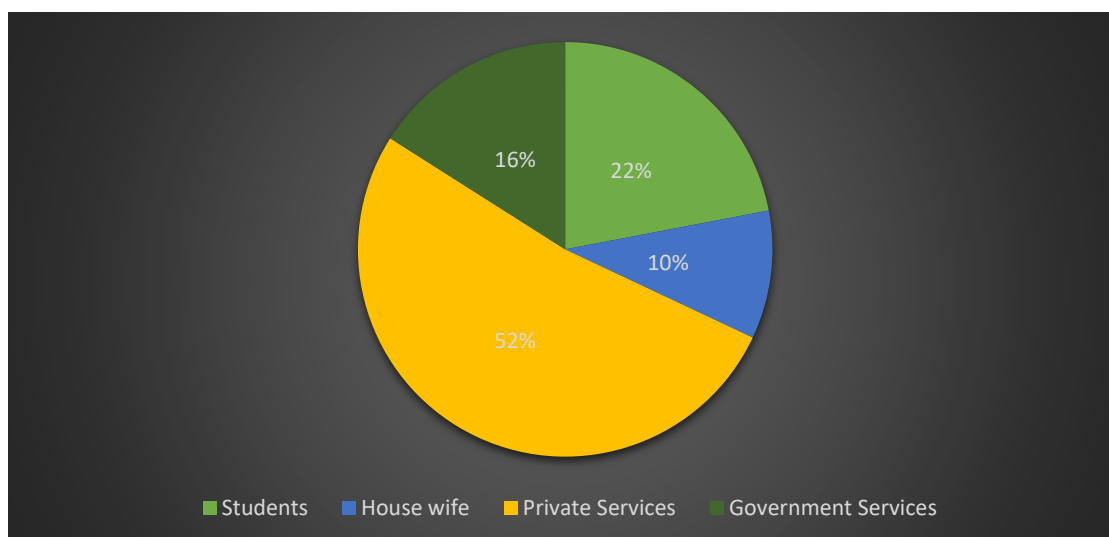
#### 4.5.5 Occupation of the Respondents

**Table 4.5.5.1: Occupation of the Tibetan Respondents**

Occupation	Number of Respondents	Percentage (%)
Students	22	22
House wife	10	10
Private Services	52	52
Government Services	16	16
Total	100	100

Source: Field Survey

**Figure 4.5.5.1: Occupation of the Tibetan Respondents**



Source: Field Survey

Table 4.5.5.1 and figure 4.5.5.1 indicate that the maximum number of respondents that is 52%, 22% from West Bengal and 30% from Delhi is involved in private services which include works like a private business, shops, seasonal business, working under private institutions, cooperation, etc in comparison to the other settlements of Tibetan refugees, Tibetans residing in Delhi is largely involved in the private business because it is a colony area rather than settlement. 10% from West Bengal and 12% from Delhi which is 22% are students who are pursuing higher studies followed by 16% out of which 11% from West Bengal and 5% from Delhi are engaged in government services like the office secretary, accountant, teachers under CTA, Tibetan army, etc this figure is not convincing as the governmental jobs are not easily accessible to them hence they cannot take advantage and of the remaining 10% where 7% from West Bengal and 3% from Delhi are the housewives. The first generation of Tibetan refugees were indulged working on buildings sites, road construction, and performing other agricultural tasks but now the second and the younger age group of Tibetan refugees are no longer indulging themselves in those jobs.

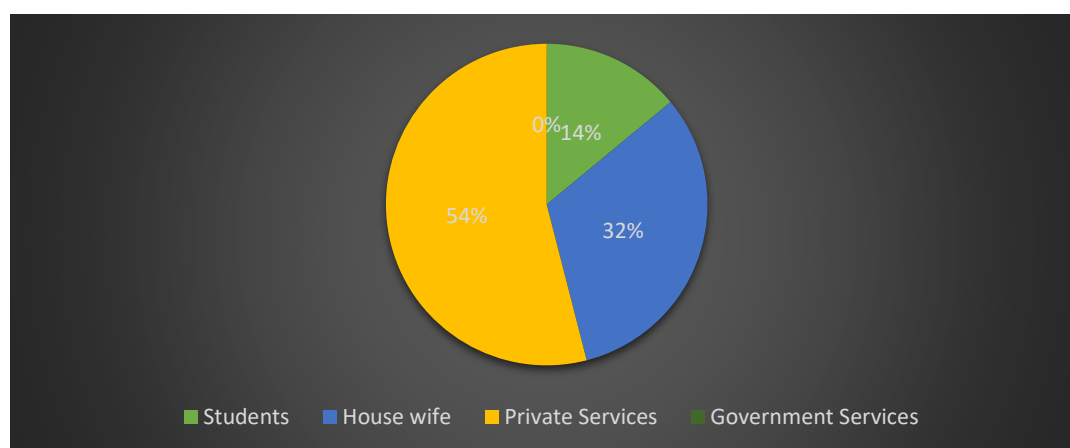


**Table 4.5.5.2: Occupation of the Rohingya Respondents**

Occupation	Number of Respondents	Percentage (%)
Students	14	14
House wife	32	32
Private Services	54	54
Government Services	00	00
Total	100	100

Source: Field Survey

**Figure 4.5.5.2: Occupation of the Rohingya Respondents**



Source: Field Survey

Table 4.5.5.2 and figure 4.5.5.2 indicates that the maximum number of respondents is 54% of which 23% are from West Bengal and 31% from Delhi are engaged in private services they were indulged in construction sites, driving, road making, and work on other agricultural fields these is due to their lack of education and language obstacles and some of the students also works in these fileds followed by 24% from West Bengal and 8% from Delhi total 32% are the housewife they do not earn money for the family and remaining 14%, 03% from West Bengal and 11% from

Delhi are the students. No respondents are indulged in governmental jobs as they cannot access them.

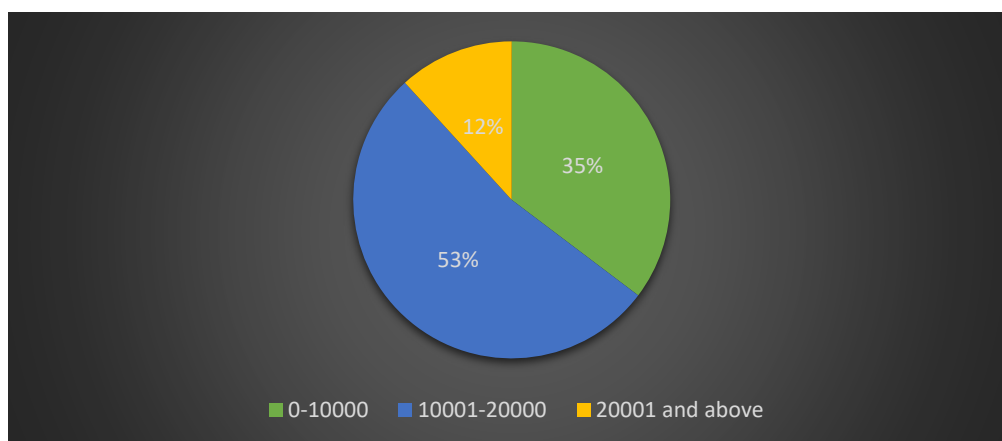
#### 4.5.6 Monthly Income of the Respondents Family

**Table 4.5.6.1: Monthly Income of the Tibetan Respondents Family**

Income	Number of Respondents	Percentage (%)
0-10000	36	36
10001-20000	54	54
20001 and above	12	12
Total	100	100

Source: Field Survey

**Figure 4.5.6.1: Monthly Income of the Tibetan Respondents**



Source: Field Survey

Table 3.5.6.1 along with figure 3.5.6.1 point out that 53% of respondent families has monthly income from 10001-20000 which is a total of 21% from West Bengal and 32% from Delhi, 35% of respondents family has monthly income of 0-10000 where 24% are from West Bengal and 11% are from Delhi and 12% has monthly

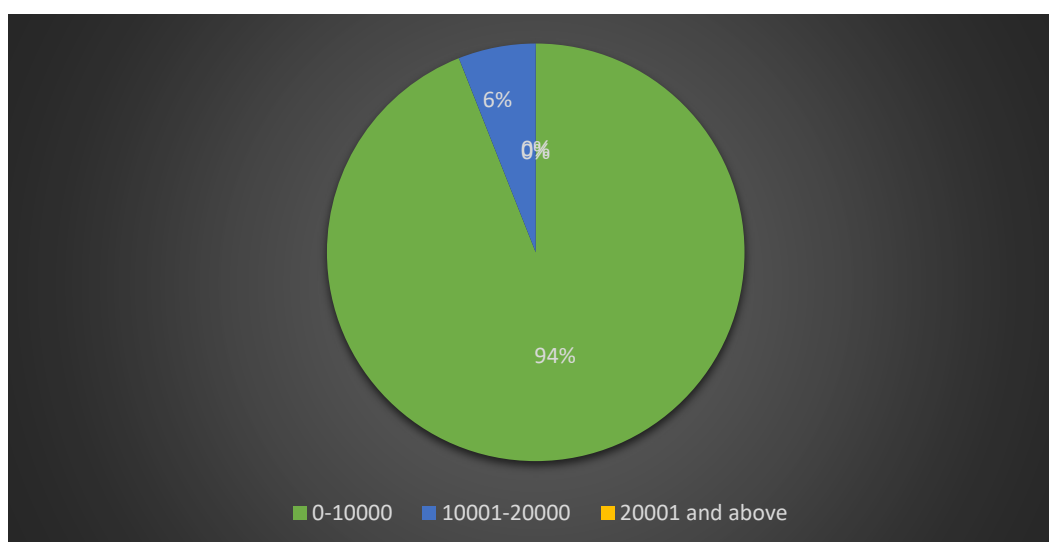
income from 20001 and above out of which 5% are from West Bengal and 7% are from Delhi. Most of the income is generated from the private business, shops, etc. Government services including Tibetan Army mostly the male members of the Tibetan family involved on it due to the lack of employment in the government administrative field. The women along with men are also involved in the seasonal business though some women are still dependent on the male members. Some of them also receive the Ex-army pensions from the Government.

**Table 4.5.6.2: Monthly Income of the Rohingya Respondents Family**

Income	Number of Respondents	Percentage (%)
0-10000	94	94
10001-20000	06	06
20001 and above	00	00
Total	100	100

Source: Field Survey

**Figure 4.5.6.2: Monthly Income of the Rohingya Respondents**



Source: Field Survey

Table 4.5.6.2 and Figure 4.5.6.2 point out that 94% out of which 49% from West Bengal and 45% from Delhi respondent family has monthly income 0-10000, 6% of respondents family has a monthly income of 10001-20000 in which 1% are from West Bengal and 5% are from Delhi and no respondent family has monthly income from 20001 and above. Most of the income is generated from private services which include work in the construction site, road making and work on agricultural fields which belong to the other people. The women are mostly the housewife so they are dependent on the man economically. Due to the lack of employment in the settlement some travel far from home to do manual labour.

#### **4.5.7 Facilities available in the settlement**

The Tibetan refugees in India are taken care of by the Government of India and the Central Tibetan Administration or Tibetan Government in Exile. In every settlement area, the Central Tibetan Administration establishes a settlement office headed by the Tibetan Settlement Officers who will look after the Tibetan refugees in that particular settlement. The areas provided for the Tibetans are based on three settlement areas that is agricultural based, handicraft based, and cluster communities. All the three settlement of this study is based on the third type of settlement which is clustered community.

All the settlement areas are provided with the necessities required for the survival of its people. In both states all the Tibetan refugee families were provided with a certain portion of land where they can stay and that land is provided by the Indian government along with the electricity and water supply. Although Tibetan refugees enjoy using public healthcare facilities and educational institutions under the Indian government they also established their schools, primary healthcare facilities, and religious institutions under Central Tibetan Administration with the help and permission from the Indian government.

The Tibetan settlement of Delhi is looked after by the Central Tibetan Administration along with the Government of India and the Delhi. In the majnu ka tila Tibetan settlement each family have a portion of land, water and electricity supply.

They can access to any private or public facilities like hospitals, roads, transportation services, schools, colleges etc. The main source of Tibetan refugees livelihood is business. There are several street vendors who are occupying permanent small space with or without permanent structure. Inside the settlement there is one Tibetan school known as Tibetan Children Village school (TCV school) that is up to VIII standard with nearly 105 students which is under the Department of Education Central Tibetan Administration, Dharamsala, India. The school is for the Tibetan children. Along with it there is one Tibetan dispensary which is known as the “Men-Tse-Khang” branch of a modern allopathic dispensary and a Tibetan traditional medical center under the Department of Health, Central Tibetan Administration within the settlement area there is one monastery for the Tibetan refugees which is known as “Drepung Ngagpa Monastery”. All over the settlement there are lots of shops ranging from that of the small to big one including various hotels.

The Tibetan refugees in West bengal are taken care of by the Government of India, Government of West Bengal and Central Tibetan Administration or Tibetan Government in Exile. In both Darjeeling and Kalimpong there are Tibetan Settlement Offices, under Central Tibetan Administration to look after the Tibetan refugees. Both the areas have basic facilities provided by the government.

On the other hand, the basic necessities that are provided to the Tibetan refugees by Central Tibetan Administration in New Delhi settlement is similar in West Bengal settlement also. They are provided with housing areas but it is slightly different than that of the other Tibetan refugee settlement as they are just provided with a small land for housing purpose only not bigger land to do the agriculture. Other facilities include hospital, school which is up to class X standard, library, co-operative society but the cooperative society is under the Indian government not the Central Tibetan Administration which earlier was run by both.

In both the Delhi and West Bengal, one of the striking fact is that the Tibetan refugees are provided with Registration Certificate (RC) and they also have Aadhaar card even though the latter only serves as an Identity Certificate (ID) proof.

**Table 4.5.7.1: Facilities Available in the Rohingya Refugee Residing Camps**

Facilities	Numbers
Land	Sharing area
Schools	Private Schools
Hospitals	Week/monthly visit and health camp
Shops	1 Shops

Source: Field Survey

Rohingya refugees in India are taken care of by the United Nations High Commissioner for Refugees (UNHCR), along with the state government and various Non Governmental Organizations (NGO). They are not able to get the facilities from the Government of India like the other refugees of India. Indian Government's stand towards Rohingya refugees is not completely alienated and this point can be justified by the reason the Indian Government did not block humanitarian assistance for Rohingya refugees in India. The Home Ministry has approved several organizations to continue their humanitarian work and along with the UNHCR card some of them are provided with the Long Term Visa. Although most of the Refugee families have UNHCR cards but still they are not able to avail any kind of socio-economic assistance, being provided to them by other organization. In spite of having legal cards issued by UNHCR, they are being treated as a threat. Basic human rights such as health, education, and dignified human life are also neglected to the Rohingyas Muslim Refugees. In all the Rohingya refugee camp they are living in the makeshift house, which is made out of bamboo, cardboard, plywood, tent, plastic and clothes etc. They do not possess any ration cards and adhar card which is needed for various purpose.

Rohingya refugees in West Bengal earlier faced with very tragic faith as those who tried to cross the border from Bangladesh to India were detained without proper trials and those who had a UNHCR refugee card also got detained in the correctional

homes of West Bengal. There were no such camps for the Rohingyas in West Bengal. However, in 2018, a resident along with number of other organisation came up with the construction of shelters for the Rohingya refugees in the Harda village under South 24 Pargana's Baruipur in his own owned private land with the help of an NGO, Desh Bachao Samajik Committee, which is run by that local resident, Hossain Gazi. All the Rohingyas at the camp have valid UNHCR cards and the local police were also informed about the camp (Kundu, 2018).<sup>13</sup>

Rohingya refugees in Delhi live on rented land and land obtained by local organizations. The condition in both the camp of Delhi is not as good as the west bengal camp. The water supply and electricity problem is common in both the camps. The government water supply is very limited and delivers water by truck every ten or fifteen days, but it's not enough. Once that supply runs out, residents are forced to rely on hand pumps, which likely don't provide sufficient clean water for everyone. Doctors used to visit Week/monthly and provide them with some medicines and on some occasion the health camp used to take place but there is no ambulance service for emergencies. During emergency they used to visit private hospitals instead of government hospitals due to its distance and the residents have to rely on their own expensive while using auto-rickshaws for the medical purpose. Some of them are aware of the government schemes and are working in that schemes. They also set up their own school so that they can educate their students who are not able to afford to go to the private school. Even though maximum number of children are attending private schools they are not able to go to the Government School because the government school is so far from their house and there is no transportation facilities. They also build their own toilets and bathrooms but due to lack of proper water facilities the condition of that toilets are ot good. They get help from an NGOs to get admission in the private school. UNHCR also providing with the financial assistance to set up small grocery store in the settlement areas. There is no such job facilities in the camps so they usedto travel to the other places in search of jobs and while traveling

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<sup>13</sup>Kundu Indrajit (2018) South Bengal is becoming Rohingyas' new illegal address. <https://www.indiatoday.in/mail-today/story/south-bengal-is-becoming-rohingyas-new-illegal-address-1148265-2018-01-18>

they often feared of getting detainment. Some of the NGOs also provide them with the mosquito nets but because of its poor quality it is not able to do the job.

With no financial assistance, they rely heavily on help from the Indian community and their own internal networks. Organizations like Jamiat Ulema-e-Hind and Zakat Foundation of India are helping these refugees by providing support to these refugees. Rohingya refugees in Delhi struggle to make ends meet due to minimal government aid.

The Government of India responded quickly to the Tibetan crises which is visible since their arrival. Tibetan refugees in India were provided with all the basic necessities and enjoyed preferential treatment from the various states of India. In comparison with the other refugees in India they are at the advantage position. They are protected by the India Government and Tibetan Government in Exile. They are also regarded as a successful refugees because of their nonviolence nature and they attempt to create self-sufficient communities.

On the other hand, the Government of India has a very opposite response towards the Rohingya refugee. The arrival of Rohingya refugee in India was not in legal way therefore, they are detained in certain states of India. Even though some aids are provided to them by the NGOs however, it is not sufficient for all of them. They are seen as a security threat for India.



## **CHAPTER 5**

### **REFUGEES MANAGEMENT IN INDIA: ISSUES AND IMPLICATIONS**

## 5.1 Introduction

This chapter is based on the similarities and differences in the treatment of the Tibetan refugees and Rohingya refugees in India along with the initiatives taken by the government of India for the Tibetan refugees and Rohingya Refugees in India. Further, this chapter also highlights whether religion is seen as one of the factors that determine the status of refugees in India based on the field survey.

India has been a destination for refugees fleeing persecution and conflict from various parts of the world, including Tibet and Myanmar's Rakhine State, home to the Rohingya ethnic minority. Tibetan refugees began seeking asylum in India following the Tibetan uprising in 1959, while Rohingya refugees started arriving in significant numbers in recent years due to violence and persecution in Myanmar. Despite their distinct origins, both groups share similar experiences of displacement and marginalization in India.

Taking into consideration that India did not ratify the 1951 and 1967 protocols related to the status of refugees in accordance to the United Nations, India hosted the refugees on humanitarian grounds.

In India Refugees are categorized under three categories:

1. In accordance with the standard set by the Indian government Refugees obtain full safety. They will be acknowledged by both the Government of India and the United Nations High Commissioner for Refugees (UNHCR). Examples: Sri Lankan Tamils, Tibetan Refugees, etc.
2. Refugees who receive recognition only from UNHCR and not by the Government of India in the Indian Territory are protected under the principle of non-refoulment. Example: Afghan, Iranian, and Rohingya refugees etc.
3. Refugees who are not recognized by both the UNHCR and Indian government but arrived India and adjusted into the Indian society. Example: Chin refugees from Myanmar (Bandyopadhyay, 2007)<sup>1</sup>.

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<sup>1</sup> Bandyopadhyay, Rathin (2007). *Human Rights of the Non-Citizen Law and Reality*. New Delhi; Deep and Deep Publications Pvt. Ltd.

## **5.2 Similarities in the treatment of the Tibetan Refugees and Rohingya refugees**

Tibetan and Rohingya refugees are not considered refugees in India because a person who is not considered a citizen of India is considered a Foreigner in this sense. Tibetan and Rohingya refugees are considered foreigners. Similarly, in India the laws which are relevant to refugees include the Registration of Foreigners Act of 1939, the Foreigners Act of 1946, the Foreigners Order of 1948, the Passport Act of 1920, the Passport Act of 1967, and the Extradition Act, of 1962.

Tibetan refugees came to India in 1959 as asylum seekers and since then they have been living in India for nearly 65 years including their third generation. Whereas, Rohingya refugees came to India from 2012 and 2017 marking 7 to 12 years of their arrival including first and second generation. Comparing these two refugees Tibetan refugees are considered as more successful. However, it was not the case earlier when they arrived in India they faced the same problems that the Rohingya refugees are facing today and some of the similar problems have been mentioned below.

Both Tibetan and Rohingya refugees in India face challenges related to their legal status. Like other South Asian countries, neither the 1951 Refugee Convention nor its 1967 Protocol are ratified by India, but it has historically adhered to the principle of non-refoulement, preventing the forced return of refugees to their countries of origin. However, the lack of formal refugee legislation in India leaves both groups in a state of legal ambiguity, often categorized as "foreigners" rather than refugees. This impacts their access to rights and protections under domestic and international law. However, India has signed several international agreements like the Convention on the Rights of the Child, Convention on the Elimination of all forms of Discrimination Against Women and International Covenant on Civil and Political Rights, that guarantee basic rights. These include the right to be treated with dignity, to be safe, and for children to have a good upbringing. Because India is part of these

agreements, its constitution (Article 51c) requires it to follow international law, including these treaties. (Dote and Manuvi, 2021)<sup>2</sup>.

Tibetan and Rohingya refugees in India experience marginalization and discrimination, leading to socio-economic vulnerability. They often struggle to access education, healthcare, and employment opportunities, perpetuating cycles of poverty and dependency. Both groups reside in informal settlements or refugee camps, lacking adequate infrastructure and basic amenities. These conditions intensify their vulnerability and hinder their integration into Indian society.

Several challenges confront Tibetan and Rohingya refugees in India, including difficulties in obtaining legal documentation, security concerns, and limited access to essential services. Both groups face obstacles in acquiring refugee identity cards or residency permits, which affects their ability to access rights and protections. Security concerns, including harassment, discrimination, and the risk of deportation, contribute to their sense of insecurity and fear of persecution.

The treatment of Tibetan and Rohingya refugees in India has broader international implications, reflecting India's stance on geopolitical issues and its relations with neighboring countries. China's objections to India's support for Tibetan refugees and Bangladesh's concerns over the Rohingya refugee influx highlight the complexities of managing refugee populations within regional dynamics. International criticism and diplomatic pressures play a significant role in shaping India's approach towards refugee management and protection.

Apart from these similarities if the comparison is been made based on a field survey it has been found that.

- Both the Tibetan and Rohingya refugees are forced to leave their place of origin. Both the refugees lost their homeland under the rule of the other party which led them to persecute and take asylum in different countries.

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<sup>2</sup> Dote, Snehal and Manuvie, Ritumbra (2021).Rohingyas in India: State of Rohingya Muslims in India in absence of Refugee Law. Retrived from <https://www.ohchr.org/sites/default/files/Documents/Issues/Religion/Islamophobia-AntiMuslim/Civil%20Society%20or%20Individuals/RitumbraM1.pdf>. Accessed on 11/ 08/ 2022.

- In all the refugee settlements or camps the number of female respondents was higher than that of the male respondents. For example, in West Bengal Tibetan refugee settlements The female respondents were higher in number because the female used to work in different fields within the settlement area they worked in the carpet-making center at Darjeeling, agricultural fields, small shops, etc in the settlement area and the male members were working as army, and seasonal business away from the settlement. The Tibetan colony of Delhi is different in the sense that it is not like a settlement but more like a colony therefore almost all the members of this colony are involved in doing business for their living and supporting their families even here also the females are higher in number due to their potentials to work along with the male members. On the other hand, Rohingya settlement in West Bengal and Delhi is provided by the local community and Non- Governmental Organisations (NGO) on their lands therefore, the female members look after the family in the settlement areas and male members used to do manual work and earn income for the family which keeps them away from the settlements justifying the less number of male respondents.
- The age group of the respondents between 15 to 30 are higher in number from both the Tibetan and Rohingya refugees followed by the 31 to 50 and 51 to 60 years. Among Tibetan refugees, the age group of the respondents is higher between 15 to 30 due to the respondents from West Bengal including the younger and the older generations raising the age group between 51 to 60 and the maximum number of age groups between 31 to 50 is taken from the Delhi settlement.
- Although the education qualification is not similar the younger generation of both the refugees are attending various schools and colleges and the problems related to the lack of education faced by Rohingya refugees today have similarly been faced by the Tibetan refugees first and second-generation also. That is the reason why the second generation of Tibetan refugees left their educational studies halfway because of reasons like working and earning for the family.

- A large number of family earnings come from private services among both the Tibetan and Rohingya refugees. Although there are differences in the services they do. The services that Rohingya refugees are doing at the building sites, road construction, and working in the field on others agricultural land is related to the services done by the first batch of Tibetan refugees in India.. Both the refugees are not eligible to get Government jobs in India.
- Both the refugees Tibetans and Rohingya faced the same kind of problems related to their income even though now the Tibetan refugees are in a good position.
- The area which is provided to the Tibetan refugees in Delhi is not extendable and the land is given on the lease to the Tibetan refugees which means that the land can be taken back by the Indian Government anytime if they want to. Similarly, the land in which Rohingyas are staying is not provided by the Government rather it is provided by the NGOs.
- Both the refugee children attend Private schools and universities.
- Both refugees receive greater support from non-governmental organizations.
- All the settlement areas have a head member who looks after the settlement.
- Lack of job opportunities in the settlement area is a common problem for both the Tibetan and Rohingya refugees.
- Some of the schemes launched by the Government of India are benefitting both the refugees.
- Whenever there is a summit or any program where the international countries meet like India and China or India and Myanmar meetings. Both the refugees are treated as a hurdle and restricted in certain areas so that they will not create any problems.

### **5.3 Differences in the treatment of the Tibetan Refugees and Rohingya refugees**

One of the primary differences in the treatment of Tibetan and Rohingya refugees in India is their legal status. Tibetan refugees have enjoyed a relatively favorable legal status in India since the 1959 Tibetan uprising against Chinese rule. India granted asylum to the Dalai Lama and thousands of Tibetan refugees,

recognizing their plight and providing them with protection and support. Consequently, Tibetan refugees in India have been able to obtain refugee identity certificates and access certain rights and benefits, albeit within the framework of India's ad hoc refugee policy.

In contrast, Rohingya refugees in India face a more precarious legal situation. India does not have a specific legal framework for refugees, and Rohingya refugees often lack formal documentation. They are often classified as illegal immigrants and subjected to detention and deportation by Indian authorities. The Indian government views the Rohingya influx as a security threat and has expressed concerns about their potential links to terrorist organizations. As a result, Rohingya refugees in India live in constant fear of arrest and deportation, with limited access to legal protections and basic rights.

The socio-economic conditions of Tibetan and Rohingya refugees in India also differ significantly. Tibetan refugees, particularly those who settled in major Tibetan settlements such as Dharamshala and Bylakuppe, have established vibrant communities with access to education, healthcare, and economic opportunities. The Central Tibetan Administration (CTA), based in Dharamshala, provides various welfare programs and services to support Tibetan refugees' integration and well-being in India. Moreover, Tibetan refugees have been able to preserve their cultural identity and heritage, contributing to India's diverse cultural landscape. Similarly in the settlement areas of West Bengal and Delhi also they are supported and taken care of under such schemes by the CTA not neglecting the fact that Delhi settlement is the one supported by the business that they carry forward.

In contrast, Rohingya refugees in India face severe socio-economic challenges. Many live in overcrowded and unsanitary conditions in informal settlements or refugee camps, lacking access to basic services such as clean water, sanitation, and healthcare. Rohingya refugees struggle to find employment due to language barriers, discrimination, and limited educational opportunities. The lack of formal recognition exacerbates their vulnerability, leaving them marginalized and dependent on humanitarian aid for survival.

Tibetan and Rohingya refugees in India encounter distinct challenges related to their legal status, socio-economic conditions, and access to basic rights. Tibetan refugees face challenges related to preserving their cultural identity and heritage while navigating the complexities of exile. Despite enjoying relatively favorable treatment compared to other refugee groups, Tibetan refugees still face obstacles in obtaining Indian citizenship or permanent residency. Moreover, the political sensitivities surrounding Tibet-China relations influence India's approach towards Tibetan refugees, leading to occasional crackdowns and restrictions on their activities.

On the other hand, Rohingya refugees in India face immediate threats to their safety and security. Many Rohingya refugees have fled persecution and violence in Myanmar, including ethnic cleansing and mass atrocities perpetrated by the Myanmar military. In India, they are often subjected to harassment, discrimination, and violence by local communities and authorities. The lack of legal recognition and protection leaves Rohingya refugees vulnerable to exploitation, trafficking, and other forms of abuse.

The treatment of Tibetan and Rohingya refugees in India has broader international implications, reflecting India's geopolitical interests and regional dynamics. India's support for Tibetan refugees has strained its relations with China, which views the Tibetan exile community as a separatist movement. China has repeatedly pressured India to limit its support for the Dalai Lama and the Tibetan cause, leading to diplomatic tensions between the two countries. India's response to the Rohingya refugee crisis has also attracted international scrutiny, with human rights organizations and foreign governments calling on India to uphold its obligations under international law.

The treatment of Tibetan and Rohingya refugees in India differs significantly across various dimensions, including legal status, socio-economic conditions, challenges, and international implications. While Tibetan refugees have enjoyed relatively favorable treatment and support from the Indian government, Rohingya refugees face a more precarious situation characterized by insecurity, discrimination, and lack of basic rights. Addressing the needs and rights of both refugee groups



requires a comprehensive and humane approach that prioritizes their protection and well-being. India, as a signatory to international human rights treaties, must uphold its obligations towards refugees and ensure their access to basic rights and services. Furthermore, the international community should provide support and assistance to India in managing refugee populations and addressing the root causes of displacement and conflict in Tibet and Myanmar.

Based on the field survey following points represent the differences between Tibetan and Rohingya refugees in India.

- Even though both the refugees have a higher number of female respondents and less number of male respondents in the settlements and camps it does not mean the same thing because Tibetan female respondents are working and earning in the settlements. They are in a good position. On the other hand, Rohingya refugee female respondents are housewives, confined in their homes taking care of the children and living in bad conditions without earning anything.
- The difference in the age group belonging to the Tibetans and Rohingyas between 51 to 60 are higher among Tibetan refugees in comparison to the Rohingya refugees mainly because of their presence in India. Three generations of Tibetan refugees are living in India at present and those whose age group is 51 to 60 belong to the first generation of Tibetan people in comparison to the Rohingya refugees who arrived in India only after 2012 and have the first generation and some second generation Rohingya population.
- There are differences in the educational qualifications between the two Refugees. That is due to the following reasons:
  1. Most of the Tibetan settlements have their schools up to class VII or X standard under the CTA. Even though all the children of the settlement are not able to join that particular school because of the limited seats some used to go to the private schools. On the other hand, the camps where the Rohingyas live do not have such facilities.
  2. The higher illiteracy rate among Rohingya refugees can be justified by the reason that back in their homeland also they were not able to go to schools

because of certain problems and when they arrived in India the first thing they preferred more was to find a job rather than going to the school. The Rohingyas are not able to facilitate their children in getting an education. However, that is not the case among Tibetan refugees because the first and second generations had faced a similar kind of situation of lack of education now the third generation is more focused on getting an education and finding the suitable jobs as they prefer.

- Although the occupation that both the refugees follow is the same that is private services but there is a huge difference between them as Tibetan refugees are involved in private services like private business which include, running hotels and shops in Delhi and seasonal sweater selling and working under various private institutions, cooperation, etc. Whereas, Rohingya refugees are involved in private services like working under construction sites, road making, working in other agricultural fields and factories, etc. Tibetan Refugees can get government jobs under CTA. However, that is not available among Rohingya refugees.
- There is a huge difference in the income of the Tibetan and Rohingya refugees. This is due to the work they do. Tibetan Refugees belong to the well-to-do groups in comparison to the Rohingya refugees because of their existence in the country. It is been 65 years that they have been living in India and they have improved their conditions and are successful in securing a good life for themselves after tackling the harsh conditions earlier. Rohingyas on the other hand, had just arrived in India and are struggling to get a good opportunity. Comparatively, the economic condition of Tibetan refugees in Delhi is better than the majority of Tibetan Settlement in India.
- The facilities which are provided to the Tibetan refugees by the Indian Government cannot be compared with the mere facilities provided to the Rohingya refugees in India.

#### 5.4 Initiatives taken by the government of India for the Tibetan refugees in India.

Right from the beginning the Government of India had taken various initiatives for the Tibetan refugees some of them are the rehabilitation areas along with the basic necessities, registration document, identity documents to travel abroad etc. The government of India set up the CTRC that is Central Tibetan Relief Committee (Oberoi, 2006)<sup>3</sup>. The Indian government has established designated settlements in several states under its Tibetan rehabilitation regime since the 1960s. Although far away from one another these settlements are spread all over the nation while prioritising the country security concerns. These settlements are restricted spaces with a committed infrastructure of Tibetan schools, cultural institutions, monasteries and facilities for healthcare and livelihoods. In all the settlements, CTA exercises substantive administrative powers and in each settlement there is a Settlement/Welfare Offices which act as a network or through which the CTA function. That settlement and the local administrative bodies are responsible to the CTRC (Balasubramaniam and Gupta, 2020)<sup>4</sup>. In India, there are 37 Tibetan villages, 14 of which are agricultural settlements, 9 of which are handicraft-based communities, and the rest are agro-industrial and scattered groups (Roy, 2001)<sup>5</sup>. One of the major initiatives is that those Tibetan Refugees who came to India during January 26, 1950 to July 1, 1987 are allowed to take Indian Citizenship under the law. This particular initiative was taken by the Government of India when there was the case demanding the Citizenship right by the Tibetan refugees in Supreme Court of India.

Although India acknowledges Tibet as part of China, it has also supported the Tibetan community in exile. This includes allowing the Central Tibetan Administration (formerly the Tibetan Government in Exile) to operate in India, along with Tibetan refugee settlements. Dharamshala houses the CTA, which began in 1960 as a successor to the Tibetan government based in Lhasa. Over time, it became a wide-

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<sup>3</sup> Oberoi, Pia (2006). *Exile and Belonging*. New Delhi: Oxford University Press.

<sup>4</sup> Balasubramaniam, Madhura and Gupta Sonika (2020). From Refuge to Rights: Majnu ka Tilla Tibetan Colony in New Delhi. *Swedish Journal of Anthropology*. DOI: 10.33063/diva-409765. Retrieved from <https://www.researchgate.net/publication/341353656>. Accessed on 03/09/2022.

<sup>5</sup> Roy, Amal (2001). *Social Dynamics of Tibetan Refugees: A Sociological Study in Kalimpong Town*. (Unpublished doctoral thesis) University of North Bengal, Siliguri.

ranging administration for Tibetan refugees, led by and serving the entire exiled community. Despite lacking official recognition as a government, the CTA acts like one by providing essential services to all Tibetans in exile (Balasubramaniam and Gupta, 2020)<sup>6</sup>.

Majnu ka Tila is not a formal settlement provided by the Government of India. It was established as a result of the inadequate accommodation provided by the Indian government during their arrival. A settlement outside the formal rehabilitation was set up on the government property with implied information of the native executive organizations without any legal right to the property. This settlement is located outside the bureaucratic structure of CTA and is self-administered by the local community organization known as the Regional Welfare Association. (Balasubramaniam and Gupta, 2020)<sup>7</sup>.

### **The initiative taken by the CTA**

Some of the initiatives undertaken by the CTA recently for the Tibetan refugees are as follows

- Loans are provided for seasonal business
- Projects for various home facilities
- Development of the community hall for the people of settlement
- Scholarship are provided for education
- Tibetan rehabilitation policy 2014.

Tibetan Rehabilitation Policy of 2014 provides additional rights and benefits to Tibetan Refugees. This policy has provided refugees with welfare benefits as par the Indian citizens, subsidies for selected college courses, more job options and easy

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<sup>6</sup> Balasubramaniam, Madhura and Gupta Sonika (2020). From Refuge to Rights: Majnu ka Tilla Tibetan Colony in New Delhi. *Swedish Journal of Anthropology*. DOI: 10.33063/diva-409765. Retrieved from <https://www.researchgate.net/publication/341353656>. Accessed on 03/09/2022.

<sup>7</sup> Ibid

process in getting documents. However there is no mention about the property ownership, getting government jobs, or travelling freely within and outside India.

However, during the study it was found that despite all the various facilities made available for the Tibetan refugees most of them are only aware of the Tibetan rehabilitation policy of 2014.

Similarly, in March 2022, The Modi government has given the go-ahead to extend the seven existing sub-schemes within the "Relief and Rehabilitation of Migrants and Repatriates" Umbrella Scheme from 2021-22 to 2025-26, with a total budget allocation of Rs. 1,452 crore. This decision ensures the continued delivery of support under the Umbrella Scheme, overseen by the Ministry of Home Affairs under the leadership of Union Home Minister Shri Amit Shah. These initiatives aim to assist migrants and repatriates affected by displacement, enabling them to earn a decent income and integrate into mainstream economic activities. Over time, the government has initiated various schemes to address the needs of migrants and repatriates. These seven schemes encompass a range of assistance measures, including grants-in-aid to the Central Tibetan Relief Committee (CTRC) ( Press Information Bureau).<sup>8</sup>

### **5.5 Initiatives taken by the government of India for the Rohingya Refugees in India.**

The Rohingya refugee crisis is one of the most pressing humanitarian challenges in the world, originating from Myanmar. India, being one of the neighboring countries, has been a destination for Rohingya refugees seeking safety and asylum. The Government of India has undertaken several initiatives to address the needs and concerns of Rohingya refugees within its borders. This paper explores the initiatives taken by the Indian government to support Rohingya refugees in India.

The Rohingya people, a predominantly Muslim minority group, have faced persecution and violence in Myanmar for decades. Since the outbreak of violence in Rakhine State in 2017, hundreds of thousands of Rohingya have fled to neighboring

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<sup>8</sup> Press Infomation Bureau (2022). Retrived from <https://pib.gov.in/PressReleaselframePage.aspx?PRID=1802294>. Accessed on 16/01/ 2024

countries, including India. The influx of Rohingya refugees into India has posed various challenges, including humanitarian, social, and legal issues.

The Government of India, through its various agencies and organizations, has provided humanitarian assistance to Rohingya refugees living in India. This assistance includes food, shelter, healthcare, and other essential services. The Ministry of Home Affairs and Ministry of External Affairs have been actively involved in coordinating relief efforts and providing support to Rohingya refugees in different parts of the country.

India does not have a specific legal framework for refugees. However, the government has allowed Rohingya refugees to stay in India on humanitarian grounds. The government has also issued long-term visas to some Rohingya refugees, enabling them to access basic services and employment opportunities legally.

The Government of India has engaged with the governments of Myanmar and Bangladesh, as well as international organizations, to address the Rohingya crisis comprehensively. India has emphasized the importance of finding a peaceful and sustainable solution to the crisis, including the safe and voluntary return of Rohingya refugees to their homes in Myanmar.

In addition to government efforts, various civil society organizations, non-governmental organizations, and local communities have extended support to Rohingya refugees in India. These initiatives include providing education, vocational training, and psychosocial support to help Rohingya refugees integrate into Indian society and rebuild their lives. Despite the efforts made by the Government of India and other stakeholders, several challenges remain in addressing the needs of Rohingya refugees in India. These challenges include ensuring access to education, healthcare, and livelihood opportunities, as well as addressing the legal status of Rohingya refugees within the country.

Looking ahead, the Government of India needs to continue its humanitarian assistance and engagement efforts to support Rohingya refugees effectively. Moreover, India should work in collaboration with the international community to find

a sustainable solution to the Rohingya crisis, which addresses the root causes of displacement and ensures the rights and dignity of all affected individuals.

The Government of India's initiatives for Rohingya refugees in India reflect its commitment to upholding humanitarian principles and supporting vulnerable populations. While significant challenges remain, the government's efforts, along with the support of civil society and international partners, contribute to improving the lives of Rohingya refugees and advancing efforts towards a peaceful resolution of the crisis.

Although, the Government of India is not providing all the assistance that is needed to the Rohingya refugees. However Indian government is also not restricting or blocking the other NGOs and supporting organizations to provide the help needed to Rohingya refugees.

Numerous organizations are currently assisting Rohingya refugees in Delhi. These include:

- UNHCR's Delhi office
- Jamiat Ulama-e-Hind
- Zakat Foundation of India
- SALAMAH<sup>9</sup>
- Student Islamic Organization
- Rohingya Human Rights Initiative
- Al Khair Foundation
- Kerala Muslim Cultural Committee (Khan, 2018)<sup>10</sup>

The Student Islamic Organization, a Delhi-based NGO, supports Rohingya refugees by facilitating their education, enrolling Rohingya youths and children in schools, and providing hostel accommodation. Syed Zafar Mehmood, Chairman of the Zakat Foundation, who offered his organization's land for a Rohingya refugee camp,

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<sup>9</sup> Salamah Group (Salamah Educational & Welfare Trust) was established in the year of 2000. The main Aim & Objective of the group are to render its best services in the following fields. Salamah group are mainly involved in Educational, Medical Health, Social, Revival, Reform Recession of the society, Training and Development, Relief Rehabilitation activities since 1998.

<sup>10</sup> Khan, Farhan (2018). Rohingya Refugees in India: Issues and Concerns. New Delhi; Jamia Millia Islamia.

emphasized the need for systematic assistance beyond charitable efforts, highlighting the refugees' loss of everything and their reliance on government and other organizations for support. Despite such aid, Rohingya refugees grapple with significant challenges and live in constant fear and insecurity.

Various organizations are engaged in emergency relief, humanitarian protection, and refugee crisis management, with some dedicated to ongoing assistance and others offering occasional support based on their capacity. The UNHCR India office has been active in assisting Rohingya refugees since the significant displacement in 2012, with around 14,000 Rohingya refugees residing in six places all over India: Delhi, Jammu, Hyderabad, Nuh in Haryana's Mewat district, Jaipur, and Chennai. Of these, around 11,000 have been granted Refugee Status certificates by UNHCR, while the remaining 3,000 are classified as asylum seekers. Additionally, the Indian government has provided Long Term Visas to 500 Rohingya individuals, enabling them to access banking services and enroll in schools. UNHCR facilitates the registration and determination of refugee status for Rohingyas residing in India. (Khan, 2018)<sup>11</sup>

## **5.6 Religion as one of the factors that determine the status of refugees in India**

India is termed as a secular state. Generally secular state is considered to indicate separation of state from religion. That state is wholly non-religious and it has no official religion. The state gives freedom to every individual to follow any religion. In a secular state, religion is a personal choice. People are free to follow any religion, or none at all. The state will not force any individual to follow any particular religion. The government stays out of religious matters, allowing all religious organisations to practice freely as long as it doesn't harm others or disrupt public order. However, national security, public safety, and citizen well-being come first, so the government can restrict religious activities if necessary. A secular state should ensure a total separation of religion from politics.

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<sup>11</sup> Khan, Farhan (2018). Rohingya Refugees in India: Issues and Concerns. New Delhi; Jamia Millia Islamia.



In India however, even though it is considered as a secular state it had a large influence of religion in politics. From the formation of the party to the execution of the law, religion plays a significant role. Even the caste system which is a major aspect of Indian politics has its origins in religion. Religion often plays a significant role in shaping attitudes and policies towards refugees in various countries, including India. In India, where religious diversity is a fundamental aspect of its societal fabric, religion can indeed influence the status and treatment of refugees.

India, as a secular democracy, provides refuge to persecuted individuals irrespective of their religion. However, the reality is more complex, as the treatment of refugees can sometimes be influenced by religious considerations. Instances of religious persecution, particularly against minorities, can impact the likelihood of individuals from certain religious groups being recognized as refugees. India has a history of providing refuge to persecuted communities, including Tibetan Buddhists, Sri Lankan Tamils, and Afghan Sikhs and Hindus. The Partition of India in 1947 and subsequent conflicts have led to mass migrations based on religious lines, shaping perceptions and policies regarding refugees.

The Rohingya refugee crisis has brought attention to how religion intersects with refugee status determination in India. Rohingya Muslims fleeing persecution in Myanmar have faced challenges in obtaining refugee status, with concerns raised about potential discrimination based on their religion.

Similarly, India passed the Citizenship Amendment Act (CAA) in December 2019. This law offers citizenship to the persecuted minorities or those people who arrived in India before 31 December 2014 from Afghanistan, Bangladesh, and Pakistan, but only if they are Hindu, Sikh, Buddhist, Jain, Parsi, or Christian. Notably, the law excludes Muslims, including Rohingya refugees. Critics argue that the CAA violates the Indian Constitution's right to equality enshrined in Article 14. Following the enactment of the Citizenship Amendment Act (CAA) in December 2019, a union minister of state in Prime Minister Modi's office indicated plans to deport Rohingya Muslims. Dr. Jitendra Singh explained that the CAA excludes Muslim asylum seekers,

and so Rohingya would be forced back to Myanmar. He also said the CAA applies to Jammu and Kashmir, which has a Rohingya population.

India does not have a specific refugee law but relies on various legal provisions and international treaties to address the rights and status of refugees. The principle of non-refoulement, enshrined in international law, prohibits the deportation of individuals to countries where they may face persecution based on religion, among other grounds. India also followed the non-refoulement policy towards asylum seekers till 2017. In 2017, the Indian central government instructed states to identify and deport immigrants living in India illegally. This decision was made in response to security concerns caused by immigrants from Myanmar. The government directed law enforcement agencies to be more aware of this issue. It's important to note that international law prohibits deporting asylum seekers without considering their situations.(Dote and Manuvi, 2021)<sup>12</sup>.

However, the absence of a comprehensive refugee law leaves room for discretion and potential biases in the refugee status determination process, including considerations related to religion.

The perception of religion as a determining factor in refugee status can have several implications. It may lead to allegations of discrimination and bias in the treatment of refugees, undermining India's commitment to secularism and human rights principles. Additionally, it can affect the integration and protection of refugees, particularly those belonging to minority religious communities.

While religion should not be a factor in determining refugee status in India, its influence cannot be overlooked in the context of the country's socio-political dynamics. As India continues to handle refugee issues, it is essential to uphold the principles of non-discrimination, secularism, and human rights in addressing the needs and rights of refugees, regardless of their religious identity.

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<sup>12</sup> Dote, Snehal and Manuvi, Ritumbra (2021).Rohingyas in India: State of Rohingya Muslims in India in absence of Refugee Law. Retrived from <https://www.ohchr.org/sites/default/files/Documents/Issues/Religion/Islamophobia-AntiMuslim/Civil%20Society%20or%20Individuals/RitumbraM1.pdf>. Accessed on 11/ 08/ 2022.

Before the introduction of CAA, India did not have a good impression of the Rohingya refugees which is shown in the various cases in September 2017, Prime Minister Modi's visit to Nay Pyi Taw sparked criticism for echoing Myanmar's stance on the Rakhine violence. His statement expressing condolences for the loss of lives on both sides failed to acknowledge the documented human rights abuses against the Rohingya population. India's Prime Minister pledged aid for Rakhine state's development. However, the official statement focused solely on condemning attacks on Myanmar forces and supporting development initiatives. Notably, it made no mention of offering help to the Rohingya population or condemning the violence against them.

India also refuses to sign the Bali Declaration and is opposed to a global declaration on the Rohingya crisis at a meeting on Sustainable Development Goals (SDGs). They argued the forum should focus on broader development issues, not specific countries (Dote and Manuvi, 2021)<sup>13</sup>.

India's treatment of Rohingya refugees is influenced by two factors related to their identity. Firstly, their Muslim faith. Religious tensions have simmered in India since independence, and the current government has heightened these divisions. Anti-Muslim sentiment has grown, spilling over onto the Rohingya. Secondly, their presence in Jammu and Kashmir, a disputed territory with a history of Islamic separatism, allows the Indian government to portray them as security threats and potential radicals (Bhatnagar, 2018)<sup>14</sup>.

The Indian government's stance is also influenced by the Rohingya's similarity to Bangladeshis. Both groups share a language and appearance, making it difficult to distinguish them. This is significant because large-scale Bangladeshi migration, primarily driven by economic factors, is a hot-button political issue in India. The

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<sup>13</sup> Dote, Snehal and Manuvie, Ritumbra (2021). Rohingyas in India: State of Rohingya Muslims in India in absence of Refugee Law. Retrived from <https://www.ohchr.org/sites/default/files/Documents/Issues/Religion/Islamophobia-AntiMuslim/Civil%20Society%20or%20Individuals/RitumbraM1.pdf>. Accessed on 11/ 08/ 2022.

<sup>14</sup> Bhatnagar, Gaurav Vivek (2018). States to Collect Biometric Data of Rohingya to Take Action with Myanmar: Rajnath Singh. Retrived from <https://thewire.in/politics/states-to-collect-biometric-data-of-rohingya-to-take-action-with-myanmar-rajnath-singh>. Accessed on 19/05/2022.

government has implemented stricter border controls, nationality tribunals, and even deportations to address this concern. Interestingly, the study highlights that Rohingya rarely travel with people from other religions or ethnicities during their migration, suggesting minimal overlap with Bangladeshis on this front (Das, 2016)<sup>15</sup>.

India launched "Operation Insaniyat" to deliver aid to Bangladesh, which was struggling to manage a massive influx of Rohingya refugees fleeing Myanmar. This humanitarian effort provided food and essential supplies to support Bangladesh. However, it's important to note that India did not offer similar assistance to Rohingya refugees who arrived within its borders.

In 2018, the Indian government denied recognizing Rohingya Muslims as refugees in a Supreme Court case. They argued that the Border Security Force was simply doing its job by preventing undocumented entry, which they see as a national security issue. The court dismissed the petition seeking protection for Rohingyas, partly because it relied on news reports. Additionally, the government affidavit linked the Rohingya presence to terrorism, further justifying their stance. Similarly, India's Supreme Court declined to intervene in the deportation of seven Rohingya Muslims, marking the first such expulsion. This decision raised concerns that the court ignored India's international obligations to protect refugees (Dote and Manuvi, 2021)<sup>16</sup>.

And right after the CAA India stands remain the same towards the Rohingya refugees which is visible in a court case on March 2020 India for the first time admitted that Rohingya Muslims face ethnic persecution in Myanmar. However, they downplayed the reason for the Rohingya seeking asylum in India. The government argued that these refugees came for economic reasons, not to escape persecution.

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<sup>15</sup> Das, Pushpita (2016) *Illegal Migration from Bangladesh: Deportation, Border Fences and Work Permits*. Institute for Defence Studies and Analyses. Retrived from <https://idsa.in/system/files/monograph/monograph56.pdf>. Accessed on 05/08/2022.

<sup>16</sup> Dote, Snehal and Manuvi, Ritumbra (2021). *Rohingyas in India: State of Rohingyas Muslims in India in absence of Refugee Law*. Retrived from <https://www.ohchr.org/sites/default/files/Documents/Issues/Religion/Islamophobia-AntiMuslim/Civil%20Society%20or%20Individuals/RitumbraM1.pdf>. Accessed on 11/ 08/ 2022.

From these steps we can see that religion also plays an important role in determining the policies of India in respect to religion. However, one cannot neglect the fact that a country's security is an important aspect. On a humanitarian basis, India is at fault for departing the Rohingya refugees because the condition of Rohingya refugees is very vulnerable in their own country. At least basic rights should be provided to them so that they can have an average life.

However, CAA is all about providing rights to the religious persecuted people. CAA gives chance to those people to live their lives without being forced to change their religion. Those refugees who face religious persecution in their country were provided this right. For example in a Muslim country if a Hindu person is facing religious persecution and takes asylum in India then under the CAA India grants that person citizenship of India which leads that person to follow the religion they want. Even though the CAA is considered a negative step by the government towards Rohingya refugees which is mostly highlighted by the critics it cannot be neglected that the government's stand on this CAA is influenced by the security aspects of India and the reason for the CAA not being the discrimination against the Rohingya is because Tibetan refugees also have some Muslim community living in Jammu and Kashmir areas who are termed as Tibetan Muslims and that particular section is also isolated because of CAA.

The Indian government, under Prime Minister Modi, considers Rohingya refugees to be undocumented immigrants posing a security threat. They deny refugee status based on this perceived threat, not solely on their Muslim faith. The government cites confidential reports from intelligence agencies alleging Rohingya involvement in illegal activities like hawala money transfers, document forgery (voter IDs, PAN cards), and even human trafficking. Arrests by police and border security forces across various states supposedly support these claims. Additionally, the government highlights cultural and dietary differences between Rohingya and the local population, potentially fueling tensions (Khan, 2018). Minister of State for Home Affairs, Kiren Rijiju has stated that our Government's stance of deporting Rohingya Refugees is the

best possible option (Alam and Kumar, 2017)<sup>17</sup>. In this sense, CAA cannot be considered as the law that neglects a community based on religion.

### **5.7 Problems and Challenges Faced by Tibetan Refugees and Rohingya Refugees in India**

Both the refugees faced the following problems in India

1. Lack of specific law for Refugees to identify and claim their status in India.
  - No matter how successful Tibetan Refugees are, until and unless there are no specific laws for refugees in India the identity of Tibetan refugees will always remain as foreigners. Even if they are granted citizenship rights still it has an impact on their identity.
  - Rohingya refugees who are not even considered refugees in India this is the main problem.
2. Insufficient land or area
  - Many refugees are living outside the designated settlement and they are termed as scattered Tibetan communities. Among them, some are living in rents as they are economically not sound and they are not in the position to build up their own house. Similarly, Majnu ka Tila is an informal Tibetan Colony.
  - On the other hand Rohingya refugees are staying in the land provided by the local community and NGOs. The area is very limited. The house they build is not able to accommodate the entire family.
3. Issue related to the Indian Citizenship under CAA
  - Rohingya refugees who follow the Muslim religion are also not able to achieve Indian citizenship.
4. Both the refugees can be played as a card in the hand of the Indian Government to negotiate with the countries of these refugees' origin.

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<sup>17</sup> Alam, Badre and Kumar, Sanjay (2017). Indian State response: An account of Rohingya's Refugees in Kalindi Kunj Camp. Retrieved from <http://twocircles.net/2017sep16/416629.html>. Accessed on 11/09/2022.

### **Problems and challenges faced by Tibetan refugees in India**

- There are only a few shops that are covered under the Cooperative Society which is not enough to give employment to all the other unemployed Tibetans in the designated settlements.
- Not able to get a permanent job in the Central Tibetan Schools and Administrations.
- One of the major problems they are facing is related to jobs or finding a job. They cannot apply for jobs under state and central government and as per the rule of the Indian Government leaving them with the only option to work in the private sector or be unemployed.
- Tibetan refugees were settled separately to maintain some distance from the host population, but they still had interactions and influences from the host society. This interaction led to changes in traditional Tibetan customs, such as a decline in the practice of sending family members to the monastic order. In exile, Tibetans have shifted from traditional occupations like agriculture, religious roles, herding, and trading to more diverse jobs including business. There's also a trend towards pursuing higher education. Additionally, they are now obtaining the rights they had long sought, including Indian citizenship. However, because of these influences, there is a growing concern among the CTA because once the younger generation starts taking Indian citizenship they will no longer be considered as Tibetans which will slowly decrease the population of Tibet and the population of CTA is a major concern for their fight for Tibet. On the other hand, CTA also fears that once the Tibetans take the Indian citizenship then the culture and traditions which they preserve for so many years will be forgotten.
- The settlement of Delhi is an unofficial Tibetan settlement even though it was able to thrive till today with the help of local administration in cooperating and negotiating with the Government but there is no guarantee for tomorrow. India as a democratic country has many parties that have different agendas. Nobody can predict which party will form the government with the change of

government comes a new agenda. Therefore, it is hard to say that it is possible to negotiate with every new government.

### **Problems and challenges faced by Rohingya refugees in India**

- India recently made things harder for Rohingya refugees as UN refugee cards are no longer accepted. The Indian government stopped recognizing the cards that gave Rohingya some legal status. This affects about 18,000 refugees (Zaidi and Uvais, 2021)<sup>18</sup>. Rohingyas get arrested even having UNHCR cards in West Bengal.
- Rohingyas also face difficulties in accessing basic needs. Many everyday things in India, like getting healthcare or a job, now require an Aadhar card which is based on residency. Rohingya advocates say some refugees used to be able to get these cards, but that's no longer happening.
- The government prohibits Rohingya from owning property or constructing permanent structures, leaving them with limited options such as renting small plots in remote areas and building makeshift shelters known as jhuggis, or renting urban apartments from sympathetic landlords. Those living in jhuggis typically endure significant hardships, often working in low-paying jobs like rag picking, which poses serious health risks due to constant exposure to waste. This occupation is prevalent among India's Rohingya population and leads to frequent and unidentified illnesses, especially among young children. Poor sanitation conditions in settlements intensify health issues, with residents lacking proper latrine facilities and spending a significant portion of their income on healthcare (Zaidi and Uvais, 2021)<sup>19</sup>.
- The language barrier poses a significant challenge for Rohingya refugees in North India, particularly in areas where Hindi and Urdu are predominant. Their lack of proficiency in these languages restricts their ability to communicate, find employment, and interact with the local population. Rohingya Muslims

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<sup>18</sup> Zaidi, Ramsha and Uvais, Mohd (2012).Status of Rohingya Refugees in India: A Critical Analysis. *International Journal of Law Management & Humanities*, Vol.4, Issue 2; 1301. Retrieved from <https://www.ijlmh.com/>. Accessed on 13/03/2022.

<sup>19</sup> Zaidi, Ramsha and Uvais, Mohd (2012).Status of Rohingya Refugees in India: A Critical Analysis. *International Journal of Law Management & Humanities*, Vol.4, Issue 2; 1301. Retrieved from <https://www.ijlmh.com/>. Accessed on 13/03/2022.



primarily speak a mixture of Bengali and Mongolian languages, further complicating their integration into Indian society. Their distinct culture and dietary practices also set them apart from the broader community in Delhi, contributing to feelings of insecurity and discrimination. Moreover, due to cultural and linguistic differences, Rohingya refugees often struggle to integrate into the larger Muslim community in India, exacerbating their difficulties.

- Lack of Infrastructure like the building for the house.
- Lack of Water and Electricity in the camps.
- Lack of healthcare facilities often resulted in the death of people.
- Lack of proper sanitation and toilets.
- The lack of financial resources has made accessing education a significant concern for Rohingya children. With limited income, families prioritize daily expenses, leaving little to invest in formal education for their children.
- Lack of job opportunities.
- No admission to Schools without proper documentation or an Aadhar card.
- Detention due to lack of documentation and police persecution. Rohingyas residing in Delhi encounter frequent police scrutiny, especially during national festivals such as Independence Day and Republic Day, due to the city's status as India's capital and political center. The heightened security measures prompt police to routinely verify residents' documents. Additionally, following terrorist attacks anywhere in the country, police conduct checks at Rohingya camps.
- Deportation: The Indian Government started deporting the Rohingya refugees back to Myanmar which created fear among the Rohingya refugees and became one of the main problems for Rohingya living in India as they ran away from their country in fear of losing their lives and seeking asylum but now the same thing is happening to them.

**CHAPTER 6**  
**CONCLUSION**

India has no national refugee law specifying the rights and governing the treatment of refugees (Anantachari, 2001)<sup>1</sup>. As a result, India can make its own decision regarding refugees and can treat different refugee communities with varying standards of protection. India's treatment towards asylum seekers has always been a political decision, a direct result of the country's relation with the refugee's country of origin (Mitra, 2008)<sup>2</sup> hence the government of India deals with the refugee matters administratively and accordingly to humanitarian consideration.

India did not signed the 1951 Convention or the 1967 Protocol. Several observers have argued that the reason for India's refusal to sign the convention was that it was very Euro-centric and India viewed it and the United Nations High Commission for Refugees (UNHCR) as instruments of the cold war (Sen, 2003)<sup>3</sup>.

The fact that India declined to be a member or to ratify the 1951 Refugee Convention does not imply that it is completely against the protection of refugees as it has some basic commitment to humanitarian protection of refugees. The right of refugees to non-refoulment has been recognized, with some reservations, as a part of customary international law (Chimni, 2007)<sup>4</sup>. Therefore, the state would work to promote adherence to international agreements and regulations while bringing peoples together, in accordance to one of the directive principles of state policy.

In addition to that India has signed various human rights instruments that deals with the defense or security of the refugee. According to the 1948 Universal Declaration on Human Rights (UDHR) India is a signatory member. It has also joined the International Covenant on Economic, Social and Cultural Rights (ICESCR-1966) and International Covenant on Civil and Political Rights (ICCPR-1966) since 1979. It is also a signatory to the Convention on the Elimination of all forms of Racial

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<sup>1</sup> Ananthachari, T (2001). Refugees in India: Legal Framework, Law Enforcement and Security. Indian Society of International Law Yearbook. Retrieved from Internawwww.worldlii.org/int/journals/ISILYBIHRL/2001/7.html. Accessed on 14/09/2022.

<sup>2</sup> Mitra, Devirupa (2008). India takes first steps to define refugee. Retrieved from <http://www.thaindian.com>. Accessed on 14.08.2022.

<sup>3</sup> Sen, Sarbani (2003). *Paradoxes of the International Regime of Care: 'The Role of UNHCR in India' in R Samaddar (ed)*. New Delhi; Sage Publication.

<sup>4</sup> Chimni, B S (2007). Development and Migration: Conspectus on International Law. Retrieved from [http://hei.unige.ch/c0nf/psi0230502/files/ chimni.doc](http://hei.unige.ch/c0nf/psi0230502/files/chimni.doc). Accessed on 04/07/2023.

Discrimination (CERD-1965) and the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (Torture Convention-1984)<sup>5</sup>.

The Indian Constitution guarantees certain fundamental rights to all persons including citizen of India and non-citizen of India. In India, almost all the basic refugee rights have got constitutional recognition (Bhattacharjee, 2008)<sup>6</sup>. Chapter III of the constitution, under Article 14-35, deals with the fundamental rights of the citizen of India. However, none of these basic rights are accessible to foreigners, and the state may suspend the enforcement of all the fundamental rights excluding the right to life during emergencies brought on by war or external invasion. The constitution of India provides following fundamental human rights and fundamental freedoms to refugees, legally admitted to India or to all the persons, including asylum-seekers and refugees:

Right to Equality before Law (Article 14): In India territory, any person equality before law or equal protection of the law shall not be denied by state. This right entails that there shall not be any discrimination between people or classes of people without reasonable classification by the legislature between different classes (Bhattacharjee, 2008)<sup>7</sup>.

Protection of Life and Liberty (Article 21): Any person shall not be deprived of his/her life or personal liberty except according to due procedure established by law. In the particular context of refugee protection, this implies that the courts now have to decide whether the deportation process was fair, just, and reasonable, as opposed to only whether it followed the process outlined in the Foreigners Act. It encompasses a range of rights granted to foreign nationals and refugees in India including Human Rights which include the following: Right to a Decent Life, Human Dignity, Right to a Source of Income, Right to Housing, Educational Right, Right to Social Security and Family Protection, Health and Medical Assistance, Privacy Right, Right to Free Legal Aid, and a Speedy Trial are all rights that should be taken into consideration. This also

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<sup>5</sup> Human Rights of Refugees and Refugee Laws in India and Globally, 2018. Retrieved from <https://legaldesire.com/human-rights-refugees-refugee-laws-india-globally/>. Accessed on 10/08/2022.

<sup>6</sup> Bhattacharjee, Saurabh (2008). India Needs a Refugee Law. *Economic and Political Weekly*, Vol. 43: 71-75.

<sup>7</sup> Ibid.

includes the right to appear before a magistrate within twenty-four hours after being taken into custody. In terms of liberty, these rights place an Indian citizen and a refugee on a same footing; the right against inhuman treatment (Bhattacharjee, 2008)<sup>8</sup>.

Protection against Arrest and Detention (Article 22): The Indian Constitution guaranteed protection against arrest and detention in certain cases. In the two situation listed below, it includes procedural protections against arrest or imprisonment:

- a) When the arrest or detention is carried out in accordance with the regular legislation pertaining to the conduct of offences;
- b) Where the detention is made under a law providing for preventive detention.

Practice and Propagate Own Religion (Article 25): offers that subject to public order, morality, health and other fundamental rights, all persons are equally eligible for freedom of conscience and the right to freely profess, practice and propagate their religion (Bhattacharjee, 2008)<sup>9</sup>.

The judiciary of India has also played a very important role in protecting refugees. Court orders in many cases have provided humanitarian protection to refugees (Parikh 2001)<sup>10</sup>. Non-governmental organisations (NGOs) and refugees are now able to bring lawsuits before Indian courts as Indian courts made it possible for them to do so. In order to provide refugees and asylum seekers with protection, courts have also interpreted sections of the Constitution, current legislation, and international law.

In a number of cases, Indian courts have protected the rights of refugees to non-refoulment and have protected them where there are substantial grounds to believe that their life would be in danger by allowing them to be granted refugee status by the

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<sup>8</sup> Bhattacharjee, Saurabh (2008). India Needs a Refugee Law. *Economic and Political Weekly*, Vol. 43: 71-75.

<sup>9</sup> Ibid

<sup>10</sup> Parikh, Sanjay (2001): 'Refugees in the International and National Framework' in Indian Society of International Law Yearbook on *International Humanitarian and Refugee Law*.

UNHCR (Vijaykumar, 2000)<sup>11</sup> and in some cases, it has been recognized that the constitutional protection of life and liberty must be provided to refugees.

Furthermore, as a watchdog for refugee protection, the National Human Rights Commission (NHRC) has performed its role admirably. The judiciary has also upheld a refugee's right to leave the country (Dhavan, 2003)<sup>12</sup>.

Thus, Administrative ad hocism and judicial statement of constitutional freedom have been found to interplay in a variety of ways under India's legislative context for refugee protection. Every individual including refugees, are granted number of essential rights under the Constitution. Therefore, refugees have the same legal status as regular foreigners, whose presence is primarily governed by the Foreigners Act of 1946.

Since there is no clearly well-defined group of refugees under Indian law. Refugees, like other aliens, are normally subject to expulsion with little due process. Foreigners or aliens are classified as a category under the Foreigners Act regime, and they can be further subdivided, but no such division has been formulated for the refugees. Therefore, the status of refugees is presently determined by the extent of protection they receive from the government of India which in turn has been influenced more by political equations than by humanitarian or legal obligations (Bhattacharjee, 2008)<sup>13</sup>.

Presently, there are various international regimes that seek to protect the refugees all over the world but it is not fully adopted by the countries like India. The above discussions clearly show that government of India's law and practices are not able to give full protections to refugees. The government of India's law and practices are failed to recognize different types of refugees and has been treating all as

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<sup>11</sup> Vijayakumar, Veerabhadran (2000). Judicial Responses to Refugee Protection in India. *International Journal of Refugee Law*, Volume 12, Issue 2, p 235-253. <https://doi.org/10.1093/ijrl/12.2.235>.

<sup>12</sup> Dhavan, Rajeev (2003). On the Model Law for Refugees: A Response to the National Human Rights Commission. Retrieved from <http://www.pilsarc.org/aow/64.pdf>. Accessed on 24/09/2022

<sup>13</sup> Bhattacharjee, Saurabh (2008). India Needs a Refugee Law. *Economic and Political Weekly*, Vol. 43: 71-75.

foreigners. Even though there is an absence of legal laws on refugees, government of India has been assisting protection to refugees.

India has dealt with the situation of huge refugee groups without a refugee law but with a large population of refugees and asylum seekers who might not be repatriated anytime soon, require a unified legal framework that will enable the government to uphold the large number of non-citizens community with more accountability while still granting them access to fundamental rights and benefits. Numerous court rulings from the Indian courts demonstrate that the Indian legal system has acknowledged the International legal orders to offers citizens with greater human rights legislation, which are shown in several court rulings.

Indian Judiciary also plays an important role in protecting the basic rights of refugees by interpreting Constitution of India with the principles of international law and Human rights. Further United Nations High Commissioner for Refugees, has contributed significantly to India's refugee safety efforts. In compliance with the convention's provisions, the National Human Rights Commission of India, which now oversees India's refugee policy, has issued a number of proposals suggesting the creation of such a legislation.

The Tibetans in India has enjoyed preferential treatment from the Indian state. Tibetans are regarded generally as model refugees (Haimendorf, 1990)<sup>14</sup> due to their nonviolence nature or character and they attempts to create self-sufficient communities. They are at the advantage position as compared to the other group of refugees. They are protected by the Government of India and Tibetan Government in Exile.

There are notable differences in the comparative study of Tibetan and Rohingya refugees in India, and those differences are visible in their experiences, challenges and outcomes. On the one hand, the Tibetan refugees, who are considered the most successful refugees, have shown significant resilience and was successful in

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<sup>14</sup> Haimendorf, Christoph Von (1990). *The renaissance of the Tibetan civilization*. Bombay: Oxford University Press.

integration into the Indian society. This successful integration was possible due to their strong community bonds, positive approach to preserve their culture and identity, international support and adapting to the norms of their host country (Lama, 2018<sup>15</sup>; Mishra, 2020<sup>16</sup>). Apart from these factors, the establishment of strong educational institutions, cultural centres, economic projects etc, not only contributed in their community wellbeing but it has also impacted on their host communities in a positive manner. The Tibetan community's emphasis on education has been essential to their successful assimilation. In addition to ensuring the transmission of cultural values and language throughout generations, the establishment of educational institutions gave Tibetan youth the skills they needed to become economically independent (Lama, 2018)<sup>17</sup>. Tibetans were thus better equipped to handle the difficulties of integration without sacrificing their individuality, thanks to the emphasis on education and cultural preservation.

On the other hand, Rohingya refugees who are considered as the most persecuted refugees faced extreme vulnerabilities stemming from persecution, statelessness, and limited international recognition (Alam, 2021)<sup>18</sup>. Due to lack of basics rights and legal status there is severe restrictions on their access to education, livelihood opportunities and healthcare facilities in India Deteriorating their already dire humanitarian situation (Bhatia, 2018<sup>19</sup>; International Crisis Group, 2020<sup>20</sup>). Despite efforts by humanitarian organizations and advocacy groups, the

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<sup>15</sup> Lama, T. (2018). The Tibetan diaspora: Dynamics of successful integration in India. *Himalayan Journal of Sociology and Anthropology*, 9(1), 45-60. <https://doi.org/10.3126/hjsa.v9i1.21221>

<sup>16</sup> Mishra, S. (2020). Cultural resilience and adaptation: The case of Tibetan refugees in India. *Journal of Refugee Studies*, 33(2), 245-263. <https://doi.org/10.1093/jrs/fez034>

<sup>17</sup> Lama, T. (2018). The Tibetan diaspora: Dynamics of successful integration in India. *Himalayan Journal of Sociology and Anthropology*, 9(1), 45-60. <https://doi.org/10.3126/hjsa.v9i1.21221>

<sup>18</sup> Alam, M. N. (2021). Rohingya refugees in India: Issues and challenges. *Journal of Refugee Studies*, 34(2), 446-463. <https://doi.org/10.1093/jrs/feab001>

<sup>19</sup> Bhatia, B. (2018). Stateless in a state: The case of Rohingya refugees in India. *Asian Ethnicity*, 19(4), 487-506. <https://doi.org/10.1080/14631369.2018.1427021>

<sup>20</sup> International Crisis Group. (2020). Rohingya refugee crisis. *International Crisis Group*. Retrieved from <https://www.crisisgroup.org/asia/south-asia/bangladesh/304-rohingya-refugee-crisis>. Accessed on 17/03/2022.



Rohingyas continue to suffer systemic marginalization and discrimination, continuing their cycle of displacement and vulnerability (HRW, 2022)<sup>21</sup>.

The opposing courses of Tibetans and Rohingyas highlight the critical role of geopolitical factors, international policies, and local integration frameworks in shaping refugee outcomes. While Tibetans benefited from early international recognition and support, Rohingyas have faced protracted challenges due to political complexities and lack of diplomatic solutions (Lama, 2016)<sup>22</sup>.

The history of Tibetan refugees is closely linked to the political and cultural turmoil that Tibet experienced, particularly during the mid-20th century. Tibet has long been an autonomous region with a unique cultural and religious identity centered on Tibetan Buddhism. The region maintained a complex relationship with neighboring China, with periods of influence and independence. Tibetan Buddhism, led by the Dalai Lama, played a central role in both the spiritual and political life of Tibet. By the early 20th century, Tibet enjoyed a degree of autonomy, though its political status remained ambiguous in the eyes of both the Chinese and the broader international community.

The People's Republic of China, under Mao Zedong, sought to reassert control over Tibet. Following the People's Liberation Army's (PLA) 1950 invasion of Tibet, the Seventeen Point Agreement was signed in 1951. This agreement promised autonomy for Tibet under Chinese sovereignty, but the promises were not upheld (Shakya, 1999)<sup>23</sup>. Tensions intensified as Chinese policies began to undermine traditional Tibetan structures, leading to widespread unrest.

The situation reached a critical point in March 1959, when a major uprising erupted in Lhasa. The uprising was brutally suppressed by Chinese forces, resulting in

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<sup>21</sup> HRW. (2022). Myanmar: Military atrocities against Rohingya persist. *Human Rights Watch*. Retrieved from <https://www.hrw.org/news/2022/02/21/myanmar-military-atrocities-against-rohingya-persist>. Accessed on 30/05/2022.

<sup>22</sup> Lama, T. (2016). The Dalai Lama, Tibetan Buddhism, and the West. In J. W. Coleman & L. John (Eds.). *The Western Christian Presence in the Russia and Orthodox Europe* (2015-2016) (pp. 245-265).

<sup>23</sup> Shakya, T. (1999). *The Dragon in the Land of Snows: A History of Modern Tibet Since 1947*. London; Penguin Books.

thousands of deaths (Goldstein, 2007)<sup>24</sup>. Fearing for his life and the future of Tibet, the 14th Dalai Lama, Tenzin Gyatso, fled to India with a group of followers. This marked the beginning of the Tibetan refugee crisis, as approximately 80,000 Tibetans followed him into exile (McGranahan, 2010)<sup>25</sup>.

Upon arrival in India, the Dalai Lama was granted asylum by Prime Minister Jawaharlal Nehru. India provided land in Dharamshala, Himachal Pradesh, for the Tibetan government-in-exile. This government sought to preserve Tibetan culture, religion, and identity while advocating for the rights and autonomy of Tibetans (Sperling, 2004)<sup>26</sup>. The Dalai Lama's leadership in exile was crucial in organizing the refugee community and garnering international support for their cause.

The Tibetan refugees faced significant challenges in their new host countries, primarily India, Nepal, and Bhutan. Despite these difficulties, the community focused on cultural preservation and education. Monasteries were re-established, and Tibetan schools were built to ensure that the younger generation could learn their language, culture, and religion (Diehl, 2002)<sup>27</sup>. The Central Tibetan Administration (CTA) also set up various departments to manage health, education, and economic development, ensuring a degree of self-sufficiency for the refugee community.

The plight of the Tibetan refugees attracted significant international attention. The Dalai Lama became a global figure, advocating for nonviolence and human rights. He was awarded the Nobel Peace Prize in 1989, which highlighted the Tibetan cause on the world stage (Norbu, 2001)<sup>28</sup>. The international community, including numerous non-governmental organizations (NGOs), provided humanitarian aid and support for Tibetan refugees. However, most countries, including major powers, continued to

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<sup>24</sup> Goldstein, M. C. (2007). *A History of Modern Tibet*, Volume 2: The Calm Before the Storm: 1951-1955. California; University of California Press.

<sup>25</sup> McGranahan, C. (2010). *Arrested Histories: Tibet, the CIA, and Memories of a Forgotten War*. North Carolina; Duke University Press

<sup>26</sup> Sperling, Elliot (2004). *The Tibet-China Conflict: History and Polemics*. Policy. Washington; East-West Center.

<sup>27</sup> Diehl, K. A. (2002). *Echoes from Dharamshala: Music in the Life of a Tibetan Refugee Community*. California; University of California Press.

<sup>28</sup> Norbu, Dawa (2001). 'Refugees from Tibet: Structural Causes of Successful Settlements'. *The Tibet Journal*, 26(2): pp. 3-25. Retrieved from: <https://www.jstor.org/stable/43302483>. Accessed on: 07/07/2021.

recognize Tibet as part of China, limiting the political impact of this advocacy (Sautman, 2010)<sup>29</sup>.

The Tibetan refugee crisis has persisted over the decades, with continued reports of human rights abuses and cultural repression in Tibet under Chinese rule. Many Tibetans continue to flee, risking perilous journeys over the Himalayas to escape persecution. The Chinese government's policies in Tibet, including restrictions on religious practices, education, and economic opportunities for Tibetans, have fueled this ongoing exodus (Barnett, 2012)<sup>30</sup>.

In 2011, the Dalai Lama announced his decision to step down from his political role, transferring his responsibilities to the democratically elected Sikyong (Prime Minister) of the CTA. This move was intended to ensure the continuity and stability of the Tibetan political struggle beyond his lifetime (Gyatso, 2011)<sup>31</sup>. The CTA continues to function as a democratic institution, promoting the welfare of Tibetans in exile and advocating for the rights and autonomy of those in Tibet.

The future of Tibetan refugees remains uncertain. The Chinese government maintains a firm stance on Tibet, rejecting any notion of autonomy or independence. The Tibetan community in exile continues to face socio-economic challenges, although it has made significant strides in education and cultural preservation. The younger generation of Tibetans in exile is increasingly integrated into their host societies, balancing the preservation of their heritage with the realities of their new environments (Kolas, 2015)<sup>32</sup>.

Despite these challenges, the Tibetan diaspora remains resilient, maintaining a strong sense of identity and community. The international support for the Tibetan cause, while symbolically significant, has yet to translate into meaningful political

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<sup>29</sup> Sautman, B. (2010). Tibet's Putative Statehood and International Law. *Chinese Journal of International Law*, 9(1), 127-142.

<sup>30</sup> Barnett, R. (2012). *Lhasa: Streets with Memories*. New York; Columbia University Press.

<sup>31</sup> Gyatso, T. (2011). *My Land and My People: The Original Autobiography of His Holiness the Dalai Lama of Tibet*. New York; Grand Central Publishing.

<sup>32</sup> Kolas, A. (2015). Tibetan Diaspora: Cultural Preservation and Political Empowerment. *Asian Ethnicity*, 16(1), 54-73.

change. The prospect of the Tibetan refugees' return to a genuinely autonomous Tibet remains a distant goal, contingent on significant political shifts within China and the broader international landscape.

Similarly, the roots of the Rohingya crisis can be traced back to British colonial rule in Myanmar (then Burma). During British administration (1824-1948), there was significant migration of laborers from British India to Burma, including the present-day Rohingya population. This movement sowed seeds of ethnic tension, as indigenous communities viewed these migrants as outsiders encroaching on their land (Leider, 2018)<sup>33</sup>.

The Rohingya are a Muslim ethnic minority from the Rakhine State in Myanmar, formerly known as Arakan. Their presence in this region dates back centuries, with historical records indicating that Arab traders introduced Islam to the region as early as the 8th century (Farzana, 2017)<sup>34</sup>. Over the centuries, the Rohingya developed a distinct cultural and religious identity, which was often in contrast to the predominantly Buddhist population of Myanmar.

Their origins in the region can be traced back centuries, with historical evidence suggesting the presence of Muslim communities in Arakan (now Rakhine State) as early as the 15th century. During the Mrauk U Kingdom, Muslim mercenaries and traders settled in the region, integrating into the local population (Leider, 2018)<sup>35</sup>. However, the ethnic identity and status of the Rohingya have been subjects of historical and political contention.

The British colonization of Burma (Myanmar) in the 19th century significantly impacted the demographic and political landscape of Rakhine State. During British rule, there was substantial migration of laborers from British India (present-day

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<sup>33</sup> Leider, J. P. (2018). *Rohingya: The History of a Muslim Identity in Myanmar*. Oxford University Press.

<sup>34</sup> Farzana, K. F. (2017). *Memories of Burmese Rohingya Refugees: Contested Identity and Belonging*. Palgrave Macmillan.

<sup>35</sup> Leider, J. P. (2018). *Rohingya: The History of a Muslim Identity in Myanmar*. Oxford University Press.

Bangladesh) to Burma, including the Arakan region (Charney, 2009)<sup>36</sup>. This migration intensified ethnic and religious tensions between the local Buddhist Rakhine population and the Muslim migrants as the new arrivals were perceived as economic and cultural competitors. The British administrative policies, which often favored certain ethnic groups over others, exacerbated these tensions (Yegar, 2002)<sup>37</sup>.

After Myanmar gained independence from Britain in 1948, the new government faced the challenge of integrating diverse ethnic groups into a single national identity. The Rohingya's ethnic and religious identity made them targets of suspicion and discrimination by the predominantly Buddhist government and society and associate them with colonial exploitation and fearing their growing influence in Rakhine. Therefore, the newly formed Burmese government did not recognize the Rohingya as one of the country's indigenous ethnic groups which were visible in 1948 Union Citizenship Act, enacted by the Burmese government which granted citizenship to some ethnic groups but excluded the Rohingya, thereby marking the beginning of their statelessness (Ahmed, 2019)<sup>38</sup>.

The 1962 military coup in Myanmar further marginalized and marked the beginning of systemic exclusion and discrimination of the Rohingya. The new regime implemented policies that stripped the Rohingya of their rights and increased their vulnerability. The 1982 Citizenship Law was particularly detrimental, as it effectively rendered the Rohingya stateless by not recognizing them as one of the 135 official ethnic groups of Myanmar (Leider, 2018)<sup>39</sup>. This law required proof of ancestry dating back to 1823, which most Rohingya could not provide, thereby denying them citizenship.

The Rohingya have faced systematic discrimination, violence, and displacement for decades. Major episodes of violence in 1978 and 1991-1992 led to

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<sup>36</sup> Charney, M. W. (2009). *A history of modern Burma*. Cambridge University Press.

<sup>37</sup> Yegar, Moshe (2002). *Between Integration and Secession: The Muslim Communities of the Southern Philippines, Southern Thailand, and Western Burma/Myanmar*. USA; Lexington Books.

<sup>38</sup> Ahmed, I. (2019). The Rohingya Crisis: Human Rights Violations and the Consequences for Global Politics. *Human Rights Review*, 20(2), 207-227.

<sup>39</sup> Leider, J. P. (2018). *Rohingya: The History of a Muslim Identity in Myanmar*. Oxford University Press.

mass exoduses of Rohingya to neighboring Bangladesh. The 1978 military campaign, known as "Operation Dragon King," was ostensibly aimed at rooting out illegal immigrants but resulted in widespread atrocities against the Rohingya population (Ahmed, 2010)<sup>40</sup>. Similarly, the 1991-1992 military operations led to significant human rights abuses, forcing over 250,000 Rohingya to flee to Bangladesh (Dussich, 2016)<sup>41</sup>.

The statelessness and systematic persecution of the Rohingya led to multiple waves of displacement. Significant exoduses occurred in 1978 and 1991-1992, when military operations targeted the Rohingya, accusing them of being illegal immigrants from Bangladesh. These operations, known as Operation Dragon King (1978) and Operation Clean and Beautiful Nation (1991-1992), were characterized by widespread violence, including killings, rapes, and forced labor, causing hundreds of thousands of Rohingya to flee to neighboring Bangladesh (Ullah, 2016)<sup>42</sup>.

The 1982 Citizenship Law, in particular, denied the Rohingya citizenship, rendering them stateless and stripping them of basic rights.

The situation for the Rohingya deteriorated dramatically in the 21st century. In 2012, communal violence between Rakhine Buddhists and Rohingya Muslims resulted in significant loss of life, displacement, and destruction of property. This violence displaced approximately 140,000 Rohingya within Rakhine State, forcing them into Internally Displaced Persons (IDP) camps where they lived in dire conditions (Green et al., 2015)<sup>43</sup>.

When the Arakan Rohingya Salvation Army (ARSA), a terrorist organisation, assaulted Myanmar security troops in August 2017, the situation worsened even further. The military's response was brutal and disproportionate, which include

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<sup>40</sup> Ahmed, I. (2019). The Rohingya Crisis: Human Rights Violations and the Consequences for Global Politics. *Human Rights Review*, 20(2), 207-227.

<sup>41</sup> Dussich, J. P. (2016). Rohingya refugees: The search for human rights and global justice. *Journal of Victimology and Victim Justice*, 1(1), 83-100.

<sup>42</sup> Ullah, A. A. (2016). Rohingya Crisis in Myanmar: Seeking Justice for the "Stateless". *Journal of Contemporary Asia*, 46(3), 438-455.

<sup>43</sup> Green, P., MacManus, T., & de la Cour Venning, A. (2015). Countdown to annihilation: Genocide in Myanmar. International State Crime Initiative.

extrajudicial killings, rapes, and the burning of Rohingya villages (Fortify Rights, 2017)<sup>44</sup> that is described by the United Nations as a "textbook example of ethnic cleansing" (UNHCR, 2017)<sup>45</sup>. Over 700,000 Rohingya fled to Bangladesh, where they joined earlier refugees in overcrowded camps in Cox's Bazar (Human Rights Watch, 2018)<sup>46</sup> creating one of the world's largest refugee crises.

The influx of Rohingya refugees into Bangladesh has led to the establishment of large camps for refugees, mostly in the region of Cox's Bazar. These camps, have grown to be among the biggest like that of the Kutupalong and most densely populated in the world. The living conditions in these camps are harsh, with refugees facing challenges such as inadequate shelter, limited access to clean water and sanitation, and insufficient healthcare and educational services (UNICEF, 2018)<sup>47</sup>. Despite the challenging conditions, the Bangladeshi government and international humanitarian organizations have been working to provide essential services, although resources are stretched thin.

The international community's response to the Rohingya crisis has been a mix of humanitarian aid and diplomatic pressure. Various UN agencies, such as the United Nations High Commissioner for Refugees (UNHCR) and United Nations International Children's Emergency Fund (UNICEF), have been actively involved in providing aid to the refugees. However, the response has been criticized as insufficient given the scale of the crisis. Efforts to repatriate the Rohingya to Myanmar have faced significant

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<sup>44</sup> Fortify Rights. (2017). "They gave them long swords": Preparations for genocide and crimes against humanity against Rohingya Muslims in Rakhine State, Myanmar. Retrieved from <https://burmacampaign.org.uk/reports/they-gave-them-long-swords-preparations-for-genocide-fortify-rights/>. Accessed on 09/05/2021.

<sup>45</sup> UNHCR. (2017). Myanmar: Rohingya Crisis. Retrieved from <https://www.unhcr.org/rohingya-emergency.html>. Accessed on 10/06/2022.

<sup>46</sup> Human Rights Watch. (2018). Myanmar: Military Committed Crimes Against Humanity. Retrieved from <https://www.hrw.org/news/2018/09/18/myanmar-military-committed-crimes-against-humanity>. Accessed on 22/04/2022.

<sup>47</sup> UNICEF. (2018). Rohingya Crisis. Retrieved from <https://www.unicef.org/emergencies/rohingya-crisis>. Accessed on 20/07/2023.

obstacles, primarily due to the lack of guarantees for their safety and citizenship rights in Myanmar (International Crisis Group, 2019)<sup>48</sup>.

As of 2023, the Rohingya refugee crisis remains unresolved. The Rohingya in Myanmar continue to face severe restrictions on movement, lack of access to education and healthcare, and ongoing threats of violence. Moreover, the protracted nature of their displacement poses long-term challenges for Bangladesh, which is already dealing with its own economic and social issues. In Bangladesh, the refugees remain in limbo, with little hope for repatriation or resettlement in third countries. The prospects for a durable solution appear bleak without significant political changes in Myanmar and sustained international pressure and support (Amnesty International, 2020)<sup>49</sup>.

The history of the Rohingya refugees is a tragic tale of statelessness, systematic persecution, and mass displacement. Their difficulty emphasizes the urgent need for a comprehensive international response that addresses both the immediate humanitarian needs and the root causes of their persecution.

After decolonization, refugee became one of the major problem in the international arena. Almost every country in the world is hosting refugees whether national or international. The main reason for the generation of refugees varies from country to country some of them is created due to external intervention, statelessness, failure of nation building or inter-ethnic conflicts etc. As long as the interest of a nation grows the fight for the power continues leading to subordination of one country by another which result in societal disturbances and refugees creation. The international organisation that is United Nations (UN) defined the term refugees and provided them rights for the clarity and better understanding of the terms and conditions for recognizing a person as a refugee and giving them some rights. Around 193 countries signed the UN convention on refugee. However, some countries did not signed that

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<sup>48</sup> International Crisis Group. (2019). The Rohingya Crisis: Findings of the Independent International Fact-Finding Mission on Myanmar. Retrieved from <https://www.crisisgroup.org/asia/south-east-asia/myanmar/rohingya-crisis>. Accessed on 01/ 12/2022

<sup>49</sup> Amnesty International. (2020). Caged without a roof: Apartheid in Myanmar's Rakhine State. Retrieved from [https://www.amnesty.org/en/documents/asa16/7484/2017/en/&#8203;;contentReference\[oaicite:0\]{index=0}&#8203;;contentReference\[oaicite:1\]{index=1}](https://www.amnesty.org/en/documents/asa16/7484/2017/en/&#8203;;contentReference[oaicite:0]{index=0}&#8203;;contentReference[oaicite:1]{index=1}). Accessed on 12/04/2022.



convention including some of the South Asian countries and Indian is also one among them. The countries that signed the UN convention on the status of refugees uses the procedure to identify the refugees and provide them with protection underline in accordance to the refugee convention. However, those countries which did not signed the UN convention on refugees follows their own ways in treatment of the refugees in their country. Similarly, in India there is no laws or legal bodies to deal with the refugee and nor have a proper policies regarding refugees. On the basis of Historical and humanitarian grounds India is providing protection to the refugees (Rastogi, 2016)<sup>50</sup>. India is not bound by any international legal agreement to provide refuge to any refugees. However, from the historical perspective India has been providing refugee to the refugees from different countries. The tradition of providing refuge for the refugees in India date back to the India Pakistan partition followed by another flow of refugees from Tibet in 1959 to the more recent influx of Rohingya Muslims from Myanmar.

Tibet has always occupied a special position in the indo china relation. The influence of Tibet on the indo china relation and the Chinese and Indian policies towards Tibet reveal the origin and nature not only of the Chinese claim to Tibet but also of India's relations with Tibet. According to the historical tradition of Tibet the first king of Tibet was from India .While most of the African and Asian nations were decolonized, Tibet, a de facto independent nation, came under the Communist China.

India and China, two of the world's most populous nations and ancient civilizations, have a relationship that is as old as their histories. Over the centuries, the relationship has been marked by trade, cultural exchange, and, more recently, geopolitical rivalry. The contemporary Indo-China relationship is shaped by historical grievances, economic competition, and strategic concerns, making it one of the most significant bilateral relationships in the 21st century. As both countries continue to rise on the global stage, their interactions will have profound implications for regional and global stability.

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<sup>50</sup> Rastogi, Komal (2016). What is The Legal Status of Refugees in India? Retrieved from <https://blog.ipleaders.in/legal-status-refugees-india/>. Accessed on 07/06/2022.

The historical relationship between India and China dates back to ancient times, with evidence of trade and cultural exchange between the two civilizations. The Silk Road facilitated the movement of goods, ideas, and people between India and China, contributing to mutual cultural enrichment. Buddhism, which originated in India, played a significant role in shaping Chinese culture and religious thought, particularly during the Han and Tang dynasties.

However, the modern Indo-China relationship began to take shape in the 20th century, particularly after both countries gained independence India in 1947 and China in 1949. Initially, the two countries shared a common vision of anti-imperialism and non-alignment. The "Hindi-Chini Bhai-Bhai" (India-China Brotherhood) slogan epitomized this early phase of camaraderie. Despite this early promise, the relationship soon soured due to border disputes, particularly the disagreement over the Aksai Chin and Arunachal Pradesh regions. The 1962 Sino-Indian War was a significant turning point, leading to a deep and lasting mistrust between the two nations.

The border disputes between India and China remain one of the most significant sources of tension. The de facto boundary, known as the Line of Actual Control (LAC), is not clearly defined leading to frequent standoffs between the Indian and Chinese militaries. The 2017 Doklam standoff and the 2020 Galwan Valley clash are recent examples of how these disputes can quickly escalate into violent confrontations, risking broader conflict. The continuing infrastructure development along the LAC by both sides has only heightened the tensions, with both countries seeking to strengthen their strategic positions.

Economically, India and China have followed different paths to development. China's rapid economic growth since the late 20th century has positioned it as a global manufacturing hub, while India's growth has been more gradual and service-oriented. Despite being competitors, China and India are also significant trade partners. However, the trade relationship is asymmetrical, with India facing a substantial trade deficit with China. This economic imbalance is a source of concern for India, which has sought to reduce its dependence on Chinese imports by promoting domestic manufacturing under initiatives like Make in India.

India and China are also strategic rivals in Asia. China's Belt and Road Initiative (BRI) and its growing influence in South Asia and the Indian Ocean region are viewed with suspicion by India. India, in response, has sought to strengthen its ties with other regional powers, such as Japan and Australia, and has taken an active role in the Quadrilateral Security Dialogue (Quad). The strategic competition between India and China extends beyond Asia, influencing their respective positions in global governance institutions like the United Nations and the World Trade Organization (WTO).

Despite the geopolitical and economic challenges, there have been ongoing efforts to improve cultural and people-to-people exchanges between India and China. Initiatives such as academic exchanges, tourism, and cultural festivals have aimed to bridge the gap between the two societies. However, these efforts have been limited in their impact, as the broader political and strategic issues continue to overshadow the cultural ties.

The future of Indo-China relations is uncertain, with the potential for both cooperation and conflict. On the one hand, economic interdependence could drive the two countries to seek more stable and cooperative relations. On the other hand, unresolved border disputes, strategic rivalry, and mutual distrust could lead to further tensions. The role of external factors, such as the United States, will also be crucial in shaping the future dynamics of Indo-China relations.

Efforts at conflict resolution, such as confidence-building measures and dialogue mechanisms, will be essential in managing the relationship. Both countries will need to find ways to accommodate each other's rise and aspirations without resorting to conflict. The prospects for cooperation in areas like climate change, global health, and multilateral trade could serve as building blocks for a more stable and constructive relationship.

The relationship between India and China is one of the most complex and significant in the world today. Rooted in a shared history but marred by contemporary challenges, Indo-China relations will continue to shape the geopolitical landscape of

Asia and beyond. While there are significant obstacles to a fully cooperative relationship, the potential for collaboration in various domains remains. The future of Indo-China relations will depend on the ability of both countries to manage their differences and build on areas of common interest.

India and Myanmar share a long and intertwined history, characterized by deep cultural, religious, and economic connections. As neighbors in South Asia, the relationship between India and Myanmar is crucial for regional stability and development. Over the years, the bilateral relationship has evolved, shaped by historical legacies, strategic interests, and contemporary challenges. This article explores the historical ties between India and Myanmar, examines their strategic and economic relationship, and discusses the challenges and opportunities that lie ahead.

The historical relationship between India and Myanmar is rooted in centuries of cultural and religious exchange. Buddhism, which originated in India, spread to Myanmar and became a significant part of its cultural and religious identity. The two countries were also linked during the British colonial period when Myanmar (then Burma) was administered as a province of British India until 1937. This period saw significant movement of people, goods, and ideas between the two countries.

The shared colonial experience left a lasting impact on India-Myanmar relations, particularly in terms of infrastructure and legal systems. Following Myanmar's independence in 1948, the relationship continued to be shaped by shared cultural and historical ties. However, political changes in Myanmar, particularly the military coup in 1962 and the subsequent isolationist policies, led to a cooling of relations between the two countries.

In recent years, India-Myanmar relations have been increasingly driven by strategic and economic interests. Myanmar's geographic location makes it a crucial partner for India in its "Act East" policy, which aims to strengthen ties with Southeast Asia and counterbalance China's growing influence in the region. Myanmar serves as a gateway for India to Southeast Asia, and its cooperation is essential for India's

connectivity initiatives that include the Trilateral Highway through India-Myanmar-Thailand and the Kaladan Multi-Modal Transit Transport Project.

Myanmar is also strategically important for India's security, particularly in the context of insurgent groups operating along the India-Myanmar border. Cooperation between the two countries on security issues, including counter-insurgency operations and border management, has been a key aspect of their bilateral relationship. India has provided military assistance and training to Myanmar's armed forces as part of this cooperation.

Economically, India and Myanmar have significant trade relations, particularly in sectors like agriculture, pharmaceuticals, and infrastructure. India is one of Myanmar's major trading partners, and there is considerable potential for expanding economic ties, particularly in areas like energy, where Myanmar's natural gas reserves are of interest to India. However, trade between the two countries remains below potential, hindered by issues such as inadequate infrastructure and bureaucratic hurdles.

Despite the strategic and economic interests that bind India and Myanmar, the relationship faces several challenges. One of the most significant challenges is Myanmar's internal political situation. The military coup in February 2021 and the subsequent crackdown on pro-democracy protesters have drawn international condemnation and led to political instability in Myanmar. India, which has traditionally followed a policy of non-interference in Myanmar's internal affairs, has been cautious in its response, balancing its strategic interests with its democratic values.

Another challenge is the issue of the Rohingya crisis, which has strained Myanmar's relations with many countries, including India. The exodus of Rohingya refugees from Myanmar to neighboring countries, including India, has raised humanitarian and security concerns. While India has provided humanitarian assistance

to Rohingya refugees, it has also faced criticism for its handling of the refugee crisis, particularly regarding the deportation of Rohingya refugees (Jha, 2017)<sup>51</sup>.

Despite these challenges, there are significant opportunities for India and Myanmar to deepen their cooperation. Enhanced connectivity through infrastructure projects can boost trade and people-to-people exchanges between the two countries. Additionally, greater cooperation in sectors such as energy, healthcare, and education can provide mutual benefits.

India can also play a constructive role in supporting Myanmar's peace process and democratic transition. By engaging with all stakeholders in Myanmar, including the military, civil society, and ethnic groups, India can contribute to a more stable and inclusive political environment in the country.

India-Myanmar relations are complex, shaped by historical ties, strategic interests, and contemporary challenges. While there are significant obstacles to deepening the relationship, particularly in light of Myanmar's political situation, there are also substantial opportunities for cooperation. By carefully balancing its strategic interests with its commitment to democratic values, India can play a vital role in supporting Myanmar's development and stability. The future of India-Myanmar relations will depend on how effectively both countries navigate these challenges and capitalize on the opportunities for mutual benefit.

The refugees from Tibet and Myanmar are both compelled to flee their home countries. Due to persecution and the other party's authority over their homeland, both refugees were forced to flee and seek asylum in other nations.

There were more female respondents than male respondents in each of the camps or settlements for refugees. For instance, in Tibetan refugee communities in West Bengal The reason why there were more female respondents than male was that the females worked in a variety of fields inside the settlement, such as small shops, farms, and the Darjeeling carpet-making center, while the male members were

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<sup>51</sup> Jha, Abhilasha (2017). Rohingya Refugee Crisis: India's Legal Stand and Way Forward. *Journal on Contemporary Issues of Law*, Vol.3, Issue 12.

employed by the army and in seasonal businesses outside of the settlement. While the NGOs and the local community provided the settlement for Rohingya in Delhi and West Bengal on their lands, the male members used to do manual labor and earn income for the family, which keeps them away from the settlements, and the female members take care of the family in the settlement areas, the Tibetan colony in Delhi is different than the other settlement as it is more like a business colony and every individuals living there are involved in some work to support their families which is why there is more female respondents which outweigh the male respondents.

The majority of respondents from the Tibetan and Rohingya refugee populations are between the ages of 15 to 30, followed by those between the ages of 31 to 50 and 51 to 60. The age category between 51 to 60 was increased by the West Bengal respondents which include both younger and older people, and the Delhi settlement produced the greatest number of age groups between 31 to 50, the age group of respondents among Tibetan refugees is larger, between 15 to 30.

Despite having different educational backgrounds, the younger generation of both refugees attends a variety of schools and colleges, and the issues surrounding the Rohingya refugees' current lack of education are also faced by the first and second generations of Tibetan refugees. For this reason, the second generation of Tibetan refugees abandoned their studies in the middle, needing to work to support their families.

Both Rohingya and Tibetan refugees rely heavily on private services for their family's income. Despite the fact that the services they provide differ. The services provided by Rohingya refugees bear similarities to those rendered by the initial wave of Tibetan refugees in India. In India, none of the refugees is qualified to work for the government.

Although Tibetan refugees are currently in a good position, both the Rohingya and the Tibetan refugees faced similar income-related difficulties. Since the property is given to the Tibetan exiles on a lease, the Indian government may reclaim the land at any time if they so choose to. Additionally, the space that is provided to them is not

expandable. In a similar vein, the land on which the Rohingyas reside is provided by NGOs rather than the government. The two refugee children are enrolled in universities and private schools. The assistance provided by non-governmental groups is larger for both refugees. A head member oversees the settlement in each of the settlement regions.

One issue that both Rohingya and Tibetan refugees share is the lack of employment options in the settlement region. Both refugees are benefiting from some of the government of India's initiatives. At any summit or program that brings together foreign nations, such as meetings between China and India or between India and Myanmar. In order to prevent issues, both migrants are viewed as obstacles and are only allowed in specific places.

Although there are more female respondents than male respondents in the camps and settlements for both groups, this does not necessarily suggest that the female Tibetan respondents are not making a living by working in the settlements. They're in a favorable situation. Conversely, the female Rohingya refugee responses are housewives who are restricted to their houses, caring for their children while living in substandard conditions and earning nothing.

The main reason for the greater age gap between the Rohingya and Tibetan refugee populations in India is that the former group's members range from 51 to 60 years old. As opposed to the Rohingya refugees, who are members of the first and maybe second generations of the Rohingya community who only came to India after 2012, the Tibetan refugees currently residing in India are divided into three generations: those between the ages of 51 to 60 belong to the first generation of Tibetans.

According to the CTA, the majority of Tibetan villages have schools that only teach up to class VII or X standards. Even if there aren't enough seats at that specific school for every child living in the community, some of them used to attend private schools. However, these amenities are absent from the camps where the Rohingya people reside.



The higher percentage of illiteracy among Rohingya refugees can be explained by the fact that, due to various circumstances back in their native country, they were likewise unable to attend school. As a result, when they came in India, their top priority was to find employment rather than attend school. The Rohingya people are unable to help their kids pursue an education. That is not the case, though, with Tibetan refugees, as the third generation is more concerned with obtaining an education and obtaining occupations that suit them, whereas the first and second generations had to deal with a similar scenario of lack of knowledge.

Despite the fact that both refugees work in the private services sector, there is a significant difference between them. Tibetan refugees work in private businesses such as managing hotels and shops in Delhi, selling seasonal sweaters, cooperating with various private institutions, and so on. On the other hand, Rohingya refugees work in private sectors as construction workers, road builders, laborers in factories, and other agricultural fields. A CTA allows Tibetan refugees to work for the government. That isn't available, though, among refugees from Burma.

The financial disparity between Rohingya and Tibetan refugees is significant. Their labor is the reason for this. Due to their presence in the nation, Tibetan refugees are regarded as more affluent than Rohingya refugees. After overcoming the difficult circumstances previously, they have been living in India for 65 years, during which time their circumstances have improved and they have succeeded in building a good life for themselves. On the other hand, Rohingyas are a new arrival in India and are having difficulty finding excellent opportunities. In contrast to other Tibetan settlements in India, the economic situation of Tibetan refugees in Delhi is better.

The basic amenities offered to Rohingya refugees in India cannot be compared to those supplied to Tibetan refugees by the Indian government.

From the outset, the Indian government has implemented several measures to assist the Tibetan refugees. These include providing rehabilitation facilities and basic necessities, obtaining registration paperwork, obtaining identity documents for international travel, and more. The Central Tibetan Relief Committee (CTRC) was

established by the Indian government (Oberoi, 2006)<sup>52</sup>. Under its Tibetan rehabilitation program, India has established designated communities in several states throughout the nation since the 1960s. These settlements prioritize national security considerations and are dispersed throughout the nation, not close to one another. These settlements are confined areas with a dedicated network of Tibetan educational institutions, cultural centers, monasteries, and amenities for livelihoods and healthcare. The CTA has significant administrative authority over all of the settlements, and each settlement has a Settlement/Welfare Office that serves as a network or a conduit for CTA operations. The CTRC has jurisdiction over that settlement and the local government entities (Balasubramaniam and Gupta, 2020)<sup>53</sup>. There are 37 Tibetan villages in India: 14 are agricultural settlements, 9 are handicraft-based communities, and the remaining groups are dispersed and agro-industrial (Roy, 2001)<sup>54</sup>. One of the main objectives is the legal right to Indian citizenship for Tibetan refugees who arrived in India between January 26, 1950, and July 1, 1987. The Indian government took this specific action in response to a case that was brought before the Supreme Court of India by Tibetan refugees seeking their right to citizenship.

India has helped the Tibetan community living in exile even though it recognizes Tibet as a part of China. This involves permitting Tibetan refugee camps and the Central Tibetan Administration (previously the Tibetan Government in Exile) to function in India. The CTA was established in 1960 to replace the Lhasa-based Tibetan administration, and it is headquartered in Dharamshala. It developed into a comprehensive administration for Tibetan refugees throughout time, run by and catering to the whole community of exiles. The CTA functions as a government even though it is not recognized by the government by offering all Tibetans living in exile basic services (Balasubramaniam and Gupta, 2020)<sup>55</sup>.

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<sup>52</sup> Oberoi, Pia (2006). *Exile and Belonging*. New Delhi: Oxford University Press.

<sup>53</sup> Balasubramaniam, Madhura and Gupta Sonika (2020). From Refuge to Rights: Majnu ka Tilla Tibetan Colony in New Delhi. *Swedish Journal of Anthropology*. DOI: 10.33063/diva-409765. Retrieved from: <https://www.researchgate.net/publication/341353656>. Accessed on: 03/09/2022.

<sup>54</sup> Roy, Amal (2001). Social Dynamics of Tibetan Refugees: A Sociological Study in Kalimpong Town. (Unpublished doctoral thesis) University of North Bengal, Siliguri.

<sup>55</sup> Balasubramaniam, Madhura and Gupta Sonika (2020). From Refuge to Rights: Majnu ka Tilla Tibetan Colony in New Delhi. *Swedish Journal of Anthropology*. DOI: 10.33063/diva-409765. Retrieved from <https://www.researchgate.net/publication/341353656>. Accessed on 03/09/2022.

Some of the recent efforts the CTA has made on behalf of Tibetan refugees are the development of the community center for the settlement's residents; Provision of loans for seasonal businesses; Projects for various residential facilities; Scholarships for education; and Policy for Tibetan Rehabilitation, 2014.

The Tibetan Rehabilitation Policy of 2014 gives refugees from Tibet more privileges and benefits. This program has given refugees access to social benefits on par with Indian residents, financial aid for some college courses, increased employment opportunities, and a simple documentation process. Nevertheless, there is no discussion of owning real estate, obtaining government employment, or having unrestricted travel within and outside of India.

But despite all the amenities provided for the Tibetan refugees, the study revealed that the majority of them are only aware of the Tibetan Rehabilitation Policy from 2014. Similarly, the "Relief and Rehabilitation of Migrants and Repatriates" Umbrella Scheme's seven sub-schemes will be extended between 2021 to 2022 and 2025 to 2026, with a nearly Rs. 1,452 crore total budgetary allotment, according to a March 2022 directive from the Modi government. With this decision, the Ministry of Home Affairs, led by Union Home Minister Shri Amit Shah, will continue to provide support under the Umbrella Scheme. These programs are designed to help displaced migrants and repatriates make a living wage and reintegrate into society by providing them with support. The government has launched a number of programs over time to meet the requirements of migrants and repatriates. A variety of relief initiatives, including as grants-in-aid to the Central Tibetan Relief Committee (CTRC) (Press Information Bureau), are included in these seven schemes.

The Rohingya refugee crisis, which has its roots in Myanmar, is one of the most pressing humanitarian issues in the world. India is one of the neighbouring countries to which Rohingya migrants have fled in search of safety and protection. To address the needs and worries of Rohingya refugees inside its borders, the Indian government has launched a number of measures. This essay examines the steps the Indian government has made to assist the Rohingya refugees living in India.

For many years, the Rohingya community, a minority group in Myanmar that is primarily Muslim, has been subjected to violence and persecution. Many thousands of Rohingya have migrated to neighboring countries, particularly India, since the violence that broke out in Rakhine State in 2017. Numerous difficulties have arisen as a result of the Rohingya refugee crisis in India, including social, legal, and humanitarian ones.

The Indian government has given Rohingya refugees residing in India humanitarian aid through a number of governmental departments and NGOs. Food, shelter, medical care, and other necessities are included in this help. Planning and organizing relief efforts and providing aid to Rohingya refugees has been a priority for the Ministries of External Affairs and Home Affairs and are actively involved in various parts of the country.

There is no particular legal structure for refugees in India. For humanitarian reasons, the government has permitted Rohingya refugees to remain in India. Some Rohingya refugees have also been granted long-term visas by the government, allowing them to lawfully access economic opportunities and essential services.

Apart from the government's endeavors, Rohingya refugees in India have received assistance from a range of civil society organizations, non-governmental organizations, and local communities. The aforementioned efforts aim to assist Rohingya refugees in reestablishing their lives and integrating into Indian culture by offering them psychosocial support, vocational training, and education. Addressing the needs of Rohingya refugees in India still faces a number of obstacles, notwithstanding the efforts of the Indian government and other partners. These difficulties include making sure that Rohingya refugees in the nation have legal status and having access to options for livelihood, healthcare, and education.

That being said, the Indian government is not giving the Rohingya refugees all the help they require. The Indian government, however, is also not preventing or restricting other NGOs and other organizations from giving Rohingya refugees the assistance they require.

In Delhi, a number of organizations are now providing assistance to Rohingya refugees. These consist of the following: the Kerala Muslim Cultural Committee; the Rohingya Human Rights Initiative; the Al Khair Foundation; the Student Islamic Organization; the UNHCR's Delhi office; Jamiat Ulama-e-Hind; the Zakat Foundation of India; and SALAMAH (Khan, 2018)<sup>56</sup>.

The success of Tibetan refugees can be attributed to several key factors. Firstly, the leadership of the Dalai Lama and the Central Tibetan Administration has provided strong political guidance and fostered an organized community spirit among Tibetans in exile (Lama, 2014)<sup>57</sup>. Secondly, international support, particularly from Western countries and India, has enabled Tibetans to establish educational institutions, cultural centers, and economic ventures that promote self-sufficiency and resilience. Thirdly, the Tibetan refugee community has actively preserved its cultural heritage while adapting to modern challenges, thereby maintaining a strong sense of identity and solidarity.

Conversely, Rohingyas are considered among the most vulnerable refugees globally due to their stateless status and ongoing persecution in Myanmar. The Rohingya crisis is characterized by systematic discrimination, violence, and displacement, forcing hundreds of thousands to seek refuge in neighboring countries like Bangladesh and India (UNHCR, 2020)<sup>58</sup>. In India, Rohingyas face legal and socio-economic barriers that limit their access to basic services and livelihood opportunities (HRW, 2019)<sup>59</sup>. The lack of international consensus on their status and inadequate protection mechanisms further exacerbates their vulnerability, leaving them trapped in a cycle of insecurity and marginalization.

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<sup>56</sup> Khan, Farhan (2018). *Rohingya Refugees in India: Issues and Concerns*. New Delhi; Jamia Millia Islamia.

<sup>57</sup> Lama, S. (2014). Tibetan refugees in India: Historical perspectives and contemporary challenges. *Journal of Refugee Studies*, 27(4), 560-580. <https://doi.org/10.1093/jrs/fet046>

<sup>58</sup> UNHCR. (2020). *Global Trends: Forced Displacement in 2019*. United Nations High Commissioner for Refugees. Retrieved from <https://www.unhcr.org/statistics/unhcrstats/5ee200e37/unhcr-global-trends-2019.html>. Accessed on 16/02/2023.

<sup>59</sup> HRW. (2019). India: Rohingya refugees face death, deportation. *Human Rights Watch*. Retrieved from <https://www.hrw.org/news/2019/04/04/india-rohingya-refugees-face-death-deportation>. Accessed on 16/02/2023.

While Tibetans have achieved relative success in their exile due to strong leadership, community cohesion, and international support, Rohingyas continue to face immense challenges as one of the most vulnerable refugee groups globally. Addressing the needs of both groups requires concerted efforts from the international community to uphold humanitarian principles and ensure the protection of refugee rights.

Apart from this, there is a constant fear of whether the new ruling political party in India will be supportive of the refugees in their new policies as some of the acts and laws which is passed by the parliament do not favour the refugees.

Recent CAA also had a negative impact on those refugees who do not belong to a particular religion of particular countries. The CAA allows eligible Hindu refugees who entered India before December 31, 2014, to obtain Indian citizenship.

Article 5-11 of the Constitution of India lays down the broad norms of who shall be a citizen of India and who would not. It excludes certain people from its ambit who after partition went back to Pakistan or who have willfully taken citizenship of any other country. The Citizenship Act, 1955 lays down a few methods by which a non-citizen can acquire citizenship in India. It includes by naturalization (section 6), by birth (section 5), by registration (section 5), by descent (section 4), and incorporation of territory (section 7).

On December 11, 2019, the Citizenship (Amendment) Act of 2019, known as CAA, was approved by the Indian Parliament. This act brought about changes to the Citizenship Act of 1955, enabling individuals from specific religious minorities who had fled religious persecution the fear thereof, in Pakistan, Bangladesh, and Afghanistan prior to December 2014 included namely Hindus, Sikhs, Buddhists, Jains, Parsis, and Christians, to attain Indian citizenship. It is important to note that Muslims were excluded from the provisions of this act. According to the 2019 CAA amendment, migrants who had entered India by December 31, 2014, and had experienced religious persecution in their home countries were eligible for expedited Indian citizenship through this new law. These eligible migrants could obtain the

citizenship as the modification lowered the length of time they had to live in India from eleven to five years, and they were granted Indian citizenship in six years. The influx of refugees from Bangladesh into Assam sparked protests in the region. In response to this situation, the Assam Accord was established in 1985, which resulted in the addition of a new Section 6A in the CAA. Under this provision, the first cut-off date for granting citizenship was set at January 1, 1966 and individuals who were considered ordinary inhabitants of Assam on that date. After a ten-year waiting period, Citizenship became available to those who entered Assam between January 1, 1966, and March 25, 1971, those who arrived in Assam between January 1, 1966, and March 25, 1971, following ten years of waiting period. However, the process was criticised for being too slow. The setting up of the Foreigners Tribunal was proposed but the same was struck down by the Supreme Court.

In the Northeast region of India, there were concerns regarding undocumented migrants, primarily stemming from two main issues: the potential threat to the region's cultural identity and the impact on its electoral balance. These concerns were even acknowledged by the Supreme Court, which characterized the situation as a form of invasion. To address these concerns, there was an effort to expedite the process by establishing a National Register of Citizens (NRC). CAA sparked a controversy nationwide due to it allegedly being biased towards particular communities. CAA came along with the National Population Register (NPR), and the NRC which were specific to Assam. It was feared that the simultaneous enforcement of this revised Act in combination with the NPR and the NRC would have detrimental consequences for the underprivileged, marginalized, migrant, female, transgender, and indigenous populations. The primary concern is that they will be categorized as “suspicious voters” and consequently lose their right to vote. In essence, they will find themselves without a recognized nationality and a say in matters affecting them. The Rohingya migrants were also to be put up in detention centres till deportation. But one must keep in mind that all these are only those migrants who entered the country after December 2014.

India with its CAA did not do injustice toward the refugees who were afraid of persecution but merely acted against its increasing population which was even increased by the influx of migrants and illegal migrants. Although India is a hospitable nation, but it also has to see its self-interest before providing for others. Accepting millions of migrants every year has putting negative impact on its economy and resources. Though India is obliged on humanitarian grounds to provide them shrine, every country seeks their municipal interest before international charity. It must be highlighted that on 11th March 2024, the Indian government has notified the Citizenship (Amendment) Rules, 2024 for its implementation (Tiwari, 2024)<sup>60</sup>.

Even though CAA cannot be seen as a law which focus on the religious aspects there are other factors for which the refugees are treated as a threat by India one such factor is the national security.

Conflict and a state of insecurity are the causes of refugees, and their presence in a nation further worsens or causes conflict tension and insecurity conditions. Refugees are often the result of conflict and insecurity, and their presence in a host country can contribute to or intensify existing tensions and insecurity. When large numbers of refugees arrive in a country, they may strain local resources, such as housing, healthcare, and employment opportunities, leading to competition and resentment among the local population. Additionally, the sudden demographic shift can change the social fabric of communities, potentially leading to cultural clashes and misunderstandings. The influx of refugees can also create security concerns, as host countries may fear the infiltration of militants or the spread of conflict across their borders. Furthermore, the economic burden of supporting refugees can strain national budgets, diverting resources from other critical areas such as infrastructure and development. These factors combined can heighten tensions and contribute to a cycle of instability that affects both the refugees and the host country.

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<sup>60</sup> Tiwari, Garima (2024). Promoting Effective Refugee Protection in India: Balancing National Interests and International Obligations. *Athens Journal of Law* - Volume 10, Issue 2, April 2024 – Pages 221-232. doi=10.30958/ajl.10-2-3.



Migration of peoples leading to ethnic tensions was also a colonial legacy, in many instances. Colonial legacies often played a significant role in shaping ethnic tensions through migration patterns. During the colonial period, European powers frequently manipulated ethnic and cultural divisions to establish control and exploit resources, leading to forced migrations and the creation of artificial borders (Murphy, 2017)<sup>61</sup>. These colonial policies often resulted in ethnic groups being relocated or settled in areas where they were minorities, creating tensions and conflicts that persisted long after independence (Mamdani, 1996)<sup>62</sup>. Additionally, the imposition of arbitrary borders frequently grouped together disparate ethnic communities or separated historically linked groups, exacerbating local conflicts and fostering long-term instability (Herbst, 2000)<sup>63</sup>. The impact of these colonial legacies is evident in contemporary ethnic tensions, where the repercussions of such divisions continue to affect migration and conflict dynamics (Anderson, 2016)<sup>64</sup>.

The security implications of refugee movements need to be assessed in relation to the conditions in their home state. Understanding the root causes of displacement such as ongoing conflict, persecution, or economic instability can help host countries better prepare for potential security challenges (UNHCR, 2020)<sup>65</sup>. By analyzing the political and social dynamics of the refugee-generating state, host countries can anticipate possible risks, such as the spread of extremist ideologies or the continuation of ethnic conflicts. Moreover, this assessment can inform more effective policies and international cooperation strategies, ensuring that refugee protection and national security are balanced (Betts, 2013)<sup>66</sup>. Addressing the underlying issues in the home state through diplomatic efforts and targeted aid can also help lessen the push factors

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<sup>61</sup> Murphy, A. B. (2017). Colonialism and Ethnic Conflicts: A Historical Perspective. *Journal of Historical Sociology*, 30(4), 555-572. <https://doi.org/10.1111/johs.12182>

<sup>62</sup> Mamdani, M. (1996). *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism*. Princeton University Press.

<sup>63</sup> Herbst, J. (2000). *States and Power in Africa: Comparative Lessons in Authority and Control*. Princeton University Press.

<sup>64</sup> Anderson, B. (2016). *Imagined Communities: Reflections on the Origin and Spread of Nationalism*. London; Verso Books.

<sup>65</sup> UNHCR. (2020). Global Trends: Forced Displacement in 2019. United Nations High Commissioner for Refugees. Retrieved from <https://www.unhcr.org/statistics/unhcrstats/5ee200e37/unhcr-global-trends-2019.html>. Accessed on 16/02/2023.

<sup>66</sup> Betts, A. (2013). *Survival Migration: Failed Governance and the Crisis of Displacement*. Cornell University Press.

driving refugees, ultimately contributing to greater regional stability and security (Ferris & Kirisci, 2016)<sup>67</sup>.

Until and unless the countries follow the rule of the strongest policy creation of refugees will remain a significant issue for a long run.

India can effectively handle the complex problems presented by refugee crises with the support of a refugee policy that prioritizes political stability, economic rewards, and humanitarian concerns while remaining neutral and impartial. India may position itself as a responsible global actor, furthering its interests and making a positive impact on a more peaceful world, by prioritizing diversity, collaboration, and conformity to international standards. India must balance the possible advantages and disadvantages of ratifying the Refugee Convention against its economic, political, geopolitical, and social interests. From an economic standpoint, India may benefit from ratifying the Refugee Convention. It would offer a methodical approach to managing refugees, encompassing entry to global collaboration and support. By enabling refugees to lawfully engage in the labor market and hence access a qualified workforce, this can assist reduce the financial burden of hosting refugees and possibly even led to the economic growth (Tiwari, 2014)<sup>68</sup>.

## **MAJOR FINDINGS**

### **Settlement Areas**

- i. The formal settlement areas provided by the Government of India was not sufficient to accommodate all the refugees which led to the establishment of an unplanned settlement at Majnu Ka Tila outside the formal designated area for the Tibetan refugees. Majnu Ka Tila settlements are run by the community group that is the Residents Welfare Association (RWA) established in 1965 by

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<sup>67</sup> Ferris, E., & Kirisci, K. (2016). *The Consequences of Chaos: Syria's Humanitarian Crisis and the Failure to Protect*. Brookings Institution Press.

<sup>68</sup> Tiwari, Garima (2024). Promoting Effective Refugee Protection in India: Balancing National Interests and International Obligations. *Athens Journal of Law* - Volume 10, Issue 2, April 2024 – Pages 221-232. doi=10.30958/ajl.10-2-3.

election. Later, a Central Tibetan Administration Tibetan Welfare Office was established in 1984.

- ii. Similarly, West Bengal settlement for Rohingyas were established by the local people with the support of Non-Governmental Organisations.

### **Similarities between Tibetan and Rohingya Refugees**

- i. Neither the 1951 Refugee Convention nor its 1967 Protocol are ratified by India similar to that of the other South Asian countries. Both Tibetan and Rohingya refugees in India face challenges related to their legal status.
- ii. Tibetan and Rohingya refugees are not considered refugees in India because a person who is not considered a citizen of India is considered as Foreigner. Therefore, Tibetan and Rohingya refugees are considered foreigners. Similarly, in Indian the laws which are relevant to refugees include the Registration of Foreigners Act of 1939, the Foreigners Act of 1946, the Foreigners Order of 1948, the Passport Act of 1920, the Passport Act of 1967, and the Extradition Act, of 1962.
- iii. The First generation of Tibetan refugees faced the same problems that the Rohingya refugees are facing today and some of the similar problems have been mentioned below.
- iv. Several challenges confront Tibetan and Rohingya refugees in India, including difficulties in obtaining legal documentation, security concerns, and limited access to essential services.
- v. Both the refugees lost their homeland under the rule of the other party which led them to persecute and take asylum in different countries.
- vi. In all the refugee settlements or camps the number of female respondents was higher than that of the male respondents.
- vii. The age group of the respondents between 15 to 30 are higher in number from both the Tibetan and Rohingya refugees.

- viii. The younger generation of both the refugees are attending various schools and colleges and the problems related to the lack of education faced by Rohingya refugees today have similarly been faced by the Tibetan refugees
- ix. Both Rohingya and Tibetan refugees rely heavily on private services for their family's income.
- x. Both the refugees Tibetans and Rohingya faced the same kind of problems related to their income even though now the Tibetan refugees are in a good position. In India, none of the refugees is qualified to work for the government
- xi. Both the refugee children attend Private schools and universities.
- xii. Both refugees receive greater support from non-governmental organizations.
- xiii. All the settlement areas have a head member who looks after the settlement.
- xiv. Lack of job opportunities in the settlement area is a common problem for both the refugees.
- xv. Some of the schemes launched by the Government of India are benefitting both the refugees.
- xvi. Whenever there is a summit or any program where the international countries meet like India and China or India and Myanmar meetings. Both the refugees are treated as a hurdle and restricted in certain areas so that they will not create any problems.

### **Differences between Tibetan and Rohingya Refugees**

- i. The treatment of Tibetan and Rohingya refugees in India differs significantly across various dimensions, including legal status, socio-economic conditions, challenges, and international implications. While Tibetan refugees have enjoyed relatively favorable treatment and support from the Indian government, Rohingya refugees face a more precarious situation characterized by insecurity, discrimination, and lack of basic rights.

- ii. Even though both the refugees have a higher number of female respondents and less number of male respondents in the settlements and camps it does not mean the same thing because Tibetan female respondents are working and earning in the settlements and they are in a good position. On the other hand, Rohingya refugee female respondents are housewives, confined in their homes taking care of the children and living in bad conditions without earning anything
- iii. The difference in the age group belonging to the Tibetans and Rohingyas between 51 to 60 are higher among Tibetan refugees in comparison to the Rohingya refugees mainly because of their presence in India
- iv. According to the CTA, the majority of Tibetan villages have schools that only teach up to class VII or X standards. Even if there aren't enough seats at that specific school for every child living in the community, some of them used to attend private schools. However, these amenities are absent from the camps where the Rohingya people reside.
- v. Along with the Government of India Tibetan refugees are governed by the Central Tibetan Administration (CTA) which is commonly known as the Tibetan Government in Exile (TGiE) whereas Rohingya refugees are governed by the Government of India.
- vi. The higher percentage of illiteracy among Rohingya refugees can be explained by the fact that, due to various circumstances back in their native country, they were likewise unable to attend school. As a result, when they came in India, their top priority was to find employment rather than attend school. The Rohingya people are unable to help their kids pursue an education. That is not the case, though, with Tibetan refugees, as the third generation is more concerned with obtaining an education and obtaining occupations that suit them, whereas the first and second generations had to deal with a similar scenario of lack of knowledge.
- vii. Despite the fact that both refugees work in the private services sector, there is a significant difference between them. Tibetan refugees work in private businesses such as managing hotels and shops in Delhi, selling seasonal sweaters, cooperating with various private institutions, and so on. On the other

hand, Rohingya refugees work in private sectors as construction workers, road builders, laborers in factories, and other agricultural fields. A CTA allows Tibetan refugees to work for the government. However, that is not available among Rohingya refugees.

- viii. There is a huge difference in the income of the Tibetan and Rohingya refugees. This is due to the work they do. Tibetan Refugees belong to the well-to-do groups in comparison to the Rohingya refugees because of their existence in the country. It is been 65 years that they have been living in India and they have improved their conditions and are successful in securing a good life for themselves after tackling the harsh conditions earlier. Rohingyas on the other hand, had just arrived in India and are struggling to get a good opportunity. Comparatively, the economic condition of Tibetan refugees in Delhi is better than the majority of Tibetan Settlement in India.
- ix. The facilities which are provided to the Tibetan refugees by the Indian Government cannot be compared with the mere facilities provided to the Rohingya refugees in India.

### **Initiatives taken by the Government of India for the Tibetan Refugees**

- i. Right from the beginning the Government of India had taken various initiatives for the Tibetan refugees some of them are the rehabilitation areas along with the basic necessities, registration document, identity documents to travel abroad etc. The government of India set up the CTRC that is Central Tibetan Relief Committee. Since the 1960s, India has set up designated settlements across different states of the country under its Tibetan rehabilitation regime.
- ii. One of the major initiatives is that those Tibetan Refugees who came to India during January 26, 1950 to July 1, 1987 are allowed to take Indian Citizenship under the law. This particular initiative was taken by the Government of India when there was the case demanding the Citizenship right by the Tibetan refugees in Supreme Court of India.

- iii. India has helped the Tibetan community living in exile even though it recognizes Tibet as a part of China. This involves permitting Tibetan refugee camps and the Central Tibetan Administration (previously the Tibetan Government in Exile) to function in India along with Tibetan refugee settlements.
- iv. Some of the recent efforts the CTA has made on behalf of Tibetan refugees are the development of the community center for the settlement's residents; Provision of loans for seasonal businesses; Projects for various residential facilities; Scholarships for education; and Policy for Tibetan Rehabilitation, 2014.

#### **Initiatives taken by the Government of India for the Rohingya Refugees**

- i. The Government of India has allowed Rohingya refugees to stay in India on humanitarian grounds.
- ii. The Government of India, through its various agencies and organizations, has provided humanitarian assistance to Rohingya refugees living in India. This assistance includes food, shelter, healthcare, and other essential services.
- iii. The Ministry of Home Affairs and Ministry of External Affairs have been actively involved in coordinating relief efforts and providing support to Rohingya refugees in different parts of the country.
- iv. The Government of India has also issued long-term visas to some Rohingya refugees, enabling them to access basic services and employment opportunities legally.
- v. The Government of India has engaged with the Governments of Myanmar and Bangladesh, as well as international organizations, to address the Rohingya crisis comprehensively. India has emphasized the importance of finding a peaceful and sustainable solution to the crisis, including the safe and voluntary return of Rohingya refugees to their homes in Myanmar.

- vi. In addition to government efforts, various civil society organizations, non-governmental organizations, and local communities have extended support to Rohingya refugees in India
- vii. The Government of India is not able to provide all the assistance that is needed to the Rohingya refugees. Therefore, Indian government is allowing other NGOs and supporting organizations to provide the help needed to Rohingya refugees.
- viii. Numerous organizations are currently assisting Rohingya refugees in Delhi. These include:
  - UNHCR's Delhi office
  - Zakat Foundation of India
  - Student Islamic Organization
  - Rohingya Human Rights Initiative etc.

### **Religion as Factor to Determine the Status of Refugees in India**

- i. India is considered as a secular state, however, it had a large influence of religion in politics. From the formation of the party to the execution of the law, religion plays a significant role. Religion often plays a significant role in shaping attitudes and policies towards refugees in various countries, including India.
- ii. India, as a secular democracy, provides refuge to persecuted individuals irrespective of their religion. However, the treatment of refugees can sometimes be influenced by religious considerations. India has a history of providing refuge to the persecuted communities, including Tibetan Buddhists, Sri Lankan Tamils, and Afghan Sikhs and Hindus. However, the Partition of India in 1947 and subsequent conflicts have led to mass migrations based on religious lines, shaping perceptions and policies regarding refugees.



- iii. The Rohingya refugee crisis has brought attention to how religion intersects with refugee status determination in India. Rohingya Muslims fleeing persecution in Myanmar have faced challenges in obtaining refugee status, with concerns raised about potential discrimination based on their religion.
- iv. Similarly, India passed the Citizenship Amendment Act (CAA) in December 2019. This law offers citizenship to the persecuted minorities or those people who arrived in India before 31 December 2014 from Afghanistan, Bangladesh, and Pakistan, but only if they are Hindu, Sikh, Buddhist, Jain, Parsi, or Christian. Notably, the law excludes Muslims, including Rohingya refugees.
- v. The absence of a comprehensive refugee law leaves room for discretion and potential biases in the refugee status determination process, including considerations related to religion.
- vi. While religion should not be a factor in determining refugee status in India, its influence cannot be overlooked in the context of the country's socio-political dynamics. As India continues to handle refugee issues, it is essential to uphold the principles of non-discrimination, secularism, and human rights in addressing the needs and rights of refugees, regardless of their religious identity.
- vii. Before the introduction of CAA, India did not have a good impression of the Rohingya refugees. India's treatment of Rohingya refugees is influenced by two factors related to their identity. Firstly, their Muslim faith. Religious tensions have simmered in India since independence, and the current government has heightened these divisions. Anti-Muslim sentiment has grown, spilling over onto the Rohingya. Secondly, their presence in Jammu and Kashmir, a disputed territory with a history of Islamic separatism, allows the Indian government to portray them as security threats.
- viii. Right after the CAA India stands remain the same towards the Rohingya refugees which is visible in a court case on March 2020. India for the first time admitted that Rohingya Muslims face ethnic persecution in Myanmar.

However, they downplayed the reason for the Rohingya seeking asylum in India. The government argued that these refugees came for economic reasons, not to escape persecution.

- ix. From these steps it is clear that religion also plays an important role in determining the policies of India in respect to religion. However, one cannot neglect the fact that a country's security is an important aspect. On a humanitarian basis, India is at fault for departing the Rohingya refugees because the condition of Rohingya refugees is very vulnerable in their own country. At least basic rights should be provided to them so that they can have an average life.
- x. However, CAA is all about providing rights to the religious persecuted people. CAA gives chance to those people to live their lives without being forced to change their religion. Those refugees who face religious persecution in their country were provided this right. For example in a Muslim country if a Hindu person is facing religious persecution and takes asylum in India then under the CAA India grants that person citizenship of India which leads that person to follow the religion they want. Even though the CAA is considered a negative step by the government towards Rohingya refugees which is mostly highlighted by the critics it cannot be neglected that the government's stand on this CAA is influenced by the security aspects of India.

### **Common Problems Faced by Tibetan and Rohingya Refugees in India**

- i. Lack of specific law for Refugees to identify and claim their status in India.
- ii. Insufficient land or area
- iii. Both the refugees can be played as a card in the hand of the Indian Government to negotiate with the countries of these refugees' origin.

India received a large number of refugees from all over the nations therefore India need a uniform laws based on humanitarian grounds which will be applicable to all the refugees seeking asylum in India. This allow the government to maintain the

non- citizen population in India. The Government of India should come up with the policies which will be beneficial for not only one or particular refugees community but for all the refugee.

**Appendices I**  
**SURVEY SCHEDULE**  
**ON**  
**TIBETAN AND ROHINGYA REFUGEES IN INDIA: A COMPARATIVE**  
**STUDY**

By  
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PhD Scholar  
Dept. of Political Science,  
Mizoram University

The main objective of this study is to get information regarding the social and economic status of Tibetan and Rohingya refugees in India. The following information request is optional, the returned questionnaires will be treated with utmost confidential and no identities will be included within the final paper.

**Personal Information of the Respondent:**

1. Name of the Respondent\_\_\_\_\_
2. Age (as on date): \_\_\_\_\_ Years\_\_\_\_\_ Months\_\_\_\_\_ Age\_\_\_\_\_
3. Sex: \_\_\_\_\_
4. Religion: \_\_\_\_\_
5. Education Qualification: \_\_\_\_\_
6. Date: \_\_\_\_\_
7. Language Spoken:  
a) English      b) Hindi      c) Nepali      d) Tibetan

8. Tibetan (Group)

a) Khampa      b) Amdo      c) Uchang      d) Other

8. Rohingya (Muslim Group)

a) Sunni      b) Shia      c) Others

9. Marital Status:

a) Married      b) Unmarried

10. Composition of Family:

Sl.No.	Name	Relation with the Respondent	Age	Marital Status	Educational Qualification	Occupation

11. Facilities available in the area (tick those available)

a) Hospitals

If yes, how many.....

b) Primary Health Centre

If yes, how many.....

c) Schools

If yes, how many.....

d) Banks

If yes, how many.....

e) Industries

If yes, how many.....

f) Post Office

If yes how many.....

g) Co-operative Societies

If yes, how many.....

h) Shops

If yes, how many.....

i) Library

j) Cinema Theatre

k) Bus Routes and Buses

l) Telephone

m) Mobile

n) TV

o) Radio

p) Roads

q) Solar Light

12. Family Occupation:

a) Farming and Animal Husbandry

b) Daily Wages

- c) Shops
- d) Cottage Industries
- e) Seasonal Business
- f) Taxis Service
- g) Services (Govt. /Private)
- h) Dairy Business

13. Monthly Income of the family:

0-5000	
5001-10000	
10000-15000	
15001-20000	
20001-25000	
25001 and above	

- 14. Who is the head of the settlement area? .....
- 15. What is your traditional attire and food items?.....
- 16. When did you came here? From where?.....
- 17. Are they happy here? Do you plan to go back?.....
- 18. What are the facilities provided by government?.....
- 19. What are the social and economic problems that you are still facing?.....
- 20. What measures do you think that government can undertake to improve your social and economic condition?.....

Thank you for your support and cooperation

## **Appendices II**

### **Agreement on Measures for the Peaceful Liberation of Tibet**

#### **(17-point Agreement of May 23, 1951)**

The Tibetan nationality is one of the nationalities with a long history within the boundaries of China and, like many other nationalities, it has done its glorious duty in the course of the creation and development of the great Motherland. But, over the last 100 years or more, imperialist forces penetrated into China and in consequence also penetrated into the Tibetan region and earned out all kinds of deceptions and provocation's. Like previous reactionary Governments, the Kuomintang reactionary Government continued to carry out a policy of oppression and sowing dissension among the nationalities, causing division and disunity among the Tibetan people. The local government of Tibet did not oppose the imperialist deception and provocation and adopted an unpatriotic attitude towards the great Motherland. Under such conditions the Tibetan nationality and people were plunged into the depths of enslavement and sufferings. In 1949 basic victory was achieved on a nation-wide scale in the Chinese people's war of liberation; the common domestic enemy of all nationalities-the Kuomintang reactionary Government-was overthrown and the common foreign enemy of all nationalities - the aggressive imperialist forces-was driven out. On this basis the founding of the People's Republic of China (CPR) and of the Chinese People's Government (CPG) was announced.

In accordance with the Common Programme passed by the Chinese People's Political Consultative Conference (CPPCC), the CPG declared that all nationalities within the boundaries of the CPR are equal and that they shall establish unity and mutual aid and oppose imperialism and their own public enemies, so that the CPR will become a big family of fraternity and co-operation, composed of all its nationalities. Within the big family of all nationalities of the CPR, national regional autonomy shall be exercised in areas where national minorities are concentrated and all national minorities shall have freedom to develop their spoken and written languages and to preserve or reform their customs, habits and religious beliefs, and the CPG shall assist all national



minorities to develop their political, economic, cultural and educational construction work. Since then, all nationalities within the country-with the exception of those in the areas of Tibet and Taiwan-have gained liberation. Under the unified leadership of the CPG and the direct leadership of higher levels of people's governments, all national minorities have fully enjoyed the right of national equality and have exercised, or are exercising, national regional autonomy.

In order that the influences of aggressive imperialist forces in Tibet might be successfully eliminated, the unification of the territory and sovereignty of the CPR accomplished, and national defense safeguarded; in order that the Tibetan nationality and people might be freed and return to the big family of the CPR to enjoy the same rights of national equality as all other nationalities in the country and develop their political, economic, cultural and educational work, the CPG, when it ordered the People's Liberation Army (PLA) to march into Tibet, notified the local government of Tibet to send delegates to the central authorities to conduct talks for the conclusion of an agreement on measures for the peaceful liberation of Tibet. In the latter part of April 1951 the delegates with full powers of the local government of Tibet arrived in Peking. The CPG appointed representatives with full powers to conduct talks on a friendly basis with the delegates with full powers of the local government of Tibet.

As a result of the talks both parties agreed to establish this agreement and ensure that it be carried into effect.

(1) The Tibetan people shall unite and drive out imperialist aggressive forces 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 Program of the CPPCC, the Tibetan people have the right of exercising national regional autonomy under the united 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 powers 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 ninth Panchen Ngoerhtehni when they were in friendly and amicable relations with each other.

(7) The policy of freedom of religious belief laid down in the Common Program of the CPPCC shall be carried out. The religious belief, 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 defense forces 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 conditions 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 conditions in Tibet.

(11) In matters related to various reform' 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 personnel of Tibet.

(12) In so far as former pro-imperialist and pro-Kuomintang officials resolutely sever relations with imperialism 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 centralised handling of all external affairs of the area of Tibet; and there will be peaceful co-existence with neighbouring countries and establishment and development of fair commercial and trading relations with them on the 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 principal monasteries; the name list shall be set forth after consultation between the representatives designated 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 seals are affixed to it.

Signed and sealed by delegates of the CPG with full powers: Peking, 23rd May, 1951.

Chief Delegate: Li Wei-Han (Chairman of the Commission of Nationalities Affairs);  
Delegates Chang Ching-wu, Chang Kuo-Hua, Sun Chih-yuan.

Delegates with full powers of the local government of Tibet: Chief Delegate: Kaloon Ngabou Ngawang Jigme (Ngabo Shape); Delegates Dazazak Khemey Sonam Wangdi, Khenchung Thupten Tenthar, Khenchung Thupten Lekmuun, Rimshi Samposey Tenzin Thundup.

**AGREEMENT BETWEEN THE REPUBLIC OF INDIA AND THE  
PEOPLE'S REPUBLIC OF CHINA ON TRADE AND INTERCOURSE  
BETWEEN TIBET REGION OF CHINA AND INDIA**

Peking, 29 April 1954

The Government of the Republic of India and The Central People's Government of the People's Republic of China, Being desirous of promoting trade and cultural intercourse between Tibet Region of China and India and of facilitating pilgrimage and travel by the peoples of China and India, Have resolved to enter into the present Agreement based on the following principles:

- (1) mutual respect for each other's territorial integrity and sovereignty,
- (2) mutual non-aggression,
- (3) mutual non-interference in each other's internal affairs,
- (4) equality and mutual benefit, and
- (5) peaceful co-existence. And for this purpose have appointed as their respective

Plenipotentiaries:

The Government of the Republic of India, H.E. Nedyam Raghavan, Ambassador Extraordinary and Plenipotentiary of India accredited to the People's Republic of China;

the Central People's Government of the People's Republic of China, H.E. Chang Han-fu, Vice-Minister of Foreign Affairs of the Central People's Government, who, having examined each other's credentials and finding them in good and due form, have agreed upon the following :- Article I The High Contracting Parties mutually agree to establish Trade Agencies :

- (1) The Government of India agrees that the Government of China may establish Trade Agencies at New Delhi, Calcutta and Kalimpong.

(2) The Government of China agrees that the Government of India may establish Trade Agencies at Yatung, Gyantse and Gartok. The Trade Agencies of both Parties shall be accorded the same status and same treatment. The Trade Agents of both Parties shall enjoy freedom from arrest while exercising their functions, and shall enjoy in respect of themselves, their wives and children who are dependent on them for livelihood, freedom from search. The Trade Agencies of both Parties shall enjoy the privileges and immunities for couriers, mail-bags and communications in code. Article II The High Contracting Parties agree that traders of both countries known to be customarily and specifically engaged in trade between Tibet Region of China and India may trade at the following places

(1) The Government of China agrees to specify (1) Yatung, (2) Gyantse and (3) Phari as markets for trade. The Government of India agrees that trade may be carried on in India, including places like (1) Kalimpong, (2) Siliguri and (3) Calcutta, according to customary practice.

(2) The Government of China agrees to specify (1) Gartok, (2) Pulanchung (Taklakot), (3) Gyanima-Khargo, (4) Gyanima- Chakra, (5) Ramura, (6) Dongbra, (7) Pulang-Sumdo, (8) Nabra, (9) Shangtse and (10) Tashigong as markets for trade; the Government of India agrees that in future, when in accordance with the development and need of trade between the Ari District of Tibet Region of China and India, it has become necessary to specify markets for trade in the corresponding district in India adjacent to the Ari District of Tibet Region of China, it will be prepared to consider on the basis of equality and reciprocity to do so.

### Article III

The High Contracting Parties agree that pilgrimage by religious believers of the two countries shall be carried on in accordance with the following provisions:-

(1) Pilgrims from India of Lamaist, Hindu and Buddhist faiths may visit Kang Rimpoche (Kailas) and Mavern Tso (Manasarovar) in Tibet Region of China in accordance with custom.

(2) Pilgrims from Tibet Region of China of Lamaist and Buddhist faiths may visit Banaras, Sarnath, Gaya and Sanchi in India in accordance with custom.

(3) Pilgrims customarily visiting Lhasa may continue to do so in accordance with custom. Article IV Traders and Pilgrims of both countries may travel by the following passes and route: (1) Shipki La pass, (2) Mana pass, (3) Niti pass, (4) Kungri Bingri pass, (5) Darma pass and (6) Lipu Lekh pass. Also, the customary route leading to Tashigong along the valley of the Shangatsangpu (Indus) River may continue to be traversed in accordance with custom.

Article V for travelling across the border, the High Contracting Parties agree that diplomatic personnel, officials and nationals of the two countries shall hold passports issued by their own respective countries and visas by the other Party except as provided in Paragraphs 1, 2, 3 and 4 of this Article.

(1) Traders of both countries known to be customarily and specifically engaged in trade between Tibet Region of China and India, their wives and children who are dependent on them for livelihood and their attendants will be allowed entry for purposes of trade into India or Tibet Region of China, as the case may be, in accordance with custom on the production of certificates duly issued by the local government of their own country or by its duly authorized agents and examined by the border check-posts of the other Party.

(2) Inhabitants of the border districts of the two countries who cross the border to carry on petty trade or to visit friends and relatives may proceed to the border districts of the other Party as they have customarily done heretofore and need not be restricted to the passes and route specified in Article IV above and shall not be required to hold passport, visas or permits.

(3) Porters and mule team drivers of the two countries who cross the border to perform necessary transportation services need not hold passports issued by their own country, but shall only hold certificates good for a definite period of time (three months, half a year or one year) duly issued by the local government of their own country or by its

duly authorized agents and produce them for registration at the border check posts of the other Party.

(4) Pilgrims of both countries need not carry documents of certification but shall register at the border check posts of the other Party and receive a permit for pilgrimage.

(5) Notwithstanding the provisions of the foregoing paragraphs of this Article, either Government may refuse entry to any particular person.

(6) Persons who enter the territory of the other Party in accordance with the foregoing paragraphs of this Article may stay within its territory only after complying with the procedures specified by the other Party. Article VI The present Agreement shall come into effect upon ratification by both Governments and shall remain in force for eight (8) years. Extension of the present Agreement may be negotiated by the two Parties if either Party requests for it six months prior to the expiry of the Agreement and the request is agreed to by the other Party. DONE in duplicate in Peking on the twenty ninth day of April, 1954 in Hindi, Chinese and English languages, all texts being equally valid.

(Sd.) NEDYAM RAGHAVAN, Plenipotentiary of the Government of India

(Sd.) CHANG HAN-FU. Plenipotentiary of the Central People's Republic of China.

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NOTES EXCHANGED

Peking, April 29, 1954

NOTE: Your Excellency Mr. Vice-FOREIGN MINISTER, In the course of our discussions regarding the Agreement on Trade and Intercourse Between Tibet Region of China and India, which has been happily concluded today, the Delegation of the Government of the Republic of India and the Delegation of the Government of the People's Republic of China agreed that certain matters be regulated by an exchange of

notes. In pursuance of this understanding, it is hereby agreed between the two Governments as follows:

(1) The Government of India will be pleased to withdraw completely within six (6) months from date of exchange of the present notes the military escorts now stationed at Yatung and Gyantse in Tibet Region of China. The Government of China will render facilities and assistance in such withdrawal.

(2) The Government of India will be pleased to hand over to the Government of China at a reasonable price the postal, telegraph and public telephone services together with their equipment operated by the Government of India in Tibet Region of China. The concrete measures in this regard will be decided upon through further negotiations between the Indian Embassy in China and the Foreign Ministry of China, which shall start immediately after the exchange of the present notes.

(3) The Government of India will be pleased to hand over to the Government of China at a reasonable price the twelve (12) rest houses of the Government of India in Tibet Region of China. The concrete measures in this regard will be decided upon through further negotiations between the Indian Embassy in China and the Foreign Ministry of China, which shall start immediately after the exchange of the present notes. The Government of China agrees that they shall continue as rest houses.

(4) The Government of China agrees that all buildings within the compound walls of the Trade Agencies of the Government of India at Yatung and Gyantse in Tibet Region of China may be retained by the Government of India. The Government of India may continue to lease the land within its Agency compound walls from the Chinese side. And the Government of India agrees that the Trade Agencies of the Government of China at Kalimpong and Calcutta may lease lands from the Indian side for the use of the Agencies and construct buildings thereon. The Government of China will render every possible assistance for housing the Indian Trade Agency at Gartok. The Government of India will also render every possible assistance for housing the Chinese Trade Agency at New Delhi.



(5) The Government of India will be pleased to return to the Government of China all lands used or occupied by the Government of India other than the lands within its Trade Agency compound walls at Yatung. If there are godowns and buildings of the Government of India on the above mentioned lands used or occupied and to be returned by the Government of India and if Indian traders have stores, godowns or buildings on the above-mentioned lands so that there is a need to continue leasing lands, the Government of China agrees to sign contracts with the Government of India or Indian traders, as the case may be, for leasing to them those parts of the land occupied by the said godowns, buildings or stores and pertaining thereto.

(6) The Trade Agents of both Parties may, in accordance with the laws and regulations of the local governments, have access to their nationals involved in civil or criminal cases.

(7) The Trade Agents and traders of both countries may hire employees in the locality.

(8) The hospitals of the Indian Trade Agencies at Gyantse and Yatung will continue to serve personnel of the Indian Trade Agencies.

(9) Each Government shall protect the person and property of the traders and pilgrims of the other country.

(10) The Government of China agrees, so far as possible, to construct rest houses for the use of pilgrims along the route from Pulanchung (Taklakot) to Kang Rimpoche (Kailas) and Mavam Tso (Manasarover); and the Government of India agrees to place all possible facilities in India at the disposal of pilgrims.

(11) Traders and pilgrims of both countries shall have the facility of hiring means of transportation at normal and reasonable rates.

(12) The three Trade Agencies of each Party may function throughout the year.

(13) Traders of each country may rent buildings and godowns in accordance with local regulations in places under the jurisdiction of the other Party.

(14) Traders of both countries may carry on normal trade in accordance with local regulations at places as provided in Article II of the Agreement.

(15) Disputes between traders of both countries over debts and claims shall be handled in accordance with local laws and regulations. On behalf of the Government of the Republic of India I hereby agree that the present Note along with Your Excellency's reply shall become an agreement between our two Governments which shall come into force upon the exchange of the present Notes. I avail myself of this opportunity to express to Your Excellency Mr. Vice-Foreign Minister, the assurances of my highest consideration.

(Sd.) N. RAGHAVAN, Ambassador Extraordinary and Plenipotentiary of the Republic of India.

His Excellency Mr. CHANG HAN-FU, Vice-Minister of Foreign Affairs, Central People's Government, People's Republic of China. April 29, 1954

Your Excellency Mr. AMBASSADOR:

I have the honour to receive your note dated April 29, 1954 which reads: [Not reprinted] On behalf of the Central People's Government of the People's Republic of China, I hereby agree to Your Excellency's note, and your note along with the present note in reply shall become an agreement between our two Governments, which shall come into force upon the exchange of the present notes. I avail myself of this opportunity to express to Your Excellency,

Mir. Ambassador, the assurances of my highest consideration.

(Sd.) CHANG HAN-Fu. Vice Minister, Ministry of Foreign Affairs,

People's Republic of China.

H.E. NEDYAM RAGHAVAN,

Ambassador Extraordinary and Plenipotentiary, Republic of India.

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(Original in English.) NOTES REGARDING RATIFICATION Peking, the 17th August, 1954

EXCELLENCY, I have the honour to state that WHEREAS an agreement between the Government of the Republic of India and the Central People's Government of the People's Republic of China on trade and intercourse between Tibet region of China and India was signed at Peking on the 29th Day of April, 1954, by the respective plenipotentiaries of the two Governments, namely, For the Government of the Republic of India. His Excellency Nedyam Raghavan, Ambassador Extraordinary and Plenipotentiary of India, For the Central People's Government of the People's Republic of China, His Excellency Chang Han-fu, Which Agreement is reproduced, word for word, in the Annexure hereto,

AND WHEREAS the Government of the Republic of India has ratified this Agreement on the 3rd June, 1954. I request you to convey information of the said ratification to the Central People's Government of the People's Republic of China. I avail myself of this opportunity to renew to you, Excellency, the assurances of my highest consideration.

NEDYAM RAGHAVAN. Ambassador of the Republic of India.

His Excellency Mr. CHOU EN-LAI, Minister for Foreign Affairs, Central People's Government of the People's Republic of China, Peking. (Original in Chinese.)

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EMBASSY OF THE PEOPLE'S REPUBLIC OF CHINA IN INDIA (Translation) No. M/680/54 17 August, 1954

EXCELLENCY,

I have the honour to inform you that the Agreement between the People's Republic of China and the Republic-of India on Trade and Intercourse between Tibet Region of

China and India, which was signed at Peking on the 29th of April, 1954, by Chang Han-fu, Vice-Minister, Ministry of Foreign Affairs, Central People's Government of the People's Republic of China, for the central People's Government of the people's Republic of China and Nedyam Raghavan, Ambassador Extraordinary and Plenipotentiary of the Republic of India to the People's Republic, of China, for' the Government of the Republic of India, was subsequently ratified on the 3rd June, 1954, by the Central People's Government of the People's Republic of China. I hereby request you to convey information of the said ratification to the Government of India.

The Agreement is reproduced, word for word, in the annexure hereto. I avail myself of this opportunity to renew to you, Excellency, the assurances of my highest consideration.

(Sd.) YUAN CHUNG-HSIEN, Ambassador Extraordinary and Plenipotentiary of the People's Republic of China.

His Excellency PANDIT JAWAHARLAL NEHRU,

Minister for External Affairs,

Government of Republic of India, New Delhi.

### Appendices III

#### TIBETAN RESIDENT WELFARE ASSOCIATION OFFICE AT MAJNU KA TILA, DELHI



#### SURVEYING OFFICER AT MAJNU KA TILA.





## SURVEYING HOMES AT MAJNU KA TILA



## KALINDI KUNJ METRO STATION AT DELHI





## ROHINGYA REFUGEE CAMP AT DELHI





## SURVEYING ROHINGYA REFUGEE WOMENS AT DELHI





SCHOOL AT ROHINGYA REFUGEE CAMP AT DELHI



TIBETAN SETTLEMENT OFFICE IN SELF HELP CENTER AT DARJEELING



## TIBETAN SCHOOL AT DARJEELING



## TIBETAN SETTLEMENT OFFICE IN TASHILING TIBETAN SETTLEMENT AT SONADA, DARJEELING



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**ABSTRACT**

**TIBETAN AND ROHINGYA REFUGEES IN INDIA: A  
COMPARATIVE STUDY**

**AN ABSTRACT SUBMITTED IN PARTIAL FULFILLMENT OF  
THE REQUIREMENTS FOR THE DEGREE OF DOCTOR OF  
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**TIBETAN AND ROHINGYA REFUGEES IN INDIA: A COMPARATIVE  
STUDY**

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**In partial fulfillment of the requirement of the degree of Doctor of Philosophy  
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## 1. Introduction

Refugees is not a new term in the world scenario. It has been seen as one of the problems which either have long duration or short duration and this problem is faced by the world countries not only those who have signed the 1951 United Nations Convention on the Status of Refugees and its 1967 Protocol but also those who have not sign the same. For example, South Asian countries although most of them did not sign the 1951 United Nations Convention on the Status of Refugees and its 1967 Protocol (Oberoi, 2006)<sup>1</sup> create and receive a good amount of refugees.

According to Ghosh<sup>2</sup>, there are several factors that are responsible for the refugee generation and some of them are

- Failure in Nation-Building
- External Intervention
- Statelessness
- Development and Environmental refugees
- Inter-Ethnic Conflict

The term refugee has been used in different context based on the several factors from which they are created but the most common is that they are displaced from their country of origin to the new countries and are not able to return to their country because of certain reasons. Sometimes the "refugee" term is also used to refer to the displaced person. However, there are mainly two types of displacements in which either a person can be considered as an internationally displaced or internally displaced person. If a person who is displaced from their place of origin and had crossed the international border and considered under the international legal instruments can be determined as a refugees but if a person who is forced to migrate due to political persecution or

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<sup>1</sup> Oberoi, Pia (2006). *Exile and Belonging*. New Delhi: Oxford University Press.

<sup>2</sup> Ghosh, Partha S. (2016). *Migrants, Refugees and the Stateless in South Asia*. New Delhi: SAGE Publications India Pvt. Ltd.

violence and left his or her home but did not cross the international border is considered as the Internally Displaced Person (IDP).

The number of refugees increased after the First World War and international organisation were set up to deal with the refugees. However it was only after the Second World War that a refugee was defined by the international organisation and various regimes were created among those regimes the first one is the 1951 United Nations Convention on the status of refugee.

According to Article 1 A (2) of the 1951 United Nations Convention on the status of refugees, and its 1967 protocol refugees are described as

Any 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 or her nationality and is unable or owing to such fear (Banerjee, 2012)<sup>3</sup> or for reasons other than personal convenience, is unwilling to avail him or herself of the protection of the country or who not having nationality and are outside the country of his or her former habitual residence, is unable or owing to such fear or for reasons other than personal convenience, is unwilling to return to it (UNHCR Resettlement Hand Book, 2011).<sup>4</sup>

Refugee are the person who were forced to seek shelter in the foreign countries by leaving their country due to some threat or danger in their country of nationality. Some displaced person also share common characteristics with the refugees but they are not eligible for the protection under international law as they remain within their own country and did not cross the international border so they are termed as Internally Displaced Person (IDP) (Oberoi, 2006)<sup>5</sup>.

South Asian countries had suffered from the movement of people from both nationally and internationally and they are also the most refugee creating and receiving

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<sup>3</sup> Banerjee, Swananda (2012). Legal Status of the Refugees in India. Retrieved from <http://paper.ssrn.com>. Accessed on 08/02/2022.

<sup>4</sup> UNHCR Resettlement Handbook (2011). Retrieved from <http://www.unhcr.org/resettlementhandbook>. Accessed on 12/11/2021.

<sup>5</sup> Oberoi, Pia (2006). *Exile and Belonging*. New Delhi: Oxford University Press.

countries although they did not ratify the main international instrument for protecting refugees. Mentions have been made earlier that there are many factors which create the refugees and among them the most common factors that is responsible for the refugee influx in the region of South Asia were the breakdown of colonial rule, problems of state and nation building, and Political development in neighbouring region (Chari, Chandran & Joseph, 2003)<sup>6</sup>.

Within the South Asian countries, Maldives is the only country which do not receive and create refugees as compared to the other south Asian countries. Similarly, Srilanka's island status has spared it from being a host to asylum seekers, whereas India falls into the category of refugees receiving country as it is the only nation that share borders with the neighbouring country. Pakistan is also a refugees receiving country but Pakistan share its border with India and Afghanistan and most of the refugees received by Pakistan are from Afghanistan than that of India. Bangladesh is the most refugee generating country and there are Bangladeshi refugee all over South Asia like India, Nepal, and Pakistan. Similarly Nepal, which has been a source of migrants to India and to a much smaller extent Bhutan, also received refugees from Tibet as well as migrants from India (Muni & Baral, 1996)<sup>7</sup>.

When India gained independence, during that period the debate was going on regarding the institutionalization of international refugee regime as that time lots of displacement of people took place so the countries increasingly demand an answer to solve the question on refugee (Oberoi, 2006)<sup>8</sup>. India initial stand on the treaty regime of the refugee law was declared to be a subject of review in other sense India stand for the rectification of the convention of refugees were under study (Bandyopadhyay, 2007)<sup>9</sup>.

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<sup>6</sup> Chari, P. R., Chandran, S., & Joseph, M. P. (2003). *Missing boundaries: Refugees, migrants, stateless and internally displaced persons in South Asia*. Manohar Publishers.

<sup>7</sup> Muni, SD and Baral, Lok Raj (1996). *Refugees and Regional Security in South Asia*. New Delhi: Konark Publishers Pvt Ltd.

<sup>8</sup> Oberoi, Pia (2006). *Exile and Belonging*. New Delhi: Oxford University Press.

<sup>9</sup> Bandyopadhyay, Rathin (2007). *Human Rights of the Non-Citizen Law and Reality*. New Delhi; Deep and Deep Publications Pvt. Ltd.

India is not a member of 1951 United Nations Convention on Refugee and its 1967 Protocols (Rastogi, 2016)<sup>10</sup> as India viewed the international laws on refugees as Eurocentric and it also ignored the needs of developing countries (Oberoi, 2006)<sup>11</sup> but for the protection of human rights of refugees and asylum seekers in India, India accepted the “Bangkok Declaration of 1966” along with the principle of non-refoulment including non-rejection at the frontier (Bandyopadhyay, 2007)<sup>12</sup>.

India claims to follow its own refugee policy and provided protection to the asylum seekers and refugees though it is not constituted officially. In India, there are different refugees and asylum seekers from different nations such as Srilankan-Tamil, Bangladeshi refugees, Tibetan refugees, Afghan refugees etc and India treat them differently which has been seen from the perspective that some refugees are well adapted and are living in far well condition than that of the other refugees who are living in vulnerable conditions, such example of those refugees are Tibetan Refugees and Rohingya refugees.

Around 56,000 Tibetan refugees among 80,000 who fled from China among took shelter in India. Tibetan refugee's influx into the Northern part of India in 1959 was the India's second experience of mass refugees in India after the partition of India (Oberoi, 2006)<sup>13</sup>. In 1959, when China invaded Tibet the Dalai Lama who is considered as the spiritual leader of Tibetan Buddhism sought asylum in India along with a large number of Tibetans who fled to India. Tibetan refugees seek asylum in a land that was known to them. The relationship between Tibet and Indian people can be traced back to ancient times. For many centuries, Tibetans had traveled to the various Buddhist temples in India and Nepal, and Indians and Nepalese also, in turn, gone on the pilgrimages of Mount Kailash which is the holy mountain of Tibet' (Forbes, 1989)<sup>14</sup>. The foundation of the culture of Tibet was acquired from the Indian

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<sup>10</sup> Rastogi, Komal (2016). What is The Legal Status of Refugees in India? Retrieved from <https://blog.ipleaders.in/legal-status-refugees-india/>. Accessed on 07/06/2022.

<sup>11</sup> Oberoi, Pia (2006). *Exile and Belonging*. New Delhi: Oxford University Press.

<sup>12</sup> Bandyopadhyay, Rathin (2007). *Human Rights of the Non-Citizen Law and Reality*. New Delhi; Deep and Deep Publications Pvt. Ltd.

<sup>13</sup> Oberoi, Pia (2006). *Exile and Belonging*. New Delhi: Oxford University Press.

<sup>14</sup> Forbes, Ann Armbrrecht (1989). *Settlement of Hope: An Account of Tibetan Refugees in Nepal*. Cambridge: Cultural Survival.

schools. On the basis of this historical connection the Government of India granted asylum on 30 March 1959 to the Dalai Lama who was followed by a large number of Tibetans who came and settled in India. The Government of India established several resettlement camps to rehabilitate the Tibetan refugees. Among them, some of the important settlements are (Desai & Raha, 2011)<sup>15</sup>

- Dharamsala in Himachal Pradesh,
- Ravangla in Sikkim,
- Kalimpong, and Darjeeling in West Bengal,
- Changlang, Tezu in Arunachal Pradesh,
- Chandragiri in Orissa,
- Dehra Dun in Uttarakhand,
- Majnu ka Tila in New Delhi and
- Bylakuppa in Karnataka, etc

The Rohingya refugees who are also regarded as the new boat people were the refugees from Myanmar. During the British period, when India, Burma (present Myanmar), East Bengal (present Bangladesh) were the colonies of British. The British government take workers from the East Bengal and India to work as a labourers, seasonal workers (who help local rich landowners during harvest time) etc to Burma along with many new Chittagonians who also entered Rakhine as they were attracted by the commercialization of rich cultivation and work opportunities (Chaudhury and Samaddar, 2018)<sup>16</sup>. The origin of Muslim in Rakhine can be traced back to 16<sup>th</sup> to 18<sup>th</sup> centuries and Rohingyas were the one of them who were the people from the Chittagong present Bangladesh earlier East Pakistan who were migrated to the Arakan (present Rakhine province) of Myanmar. After the independence of Burma, many Rohingyas moved back to their country but few of them settled there in Rakhine.

During 1963-1964 census which revealed that the Rakhine Muslim had spread to the Yangon and Delta area it made the Bhamo Buddhist authorities alert so to stop

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<sup>15</sup> Desai, Mamta, and Raha, Manish Kumar (2011). *The Tibetans – Their Life in Exile in India*. Kolkata: KP Bagchi & Company.

<sup>16</sup> Chaudhury, Sabyasachi Basu Ray and Samaddar, Ranabir (2018). *The Rohingya in South Asia People without a State*. New Delhi: Routledge India.



the further spread of Muslim people in the country the government of Myanmar prohibited the movement of Muslim beyond the Akyab district towards the east they also took away the citizenship rights of the Rohingyas on the ground that they are not the real citizen of the country they were the economic refugee who has migrated to their country during the British period (Ghosh,2016)<sup>17</sup>. With the revised Myanmar Citizenship Law of 1982 the Rohingya became the stateless people as they were excluded from the list of 135 national ethnic group of Myanmar. Although they were excluded from the citizenship right but they were still continuing their living in Burma until late 2016 and early 2017 when the Myanmar military defended its crackdown on Rohingya Muslim minorities as a lawful counter which they feel necessary to defend their country on the ground of alleged abuse that the Rohingyas were creating problems in their country by burning the houses in the area. Thus this created even bigger flow of refugees from Myanmar to the different neighbouring countries.

It is very difficult to trace the exact population of Rohingya refugees in India as there are many who have entered illegally but according to the recent data there 19,004 families settled in different states in India. Some of these states are Jammu and Kashmir, Andhra Pradesh, West Bengal, Delhi, Rajasthan, Uttar Pradesh, Punjab, Maharashtra, Haryana, and Andaman and Nicobar Island (Chaudhury and Samaddar, 2018)<sup>18</sup>.

In India a person who is not considered as a citizen of India is considered as Foreigner. Similarly, the Indian laws which are relevant to refugees include the Registration of Foreigners Act of 1939, the Foreigners Act of 1946, and the Foreigners Order of 1948, the Passport (Entry into India) Act, 1920, the Passport Act, 1967 and the Extradition Act, 1962. The 1946 Act and the 1948 Order allows the government to limit employment opportunities, freedom of association, and a foreigner's possessions and it also restricts movement inside India and prohibits select activities that are political in nature whereas the Passport Act of 1920 and 1967 deal with legitimate

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<sup>17</sup> Ghosh, Partha S. (2016). *Migrants, Refugees and the Stateless in South Asia*. New Delhi: SAGE Publications India Pvt. Ltd.

<sup>18</sup> Chaudhury, Sabyasachi Basu Ray and Samaddar, Ranabir (2018). *The Rohingya in South Asia People without a State*. New Delhi: Routledge India.

entry and exit into India and movement within India (Mohan, 2019)<sup>19</sup>. The influx of refugees is handled by the administrative decision and is exercised within the framework of above mentioned Acts. However, the civil rights are given to all the people in India whether they are the citizen of India or foreigners.

## **2. Statement of the Problem**

India has always been a refugee receiving country from its neighbours whether it is from Pakistan, Bangladesh, Sri Lanka, Afghanistan, Tibet or Myanmar. Although India is not the member of the 1951 and 1967 Protocol related to the UN Convention on the Status of Refugees however, India has been a host for the number of refugees from its neighbouring countries on the basis of humanitarian ground. Two such refugees are the Tibetan Refugees from China and the Rohingya refugees from Myanmar. Tibetan refugees who came to India in 1959 when China invade Tibet. A large number of Tibetans along with their leader Dalai Lama came to India as asylum seeker. India granted them the asylum and it is about 60 years that they have spent in India as asylum seeker. On the other hand Rohingya refugees which was created due to statelessness and ethnic policies of Myanmar of 1970s led to the mass exodus of Rohingyas in Bangladesh, India and many other countries. Since the independence of Myanmar there has been migration of Rohingyas from Myanmar to Bangladesh but it was not until 2016 and 2017 when the genocides took place in the Rakhine state of Myanmar and the Myanmar military started forcing the Rohingyas to move out of Myanmar. Thus creating a large number of Rohingya refugees in Bangladesh, India etc. India allowed Rohingya refugees only with the refugee's card which was issued to them by the UNHCR and without which they were termed as illegal migrant.

This two refugees are significant for the study because it attempt to examine whether the religion is seen as one of the important factor which determine the status of refugees in India not only that it also try to see why this two refugees have different ends (one is regarded as somewhat successful in India while the other is regarded as

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<sup>19</sup> Mohan, Sumitra (2019). *Regimes in International Relations: A Study of Refugee Problem in South Asia*. Kolkata: Kalpana Offset Pvt. Ltd.

the minority community who are in the verge of repartition) while they took asylum in the same country that is India.

Thus this work analyse the similarities and differences in the treatment of the refugees in India and for that reason it also look into the similarities and differences in their socio-economic status. Further, it also tried to analyse the initiatives taken by the Indian Government for the Tibetan and Rohingya Refugees.

### **3. Review of Literature**

Abhilasha Jha (2017) in her article Rohingya Refugee Crisis: India's Legal Stand and Way Forward give a complete view of Rohingya refugee's life after escaping from Myanmar and the problems that they are facing in India. It also cover the origination of Rohingya and tried to provide a detailed study on their persecution by critically examining the effect of providing them the shelter in India. Further some case study of Refugees like Srilankan Tamils, Tibetans and their conditions presently in India is also discussed along with the discussion on the approach related to the refugees that should be practice by the host country.

Amal Roy (2011) in his article titled the Socio-Economic Life of The Tibetan Refugees: A Study in Darjeeling and Sikkim Region had examines the manner of how Tibetan refugees adapted their new socio-cultural environment. He reveals routes of migration, settlement patterns, rehabilitation, and socio-cultural integration of Tibetan refugees along with socio-economic changes in their condition.

Claudia Artiles (2012) in her article Tibetan Refugees Rights and Services in India describes that there is an absence of a national legal framework for refugees. But however with the flow of Tibetan refugees in 1959 India granted them the legal asylum and they were also given a Registration Certificate (RC) through which Tibetan refugees can also enjoy their rights similar to all the other citizens of India except the right to vote and work in Indian Government office.

Garima, Tiwari (2024) article Promoting Effective Refugee Protection in India: Balancing National Interests and International Obligations present the refugees

situation in India specially the Rohingya and Srilankan refugee situation which is vulnerable in India due to its concrete refugee policy. Further it described that the refugees are covered under the Foreigners Act of 1946 which separate Indian from non-Indian citizen and with the introduction of the Citizenship Amendment Act of 2019 combined with the concrete refugee law of India had a major impact on the refugees in India.

Girija Saklani (1978) book *The Uprooted Tibetans in India: A Sociological Study of Continuity and Change* is referred as one of the earliest books on the Tibetan refugees. The book is very helpful to understand the Tibetan way of life in Tibet as well as the changes in their life after their migration in India. The book presents the historical background of Tibetan refugees in Tibet which is been displayed in discussion on their religion, culture as well as the political life. Further the author also discuss the reasons related to the Tibetan refugee influx into India along with the relationship between Tibet and China.

Komal Rastogi (2016) in her article What is The Legal Status of Refugees in India provided the history of refugees in India along with the protection granted to the asylum seeker in India where the rights given to the asylum seekers has been explained under three heads that is a) National Treatment which covers the rights given to the asylum seeker under Indian constitutional jurisdiction b) Treatment in accordance to foreigners under this certain rights are provide to the asylum seeker under the consideration of 1951 Refugee Convention c) Special Treatment which covers the travel documents and exemption from penalties rights under the 1951 Refugee Convention. Apart from that certain laws for the refugees and displaced person and the role of judiciary for the protection of refugee has been described.

Mamta Desai & Manish Kumar Raha (2011) in their book *The Tibetans - Their Life in Exile in India* had discussed the Tibetan refugees in India and their adaptation in India. The main focus of this book is the changes along with ecological adaptation among the Tibetan refugees. Beyond this, the authors also referred to the various problems that confront Tibetan refugees in India as well as the shift in life and activities caused by their interaction with the host population. Overall this book is dedicated to

understand the socio economic and religious status of Tibetan refugees in their homeland and the new settlement areas. The only missing aspect that the authors did not discuss is the refugee's policy in India.

Partha S. Ghosh (2016) in his book *Migrants, Refugees and the Stateless in South Asia* has talks about the refugee situation in South Asia in relation to the political connection, relief and rehabilitation, legal dynamics, cultural and psychological dimensions etc along with the historical background of Rohingya refugees but not in details though. However, this book tried to cover-up all the refugees that are present in India.

Phunchok Stobdam (2019) book *The Great Game in the Buddhist Himalayas: India and China's Quest for Strategic Dominance* present the insights on India, China and Tibet relationship which helps in understanding the complexities of the Tibetan issues. It discussed how the China's Buddhist diplomacy is centered on Nepal, Bhutan, and the Indian regions of Arunachal Pradesh, Sikkim and Ladakh which can be influenced by the Chinese diplomacy. Along with that it has tried to analyse how India and China try to deal with the Himalayas if the Tibetan issue remains unsolved.

Pia Oberoi's (2006) *Exile and Belonging: Refugees and Policy in South Asia* book is also largely concerned with the history of refugee policy-making in South Asian countries since 1947. The book draws attention to the important cases of mass forced migration into the region from neighboring countries by focusing on six major cases. The book does not deal with all the aspects of the six refugees like it did not deals with the Tibetan refugees settling in India and the problems they face in one of the chapters.

Sabyasachi Basu Ray Chaudhury and Ranabir Samaddar (2018) in their book *The Rohingya in South Asia* had tried to discuss the condition of Rohingya refugees in India and they claimed that this book to be the first publication that has addressed the Rohingya refugee crises in India. Despite the best efforts it still lack the details on the subject.

Satish Kanitkar (2000) book titled *Refugee problems in South Asia* discussed about the Refugee problem in South Asia while focusing on the refugees and security issues along with the regional approach of refugee problems. Further this book tried to provide the insight on the refugees in Pakistan and Bangladesh.

Saurabh Bhattacharjee (2008) in his article India Needs a Refugee Law came up with an argument that there is need for the establishment of a well define law for refugees in India. The article discuss about the rights that is provided by the Government of India to the refugees even though India do not have any laws related to refugee.

SD Muni & Lok Raj Baral (1996) in their book *Refugees and Regional Security in South Asia* had discussed the definition of refugees, the situation of refugees in South Asia, and reasons for movements leading to refugee flows in the South Asia. At the same time, they discuss Tibetan refugees in South Asia, rehabilitation, and its impact on host countries along with some of the other refugees like Chakma from Bangladesh, Bhutanese refugees in Nepal, Afghan refugees and Srilankan Tamil refugees. However, the authors fail to discuss one of the important point that is the refugee policies in South Asia as well as the history of Tibetan refugees.

Suchismita Majumder, Priyanca Mathur Velath and Kriti Chopra and Madhura Chakraborty (2015) in their book *Rohingyas in India: Birth of a Stateless Community* had discussed about the three main topics that is 1) Rohingyas Languishing behind the Bar. 2) The Stateless People – Rohingyas in Hyderabad, India. 3) Stateless and Suspect: Rohingyas in Myanmar, Bangladesh and India

Sumitra Mohan (2019) book *Regimes in International Relations: A Study of Refugee Problem in South Asia* provide a details on the refugee regimes at international levels along with the refugee problems in international relation. The author tried to critically review the working of regimes in the international relation along with discussing and analyzing the various theories of regimes.

Swananda Banerjee (2012) in her article Legal Status of the Refugees in India presented and insight on the definition of refugee along with the general principles for

defining the status of refugee. Brief mentions had been made on the different refugees present in India and the laws related to the refugees in India.

Yeshe Choedon (2018) in her article *The Unintended Consequences of India's Policy on Citizenship for Tibetan Refugees* briefly highlight the problems concerning Tibetan refugees in India along with the challenges faced by the Tibetan refugees in two major issues: 1) educated unemployment, and 2) shortcomings of travelling abroad. Further, the author also reviews the issue of Indian citizenship as well as the policy options for Tibetan refugees.

Yousuf Storai (2017) article *Systematic Ethnic Cleansing: The Case Study of Rohingya Community in Myanmar* mainly focusses on Myanmar's state policies since its inception with the Rohingya community, and it also discusses the role of counterpart agencies like major political parties and the military. The article discusses the attempts to analyse the situation in Rakhine state, Myanmar, with reference to the Rohingya ethnic community. It makes the argument that the government machinery as a whole is systematically involved in weakening and expelling the Rohingya community.

Zobayer Ahmed and S.M. Toki Ullah Emtiaz (2020) in their article *Major Socio-economic Externalities of Rohingya Crisis in South-East Asia* discussed a brief history of the Rohingya and presents the current status of Rohingya people in Bangladesh. It also dealt with the implication of Rohingya crisis in South East Asia, geo political and security issues for the South East Asia along with the cultural, economic, religious, social, environmental and humanitarian implications of Rohingya crisis. This study shows that the migration of Rohingya took place multiple times in 1978-79, 1991-92 and 2016-17, respectively and approximately one million Rohingyas were forced to leave their homeland Arakan and took shelter in Bangladesh

### **3.1. Research Gap**

From the above review of literature, it is clear that all the books and articles have some research gaps. There are only few article and books available on the Tibetan refugees and Rohingya refugees in India. Firstly, those book which deal with the

Tibetan refugees in India it only talk about Tibetan refugee's peaceful adaptation in the new settlement areas however it did not explain their status in detail nor they talk about the various problems that they are still facing today. On the other hand those books on Rohingya refugees none of it discuss in detail about the Rohingya refugees in India and their status in India. There are only few articles which deals with the topic but it is also not able to explain the things in detail. Therefore, there is lack of studies covering the status of the Tibetan refugees and Rohingya refugees in India. Further, no such study had conducted regarding the comparative study of Tibetan refugees and Rohingya refugees in India. Thus this work is an attempt to fill up that research gap and also to find some possible solutions for the problems.

#### **4. Conceptual Framework**

It is important to define the term refugees as it can mean different things to different countries although there is no universally accepted definition of Refugee as all the definition of Refugee has been made to serve the purpose of particular situation. However, there are some definitions which serve as the international meaning or definition of the refugee.

The 1951 United Nations convention on refugee is regarded as the core international legal instrument for the protection of refugees which is also referred as the Magna Carta of international refugee law (Moldovan, 2016)<sup>20</sup>. It define refugee as someone who is outside of their country of habitual residence and is unable or unable to return because of a well-founded fear of persecution due to their race, religion, nationality, membership in a specific social group, or political beliefs.

The 1951 United Nations Convention did not provide protection to those person whose socio-economic rights are violated rather it provide protection to those person whose civil and political rights are violated. It only cover those person who is excluded because to their political beliefs, colour, country, religion, or affiliation with a certain social group. The definition of the convention merely explain the point that

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<sup>20</sup> Moldovan, Carmen (2016). The Notion of Refugee. Definition and Distinctions. Centre for European Study Working Papers, Volume 8, Issue 4, p681



definitions symbolize partial interpretations of social reality. Therefore, the concept of a refugee is a doubtful concept and on the basis of different epistemological principles a new competing definitions may emerge (Banerjee, 2012)<sup>21</sup>.

On 22 April 1954, the Convention entered into force and its provisions were amended by the 1967 Protocol and the main feature of the 1967 Protocol relating to the Status of Refugees is that it removed the temporal and geographical limitations contained in the 1951 Convention where the initial provisions limited the refugee status to persons fleeing events prior to 1 January 1951 and within Europe (Moldovan, 2016)<sup>22</sup>. However, no attempt was made to reconsider the definition of the term refugee (Banerjee, 2012)<sup>23</sup>.

While defining the term refugees it is important to mention that the Refugee law is inseparably linked with the human rights and humanitarian law, as well as other fields of international law, such as State responsibility and peace maintenance.

The flow of the refugees in some countries can be examined best with the motivational approach. The motivational approach on refugee mainly focuses on why refugees are influenced to enter into the states which they find suitable for their rehabilitation. The motivational approach is a decision-making process through which the individual chooses the desired outcomes and sets in motion the behavior appropriate to them. According to Kunz, he believes that refugee is created by the push factor rather than the pull factors. He classified refugees into three categories:

Anticipatory refugee: Those refugees who leave their home country before the deterioration of a military or political situation and thus arrives in the second country of settlement prepared, usually with some language, finance, and skills.

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<sup>21</sup> Banerjee, Swananda (2012). Legal Status of the Refugees in India. Retrieved from <http://paper.ssrn.com>. Accessed on 08/02/2022

<sup>22</sup> Moldovan, Carmen (2016). The Notion of Refugee. Definition and Distinctions. *Centre for European Study Working Papers*, Volume 8, Issue 4, p681

<sup>23</sup> Banerjee, Swananda (2012). Legal Status of the Refugees in India. Retrieved from <http://paper.ssrn.com>. Accessed on 08/02/2022

Acute refugee: Those refugees who flee their country or region either in masse or in short bursts of person or group escapes, and their main goal is to find shelter in a nearby neighboring nation that will offer asylum.

Intermediate type: There are certain intermediate movements embodying characteristics of both the anticipatory and the acute refugee flight-arrival patterns.

Therefore, the majority of Tibetan and Rohingya refugees in India come under the acute refugees as the majority of them were forced out of their countries due to situations that included war (Kunz, 1981)<sup>24</sup>.

There are some situations where the term refugee or asylum seekers or migrants is used interchangeably which create a confusion between different categories of persons. Therefore, it is important to understand the differences between a refugee, asylum seeker and migrants.

Firstly, Refugees can be defined as a persons who leave their country of origin due to persecution and seek for international protection. Under UN Convention of 1951 along with its 1967 protocol this category of persons receive international protection and assistance.

Secondly, Asylum seekers are the person who leave their country of origin and seek for international protection due to persecution but their claim for refugee status has not been determined legally.

And lastly, Migrant is referred to a persons who leave their country voluntarily in search of a better life and better opportunities but without a well-founded fear of persecution (Moldovan, 2016)<sup>25</sup>.

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<sup>24</sup> Kunz, Egon F (1981). Exile and Resettlement: Refugee Theory. *The International Migration Review*, Vol.15: 42-51.

<sup>25</sup> Moldovan, Carmen (2016). The Notion of Refugee. Definition and Distinctions. *Centre for European Study Working Papers*, Volume 8, Issue 4, p681

## **5. Rationale and Scope of the Study**

The study focus on the comparative study of Tibetan and Rohingya refugees in India. It tried to examine whether religion is seen as one of the important factors that determine the status of refugees in India. Apart from that, this study also examine the similarities and differences in the treatment of the Tibetan refugees and Rohingya refugees in India. Further, it also tried to highlight the similarities and differences in the socio-economic status of Tibetan and Rohingya Refugees in India along with the initiatives taken by the Government of India for the Tibetan and Rohingya Refugees. However, due to the time constraint and availability of few literature, the study is primarily confined into the comparative study of Tibetan refugees and Rohingya refugees in India by analyzing the data conducted from the field study.

## **6. Objectives**

Some of the objectives of the study is as follows;

1. To examine whether religion is seen as one of the factors that determine the status of refugees in India
2. To study the similarities and difference in the treatment of the Tibetan Refugees and Rohingya refugees in India.
3. To analyse the similarities and differences in the socio-economic status of Tibetan and Rohingya Refugees in India.
4. To compare the initiatives taken by the Government of India for the Tibetan and Rohingya Refugees.

## **7. Research Questions**

On the basis of the above objectives the following Research questions were framed accordingly;

1. Whether religion is seen one of the factors that determine the status of refugees in India?
2. What are the similarities or difference in the treatment of the Tibetan and Rohingya Refugees in India?
3. What are the similarities and difference in the socio-economic status of Tibetan and Rohingya Refugees in India?
4. What are the initiatives taken by the government of India for the Tibetan Refugees and Rohingya Refugees?

## **8. Research Methodology**

The study employs both quantitative and qualitative methods of data collection to explore and compare the factors determining the status of both Tibetan as well as Rohingya refugees in India. Both method ensured a comprehensive analysis of various dimensions that have been influencing refugees' lives in India. It also helped this study to explore similarities and differences as well as current socio-economic status of both refugees' communities in India. Quantitative research method was employed to measure the socio-economic status and demographic characteristics of both the refugee communities. Quantitative data was collected from various primary sources like field survey, government report, official website reports of specialized government agencies, etc. Qualitative analysis provided deeper insight into challenges, opportunities, and experiences faced by both the refugees' communities. Qualitative data was collected from secondary sources like books, articles, newspapers, and other existing literatures. Research design of this propose study are descriptive as well as analytical in nature as it tried to describe whether religion is one of the factors that determine the status of refugees in India and what are the similarities or difference in the treatment of the Tibetan and Rohingya Refugees. It also tried to analyse their migration patterns, the factors that influence their displacement and the initiatives

taken by the Government of India for the Tibetan Refugees and Rohingya Refugees in India accurately based on observation method. The study also applied content analysis of various news reports and media broadcastings about Tibetan refugees and Rohingya refugees in India.

### **8.1 Area of the Study**

The Government of India had provided various settlements to the Tibetan refugees and Rohingya refugees in India but for this study two states namely West Bengal and Delhi is taken as study area for the purpose of the research and structured survey were conducted among refugees in two states that is West Bengal and Delhi. The data includes income level, education qualification, and employment status, access to health care and living conditions.

For Tibetan refugees, Self Help Centre, Darjeeling and Tashiling Tibetan Settlement at Sonada, Darjeeling from West Bengal had been surveyed. Presently, there are 650 Tibetan refugee in Darjeeling and approximately 540 in Sonada. For Rohingya refugees, Baruipur, South Bengal and Goalpara District, West Bengal had been surveyed. West Bengal and Delhi is chosen for the study because both refugees are there in the respective states and it is good to analyse both refugees socio-political status as well as how respective government have been treating them and what are the major problems and challenges that they have been facing.

The sample size is 200 of which 100 respondents is from Tibetan refugees and 100 respondents is from Rohingya refugees. The sample technique of this study is both Purposive as well as Simple Random sampling as to ensure representation from both the settlement areas. Purposive sampling is used for this study as only Tibetan refugees and Rohingya refugees is selected from all the refugees in India and it is based on Simple random sampling because the respondents which is selected for the study is random wise, where each element have equal and independent chance of being included in subsequent samples. Both questionnaires and schedules is used to collect the information.

A comprehensive framework was developed to identify the similarities and differences in the socio economic and cultural experiences of both the refugees' communities. Comprehensive framework method examined several factors such as historical context and reason for displacement, legal and political status in India, economic opportunities and challenges, and cultural integration and identity preservation.

## **9. Chapterization**

For the better understanding of the Topic the study is divided into six chapters

### **CHAPTER 1: INTRODUCTION**

This chapter contain the definition of refugees according to the International laws. It briefly discuss the factors behind the creation of refugees, refugee's situation in South Asia and rights of refugees under the international law along with the statement of the problem, review of literature, scope of the study, objectives, research questions, research methodology and chapterization.

### **CHAPTER 2: HISTORICAL BACKGROUND OF TIBETAN REFUGEES IN INDIA**

The chapter discuss the historical background of Tibetan refugees and factors related to their migration. It also include the settlement, rehabilitation and adjustment in India.

### **CHAPTER 3: HISTORICAL BACKGROUND OF ROHINGYA REFUGEES IN INDIA**

This chapter deals with the historical background of Rohingya refugees where the relationship between India and Myanmar is discussed briefly along with the factors related to their migration. Further it also discuss the reason for their arrival and settlement in India.

## **CHAPTER 4: SOCIO- ECONOMIC STATUS OF TIBETAN REFUGEES AND ROHINGYA REFUGEES IN INDIA**

This chapter deals with the similarities and differences in the socio-economic status of Tibetan and Rohingya Refugees in India. The study is based on field work that look into the income, education qualification and occupation of both the refugees in India.

## **CHAPTER 5: REFUGEES MANAGEMENT IN INDIA: ISSUES AND IMPLICATIONS**

This chapter is based on the similarities and differences in the treatment of the Tibetan Refugees and Rohingya refugees in India along with the initiatives taken by the government of India for the Tibetan refugees and Rohingya Refugees in India. Further, this chapter also highlight whether religion are seen as one of the factors that determine the status of refugees in India based on the field survey.

## **CHAPTER 6: CONCLUSION**

This chapter summarizes the key findings. It focuses on the India's approach to Tibetan and Rohingya Refugees, highlighting the differences in legal status, social integration and government response. The study shows how these differences affects the lives of refugees in India. It also emphasize the need for a clear and consistent refugee policy that ensure basic rights and supports for all refugees. The chapter suggests ways to improve India's refugee management system while maintaining social harmony and security.

### **10. Conclusion**

India has no national refugee law specifying the rights and governing the treatment of refugees (Anantachari, 2001)<sup>26</sup>. As a result, India can make its own decision regarding refugees and can treat different refugee communities with varying standards of protection. India's treatment towards asylum seekers has always been a

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<sup>26</sup> Ananthachari, T (2001). Refugees in India: Legal Framework, Law Enforcement and Security. Indian Society of International Law Yearbook. Retrieved from [Internawwww.worldlii.org/int/journals/ISILYBIHRL/2001/7.html](http://www.worldlii.org/int/journals/ISILYBIHRL/2001/7.html). Accessed on 14/09/2022.

political decision, a direct result of the country's relation with the refugee's country of origin (Mitra, 2008)<sup>27</sup> hence the government of India deals with the refugee matters administratively and accordingly to humanitarian consideration.

The fact that India declined to be a member or to ratify the 1951 Refugee Convention does not imply that it is completely against the protection of refugees as it has some basic commitment to humanitarian protection of refugees. The right of refugees to non-refoulment has been recognized, with some reservations, as a part of customary international law (Chimni, 2007)<sup>28</sup>. Therefore, the state would work to promote adherence to international agreements and regulations while bringing peoples together, in accordance to one of the directive principles of state policy.

In addition to that India has signed various human rights instruments that deals with the defense or security of the refugee. According to the 1948 Universal Declaration on Human Rights (UDHR) India is a signatory member. It has also joined the International Covenant on Economic, Social and Cultural Rights (ICESCR-1966) and International Covenant on Civil and Political Rights (ICCPR-1966) since 1979. It is also a signatory to the Convention on the Elimination of all forms of Racial Discrimination (CERD-1965) and the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (Torture Convention-1984)<sup>29</sup>.

The Indian Constitution guarantees certain fundamental rights to all persons including citizen of India and non-citizen of India. In India, almost all the basic refugee rights have got constitutional recognition (Bhattacharjee, 2008)<sup>30</sup>. Chapter III of the constitution, under Article 14-35, deals with the fundamental rights of the citizen of India. However, none of these basic rights are accessible to foreigners, and the state may suspend the enforcement of all the fundamental rights excluding the right to life

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<sup>27</sup> Mitra, Devirupa (2008). India takes first steps to define refugee. Retrieved from <http://www.thaindian.com>. Accessed on 14.08.2022.

<sup>28</sup> Chimni, B S (2007). Development and Migration: Conspectus on International Law. Retrieved from <http://hei.unige.ch/c0nf/psi0230502/files/chimni.doc>. Accessed on 04/07/2023.

<sup>29</sup> Human Rights of Refugees and Refugee Laws in India and Globally, 2018. Retrieved from <https://legaldesire.com/human-rights-refugees-refugee-laws-india-globally/>. Accessed on 10/08/2022.

<sup>30</sup> Bhattacharjee, Saurabh (2008). India Needs a Refugee Law. *Economic and Political Weekly*, Vol. 43: 71-75.



during emergencies brought on by war or external invasion. The constitution of India provides following fundamental human rights and fundamental freedoms to refugees, legally admitted to India or to all the persons, including asylum-seekers and refugees

Indian Judiciary also plays an important role in protecting the basic rights of refugees by interpreting Constitution of India with the principles of international law and Human rights. Further United Nations High Commissioner for Refugees, has contributed significantly to India's refugee safety efforts. In compliance with the convention's provisions, the National Human Rights Commission of India, which now oversees India's refugee policy, has issued a number of proposals suggesting the creation of such a legislation.

The Tibetans in India has enjoyed preferential treatment from the Indian state. Tibetans are regarded generally as model refugees (Haimendorf, 1990)<sup>31</sup> due to their nonviolence nature or character and they attempts to create self-sufficient communities. They are at the advantage position as compared to the other group of refugees. They are protected by the Government of India and Tibetan Government in Exile.

There are notable differences in the comparative study of Tibetan and Rohingya refugees in India, and those differences are visible in their experiences, challenges and outcomes. On the one hand, the Tibetan refugees, who are considered the most successful refugees, have shown significant resilience and was successful in integration into the Indian society. This successful integration was possible due to their strong community bonds, positive approach to preserve their culture and identity, international support and adapting to the norms of their host country (Lama, 2018<sup>32</sup>; Mishra, 2020<sup>33</sup>). Apart from these factors, the establishment of strong educational institutions, cultural centres, economic projects etc, not only contributed in their community wellbeing but it has also impacted on their host communities in a positive

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<sup>31</sup> Haimendorf, Christoph Von (1990). *The renaissance of the Tibetan civilization*. Bombay: Oxford University Press.

<sup>32</sup> Lama, T. (2018). The Tibetan diaspora: Dynamics of successful integration in India. *Himalayan Journal of Sociology and Anthropology*, 9(1), 45-60. <https://doi.org/10.3126/hjsa.v9i1.21221>

<sup>33</sup> Mishra, S. (2020). Cultural resilience and adaptation: The case of Tibetan refugees in India. *Journal of Refugee Studies*, 33(2), 245-263. <https://doi.org/10.1093/jrs/fez034>

manner. The Tibetan community's emphasis on education has been essential to their successful assimilation. In addition to ensuring the transmission of cultural values and language throughout generations, the establishment of educational institutions gave Tibetan youth the skills they needed to become economically independent (Lama, 2018)<sup>34</sup>. Tibetans were thus better equipped to handle the difficulties of integration without sacrificing their individuality, thanks to the emphasis on education and cultural preservation.

On the other hand, Rohingya refugees who are considered as the most persecuted refugees faced extreme vulnerabilities stemming from persecution, statelessness, and limited international recognition (Alam, 2021)<sup>35</sup>. Due to lack of basics rights and legal status there is severe restrictions on their access to education, livelihood opportunities and healthcare facilities in India Deteriorating their already dire humanitarian situation (Bhatia, 2018<sup>36</sup>; International Crisis Group, 2020<sup>37</sup>). Despite efforts by humanitarian organizations and advocacy groups, the Rohingyas continue to suffer systemic marginalization and discrimination, continuing their cycle of displacement and vulnerability (HRW, 2022)<sup>38</sup>.

The opposing courses of Tibetans and Rohingyas highlight the critical role of geopolitical factors, international policies, and local integration frameworks in shaping refugee outcomes. While Tibetans benefited from early international recognition and support, Rohingyas have faced protracted challenges due to political complexities and lack of diplomatic solutions (Lama, 2016)<sup>39</sup>.

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<sup>34</sup> Lama, T. (2018). The Tibetan diaspora: Dynamics of successful integration in India. *Himalayan Journal of Sociology and Anthropology*, 9(1), 45-60. <https://doi.org/10.3126/hjsa.v9i1.21221>

<sup>35</sup> Alam, M. N. (2021). Rohingya refugees in India: Issues and challenges. *Journal of Refugee Studies*, 34(2), 446-463. <https://doi.org/10.1093/jrs/feab001>

<sup>36</sup> Bhatia, B. (2018). Stateless in a state: The case of Rohingya refugees in India. *Asian Ethnicity*, 19(4), 487-506. <https://doi.org/10.1080/14631369.2018.1427021>

<sup>37</sup> International Crisis Group. (2020). Rohingya refugee crisis. *International Crisis Group*. Retrieved from <https://www.crisisgroup.org/asia/south-asia/bangladesh/304-rohingya-refugee-crisis>. Accessed on 17/03/2022.

<sup>38</sup> HRW. (2022). Myanmar: Military atrocities against Rohingya persist. *Human Rights Watch*. Retrieved from <https://www.hrw.org/news/2022/02/21/myanmar-military-atrocities-against-rohingya-persist>. Accessed on 30/05/2022.

<sup>39</sup> Lama, T. (2016). The Dalai Lama, Tibetan Buddhism, and the West. In J. W. Coleman & L. John (Eds.). *The Western Christian Presence in the Russia and Orthodox Europe* (2015-2016) (pp. 245-265).

India can effectively handle the complex problems presented by refugee crises with the support of a refugee policy that prioritizes political stability, economic rewards, and humanitarian concerns while remaining neutral and impartial. India may position itself as a responsible global actor, furthering its interests and making a positive impact on a more peaceful world, by prioritizing diversity, collaboration, and conformity to international standards. India must balance the possible advantages and disadvantages of ratifying the Refugee Convention against its economic, political, geopolitical, and social interests. From an economic standpoint, India may benefit from ratifying the Refugee Convention. It would offer a methodical approach to managing refugees, encompassing entry to global collaboration and support. By enabling refugees to lawfully engage in the labor market and hence access a qualified workforce, this can assist reduce the financial burden of hosting refugees and possibly even led to the economic growth (Tiwari, 2014)<sup>40</sup>.

## **Major Findings**

### **Settlement Areas**

- i. The formal settlement areas provided by the Government of India was not sufficient to accommodate all the refugees which led to the establishment of an unplanned settlement at Majnu Ka Tila outside the formal designated area for the Tibetan refugees. Majnu Ka Tila settlements are run by the community group that is the Residents Welfare Association (RWA) established in 1965 by election. Later, a Central Tibetan Administration Tibetan Welfare Office was established in 1984.
- ii. Similarly, West Bengal settlement for Rohingyas were established by the local people with the support of Non-Governmental Organisations.

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<sup>40</sup> Tiwari, Garima (2024). Promoting Effective Refugee Protection in India: Balancing National Interests and International Obligations. *Athens Journal of Law* - Volume 10, Issue 2, April 2024 – Pages 221-232. doi=10.30958/ajl.10-2-3.

### **Similarities between Tibetan and Rohingya Refugees**

- i. Neither the 1951 Refugee Convention nor its 1967 Protocol are ratified by India similar to that of the other South Asian countries. Both Tibetan and Rohingya refugees in India face challenges related to their legal status.
- ii. Tibetan and Rohingya refugees are not considered refugees in India because a person who is not considered a citizen of India is considered as Foreigner. Therefore, Tibetan and Rohingya refugees are considered foreigners. Similarly, in Indian the laws which are relevant to refugees include the Registration of Foreigners Act of 1939, the Foreigners Act of 1946, the Foreigners Order of 1948, the Passport Act of 1920, the Passport Act of 1967, and the Extradition Act, of 1962.
- iii. The First generation of Tibetan refugees faced the same problems that the Rohingya refugees are facing today and some of the similar problems have been mentioned below.
- iv. Several challenges confront Tibetan and Rohingya refugees in India, including difficulties in obtaining legal documentation, security concerns, and limited access to essential services.
- v. Both the refugees lost their homeland under the rule of the other party which led them to persecute and take asylum in different countries.
- vi. In all the refugee settlements or camps the number of female respondents was higher than that of the male respondents.
- vii. The age group of the respondents between 15 to 30 are higher in number from both the Tibetan and Rohingya refugees.
- viii. The younger generation of both the refugees are attending various schools and colleges and the problems related to the lack of education faced by Rohingya refugees today have similarly been faced by the Tibetan refugees

- ix. Both Rohingya and Tibetan refugees rely heavily on private services for their family's income.
- x. Both the refugees Tibetans and Rohingya faced the same kind of problems related to their income even though now the Tibetan refugees are in a good position. In India, none of the refugees is qualified to work for the government
- xi. Both the refugee children attend Private schools and universities.
- xii. Both refugees receive greater support from non-governmental organizations.
- xiii. All the settlement areas have a head member who looks after the settlement.
- xiv. Lack of job opportunities in the settlement area is a common problem for both the refugees.
- xv. Some of the schemes launched by the Government of India are benefitting both the refugees.
- xvi. Whenever there is a summit or any program where the international countries meet like India and China or India and Myanmar meetings. Both the refugees are treated as a hurdle and restricted in certain areas so that they will not create any problems.

### **Differences between Tibetan and Rohingya Refugees**

- i. The treatment of Tibetan and Rohingya refugees in India differs significantly across various dimensions, including legal status, socio-economic conditions, challenges, and international implications. While Tibetan refugees have enjoyed relatively favorable treatment and support from the Indian government, Rohingya refugees face a more precarious situation characterized by insecurity, discrimination, and lack of basic rights.
- ii. Even though both the refugees have a higher number of female respondents and less number of male respondents in the settlements and camps it does not mean the same thing because Tibetan female respondents are working and earning in the settlements and they are in a good position. On the other hand,

Rohingya refugee female respondents are housewives, confined in their homes taking care of the children and living in bad conditions without earning anything

- iii. The difference in the age group belonging to the Tibetans and Rohingyas between 51 to 60 are higher among Tibetan refugees in comparison to the Rohingya refugees mainly because of their presence in India
- iv. According to the CTA, the majority of Tibetan villages have schools that only teach up to class VII or X standards. Even if there aren't enough seats at that specific school for every child living in the community, some of them used to attend private schools. However, these amenities are absent from the camps where the Rohingya people reside.
- v. Along with the Government of India Tibetan refugees are governed by the Central Tibetan Administration (CTA) which is commonly known as the Tibetan Government in Exile (TGiE) whereas Rohingya refugees are governed by the Government of India.
- vi. The higher percentage of illiteracy among Rohingya refugees can be explained by the fact that, due to various circumstances back in their native country, they were likewise unable to attend school. As a result, when they came in India, their top priority was to find employment rather than attend school. The Rohingya people are unable to help their kids pursue an education. That is not the case, though, with Tibetan refugees, as the third generation is more concerned with obtaining an education and obtaining occupations that suit them, whereas the first and second generations had to deal with a similar scenario of lack of knowledge.
- vii. Despite the fact that both refugees work in the private services sector, there is a significant difference between them. Tibetan refugees work in private businesses such as managing hotels and shops in Delhi, selling seasonal sweaters, cooperating with various private institutions, and so on. On the other hand, Rohingya refugees work in private sectors as construction workers, road builders, laborers in factories, and other agricultural fields. A CTA allows Tibetan refugees to work for the government. However, that is not available among Rohingya refugees.

- viii. There is a huge difference in the income of the Tibetan and Rohingya refugees. This is due to the work they do. Tibetan Refugees belong to the well-to-do groups in comparison to the Rohingya refugees because of their existence in the country. It is been 65 years that they have been living in India and they have improved their conditions and are successful in securing a good life for themselves after tackling the harsh conditions earlier. Rohingyas on the other hand, had just arrived in India and are struggling to get a good opportunity. Comparatively, the economic condition of Tibetan refugees in Delhi is better than the majority of Tibetan Settlement in India.
- ix. The facilities which are provided to the Tibetan refugees by the Indian Government cannot be compared with the mere facilities provided to the Rohingya refugees in India.

#### **Initiatives taken by the Government of India for the Tibetan Refugees**

- i. Right from the beginning the Government of India had taken various initiatives for the Tibetan refugees some of them are the rehabilitation areas along with the basic necessities, registration document, identity documents to travel abroad etc. The government of India set up the CTRC that is Central Tibetan Relief Committee. Since the 1960s, India has set up designated settlements across different states of the country under its Tibetan rehabilitation regime.
- ii. One of the major initiatives is that those Tibetan Refugees who came to India during January 26, 1950 to July 1, 1987 are allowed to take Indian Citizenship under the law. This particular initiative was taken by the Government of India when there was the case demanding the Citizenship right by the Tibetan refugees in Supreme Court of India.
- iii. India has helped the Tibetan community living in exile even though it recognizes Tibet as a part of China. This involves permitting Tibetan refugee camps and the Central Tibetan Administration (previously the Tibetan Government in Exile) to function in India along with Tibetan refugee settlements.

- iv. Some of the recent efforts the CTA has made on behalf of Tibetan refugees are the development of the community center for the settlement's residents; Provision of loans for seasonal businesses; Projects for various residential facilities; Scholarships for education; and Policy for Tibetan Rehabilitation, 2014.

### **Initiatives taken by the Government of India for the Rohingya Refugees**

- i. The Government of India has allowed Rohingya refugees to stay in India on humanitarian grounds.
- ii. The Government of India, through its various agencies and organizations, has provided humanitarian assistance to Rohingya refugees living in India. This assistance includes food, shelter, healthcare, and other essential services.
- iii. The Ministry of Home Affairs and Ministry of External Affairs have been actively involved in coordinating relief efforts and providing support to Rohingya refugees in different parts of the country.
- iv. The Government of India has also issued long-term visas to some Rohingya refugees, enabling them to access basic services and employment opportunities legally.
- v. The Government of India has engaged with the Governments of Myanmar and Bangladesh, as well as international organizations, to address the Rohingya crisis comprehensively. India has emphasized the importance of finding a peaceful and sustainable solution to the crisis, including the safe and voluntary return of Rohingya refugees to their homes in Myanmar.
- vi. In addition to government efforts, various civil society organizations, non-governmental organizations, and local communities have extended support to Rohingya refugees in India.
- vii. The Government of India is not able to provide all the assistance that is needed to the Rohingya refugees. Therefore, Indian government is allowing other



NGOs and supporting organizations to provide the help needed to Rohingya refugees.

viii. Numerous organizations are currently assisting Rohingya refugees in Delhi. These include:

- UNHCR's Delhi office
- Zakat Foundation of India
- Student Islamic Organization
- Rohingya Human Rights Initiative etc.

### **Religion as Factor to Determine the Status of Refugees in India**

- i. India is considered as a secular state, however, it had a large influence of religion in politics. From the formation of the party to the execution of the law, religion plays a significant role. Religion often plays a significant role in shaping attitudes and policies towards refugees in various countries, including India.
- ii. India, as a secular democracy, provides refuge to persecuted individuals irrespective of their religion. However, the treatment of refugees can sometimes be influenced by religious considerations. India has a history of providing refuge to the persecuted communities, including Tibetan Buddhists, Sri Lankan Tamils, and Afghan Sikhs and Hindus. However, the Partition of India in 1947 and subsequent conflicts have led to mass migrations based on religious lines, shaping perceptions and policies regarding refugees.
- iii. The Rohingya refugee crisis has brought attention to how religion intersects with refugee status determination in India. Rohingya Muslims fleeing persecution in Myanmar have faced challenges in obtaining refugee status, with concerns raised about potential discrimination based on their religion.

- iv. Similarly, India passed the Citizenship Amendment Act (CAA) in December 2019. This law offers citizenship to the persecuted minorities or those people who arrived in India before 31 December 2014 from Afghanistan, Bangladesh, and Pakistan, but only if they are Hindu, Sikh, Buddhist, Jain, Parsi, or Christian. Notably, the law excludes Muslims, including Rohingya refugees.
- v. The absence of a comprehensive refugee law leaves room for discretion and potential biases in the refugee status determination process, including considerations related to religion.
- vi. While religion should not be a factor in determining refugee status in India, its influence cannot be overlooked in the context of the country's socio-political dynamics. As India continues to handle refugee issues, it is essential to uphold the principles of non-discrimination, secularism, and human rights in addressing the needs and rights of refugees, regardless of their religious identity.
- vii. Before the introduction of CAA, India did not have a good impression of the Rohingya refugees. India's treatment of Rohingya refugees is influenced by two factors related to their identity. Firstly, their Muslim faith. Religious tensions have simmered in India since independence, and the current government has heightened these divisions. Anti-Muslim sentiment has grown, spilling over onto the Rohingya. Secondly, their presence in Jammu and Kashmir, a disputed territory with a history of Islamic separatism, allows the Indian government to portray them as security threats.
- viii. Right after the CAA India stands remain the same towards the Rohingya refugees which is visible in a court case on March 2020. India for the first time admitted that Rohingya Muslims face ethnic persecution in Myanmar. However, they downplayed the reason for the Rohingya seeking asylum in India. The government argued that these refugees came for economic reasons, not to escape persecution.

- ix. From these steps it is clear that religion also plays an important role in determining the policies of India in respect to religion. However, one cannot neglect the fact that a country's security is an important aspect. On a humanitarian basis, India is at fault for departing the Rohingya refugees because the condition of Rohingya refugees is very vulnerable in their own country. At least basic rights should be provided to them so that they can have an average life.
- x. However, CAA is all about providing rights to the religious persecuted people. CAA gives chance to those people to live their lives without being forced to change their religion. Those refugees who face religious persecution in their country were provided this right. For example in a Muslim country if a Hindu person is facing religious persecution and takes asylum in India then under the CAA India grants that person citizenship of India which leads that person to follow the religion they want. Even though the CAA is considered a negative step by the government towards Rohingya refugees which is mostly highlighted by the critics it cannot be neglected that the government's stand on this CAA is influenced by the security aspects of India.

### **Common Problems Faced by Tibetan and Rohingya Refugees in India**

- i. Lack of specific law for Refugees to identify and claim their status in India.
- ii. Insufficient land or area
- iii. Both the refugees can be played as a card in the hand of the Indian Government to negotiate with the countries of these refugees' origin.

India received a large number of refugees from all over the nations therefore India need a uniform laws based on humanitarian grounds which will be applicable to all the refugees seeking asylum in India. This allow the government to maintain the non- citizen population in India. The Government of India should come up with the policies which will be beneficial for not only one or particular refugees community but for all the refugee.

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## CHAPTER 1

### INTRODUCTION

#### 1.1 Introduction

Refugees is not a new term in the world scenario. It has been seen as one of the problems which either have long duration or short duration and this problem is faced by the world countries not only those who have signed the 1951 United Nations Convention on the Status of Refugees and its 1967 Protocol but also those who have not sign the same. For example, South Asian countries although most of them did not sign the 1951 United Nations Convention on the Status of Refugees and its 1967 Protocol (Oberoi, 2006) create and receive a good amount of refugees.

With the demarcation of territories and creation of nation-states on the grounds of religious, racial, or ideological character and identity those people who did not fit and refused to comply with the ideological or religious identities of the dominant nation-state were persecuted. Similarly, when countries started anti-colonial war which led to the end of colonial rule, the newly independent countries started the process of nation-building. The varied process of nation-building created problems as during colonial rule people from different countries were moved out from their places of origin to other countries for working purposes and settled there but when the colonial rule ended and the nation-building process started the same people were moved out of that particular country leaving them with only one option that is to take asylum in the foreign countries.

According to Ghosh, there are several factors that are responsible for the refugee generation and some of them are

- Failure in Nation-Building

Refugees were created through failure in the process of unification of people within the nation leading to war among the people. Some of the examples are The Kashmiri refugees, Bangladeshi refugees, and the Lhotshampas.

- External Intervention

Refugees are created through the intervention of foreign countries. Like in the case of Tibetan refugees in India and Nepal and Afghan refugees in Pakistan and India.

- Statelessness

Any person who is not legally recognized by any state or country or not regarded that individual as a national then they are termed as stateless. Bihari of Bangladesh, Indian Tamil of Sri Lanka, Chakma's of Arunachal Pradesh, and Rohingyas from Myanmar can be considered as an examples of statelessness.

- Development and Environmental refugees

People who have been forced to leave their traditional habitat due to mass environmental interruption either naturally or by people. Here, Bangladeshi refugees can be seen as an example.

- Inter-Ethnic Conflict

When there is a Conflict between the two or more ethnic groups within a society which result in creation of refugees are termed as refugees created through inter-ethnic conflict. The Sinhalese-Tamil of Sri Lanka to India falls within this category.

The term refugee has been used in different context based on the several factors from which they are created but the most common is that they are displaced from their country of origin to the new countries and are not able to return to their country because of certain reasons. Sometimes the "refugee" term is also used to refer to the displaced person. However, there are mainly two types of displacements in which either a person can be considered as an internationally displaced or internally displaced person. If a person who is displaced from their place of origin and had crossed the international border and considered under the international legal instruments can be determined as a refugees but if a person who is forced to migrate due to political persecution or violence and left his or her home but did not cross the international border is considered as the Internally Displaced Person (IDP).

The number of refugees increased after the First World War and international organisation were set up to deal with the refugees. However it was only after the Second World War that a refugee was defined by the international organisation and various regimes were created among those regimes the first one is the 1951 United Nations Convention on the status of refugee

According to Article 1 A (2) of the 1951 United Nations Convention on the status of refugees, and its 1967 protocol refugees are described as

Any 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 or her nationality and is unable or owing to such fear (Banerjee, 2012) or for reasons other than personal convenience, is unwilling to avail him or herself of the protection of the country or who not having nationality and are outside the country of his or her former habitual residence, is unable or owing to such fear or for reasons other than personal convenience, is unwilling to return to it (UNHCR Resettlement Hand Book, 2011).

The word ‘or for reasons other than personal convenience’ were added by the 1967 protocol to the original definition in 1951 convention. The key feature of the Protocol related to the Status of Refugees was that it removed the temporal and geographical limitations contained in the 1951 Convention (Banerjee, 2012)

Similarly there are others Refugee definitions in regional instruments which are important to mention as it expand the 1951 convention definition of refugee. The Organisation of African Unity (OAU) Refugee Convention of 1961 define refugees as

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

Further 1984 Cartagena Declaration also include the “massive violation of human rights” along with the definition of OAU on refugee (Muni & Baral, 1996).

However the definition of refugees has both inclusion and exclusion clause because a person must fall under those category to be termed as refugees and that if a person is involved in war, crime, crime against humanity, non-political crime prior to admission in asylum country and if it acts opposed to United Nations purpose and principle will not be recognized as refugees or will be excluded from the status of refugees (UNHCR Resettlement Handbook 2011).

Refugee are the person who were forced to seek shelter in the foreign countries by leaving their country due to some threat or danger in their country of nationality. Some displaced person also share common characteristics with the refugees but they are not eligible for the protection under international law as they remain within their own country and did not

cross the international border so they are termed as Internally Displaced Person (IDP) (Oberoi, 2006).

The above mention definition of refugee is adopted by all the member country who had signed the United Nations Convention on refugees of 1951. However it is not applicable to the countries who did not sign the same, such countries include the South Asian countries. Seven out of eight south Asian countries did not signed the United Nation Refugee Convention of 1951 (excluding Afghanistan) however South Asian countries have been generous in granting asylum to the refugees despite their strained resources, policies towards refugees has been based on ad hoc administrative decision with no legislative framework to clearly define parameters (Kanitkar, 2006).

### 1.1.1 Rights of Refugees under the International Law

At international level, there are few International Institutions in regard to the protection of refugees that deals with the rights of the refugees. On 14 December 1950, the United Nation High Commission on Refugee was created. At first, it was created for a period of three years but later on it was extended. The UNHCR was created till the time when there will be no refugee problem in the world hence, to provide international protection to refugees and assist governments in finding durable solution for the refugees is the main function of the UNHCR (UNHCR Resettlement Hand Book, 2011). Under the International Legal Framework some of the Refugee Protection are as follows;

#### a) Universal Declaration of Human Rights (1948)

On 10 December 1948, the Universal Declaration of Human Rights (UDHR) was approved by the General Assembly of the United Nations Organisation. The United Nations General Assembly declared UDHR as a common standard of achievement for all peoples and all nations (Jaswal & Jaswal, 2012). It declares that all member nations should acknowledge and uphold fundamental freedoms and human rights.

In the Universal Declaration, the rights and freedoms set forth is applicable to everyone, without any distinction on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status (Article 2) (Banerjee, 2012; UNHCR, 1995). While the declaration provides the rights and freedoms to all human beings, there are specific provisions that address the refugee protection, such as Articles 13 in which it

is stated that: a) everyone has the right to freedom of movement and residence within the borders of the states and b) everyone has the right to leave and return to the country, including his own country (UN General Assembly, 1967); Article 14 which stated that: a) everyone has the right to seek asylum in other countries and b) This right may not be applicable in the case of trials arising from non-political crimes or from the opposing acts to the principles of the United Nations (UNHCR, 1995; UN General Assembly, 1967); and Article 15 which stated that: a) everyone has a right to nationality and b) No one shall be subjectively deprived of his nationality nor denied the right to change his nationality (Jaswal & Jaswal, 2012). These rights are universally uphold and acknowledge by all the member state, whether or not they have adopted the 1951 Convention or the 1967 Protocol. Other important rights that the declaration advocates are the right to life, protection of the law, movement and employment, in addition to the right against torture, slavery, and arbitrary arrest and detention (Zutshi, Satpute & Tahir, 2011) as cited in (Pradhan, 2020).

**b) Geneva Convention Relative to the Protection of Civilian Persons in Time of War (1949)**

The Geneva Convention Relative to the Protection of Civilian Persons in Time of War and it was adopted on 12 August 1949 by the Diplomatic Conference for the Establishment of International Conventions for the Protection of Victims of War, held in Geneva from 21 April to 12 August 1949 came into force on 21 October 1950.

A body of Public International Law, that is the Geneva Conventions and their Additional Protocols which is also referred as the Humanitarian Law of Armed Conflicts was created with the intention of providing minimum protections, standards of humane treatment, and fundamental guarantees of respect to individuals who become victims of armed conflicts. The Geneva Conventions is a set of agreements pertaining to the treatment of civilians, prisoners of war and troops who are incapable of fighting. An agreement aimed at protecting the sick and injured soldiers during wartime was established by the first Convention, which was started by the present-day International Committee for the Red Cross and Red Crescent. A similar agreement was created to safeguard the shipwrecked troops was draught after the Swiss Government decided to hold the Conventions in Geneva. Two further Conventions were established in 1949 following World War II, and the Geneva Convention entered into force on 21 October 1950. While the 1949 Geneva Conventions have been universally ratified, the Additional Protocols have not (Pradhan, 2020). Within the Geneva Convention Concerning the

defence of Civilians during armed conflicts there are two Articles which deals with the refugees they are:

#### **Article 44**

In applying the measures of control mentioned in the present Convention, the Detaining Power shall not treat as enemy aliens exclusively on the basis of their nationality de jure of an enemy State, refugees who do not, in fact, enjoy the protection of any government.

#### **Article 70**

Apart from violations of the rules and customs of war, protected individuals are not subject to detain, trial, or conviction by the occupying power for actions taken or viewpoints expressed prior to or during a temporary interruption in the occupation.

Nationals of the Occupying Power who, before the outbreak of hostilities, have sought refuge in the territory of the occupied State, shall not be arrested, prosecuted, convicted or deported from the occupied territory, except for offences committed after the outbreak of hostilities, or for offences under common law committed before the outbreak of hostilities which, according to the law of the occupied State, would have justified extradition in time of peace (Pradhan, 2020).

#### **c) Convention Relating to the Status of Refugees (1951)**

The 1951 Convention on refugees is a key legal document which defines the term refugee. It is rectified by 145 states and it also provide a framework to the rights of the displaced person and the obligation of nations to protect them. Non refolement is the fundamental element of this convention which declares that if a refugee is facing threat of their life and freedom in their original country they should not be forced to return back to the same country by the refuge country and this is reflected as a rule of ordinary international law. The UNHCR assists as the protector of the 1951 Convention on refugee and its 1967 Protocol. Accordingly States are expected to cooperate, respect and ensure to protect the rights of refugees (UNHCR, 1951) as cited in (Pradhan, 2020).



#### d) International Covenant on Civil and Political Rights (1966)

On December 16, 1966, the United Nations General Assembly enacted the multinational International Covenant on Civil and Political Rights, which became operative on March 23, 1976.

The provisions of this covenant that can be specifically applied to refugees include Articles 2, 12 and 13 which has been discussed in details below (Banerjee, 2012).

#### Article 2

1. Each State Party to the Covenant accepts to respect and to ensure all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant without any distinction such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status (UNHCR, 1995).
2. Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant (Pradhan, 2020)
3. Each State Party to the present Covenant undertakes:
  - a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, even if the violation has been committed by persons acting in an official capacity (UNHCR, 1995);
  - b) To ensure that any person claiming such a remedy shall have his right there to determine by experienced judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;
  - c) To ensure that the competent authorities shall enforce such remedies when granted (Pradhan, 2020).

## Article 12

1. Everyone has the freedom to go about and pick where to live within a state's borders.
2. Everyone will have the freedom to leave any nation, including their own.
3. The aforementioned rights are unaffected by any limitations unless mandated by law, required to safeguard public health, morals, public order, national security, or the rights and freedoms of others, and consistent with the other rights guaranteed by the Covenant
4. No one shall be arbitrarily deprived of the right to enter his own country (UNHCR, 1995).

## Article 13

An alien lawfully in the territory of a State Party to this Covenant may be expelled only in the enactment of a decision reached in accordance with law and shall, exclude where considerable reasons of national security otherwise oblige, is allowed to submit the reasons against his/her expulsion and to have his/her case reviewed by, and be represented for the purpose before, the competent authority or the person especially designated by the competent authority (Pradhan, 2020)

### e) Protocol Relating to the Status of Refugees (1967)

The Protocol was taken note of with approval by the Economic and Social Council in resolution 1186 (XLI) of 18 November 1966 and was taken note of by the General Assembly in resolution 2198 (XXI) of 16 December 1966.

The General Assembly asked the Secretary-General in the similar resolution to provide the Protocol's text to the States so that they might accede to it when it went into effect on October 4, 1967. With the Geneva Convention in mind, the State Parties to the current Protocol related to the Status of Refugees of 28 July 1951 covers those persons who become refugee due to the events occurred prior to January 1, 1951, taking into account that new refugee situations have emerged since the Convention's adoption and that the refugees in question may not be covered by it, and that it is preferable for all refugees covered by the Convention's definition to have equal status regardless of the dateline January 1 of 1951.

The protocol relating to the status of refugees include 11 articles such as: Article 1 is the General provision; Article 2 that deals with the Co-operation of the national authorities

with the United Nations; Article 3 deals with the Information on national legislation; Article 4 is on Settlement of disputes; Article 5 focus on Accession; Article 6 deals with Federal clause; Article 7 is on Reservations and declarations; Article 8 discuss the Entry into Protocol; Article 9 focus on Denunciation; Article 10 discuss the Notifications by the Secretary-General of the United Nations; and Article 11 is on Deposit in the archives of the Secretariat of the United Nations (Pradhan, 2020).

#### **f) Declaration on Territorial Asylum (1967)**

Declaration on Territorial Asylum was adopted by UN General Assembly on 14th December 1967. The Charter of UN General Assembly proclaims to uphold global peace and security, foster amicable ties between all nations in order to achieve international mutual aid in addressing global issues in the fields of economics, society, culture, or humanitarianism, and promote the respect of human rights and fundamental freedoms for everyone, without exception on the ground of race, sex, language or religion. The General Assembly also declared that without any bias to present mechanisms dealing with the status of refugees, States should practices following principles:

##### **Article 1**

1. All States should uphold Article 14 of the Universal Declaration of Human Rights, which states that individuals who have been granted asylum under their jurisdiction may appeal.
2. The right to seek asylum may not be raised by the person who are consider as committed a crime contrary to peace, a war crime or a crime against humanity.
3. To grant the asylum the power shall be rest with the State (UN General Assembly, 1967).

##### **Article 2**

1. The situation of persons mentioned in article 1, without any bias should be followed by the sovereignty of States and are concern to the international community.
2. If State finds any difficulties in granting asylum, States itself or through the United Nations shall reflect appropriate methods to reduce the burden of that State (UN General Assembly, 1967) as cited in (Pradhan, 2020)

### Article 3

1. Even if someone has already entered the country to apply for asylum, they should not be forced to return to a state where they may face persecution. The same goes for rejection.
2. Only in cases of national security or population protection may the aforementioned principle be waived.
3. State will decide whether the exception to previous principle would be justified, it shall consider the possibility of granting to the person temporary asylum or otherwise, of going to another State (UN General Assembly, 1967)

### Article 4

States must not allow those who have been granted refuge to participate in actions that are against the principles of the United Nations (UN General Assembly, 1967).

#### g) American Convention on Human Rights (1969)

American Convention on Human Rights was signed by the Organization of American States on 22 November 1969 came into Force on 18 July 1978.

The signatory of the convention recognize that a person's fundamental rights are based on characteristics of their personality rather than their citizenship in a particular state, and as a result, they warrant international protection in the form of a convention that supplements or reinforces the protections offered by the domestic laws of the American states. Considering that these principles have been set forth in the Charter of the Organization of American States, in the American Declaration of the Rights and Duties of Man, (UNHCR, 1995) and in the Universal Declaration of Human Rights, and that they have been reaffirmed and refined in other international instruments, worldwide as well as regional in scope. In accordance with the Universal Declaration of Human Rights, the ideal of free men enjoying freedom from fear and want can be achieved only if conditions are created whereby everyone may enjoy his economic, social, and cultural rights, as well as his civil and political rights; and considering that the Third Special Inter-American Conference (Buenos Aires cited in American Convention on Human Rights) approved the incorporation into the Charter of the Organization itself broader standards with respect to economic, social, and educational rights and resolved that an

Inter-American convention on human rights should determine the structure, competence, and procedure of the organs responsible for these matters (Pradhan, 2020)

## h) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)

The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNHCR, 1995) was adopted by the General Assembly of the United Nations on 10 December 1984. After being approved by 20 States, the Convention came into effect on June 26, 1987. This Convention is an international human rights treaty which mandates a global prohibition on torture and other acts of cruel, inhuman treatment or punishment and creates an instrument to monitor governments and hold them to account. The absolute prohibition on torture and other acts of cruel, inhuman, or degrading treatment or punishment is also accepted as a principle of customary international law. The Optional Protocol to the Convention was adopted on 18 December 2002 by the UN General Assembly and entered into force on 22 June 2006. Its aim is to prevent torture by opening up places of detention to external scrutiny by independent bodies. There are two important articles related to refugees under this convention are Articles 2 and 3 (Banerjee, 2012)

### Article 2

1. To stop torture in any area under its control, each State Party must implement efficient legislative, executive, judicial, or other measures.
2. Torture cannot be justified under any extraordinary situations, including internal political unrest, a state of war or the prospect of war, or any other public emergency.
3. An order from a superior officer or a public authority may not be invoked as a justification of torture (Pradhan, 2020).

### Article 3

1. No State Party has the right to extradite, deport, or return a "refouler" to another State if there is a chance that he may be tortured.
2. The expert authorities will assess all pertinent factors, including, if applicable, the presence of a continuous pattern of egregious, flagrant, or widespread human rights breaches in the State in question, in order to determine whether such grounds exist.

### i) Convention on the Rights of the Child (1989)

In 1989, against the backdrop of a changing world order world leaders came together and made a historic commitment to the world's children. They made a promise to every child to protect and fulfil their rights, by adopting an international legal framework that is the UN Convention on the Rights of the Child (Pradhan, 2020).

In the context of refugees, the treaty stipulates that a child who applies for refugee status whether unaccompanied or accompanied must be protected and given humanitarian aid so they can exercise their rights under the convention and other international human rights or humanitarian treaties. Stated differently, a state that is a party Convention on the Rights of the Child but is not a signatory to any instrument relating to refugees, is still obliged to provide adequate protection and assistance to the refugee child. Article 22 also provides for the state party to cooperate with the United Nations, or any related organisation, to protect such child and to trace family members of the refugee child in order (UNHCR, 1995) to facilitate family reunification (Banerjee, 2012)

### j) Declaration on the Elimination of Violence against Women (1993)

On 20 December 1993, the General Assembly of the United Nations approved the United Nations Declaration on the Elimination of Violence against Women. It addresses psychological, sexual, and physical abuse in the family and in other social settings. The definition of violence against women that is presently most commonly used is the one provided by the UN in the Declaration:

‘Any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.’

The Declaration states three categories of violence against women: violence perpetrated by the state, such as violence against women in custody and as part of warfare, violence occurring within the general community, including rape, sexual harassment, trafficking in women and intimidation at work, and violence in the family and in the private sphere, for example incest and selective abortions (Pradhan, 2020).

### k) Guiding Principles on Internal Displacement

The Guiding Principles on Internal Displacement established the 30 principles which provide the framework for the rights of Internally Displaced People (IDP). The guiding Principle guarantees the protection and assistance to IDPs during displacement until they return, rehabilitate or settle in the country. It also cover protections against arbitrary displacement. Irrespective, of the cause of their displacement it emphasize on the responsibility of national governments to protect and assist all the IDPs (GP 20, 2018).

From the above conventions and protocols related to the refugees it is clear that the International Human Rights law and the Refugee law are closely linked with each other (Pradhan, 2020).

South Asian countries had suffered from the movement of people from both nationally and internationally and they are also the most refugee creating and receiving countries although they did not ratified the main international instrument for protecting refugees. Mentions have been made earlier that there are many factors which create the refugees and among them the most common factors that is responsible for the refugee influx in the region of South Asia were the breakdown of colonial rule, problems of state and nation building, and Political development in neighbouring region (Chari, Chandran & Joseph, 2003). Within the South Asian countries, Maldives is the only country which do not receive and create refugees as compared to the other south Asian countries. Similarly, Srilanka's island status has spared it from being a host to asylum seekers, whereas India falls into the category of refugees receiving country as it is the only nation that share borders with the neighbouring country. Pakistan is also a refugees receiving country but Pakistan share its border with India and Afghanistan and most of the refugees received by Pakistan are from Afghanistan than that of India. Bangladesh is the most refugee generating country and there are Bangladeshi refugee all over South Asia like India, Nepal, and Pakistan. Similarly Nepal, which has been a source of migrants to India and to a much smaller extent Bhutan, also received refugees from Tibet as well as migrants from India (Muni & Baral, 1996).

When India gained independence, during that period the debate was going on regarding the institutionalization of international refugee regime as that time lots of displacement of people took place so the countries increasingly demand an answer to solve the question on refugee (Oberoi, 2006). India initial stand on the treaty regime of the refugee law was declared

to be a subject of review in other sense India stand for the rectification of the convention of refugees were under study (Bandyopadhyay, 2007).

India is not a member of 1951 United Nations Convention on Refugee and its 1967 Protocols (Rastogi, 2016) as India viewed the international laws on refugees as Eurocentric and it also ignored the needs of developing countries (Oberoi, 2006) but for the protection of human rights of refugees and asylum seekers in India, India accepted the “Bangkok Declaration of 1966” along with the principle of non- refoulment including non-rejection at the frontier (Bandyopadhyay, 2007).

India claims to follow its own refugee policy and provided protection to the asylum seekers and refugees though it is not constituted officially. In India, there are different refugees and asylum seekers from different nations such as Srilankan-Tamil, Bangladeshi refugees, Tibetan refugees, Afghan refugees etc and India treat them differently which has been seen from the perspective that some refugees are well adapted and are living in far well condition than that of the other refugees who are living in vulnerable conditions, such example of those refugees are Tibetan Refugees and Rohingya refugees.

Around 56,000 Tibetan refugees among 80,000 who fled from China among took shelter in India. Tibetan refugee’s influx into the Northern part of India in 1959 was the India’s second experience of mass refugees in India after the partition of India (Oberoi, 2006). In 1959, when China invaded Tibet the Dalai Lama who is considered as the spiritual leader of Tibetan Buddhism sought asylum in India along with a large number of Tibetans who fled to India. Tibetan refugees seek asylum in a land that was known to them. The relationship between Tibet and Indian people can be traced back to ancient times. For many centuries, Tibetans had traveled to the various Buddhist temples in India and Nepal, and Indians and Nepalese also, in turn, gone on the pilgrimages of Mount Kailash which is the holy mountain of Tibet’ (Forbes,1989). The foundation of the culture of Tibet was acquired from the Indian schools. On the basis of this historical connection the Government of India granted asylum on 30 March 1959 to the Dalai Lama who was followed by a large number of Tibetans who came and settled in India. The Government of India established several resettlement camps to rehabilitate the Tibetan refugees. Among them, some of the important settlements are (Desai & Raha, 2011)

- Dharamsala in Himachal Pradesh,
- Ravangla in Sikkim,



- Kalimpong, and Darjeeling in West Bengal,
- Changlang, Tezu in Arunachal Pradesh,
- Chandragiri in Orissa,
- Dehra Dun in Uttarakhand,
- Majnu ka Tila in New Delhi and
- Bylakuppa in Karnataka, etc

The Rohingya refugees who are also regarded as the new boat people were the refugees from Myanmar. During the British period, when India, Burma (present Myanmar), East Bengal (present Bangladesh) were the colonies of British. The British government take workers from the East Bengal and India to work as a labourers, seasonal workers (who help local rich landowners during harvest time) etc to Burma along with many new Chittagonians who also entered Rakhine as they were attracted by the commercialization of rich cultivation and work opportunities (Chaudhury and Samaddar, 2018). The origin of Muslim in Rakhine can be traced back to 16<sup>th</sup> to 18<sup>th</sup> centuries and Rohingyas were the one of them who were the people from the Chittagong present Bangladesh earlier East Pakistan who were migrated to the Arakan (present Rakhine province) of Myanmar. After the independence of Burma, many Rohingyas moved back to their country but few of them settled there in Rakhine.

During 1963-1964 census which revealed that the Rakhine Muslim had spread to the Yangon and Delta area it made the Bhamu Buddhist authorities alert so to stop the further spread of Muslim people in the country the government of Myanmar prohibited the movement of Muslim beyond the Akyab district towards the east they also took away the citizenship rights of the Rohingyas on the ground that they are not the real citizen of the country they were the economic refugee who has migrated to their country during the British period (Ghosh,2016). With the revised Myanmar Citizenship Law of 1982 the Rohingya became the stateless people as they were excluded from the list of 135 national ethnic group of Myanmar. Although they were exclude from the citizenship right but they were still continuing their living in Burma until late 2016 and early 2017 when the Myanmar military defended its crackdown on Rohingya Muslim minorities as a lawful counter which they feel necessary to defend their country on the ground of alleged abuse that the Rohingyas were creating problems in their country by burning the houses in the area. Thus this created even bigger flow of refugees from Myanmar to the different neighbouring countries.

It is very difficult to trace the exact population of Rohingya refugees in India as there are many who have entered illegally but according to the recent data there 19,004 families settled in different states in India. Some of these states are Jammu and Kashmir, Andhra Pradesh, West Bengal, Delhi, Rajasthan, Uttar Pradesh, Punjab, Maharashtra, Haryana, and Andaman and Nicobar Island (Chaudhury and Samaddar, 2018).

Certain rights are granted by the Indian constitution in the case of refugee protection, which are applicable to all non-citizens. Any violation of these rights can be remedied through the recourse to the judiciary as the Indian Supreme Court has held that refugees or asylum seekers cannot be discriminated against because of their non-citizen status (Bandyopadhyay, 2007).

In her 2016 article, Rastogi mentioned the different kinds of protection offered to asylum seekers that are granted in India:

#### 1) National Treatment

The rights accorded to asylum seekers and refugees in India are the same as Indian citizens and are protected by the Constitution. Such inclusions include the following:

Article 14 – Equality before law or equal protection of the law.

Article 20 – Right to protection in respect of conviction of offenses.

Article 21 – Protection of life and personal liberty.

Article 22: It protects from arrest and detention.

Article 25: This provides freedom of religion.

Article 32: This allows the right to bring a case before the Supreme Court for enforcing fundamental rights.

In addition, Part III of the Constitution establishes educational and social security rights.

#### 2) Treatments for Foreigners

The refugees, under the 1951 United Nations (UN) Refugee Convention, are conferred certain rights as foreigners in India, which include:

Article 13: Right to property.

Article 15: Right to association

Article 17: Right to work and engage in any occupation

Article 21: Right to adequate housing

Article 26: Freedom of movement and residence.

### 3) Different Special Treatment

Especially also under the 1951 UN Refugee Convention, there are special protections about;

Article 28: Right to an identity and travel document.

Article 3(1): No punishment for illegal entry (Rastogi, 2016).

As India was not a party of 1951 Convention relating to the Status of Refugees and 1967 Protocol, which defines a refugee according to international law, outlines certain rights and services which the host countries have to provide to the refugees (Banerjee, 2012) therefore India has no national refugee law and no regional agreement on the refugees based on the said Convention. However, India time and again argues and claims that it has a law pertaining to the rights and protection of the refugees in accordance with the international norms and Article 51 (C) of the Indian constitution also advocate fostering respect for international law (Rastogi, 2016).

In India a person who is not consider as a citizen of India is considered as Foreigner. Similarly, the Indian laws which is relevant to refugees include the Registration of Foreigners Act of 1939, the Foreigners Act of 1946, and the Foreigners Order of 1948, the Passport (Entry into India) Act, 1920, the Passport Act, 1967 and the Extradition Act, 1962. The 1946 Act and the 1948 Order allows the government to limit employment opportunities, freedom of association, and a foreigner's possessions and it also restricts movement inside India and prohibits select activities that are political in nature whereas the Passport Act of 1920 and 1967 deal with legitimate entry and exit into India and movement within India (Mohan, 2019). The influx of refugees is handle by the administrative decision and is exercised within the framework of above mentioned Acts. However, the civil rights are given to all the people in India whether they are the citizen of India or foreigners.

Since 1981, United Nations High Commissioner for Refugees is operational in India and it provide assistance to the government of India to help and support refugees and asylum seekers in the country. UNHCR provide services like health, education and legal aids etc to the refugees and exiled people in with the civil societies, governmental and non-governmental organisation. However it is up to the government of India to grant asylum and to formulate the policies and plans for the refugees and UNHCR is only a helping body to provide support. Indian government have to follow the global obligations emerging from the international agreements like Universal Declaration of Human Rights, Convention on the Rights of the Child and Convention on the Reduction of statelessness while granting asylum and refugees status to the people by the Indian government. By rectifying this conventions India claim itself committed towards certain principles and standards (Tiwari, 2024)

## 1.2 Statement of the Problem

India has always been a refugee receiving country from its neighbours whether it is from Pakistan, Bangladesh, Sri Lanka, Afghanistan, Tibet or Myanmar. Although India is not the member of the 1951 and 1967 Protocol related to the UN Convention on the Status of Refugees however, India has been a host for the number of refugees from its neighbouring countries on the basis of humanitarian ground. Two such refugees are the Tibetan Refugees from China and the Rohingya refugees from Myanmar. Tibetan refugees who came to India in 1959 when China invade Tibet. A large number of Tibetans along with their leader Dalai Lama came to India as asylum seeker. India granted them the asylum and it is about 60 years that they have spent in India as asylum seeker. On the other hand Rohingya refugees which was created due to statelessness and ethnic policies of Myanmar of 1970s led to the mass exodus of Rohingyas in Bangladesh, India and many other countries. Since the independence of Myanmar there has been migration of Rohingyas from Myanmar to Bangladesh but it was not until 2016 and 2017 when the genocides took place in the Rakhine state of Myanmar and the Myanmar military started forcing the Rohingyas to move out of Myanmar. Thus creating a large number of Rohingya refugees in Bangladesh, India etc. India allowed Rohingya refugees only with the refugee's card which was issued to them by the UNHCR and without which they were termed as illegal migrant.

This two refugees are significant for the study because it attempt to examine whether the religion is seen as one of the important factor which determine the status of refugees in India not only that it also try to see why this two refugees have different ends (one is regarded

as somewhat successful in India while the other is regarded as the minority community who are in the verge of repartition) while they took asylum in the same country that is India.

Thus this work analyse the similarities and differences in the treatment of the refugees in India and for that reason it also look into the similarities and differences in their socio-economic status. Further, it also tried to analyse the initiatives taken by the Indian Government for the Tibetan and Rohingya Refugees.

### 1.3 Review of Literature

Abhilasha Jha (2017) in her article Rohingya Refugee Crisis: India's Legal Stand and Way Forward give a complete view of Rohingya refugee's life after escaping from Myanmar and the problems that they are facing in India. It also cover the origination of Rohingya and tried to provide a detailed study on their persecution by critically examining the effect of providing them the shelter in India. Further some case study of Refugees like Srilankan Tamils, Tibetans and their conditions presently in India is also discussed along with the discussion on the approach related to the refugees that should be practice by the host country.

Amal Roy (2011) in his article titled the Socio-Economic Life of The Tibetan Refugees: A Study in Darjeeling and Sikkim Region had examines the manner of how Tibetan refugees adapted their new socio-cultural environment. He reveals routes of migration, settlement patterns, rehabilitation, and socio-cultural integration of Tibetan refugees along with socio-economic changes in their condition.

Garima, Tiwari (2024) article Promoting Effective Refugee Protection in India: Balancing National Interests and International Obligations present the refugees situation in India specially the Rohingya and Srilankan refugee situation which is vulnerable in India due to its concrete refugee policy. Further it described that the refugees are covered under the Foreigners Act of 1946 which separate Indian from non-Indian citizen and with the introduction of the Citizenship Amendment Act of 2019 combined with the concrete refugee law of India had a major impact on the refugees in India.

Girija Saklani (1978) book *The Uprooted Tibetans in India: A Sociological Study of Continuity and Change* is referred as one of the earliest books on the Tibetan refugees. The book is very helpful to understand the Tibetan way of life in Tibet as well as the changes in their life after their migration in India. The book presents the historical background of Tibetan

refugees in Tibet which is been displayed in discussion on their religion, culture as well as the political life. Further the author also discuss the reasons related to the Tibetan refugee influx into India along with the relationship between Tibet and China.

Komal Rastogi (2016) in her article What is The Legal Status of Refugees in India provided the history of refugees in India along with the protection granted to the asylum seeker in India where the rights given to the asylum seekers has been explained under three heads that is a) National Treatment which covers the rights given to the asylum seeker under Indian constitutional jurisdiction b) Treatment in accordance to foreigners under this certain rights are provide to the asylum seeker under the consideration of 1951 Refugee Convention c) Special Treatment which covers the travel documents and exemption from penalties rights under the 1951 Refugee Convention. Apart from that certain laws for the refugees and displaced person and the role of judiciary for the protection of refugee has been described.

Mamta Desai & Manish Kumar Raha (2011) in their book *The Tibetans - Their Life in Exile in India* had discussed the Tibetan refugees in India and their adaptation in India. The main focus of this book is the changes along with ecological adaptation among the Tibetan refugees. Beyond this, the authors also referred to the various problems that confront Tibetan refugees in India as well as the shift in life and activities caused by their interaction with the host population. Overall this book is dedicated to understand the socio economic and religious status of Tibetan refuges in their homeland and the new settlement areas. The only missing aspect that the authors did not discuss is the refugee's policy in India.

Partha S. Ghosh (2016) in his book *Migrants, Refugees and the Stateless in South Asia* has talks about the refugee situation in South Asia in relation to the political connection, relief and rehabilitation, legal dynamics, cultural and psychological dimensions etc along with the historical background of Rohingya refugees but not in details though. However, this book tried to cover-up all the refugees that are present in India.

Phunchok Stobdam (2019) book *The Great Game in the Buddhist Himalayas: India and China's Quest for Strategic Dominance* present the insights on India, China and Tibet relationship which helps in understanding the complexities of the Tibetan issues. It discussed how the China's Buddhist diplomacy is centered on Nepal, Bhutan, and the Indian regions of Arunachal Pradesh, Sikkim and Ladakh which can be influenced by the Chinese diplomacy.

Along with that it has tried to analyse how India and China try to deal with the Himalayas if the Tibetan issue remains unsolved.

Pia Oberoi's (2006) *Exile and Belonging: Refugees and Policy in South Asia* book is also largely concerned with the history of refugee policy-making in South Asian countries since 1947. The book draws attention to the important cases of mass forced migration into the region from neighboring countries by focusing on six major cases. The book does not deal with all the aspects of the six refugees like it did not deal with the Tibetan refugees settling in India and the problems they face in one of the chapters.

Sabyasachi Basu Ray Chaudhury and Ranabir Samaddar (2018) in their book *The Rohingya in South Asia* had tried to discuss the condition of Rohingya refugees in India and they claimed that this book to be the first publication that has addressed the Rohingya refugee crises in India. Despite the best efforts it still lack the details on the subject.

Satish Kanitkar (2000) book titled *Refugee problems in South Asia* discussed about the Refugee problem in South Asia while focusing on the refugees and security issues along with the regional approach of refugee problems. Further this book tried to provide the insight on the refugees in Pakistan and Bangladesh.

Saurabh Bhattacharjee (2008) in his article India Needs a Refugee Law came up with an argument that there is need for the establishment of a well define law for refugees in India. The article discuss about the rights that is provided by the Government of India to the refugees even though India do not have any laws related to refugee.

SD Muni & Lok Raj Baral (1996) in their book *Refugees and Regional Security in South Asia* had discussed the definition of refugees, the situation of refugees in South Asia, and reasons for movements leading to refugee flows in the South Asia. At the same time, they discuss Tibetan refugees in South Asia, rehabilitation, and its impact on host countries along with some of the other refugees like Chakma from Bangladesh, Bhutanese refugees in Nepal, Afghan refugees and Srilankan Tamil refugees. However, the authors fail to discuss one of the important point that is the refugee policies in South Asia as well as the history of Tibetan refugees.

Suchismita Majumder, Priyanca Mathur Velath and Kriti Chopra and Madhura Chakraborty (2015) in their book *Rohingyas in India: Birth of a Stateless Community* had



discussed about the three main topics that is 1) Rohingyas Languishing behind the Bar. 2) The Stateless People – Rohingyas in Hyderabad, India. 3) Stateless and Suspect: Rohingyas in Myanmar, Bangladesh and India

Sumitra Mohan (2019) book *Regimes in International Relations: A Study of Refugee Problem in South Asia* provide a details on the refugee regimes at international levels along with the refugee problems in international relation. The author tried to critically review the working of regimes in the international relation along with discussing and analyzing the various theories of regimes.

Swananda Banerjee (2012) in her article Legal Status of the Refugees in India presented and insight on the definition of refugee along with the general principles for defining the status of refugee. Brief mentions had been made on the different refugees present in India and the laws related to the refugees in India.

Yeschi Choedon (2018) in her article The Unintended Consequences of India's Policy on Citizenship for Tibetan Refugees briefly highlight the problems concerning Tibetan refugees in India along with the challenges faced by the Tibetan refugees in two major issues: 1) educated unemployment, and 2) shortcomings of travelling abroad. Further, the author also reviews the issue of Indian citizenship as well as the policy options for Tibetan refugees.

Yousuf Storai (2017) article Systematic Ethnic Cleansing: The Case Study of Rohingya Community in Myanmar mainly focusses on Myanmar's state policies since its inception with the Rohingya community, and it also discusses the role of counterpart agencies like major political parties and the military. The article discusses the attempts to analyse the situation in Rakhine state, Myanmar, with reference to the Rohingya ethnic community. It makes the argument that the government machinery as a whole is systematically involved in weakening and expelling the Rohingya community.

Zobayer Ahmed and S.M. Toki Ullah Emtiaz (2020) in their article Major Socio-economic Externalities of Rohingya Crisis in South-East Asia discussed a brief history of the Rohingya and presents the current status of Rohingya people in Bangladesh. It also dealt with the implication of Rohingya crisis in South East Asia, geo political and security issues for the South East Asia along with the cultural, economic, religious, social, environmental and humanitarian implications of Rohingya crisis. This study shows that the migration of Rohingya took place multiple times in 1978-79, 1991-92 and 2016-17, respectively and approximately



one million Rohingyas were forced to leave their homeland Arakan and took shelter in Bangladesh.

### 1.3.1 Research Gap

From the above review of literature, it is clear that all the books and articles have some research gaps. There are only few article and books available on the Tibetan refugees and Rohingya refugees in India. Firstly, those book which deal with the Tibetan refugees in India it only talk about Tibetan refugee's peaceful adaptation in the new settlement areas however it did not explain their status in detail nor they talk about the various problems that they are still facing today. On the other hand those books on Rohingya refugees none of it discuss in detail about the Rohingya refugees in India and their status in India. There are only few articles which deals with the topic but it is also not able to explain the things in detail. Therefore, there is lack of studies covering the status of the Tibetan refugees and Rohingya refugees in India. Further, no such study had conducted regarding the comparative study of Tibetan refugees and Rohingya refugees in India. Thus this work is an attempt to fill up that research gap and also to find some possible solutions for the problems.

### 1.4 Conceptual Framework

It is important to define the term refugees as it can mean different things to different countries although there is no universally accepted definition of Refugee as all the definition of Refugee has been made to serve the purpose of particular situation. However, there are some definitions which serve as the international meaning or definition of the refugee.

The 1951 United Nations convention on refugee is regarded as the core international legal instrument for the protection of refugees which is also referred as the Magna Carta of international refugee law (Moldovan, 2016). It define refugee as someone who is outside of their country of habitual residence and is unable or unable to return because of a well-founded fear of persecution due to their race, religion, nationality, membership in a specific social group, or political beliefs.

The 1951 United Nations Convention did not provide protection to those person whose socio-economic rights are violated rather it provide protection to those person whose civil and political rights are violated. It only cover those person who is excluded because to their political beliefs, colour, country, religion, or affiliation with a certain social group. The definition of the

convention merely explain the point that definitions symbolize partial interpretations of social reality. Therefore, the concept of a refugee is a doubtful concept and on the basis of different epistemological principles a new competing definitions may emerge (Banerjee, 2012).

On 22 April 1954, the Convention entered into force and its provisions were amended by the 1967 Protocol and the main feature of the 1967 Protocol relating to the Status of Refugees is that it removed the temporal and geographical limitations contained in the 1951 Convention where the initial provisions limited the refugee status to persons fleeing events prior to 1 January 1951 and within Europe (Moldovan, 2016). However, no attempt was made to reconsider the definition of the term refugee (Banerjee, 2012).

While defining the term refugees it is important to mention that the Refugee law is inseparably linked with the human rights and humanitarian law, as well as other fields of international law, such as State responsibility and peace maintenance.

The flow of the refugees in some countries can be examined best with the motivational approach. The motivational approach on refugee mainly focuses on why refugees are influenced to enter into the states which they find suitable for their rehabilitation. The motivational approach is a decision-making process through which the individual chooses the desired outcomes and sets in motion the behavior appropriate to them. According to Kunz, he believes that refugee is created by the push factor rather than the pull factors. He classified refugees into three categories:

**Anticipatory refugee:** Those refugees who leave their home country before the deterioration of a military or political situation and thus arrives in the second country of settlement prepared, usually with some language, finance, and skills.

**Acute refugee:** Those refugees who flee their country or region either in masse or in short bursts of person or group escapes, and their main goal is to find shelter in a nearby neighboring nation that will offer asylum.

**Intermediate type:** There are certain intermediate movements embodying characteristics of both the anticipatory and the acute refugee flight-arrival patterns.

Therefore, the majority of Tibetan and Rohingya refugees in India come under the acute refugees as the majority of them were forced out of their countries due to situations that included war (Kunz, 1981).

There are some situations where the term refugee or asylum seekers or migrants is used interchangeably which create a confusion between different categories of persons. Therefore, it is important to understand the differences between a refugee, asylum seeker and migrants.

Firstly, Refugees can be defined as a persons who leave their country of origin due to persecution and seek for international protection. Under UN Convention of 1951 along with its 1967 protocol this category of persons receive international protection and assistance.

Secondly, Asylum seekers are the person who leave their country of origin and seek for international protection due to persecution but their claim for refugee status has not been determined legally.

And lastly, Migrant is referred to a persons who leave their country voluntarily in search of a better life and better opportunities but without a well-founded fear of persecution (Moldovan, 2016).

## 1.5 Rationale and Scope of the Study

The study focus on the comparative study of Tibetan and Rohingya refugees in India. It tried to examine whether religion is seen as one of the important factors that determine the status of refugees in India. Apart from that, this study also examine the similarities and differences in the treatment of the Tibetan refugees and Rohingya refugees in India. Further, it also tried to highlight the similarities and differences in the socio-economic status of Tibetan and Rohingya Refugees in India along with the initiatives taken by the Government of India for the Tibetan and Rohingya Refugees. However, due to the time constraint and availability of few literature, the study is primarily confined into the comparative study of Tibetan refugees and Rohingya refugees in India by analyzing the data conducted from the field study.

## 1.6 Objectives

Some of the objectives of the study is as follows;

1. To examine whether religion is seen as one of the factors that determine the status of refugees in India
2. To study the similarities and difference in the treatment of the Tibetan Refugees and Rohingya refugees in India.
3. To analyse the similarities and differences in the socio-economic status of Tibetan and Rohingya Refugees in India.
4. To compare the initiatives taken by the Government of India for the Tibetan and Rohingya Refugees.

## 1.7 Research Questions

On the basis of the above objectives the following Research questions were framed accordingly;

1. Whether religion is seen one of the factors that determine the status of refugees in India?
2. What are the similarities or difference in the treatment of the Tibetan and Rohingya Refugees in India?
3. What are the similarities and difference in the socio-economic status of Tibetan and Rohingya Refugees in India?
4. What are the initiatives taken by the government of India for the Tibetan Refugees and Rohingya Refugees?

## 1.8 Research Methodology

The study employs both quantitative and qualitative methods of data collection to explore and compare the factors determining the status of both Tibetan as well as Rohingya refugees in India. Both method ensured a comprehensive analysis of various dimensions that have been influencing refugees' lives in India. It also helped this study to explore similarities and differences as well as current socio-economic status of both refugees' communities in India. Quantitative research method was employed to measure the socio-economic status and demographic characteristics of both the refugee communities. Quantitative data was collected from various primary sources like field survey, government report, official website reports of

specialized government agencies, etc. Qualitative analysis provided deeper insight into challenges, opportunities, and experiences faced by both the refugees' communities. Qualitative data was collected from secondary sources like books, articles, newspapers, and other existing literatures. Research design of this propose study are descriptive as well as analytical in nature as it tried to describe whether religion is one of the factors that determine the status of refugees in India and what are the similarities or difference in the treatment of the Tibetan and Rohingya Refugees. It also tried to analyse their migration patterns, the factors that influence their displacement and the initiatives taken by the Government of India for the Tibetan Refugees and Rohingya Refugees in India accurately based on observation method. The study also applied content analysis of various news reports and media broadcastings about Tibetan refugees and Rohingya refugees in India.

### 1.8.1 Area of the Study

The Government of India had provided various settlements to the Tibetan refugees and Rohingya refugees in India but for this study two states namely West Bengal and Delhi is taken as study area for the purpose of the research and structured survey were conducted among refugees in two states that is West Bengal and Delhi. The data includes income level, education qualification, and employment status, access to health care and living conditions.

For Tibetan refugees, Self Help Centre, Darjeeling and Tashiling Tibetan Settlement at Sonada, Darjeeling from West Bengal had been surveyed. Presently, there are 650 Tibetan refugee in Darjeeling and approximately 540 in Sonada. For Rohingya refugees, Baruipur, South Bengal and Goalpara District, West Bengal had been surveyed. West Bengal and Delhi is chosen for the study because both refugees are there in the respective states and it is good to analyse both refugees socio-political status as well as how respective government have been treating them and what are the major problems and challenges that they have been facing.

The sample size is 200 of which 100 respondents is from Tibetan refugees and 100 respondents is from Rohingya refugees. The sample technique of this study is both Purposive as well as Simple Random sampling as to ensure representation from both the settlement areas. Purposive sampling is used for this study as only Tibetan refugees and Rohingya refugees is selected from all the refugees in India and it is based on Simple random sampling because the respondents which is selected for the study is random wise, where each element have equal and

independent chance of being included in subsequent samples. Both questionnaires and schedules is used to collect the information.

A comprehensive framework was developed to identify the similarities and differences in the socio economic and cultural experiences of both the refugees' communities. Comprehensive framework method examined several factors such as historical context and reason for displacement, legal and political status in India, economic opportunities and challenges, and cultural integration and identity preservation.

## **1.9 Chapterization**

For the better understanding of the Topic the study is divided into six chapters

### **CHAPTER 1: INTRODUCTION**

This chapter contain the definition of refugees according to the International laws. It briefly discuss the factors behind the creation of refugees, refugee's situation in South Asia and rights of refugees under the international law along with the statement of the problem, review of literature, scope of the study, objectives, research questions, research methodology and chapterization.

### **CHAPTER 2: HISTORICAL BACKGROUND OF TIBETAN REFUGEES IN INDIA**

The chapter discuss the historical background of Tibetan refugees and factors related to their migration. It also include the settlement, rehabilitation and adjustment in India.

### **CHAPTER 3: HISTORICAL BACKGROUND OF ROHINGYA REFUGEES IN INDIA**

This chapter deals with the historical background of Rohingya refugees where the relationship between India and Myanmar is discussed briefly along with the factors related to their migration. Further it also discuss the reason for their arrival and settlement in India.

### **CHAPTER 4: SOCIO- ECONOMIC STATUS OF TIBETAN REFUGEES AND ROHINGYA REFUGEES IN INDIA**

This chapter deals with the similarities and differences in the socio-economic status of Tibetan and Rohingya Refugees in India. The study is based on field work that look into the income, education qualification and occupation of both the refugees in India.

## **CHAPTER 5: REFUGEES MANAGEMENT IN INDIA: ISSUES AND IMPLICATIONS**

This chapter is based on the similarities and differences in the treatment of the Tibetan Refugees and Rohingya refugees in India along with the initiatives taken by the government of India for the Tibetan refugees and Rohingya Refugees in India. Further, this chapter also highlight whether religion are seen as one of the factors that determine the status of refugees in India based on the field survey.

## **CHAPTER 6: CONCLUSION**

This chapter summarizes the key findings. It focuses on the India's approach to Tibetan and Rohingya Refugees, highlighting the differences in legal status, social integration and government response. The study shows how these differences affects the lives of refugees in India. It also emphasize the need for a clear and consistent refugee policy that ensure basic rights and supports for all refugees. The chapter suggests ways to improve India's refugee management system while maintaining social harmony and security.

## CHAPTER 6

### CONCLUSION

India has no national refugee law specifying the rights and governing the treatment of refugees (Anantachari, 2001). As a result, India can make its own decision regarding refugees and can treat different refugee communities with varying standards of protection. India's treatment towards asylum seekers has always been a political decision, a direct result of the country's relation with the refugee's country of origin (Mitra, 2008) hence the government of India deals with the refugee matters administratively and accordingly to humanitarian consideration.

India did not signed the 1951 Convention or the 1967 Protocol. Several observers have argued that the reason for India's refusal to sign the convention was that it was very Euro-centric and India viewed it and the United Nations High Commission for Refugees (UNHCR) as instruments of the cold war (Sen, 2003).

The fact that India declined to be a member or to ratify the 1951 Refugee Convention does not imply that it is completely against the protection of refugees as it has some basic commitment to humanitarian protection of refugees. The right of refugees to non-refoulment has been recognized, with some reservations, as a part of customary international law (Chimni, 2007). Therefore, the state would work to promote adherence to international agreements and regulations while bringing peoples together, in accordance to one of the directive principles of state policy.

In addition to that India has signed various human rights instruments that deals with the defense or security of the refugee. According to the 1948 Universal Declaration on Human Rights (UDHR) India is a signatory member. It has also joined the International Covenant on Economic, Social and Cultural Rights (ICESCR-1966) and International Covenant on Civil and Political Rights (ICCPR-1966) since 1979. It is also a signatory to the Convention on the Elimination of all forms of Racial Discrimination (CERD-1965) and the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (Torture Convention-1984).

The Indian Constitution guarantees certain fundamental rights to all persons including citizen of India and non-citizen of India. In India, almost all the basic refugee rights have got



constitutional recognition (Bhattacharjee, 2008). Chapter III of the constitution, under Article 14-35, deals with the fundamental rights of the citizen of India. However, none of these basic rights are accessible to foreigners, and the state may suspend the enforcement of all the fundamental rights excluding the right to life during emergencies brought on by war or external invasion. The constitution of India provides following fundamental human rights and fundamental freedoms to refugees, legally admitted to India or to all the persons, including asylum-seekers and refugees:

**Right to Equality before Law (Article 14):** In India territory, any person equality before law or equal protection of the law shall not be denied by state. This right entails that there shall not be any discrimination between people or classes of people without reasonable classification by the legislature between different classes (Bhattacharjee, 2008).

**Protection of Life and Liberty (Article 21):** Any person shall not be deprived of his/her life or personal liberty except according to due procedure established by law. In the particular context of refugee protection, this implies that the courts now have to decide whether the deportation process was fair, just, and reasonable, as opposed to only whether it followed the process outlined in the Foreigners Act. It encompasses a range of rights granted to foreign nationals and refugees in India including Human Rights which include the following: Right to a Decent Life, Human Dignity, Right to a Source of Income, Right to Housing, Educational Right, Right to Social Security and Family Protection, Health and Medical Assistance, Privacy Right, Right to Free Legal Aid, and a Speedy Trial are all rights that should be taken into consideration. This also includes the right to appear before a magistrate within twenty-four hours after being taken into custody. In terms of liberty, these rights place an Indian citizen and a refugee on a same footing; the right against inhuman treatment (Bhattacharjee, 2008).

**Protection against Arrest and Detention (Article 22):** The Indian Constitution guaranteed protection against arrest and detention in certain cases. In the two situation listed below, it includes procedural protections against arrest or imprisonment:

- a) When the arrest or detention is carried out in accordance with the regular legislation pertaining to the conduct of offences;
- b) Where the detention is made under a law providing for preventive detention.

**Practice and Propagate Own Religion (Article 25):** offers that subject to public order, morality, health and other fundamental rights, all persons are equally eligible for freedom of

conscience and the right to freely profess, practice and propagate their religion (Bhattacharjee, 2008).

The judiciary of India has also played a very important role in protecting refugees. Court orders in many cases have provided humanitarian protection to refugees (Parikh 2001). Non-governmental organisations (NGOs) and refugees are now able to bring lawsuits before Indian courts as Indian courts made it possible for them to do so. In order to provide refugees and asylum seekers with protection, courts have also interpreted sections of the Constitution, current legislation, and international law.

In a number of cases, Indian courts have protected the rights of refugees to non-refoulment and have protected them where there are substantial grounds to believe that their life would be in danger by allowing them to be granted refugee status by the UNHCR (Vijaykumar, 2000) and in some cases, it has been recognized that the constitutional protection of life and liberty must be provided to refugees.

Furthermore, as a watchdog for refugee protection, the National Human Rights Commission (NHRC) has performed its role admirably. The judiciary has also upheld a refugee's right to leave the country (Dhavan, 2003).

Thus, Administrative ad hocism and judicial statement of constitutional freedom have been found to interplay in a variety of ways under India's legislative context for refugee protection. Every individual including refugees, are granted number of essential rights under the Constitution. Therefore, refugees have the same legal status as regular foreigners, whose presence is primarily governed by the Foreigners Act of 1946.

Since there is no clearly well-defined group of refugees under Indian law. Refugees, like other aliens, are normally subject to expulsion with little due process. Foreigners or aliens are classified as a category under the Foreigners Act regime, and they can be further subdivided, but no such division has been formulated for the refugees. Therefore, the status of refugees is presently determined by the extent of protection they receive from the government of India which in turn has been influenced more by political equations than by humanitarian or legal obligations (Bhattacharjee, 2008).

Presently, there are various international regimes that seek to protect the refugees all over the world but it is not fully adopted by the countries like India. The above discussions

clearly show that government of India's law and practices are not able to give full protections to refugees. The government of India's law and practices are failed to recognize different types of refugees and has been treating all as foreigners. Even though there is an absence of legal laws on refugees, government of India has been assisting protection to refugees.

India has dealt with the situation of huge refugee groups without a refugee law but with a large population of refugees and asylum seekers who might not be repatriated anytime soon, require a unified legal framework that will enable the government to uphold the large number of non-citizens community with more accountability while still granting them access to fundamental rights and benefits. Numerous court rulings from the Indian courts demonstrate that the Indian legal system has acknowledged the International legal orders to offers citizens with greater human rights legislation, which are shown in several court rulings.

Indian Judiciary also plays an important role in protecting the basic rights of refugees by interpreting Constitution of India with the principles of international law and Human rights. Further United Nations High Commissioner for Refugees, has contributed significantly to India's refugee safety efforts. In compliance with the convention's provisions, the National Human Rights Commission of India, which now oversees India's refugee policy, has issued a number of proposals suggesting the creation of such a legislation.

The Tibetans in India has enjoyed preferential treatment from the Indian state. Tibetans are regarded generally as model refugees (Haimendorf, 1990) due to their nonviolence nature or character and they attempts to create self-sufficient communities. They are at the advantage position as compared to the other group of refugees. They are protected by the Government of India and Tibetan Government in Exile.

There are notable differences in the comparative study of Tibetan and Rohingya refugees in India, and those differences are visible in their experiences, challenges and outcomes. On the one hand, the Tibetan refugees, who are considered the most successful refugees, have shown significant resilience and was successful in integration into the Indian society. This successful integration was possible due to their strong community bonds, positive approach to preserve their culture and identity, international support and adapting to the norms of their host country (Lama, 2018; Mishra, 2020). Apart from these factors, the establishment of strong educational institutions, cultural centres, economic projects etc, not only contributed in their community wellbeing but it has also impacted on their host communities in a positive

manner. The Tibetan community's emphasis on education has been essential to their successful assimilation. In addition to ensuring the transmission of cultural values and language throughout generations, the establishment of educational institutions gave Tibetan youth the skills they needed to become economically independent (Lama, 2018). Tibetans were thus better equipped to handle the difficulties of integration without sacrificing their individuality, thanks to the emphasis on education and cultural preservation.

On the other hand, Rohingya refugees who are considered as the most persecuted refugees faced extreme vulnerabilities stemming from persecution, statelessness, and limited international recognition (Alam, 2021). Due to lack of basic rights and legal status there is severe restrictions on their access to education, livelihood opportunities and healthcare facilities in India Deteriorating their already dire humanitarian situation (Bhatia, 2018; International Crisis Group, 2020). Despite efforts by humanitarian organizations and advocacy groups, the Rohingyas continue to suffer systemic marginalization and discrimination, continuing their cycle of displacement and vulnerability (HRW, 2022).

The opposing courses of Tibetans and Rohingyas highlight the critical role of geopolitical factors, international policies, and local integration frameworks in shaping refugee outcomes. While Tibetans benefited from early international recognition and support, Rohingyas have faced protracted challenges due to political complexities and lack of diplomatic solutions (Lama, 2016).

The history of Tibetan refugees is closely linked to the political and cultural turmoil that Tibet experienced, particularly during the mid-20th century. Tibet has long been an autonomous region with a unique cultural and religious identity centered on Tibetan Buddhism. The region maintained a complex relationship with neighboring China, with periods of influence and independence. Tibetan Buddhism, led by the Dalai Lama, played a central role in both the spiritual and political life of Tibet. By the early 20th century, Tibet enjoyed a degree of autonomy, though its political status remained ambiguous in the eyes of both the Chinese and the broader international community.

The People's Republic of China, under Mao Zedong, sought to reassert control over Tibet. Following the People's Liberation Army's (PLA) 1950 invasion of Tibet, the Seventeen Point Agreement was signed in 1951. This agreement promised autonomy for Tibet under Chinese sovereignty, but the promises were not upheld (Shakya, 1999). Tensions intensified as

Chinese policies began to undermine traditional Tibetan structures, leading to widespread unrest.

The situation reached a critical point in March 1959, when a major uprising erupted in Lhasa. The uprising was brutally suppressed by Chinese forces, resulting in thousands of deaths (Goldstein, 2007). Fearing for his life and the future of Tibet, the 14th Dalai Lama, Tenzin Gyatso, fled to India with a group of followers. This marked the beginning of the Tibetan refugee crisis, as approximately 80,000 Tibetans followed him into exile (McGranahan, 2010).

Upon arrival in India, the Dalai Lama was granted asylum by Prime Minister Jawaharlal Nehru. India provided land in Dharamshala, Himachal Pradesh, for the Tibetan government-in-exile. This government sought to preserve Tibetan culture, religion, and identity while advocating for the rights and autonomy of Tibetans (Sperling, 2004). The Dalai Lama's leadership in exile was crucial in organizing the refugee community and garnering international support for their cause.

The Tibetan refugees faced significant challenges in their new host countries, primarily India, Nepal, and Bhutan. Despite these difficulties, the community focused on cultural preservation and education. Monasteries were re-established, and Tibetan schools were built to ensure that the younger generation could learn their language, culture, and religion (Diehl, 2002). The Central Tibetan Administration (CTA) also set up various departments to manage health, education, and economic development, ensuring a degree of self-sufficiency for the refugee community.

The plight of the Tibetan refugees attracted significant international attention. The Dalai Lama became a global figure, advocating for nonviolence and human rights. He was awarded the Nobel Peace Prize in 1989, which highlighted the Tibetan cause on the world stage (Norbu, 2001). The international community, including numerous non-governmental organizations (NGOs), provided humanitarian aid and support for Tibetan refugees. However, most countries, including major powers, continued to recognize Tibet as part of China, limiting the political impact of this advocacy (Sautman, 2010).

The Tibetan refugee crisis has persisted over the decades, with continued reports of human rights abuses and cultural repression in Tibet under Chinese rule. Many Tibetans continue to flee, risking perilous journeys over the Himalayas to escape persecution. The

Chinese government's policies in Tibet, including restrictions on religious practices, education, and economic opportunities for Tibetans, have fueled this ongoing exodus (Barnett, 2012).

In 2011, the Dalai Lama announced his decision to step down from his political role, transferring his responsibilities to the democratically elected Sikyong (Prime Minister) of the CTA. This move was intended to ensure the continuity and stability of the Tibetan political struggle beyond his lifetime (Gyatso, 2011). The CTA continues to function as a democratic institution, promoting the welfare of Tibetans in exile and advocating for the rights and autonomy of those in Tibet.

The future of Tibetan refugees remains uncertain. The Chinese government maintains a firm stance on Tibet, rejecting any notion of autonomy or independence. The Tibetan community in exile continues to face socio-economic challenges, although it has made significant strides in education and cultural preservation. The younger generation of Tibetans in exile is increasingly integrated into their host societies, balancing the preservation of their heritage with the realities of their new environments (Kolas, 2015).

Despite these challenges, the Tibetan diaspora remains resilient, maintaining a strong sense of identity and community. The international support for the Tibetan cause, while symbolically significant, has yet to translate into meaningful political change. The prospect of the Tibetan refugees' return to a genuinely autonomous Tibet remains a distant goal, contingent on significant political shifts within China and the broader international landscape.

15 Similarly, the roots of the Rohingya crisis can be traced back to British colonial rule in Myanmar (then Burma). During British administration (1824-1948), there was significant migration of laborers from British India to Burma, including the present-day Rohingya population. This movement sowed seeds of ethnic tension, as indigenous communities viewed these migrants as outsiders encroaching on their land (Leider, 2018).

24 The Rohingya are a Muslim ethnic minority from the Rakhine State in Myanmar, formerly known as Arakan. Their presence in this region dates back centuries, with historical records indicating that Arab traders introduced Islam to the region as early as the 8th century (Farzana, 2017). Over the centuries, the Rohingya developed a distinct cultural and religious identity, which was often in contrast to the predominantly Buddhist population of Myanmar.

Their origins in the region can be traced back centuries, with historical evidence suggesting the presence of Muslim communities in Arakan (now Rakhine State) as early as the 15th century. During the Mrauk U Kingdom, Muslim mercenaries and traders settled in the region, integrating into the local population (Leider, 2018). However, the ethnic identity and status of the Rohingya have been subjects of historical and political contention.

The British colonization of Burma (Myanmar) in the 19th century significantly impacted the demographic and political landscape of Rakhine State. During British rule, there was substantial migration of laborers from British India (present-day Bangladesh) to Burma, including the Arakan region (Charney, 2009). This migration intensified ethnic and religious tensions between the local Buddhist Rakhine population and the Muslim migrants as the new arrivals were perceived as economic and cultural competitors. The British administrative policies, which often favored certain ethnic groups over others, exacerbated these tensions (Yegar, 2002).

After Myanmar gained independence from Britain in 1948, the new government faced the challenge of integrating diverse ethnic groups into a single national identity. The Rohingya's ethnic and religious identity made them targets of suspicion and discrimination by the predominantly Buddhist government and society and associate them with colonial exploitation and fearing their growing influence in Rakhine. Therefore, the newly formed Burmese government did not recognize the Rohingya as one of the country's indigenous ethnic groups which were visible in 1948 Union Citizenship Act, enacted by the Burmese government which granted citizenship to some ethnic groups but excluded the Rohingya, thereby marking the beginning of their statelessness (Ahmed, 2019).

The 1962 military coup in Myanmar further marginalized and marked the beginning of systemic exclusion and discrimination of the Rohingya. The new regime implemented policies that stripped the Rohingya of their rights and increased their vulnerability. The 1982 Citizenship Law was particularly detrimental, as it effectively rendered the Rohingya stateless by not recognizing them as one of the 135 official ethnic groups of Myanmar (Leider, 2018). This law required proof of ancestry dating back to 1823, which most Rohingya could not provide, thereby denying them citizenship.

The Rohingya have faced systematic discrimination, violence, and displacement for decades. Major episodes of violence in 1978 and 1991-1992 led to mass exoduses of Rohingya



to neighboring Bangladesh. The 1978 military campaign, known as "Operation Dragon King," was ostensibly aimed at rooting out illegal immigrants but resulted in widespread atrocities against the Rohingya population (Ahmed, 2010). Similarly, the 1991-1992 military operations led to significant human rights abuses, forcing over 250,000 Rohingya to flee to Bangladesh (Dussich, 2016).

The statelessness and systematic persecution of the Rohingya led to multiple waves of displacement. Significant exoduses occurred in 1978 and 1991-1992, when military operations targeted the Rohingya, accusing them of being illegal immigrants from Bangladesh. These operations, known as Operation Dragon King (1978) and Operation Clean and Beautiful Nation (1991-1992), were characterized by widespread violence, including killings, rapes, and forced labor, causing hundreds of thousands of Rohingya to flee to neighboring Bangladesh (Ullah, 2016).

The 1982 Citizenship Law, in particular, denied the Rohingya citizenship, rendering them stateless and stripping them of basic rights.

The situation for the Rohingya deteriorated dramatically in the 21st century. In 2012, communal violence between Rakhine Buddhists and Rohingya Muslims resulted in significant loss of life, displacement, and destruction of property. This violence displaced approximately 140,000 Rohingya within Rakhine State, forcing them into Internally Displaced Persons (IDP) camps where they lived in dire conditions (Green et al., 2015).

When the Arakan Rohingya Salvation Army (ARSA), a terrorist organisation, assaulted Myanmar security troops in August 2017, the situation worsened even further. The military's response was brutal and disproportionate, which include extrajudicial killings, rapes, and the burning of Rohingya villages (Fortify Rights, 2017) that is described by the United Nations as a "textbook example of ethnic cleansing" (UNHCR, 2017). Over 700,000 Rohingya fled to Bangladesh, where they joined earlier refugees in overcrowded camps in Cox's Bazar (Human Rights Watch, 2018) creating one of the world's largest refugee crises.

The influx of Rohingya refugees into Bangladesh has led to the establishment of large camps for refugees, mostly in the region of Cox's Bazar. These camps, , have grown to be among the biggest like that of the Kutupalong and most densely populated in the world. The living conditions in these camps are harsh, with refugees facing challenges such as inadequate shelter, limited access to clean water and sanitation, and insufficient healthcare and educational



services (UNICEF, 2018). Despite the challenging conditions, the Bangladeshi government and international humanitarian organizations have been working to provide essential services, although resources are stretched thin.

The international community's response to the Rohingya crisis has been a mix of humanitarian aid and diplomatic pressure. Various UN agencies, such as the United Nations High Commissioner for Refugees (UNHCR) and United Nations International Children's Emergency Fund (UNICEF), have been actively involved in providing aid to the refugees. However, the response has been criticized as insufficient given the scale of the crisis. Efforts to repatriate the Rohingya to Myanmar have faced significant obstacles, primarily due to the lack of guarantees for their safety and citizenship rights in Myanmar (International Crisis Group, 2019).

As of 2023, the Rohingya refugee crisis remains unresolved. The Rohingya in Myanmar continue to face severe restrictions on movement, lack of access to education and healthcare, and ongoing threats of violence. Moreover, the protracted nature of their displacement poses long-term challenges for Bangladesh, which is already dealing with its own economic and social issues. In Bangladesh, the refugees remain in limbo, with little hope for repatriation or resettlement in third countries. The prospects for a durable solution appear bleak without significant political changes in Myanmar and sustained international pressure and support (Amnesty International, 2020).

The history of the Rohingya refugees is a tragic tale of statelessness, systematic persecution, and mass displacement. Their difficulty emphasizes the urgent need for a comprehensive international response that addresses both the immediate humanitarian needs and the root causes of their persecution.

After decolonization, refugee became one of the major problem in the international arena. Almost every country in the world is hosting refugees whether national or international. The main reason for the generation of refugees varies from country to country some of them is created due to external intervention, statelessness, failure of nation building or inter-ethnic conflicts etc. As long as the interest of a nation grows the fight for the power continues leading to subordination of one country by another which result in societal disturbances and refugees creation. The international organisation that is United Nations (UN) defined the term refugees and provided them rights for the clarity and better understanding of the terms and conditions

for recognizing a person as a refugee and giving them some rights. Around 193 countries signed the UN convention on refugee. However, some countries did not signed that convention including some of the South Asian countries and Indian is also one among them. The countries that signed the UN convention on the status of refugees uses the procedure to identify the refugees and provide them with protection underline in accordance to the refugee convention. However, those countries which did not signed the UN convention on refugees follows their own ways in treatment of the refugees in their country. Similarly, in India there is no laws or legal bodies to deal with the refugee and nor have a proper policies regarding refugees. On the basis of Historical and humanitarian grounds India is providing protection to the refugees (Rastogi, 2016). India is not bound by any international legal agreement to provide refuge to any refugees. However, from the historical perspective India has been providing refugee to the refugees from different countries. The tradition of providing refuge for the refugees in India date back to the India Pakistan partition followed by another flow of refugees from Tibet in 1959 to the more recent influx of Rohingya Muslims from Myanmar.

Tibet has always occupied a special position in the indo china relation. The influence of Tibet on the indo china relation and the Chinese and Indian policies towards Tibet reveal the origin and nature not only of the Chinese claim to Tibet but also of India's relations with Tibet. According to the historical tradition of Tibet the first king of Tibet was from India .While most of the African and Asian nations were decolonized, Tibet, a de facto independent nation, came under the Communist China.

India and China, two of the world's most populous nations and ancient civilizations, have a relationship that is as old as their histories. Over the centuries, the relationship has been marked by trade, cultural exchange, and, more recently, geopolitical rivalry. The contemporary Indo-China relationship is shaped by historical grievances, economic competition, and strategic concerns, making it one of the most significant bilateral relationships in the 21st century. As both countries continue to rise on the global stage, their interactions will have profound implications for regional and global stability.

The historical relationship between India and China dates back to ancient times, with evidence of trade and cultural exchange between the two civilizations. The Silk Road facilitated the movement of goods, ideas, and people between India and China, contributing to mutual cultural enrichment. Buddhism, which originated in India, played a significant role in shaping Chinese culture and religious thought, particularly during the Han and Tang dynasties.

However, the modern Indo-China relationship began to take shape in the 20th century, particularly after both countries gained independence India in 1947 and China in 1949. Initially, the two countries shared a common vision of anti-imperialism and non-alignment. The "Hindi Chini Bhai-Bhai" (India-China Brotherhood) slogan epitomized this early phase of camaraderie. Despite this early promise, the relationship soon soured due to border disputes, particularly the disagreement over the Aksai Chin and Arunachal Pradesh regions. The 1962 Sino-Indian War was a significant turning point, leading to a deep and lasting mistrust between the two nations.

The border disputes between India and China remain one of the most significant sources of tension. The de facto boundary, known as the Line of Actual Control (LAC), is not clearly defined leading to frequent standoffs between the Indian and Chinese militaries. The 2017 Doklam standoff and the 2020 Galwan Valley clash are recent examples of how these disputes can quickly escalate into violent confrontations, risking broader conflict. The continuing infrastructure development along the LAC by both sides has only heightened the tensions, with both countries seeking to strengthen their strategic positions.

Economically, India and China have followed different paths to development. China's rapid economic growth since the late 20th century has positioned it as a global manufacturing hub, while India's growth has been more gradual and service-oriented. Despite being competitors, China and India are also significant trade partners. However, the trade relationship is asymmetrical, with India facing a substantial trade deficit with China. This economic imbalance is a source of concern for India, which has sought to reduce its dependence on Chinese imports by promoting domestic manufacturing under initiatives like Make in India.

India and China are also strategic rivals in Asia. China's Belt and Road Initiative (BRI) and its growing influence in South Asia and the Indian Ocean region are viewed with suspicion by India. India, in response, has sought to strengthen its ties with other regional powers, such as Japan and Australia, and has taken an active role in the Quadrilateral Security Dialogue (Quad). The strategic competition between India and China extends beyond Asia, influencing their respective positions in global governance institutions like the United Nations and the World Trade Organization (WTO).

Despite the geopolitical and economic challenges, there have been ongoing efforts to improve cultural and people-to-people exchanges between India and China. Initiatives such as

academic exchanges, tourism, and cultural festivals have aimed to bridge the gap between the two societies. However, these efforts have been limited in their impact, as the broader political and strategic issues continue to overshadow the cultural ties.

The future of Indo-China relations is uncertain, with the potential for both cooperation and conflict. On the one hand, economic interdependence could drive the two countries to seek more stable and cooperative relations. On the other hand, unresolved border disputes, strategic rivalry, and mutual distrust could lead to further tensions. The role of external factors, such as the United States, will also be crucial in shaping the future dynamics of Indo-China relations.

Efforts at conflict resolution, such as confidence-building measures and dialogue mechanisms, will be essential in managing the relationship. Both countries will need to find ways to accommodate each other's rise and aspirations without resorting to conflict. The prospects for cooperation in areas like climate change, global health, and multilateral trade could serve as building blocks for a more stable and constructive relationship.

The relationship between India and China is one of the most complex and significant in the world today. Rooted in a shared history but marred by contemporary challenges, Indo-China relations will continue to shape the geopolitical landscape of Asia and beyond. While there are significant obstacles to a fully cooperative relationship, the potential for collaboration in various domains remains. The future of Indo-China relations will depend on the ability of both countries to manage their differences and build on areas of common interest.

India and Myanmar share a long and intertwined history, characterized by deep cultural, religious, and economic connections. As neighbors in South Asia, the relationship between India and Myanmar is crucial for regional stability and development. Over the years, the bilateral relationship has evolved, shaped by historical legacies, strategic interests, and contemporary challenges. This article explores the historical ties between India and Myanmar, examines their strategic and economic relationship, and discusses the challenges and opportunities that lie ahead.

The historical relationship between India and Myanmar is rooted in centuries of cultural and religious exchange. Buddhism, which originated in India, spread to Myanmar and became a significant part of its cultural and religious identity. The two countries were also linked during the British colonial period when Myanmar (then Burma) was administered as a province of

British India until 1937. This period saw significant movement of people, goods, and ideas between the two countries.

The shared colonial experience left a lasting impact on India-Myanmar relations, particularly in terms of infrastructure and legal systems. Following Myanmar's independence in 1948, the relationship continued to be shaped by shared cultural and historical ties. However, political changes in Myanmar, particularly the military coup in 1962 and the subsequent isolationist policies, led to a cooling of relations between the two countries.

In recent years, India-Myanmar relations have been increasingly driven by strategic and economic interests. Myanmar's geographic location makes it a crucial partner for India in its "Act East" policy, which aims to strengthen ties with Southeast Asia and counterbalance China's growing influence in the region. Myanmar serves as a gateway for India to Southeast Asia, and its cooperation is essential for India's connectivity initiatives that include the Trilateral Highway through India-Myanmar-Thailand and the Kaladan Multi-Modal Transit Transport Project.

Myanmar is also strategically important for India's security, particularly in the context of insurgent groups operating along the India-Myanmar border. Cooperation between the two countries on security issues, including counter-insurgency operations and border management, has been a key aspect of their bilateral relationship. India has provided military assistance and training to Myanmar's armed forces as part of this cooperation.

Economically, India and Myanmar have significant trade relations, particularly in sectors like agriculture, pharmaceuticals, and infrastructure. India is one of Myanmar's major trading partners, and there is considerable potential for expanding economic ties, particularly in areas like energy, where Myanmar's natural gas reserves are of interest to India. However, trade between the two countries remains below potential, hindered by issues such as inadequate infrastructure and bureaucratic hurdles.

Despite the strategic and economic interests that bind India and Myanmar, the relationship faces several challenges. One of the most significant challenges is Myanmar's internal political situation. The military coup in February 2021 and the subsequent crackdown on pro-democracy protesters have drawn international condemnation and led to political instability in Myanmar. India, which has traditionally followed a policy of non-interference in

Myanmar's internal affairs, has been cautious in its response, balancing its strategic interests with its democratic values.

Another challenge is the issue of the Rohingya crisis, which has strained Myanmar's relations with many countries, including India. The exodus of Rohingya refugees from Myanmar to neighboring countries, including India, has raised humanitarian and security concerns. While India has provided humanitarian assistance to Rohingya refugees, it has also faced criticism for its handling of the refugee crisis, particularly regarding the deportation of Rohingya refugees (Jha, 2017).

Despite these challenges, there are significant opportunities for India and Myanmar to deepen their cooperation. Enhanced connectivity through infrastructure projects can boost trade and people-to-people exchanges between the two countries. Additionally, greater cooperation in sectors such as energy, healthcare, and education can provide mutual benefits.

India can also play a constructive role in supporting Myanmar's peace process and democratic transition. By engaging with all stakeholders in Myanmar, including the military, civil society, and ethnic groups, India can contribute to a more stable and inclusive political environment in the country.

India-Myanmar relations are complex, shaped by historical ties, strategic interests, and contemporary challenges. While there are significant obstacles to deepening the relationship, particularly in light of Myanmar's political situation, there are also substantial opportunities for cooperation. By carefully balancing its strategic interests with its commitment to democratic values, India can play a vital role in supporting Myanmar's development and stability. The future of India-Myanmar relations will depend on how effectively both countries navigate these challenges and capitalize on the opportunities for mutual benefit.

The refugees from Tibet and Myanmar are both compelled to flee their home countries. Due to persecution and the other party's authority over their homeland, both refugees were forced to flee and seek asylum in other nations.

There were more female respondents than male respondents in each of the camps or settlements for refugees. For instance, in Tibetan refugee communities in West Bengal The reason why there were more female respondents than male was that the females worked in a variety of fields inside the settlement, such as small shops, farms, and the Darjeeling carpet-

making center, while the male members were employed by the army and in seasonal businesses outside of the settlement. While the NGOs and the local community provided the settlement for Rohingya in Delhi and West Bengal on their lands, the male members used to do manual labor and earn income for the family, which keeps them away from the settlements, and the female members take care of the family in the settlement areas, the Tibetan colony in Delhi is different than the other settlement as it is more like a business colony and every individuals living there are involved in some work to support their families which is why there is more female respondents which outweigh the male respondents.

The majority of respondents from the Tibetan and Rohingya refugee populations are between the ages of 15 to 30, followed by those between the ages of 31 to 50 and 51 to 60. The age category between 51 to 60 was increased by the West Bengal respondents which include both younger and older people, and the Delhi settlement produced the greatest number of age groups between 31 to 50, the age group of respondents among Tibetan refugees is larger, between 15 to 30.

Despite having different educational backgrounds, the younger generation of both refugees attends a variety of schools and colleges, and the issues surrounding the Rohingya refugees' current lack of education are also faced by the first and second generations of Tibetan refugees. For this reason, the second generation of Tibetan refugees abandoned their studies in the middle, needing to work to support their families.

Both Rohingya and Tibetan refugees rely heavily on private services for their family's income. Despite the fact that the services they provide differ. The services provided by Rohingya refugees bear similarities to those rendered by the initial wave of Tibetan refugees in India. In India, none of the refugees is qualified to work for the government.

Although Tibetan refugees are currently in a good position, both the Rohingya and the Tibetan refugees faced similar income-related difficulties. Since the property is given to the Tibetan exiles on a lease, the Indian government may reclaim the land at any time if they so choose to. Additionally, the space that is provided to them is not expandable. In a similar vein, the land on which the Rohingyas reside is provided by NGOs rather than the government. The two refugee children are enrolled in universities and private schools. The assistance provided by non-governmental groups is larger for both refugees. A head member oversees the settlement in each of the settlement regions.



One issue that both Rohingya and Tibetan refugees share is the lack of employment options in the settlement region. Both refugees are benefiting from some of the government of India's initiatives. At any summit or program that brings together foreign nations, such as meetings between China and India or between India and Myanmar. In order to prevent issues, both migrants are viewed as obstacles and are only allowed in specific places.

Although there are more female respondents than male respondents in the camps and settlements for both groups, this does not necessarily suggest that the female Tibetan respondents are not making a living by working in the settlements. They're in a favorable situation. Conversely, the female Rohingya refugee responses are housewives who are restricted to their houses, caring for their children while living in substandard conditions and earning nothing.

The main reason for the greater age gap between the Rohingya and Tibetan refugee populations in India is that the former group's members range from 51 to 60 years old. As opposed to the Rohingya refugees, who are members of the first and maybe second generations of the Rohingya community who only came to India after 2012, the Tibetan refugees currently residing in India are divided into three generations: those between the ages of 51 to 60 belong to the first generation of Tibetans.

According to the CTA, the majority of Tibetan villages have schools that only teach up to class VII or X standards. Even if there aren't enough seats at that specific school for every child living in the community, some of them used to attend private schools. However, these amenities are absent from the camps where the Rohingya people reside.

The higher percentage of illiteracy among Rohingya refugees can be explained by the fact that, due to various circumstances back in their native country, they were likewise unable to attend school. As a result, when they came in India, their top priority was to find employment rather than attend school. The Rohingya people are unable to help their kids pursue an education. That is not the case, though, with Tibetan refugees, as the third generation is more concerned with obtaining an education and obtaining occupations that suit them, whereas the first and second generations had to deal with a similar scenario of lack of knowledge.

Despite the fact that both refugees work in the private services sector, there is a significant difference between them. Tibetan refugees work in private businesses such as managing hotels and shops in Delhi, selling seasonal sweaters, cooperating with various private



institutions, and so on. On the other hand, Rohingya refugees work in private sectors as construction workers, road builders, laborers in factories, and other agricultural fields. A CTA allows Tibetan refugees to work for the government. That isn't available, though, among refugees from Burma.

The financial disparity between Rohingya and Tibetan refugees is significant. Their labor is the reason for this. Due to their presence in the nation, Tibetan refugees are regarded as more affluent than Rohingya refugees. After overcoming the difficult circumstances previously, they have been living in India for 65 years, during which time their circumstances have improved and they have succeeded in building a good life for themselves. On the other hand, Rohingyas are a new arrival in India and are having difficulty finding excellent opportunities. In contrast to other Tibetan settlements in India, the economic situation of Tibetan refugees in Delhi is better.

The basic amenities offered to Rohingya refugees in India cannot be compared to those supplied to Tibetan refugees by the Indian government.

From the outset, the Indian government has implemented several measures to assist the Tibetan refugees. These include providing rehabilitation facilities and basic necessities, obtaining registration paperwork, obtaining identity documents for international travel, and more. The Central Tibetan Relief Committee (CTRC) was established by the Indian government (Oberoi, 2006). Under its Tibetan rehabilitation program, India has established designated communities in several states throughout the nation since the 1960s. These settlements prioritize national security considerations and are dispersed throughout the nation, not close to one another. These settlements are confined areas with a dedicated network of Tibetan educational institutions, cultural centers, monasteries, and amenities for livelihoods and healthcare. The CTA has significant administrative authority over all of the settlements, and each settlement has a Settlement/Welfare Office that serves as a network or a conduit for CTA operations. The CTRC has jurisdiction over that settlement and the local government entities (Balasubramaniam and Gupta, 2020). There are 37 Tibetan villages in India: 14 are agricultural settlements, 9 are handicraft-based communities, and the remaining groups are dispersed and agro-industrial (Roy, 2001). One of the main objectives is the legal right to Indian citizenship for Tibetan refugees who arrived in India between January 26, 1950, and July 1, 1987. The Indian government took this specific action in response to a case that was brought before the Supreme Court of India by Tibetan refugees seeking their right to citizenship.

India has helped the Tibetan community living in exile even though it recognizes Tibet as a part of China. This involves permitting Tibetan refugee camps and the Central Tibetan Administration (previously the Tibetan Government in Exile) to function in India. The CTA was established in 1960 to replace the Lhasa-based Tibetan administration, and it is headquartered in Dharamshala. It developed into a comprehensive administration for Tibetan refugees throughout time, run by and catering to the whole community of exiles. The CTA functions as a government even though it is not recognized by the government by offering all Tibetans living in exile basic services (Balasubramaniam and Gupta, 2020).

Some of the recent efforts the CTA has made on behalf of Tibetan refugees are the development of the community center for the settlement's residents; Provision of loans for seasonal businesses; Projects for various residential facilities; Scholarships for education; and Policy for Tibetan Rehabilitation, 2014.

The Tibetan Rehabilitation Policy of 2014 gives refugees from Tibet more privileges and benefits. This program has given refugees access to social benefits on par with Indian residents, financial aid for some college courses, increased employment opportunities, and a simple documentation process. Nevertheless, there is no discussion of owning real estate, obtaining government employment, or having unrestricted travel within and outside of India.

But despite all the amenities provided for the Tibetan refugees, the study revealed that the majority of them are only aware of the Tibetan Rehabilitation Policy from 2014. Similarly, the "Relief and Rehabilitation of Migrants and Repatriates" Umbrella Scheme's seven sub-schemes will be extended between 2021 to 2022 and 2025 to 2026, with a nearly Rs. 1,452 crore total budgetary allotment, according to a March 2022 directive from the Modi government. With this decision, the Ministry of Home Affairs, led by Union Home Minister Shri Amit Shah, will continue to provide support under the Umbrella Scheme. These programs are designed to help displaced migrants and repatriates make a living wage and reintegrate into society by providing them with support. The government has launched a number of programs over time to meet the requirements of migrants and repatriates. A variety of relief initiatives, including as grants-in-aid to the Central Tibetan Relief Committee (CTRC) (Press Information Bureau), are included in these seven schemes.

The Rohingya refugee crisis, which has its roots in Myanmar, is one of the most pressing humanitarian issues in the world. India is one of the neighbouring countries to which

Rohingya migrants have fled in search of safety and protection. To address the needs and worries of Rohingya refugees inside its borders, the Indian government has launched a number of measures. This essay examines the steps the Indian government has made to assist the Rohingya refugees living in India.

For many years, the Rohingya community, a minority group in Myanmar that is primarily Muslim, has been subjected to violence and persecution. Many thousands of Rohingya have migrated to neighboring countries, particularly India, since the violence that broke out in Rakhine State in 2017. Numerous difficulties have arisen as a result of the Rohingya refugee crisis in India, including social, legal, and humanitarian ones.

The Indian government has given Rohingya refugees residing in India humanitarian aid through a number of governmental departments and NGOs. Food, shelter, medical care, and other necessities are included in this help. Planning and organizing relief efforts and providing aid to Rohingya refugees has been a priority for the Ministries of External Affairs and Home Affairs and are actively involved in various parts of the country.

There is no particular legal structure for refugees in India. For humanitarian reasons, the government has permitted Rohingya refugees to remain in India. Some Rohingya refugees have also been granted long-term visas by the government, allowing them to lawfully access economic opportunities and essential services.

Apart from the government's endeavors, Rohingya refugees in India have received assistance from a range of civil society organizations, non-governmental organizations, and local communities. The aforementioned efforts aim to assist Rohingya refugees in reestablishing their lives and integrating into Indian culture by offering them psychosocial support, vocational training, and education. Addressing the needs of Rohingya refugees in India still faces a number of obstacles, notwithstanding the efforts of the Indian government and other partners. These difficulties include making sure that Rohingya refugees in the nation have legal status and having access to options for livelihood, healthcare, and education.

That being said, the Indian government is not giving the Rohingya refugees all the help they require. The Indian government, however, is also not preventing or restricting other NGOs and other organizations from giving Rohingya refugees the assistance they require.

In Delhi, a number of organizations are now providing assistance to Rohingya refugees. These consist of the following: the Kerala Muslim Cultural Committee; the Rohingya Human Rights Initiative; the Al Khair Foundation; the Student Islamic Organization; the UNHCR's Delhi office; Jamiat Ulama-e-Hind; the Zakat Foundation of India; and SALAMAH (Khan, 2018).

The success of Tibetan refugees can be attributed to several key factors. Firstly, the leadership of the Dalai Lama and the Central Tibetan Administration has provided strong political guidance and fostered an organized community spirit among Tibetans in exile (Lama, 2014). Secondly, international support, particularly from Western countries and India, has enabled Tibetans to establish educational institutions, cultural centers, and economic ventures that promote self-sufficiency and resilience. Thirdly, the Tibetan refugee community has actively preserved its cultural heritage while adapting to modern challenges, thereby maintaining a strong sense of identity and solidarity.

Conversely, Rohingyas are considered among the most vulnerable refugees globally due to their stateless status and ongoing persecution in Myanmar. The Rohingya crisis is characterized by systematic discrimination, violence, and displacement, forcing hundreds of thousands to seek refuge in neighboring countries like Bangladesh and India (UNHCR, 2020). In India, Rohingyas face legal and socio-economic barriers that limit their access to basic services and livelihood opportunities (HRW, 2019). The lack of international consensus on their status and inadequate protection mechanisms further exacerbates their vulnerability, leaving them trapped in a cycle of insecurity and marginalization.

While Tibetans have achieved relative success in their exile due to strong leadership, community cohesion, and international support, Rohingyas continue to face immense challenges as one of the most vulnerable refugee groups globally. Addressing the needs of both groups requires concerted efforts from the international community to uphold humanitarian principles and ensure the protection of refugee rights.

Apart from this, there is a constant fear of whether the new ruling political party in India will be supportive of the refugees in their new policies as some of the acts and laws which is passed by the parliament do not favour the refugees.

Recent CAA also had a negative impact on those refugees who do not belong to a particular religion of particular countries. The CAA allows eligible Hindu refugees who entered India before December 31, 2014, to obtain Indian citizenship.

Article 5-11 of the Constitution of India lays down the broad norms of who shall be a citizen of India and who would not. It excludes certain people from its ambit who after partition went back to Pakistan or who have willfully taken citizenship of any other country. The Citizenship Act, 1955 lays down a few methods by which a non-citizen can acquire citizenship in India. It includes by naturalisation (section 6), by birth (section 5), by registration (section 5), by descent (section 4), and incorporation of territory (section 7).

On December 11, 2019, the Citizenship (Amendment) Act of 2019, known as CAA, was approved by the Indian Parliament. This act brought about changes to the Citizenship Act of 1955, enabling individuals from specific religious minorities who had fled religious persecution the fear thereof, in Pakistan, Bangladesh, and Afghanistan prior to December 2014 included namely Hindus, Sikhs, Buddhists, Jains, Parsis, and Christians, to attain Indian citizenship. It is important to note that Muslims were excluded from the provisions of this act. According to the 2019 CAA amendment, migrants who had entered India by December 31, 2014, and had experienced religious persecution in their home countries were eligible for expedited Indian citizenship through this new law. These eligible migrants could obtain the citizenship as the modification lowered the length of time they had to live in India from eleven to five years, and they were granted Indian citizenship in six years. The influx of refugees from Bangladesh into Assam sparked protests in the region. In response to this situation, the Assam Accord was established in 1985, which resulted in the addition of a new Section 6A in the CAA. Under this provision, the first cut-off date for granting citizenship was set at January 1, 1966 and individuals who were considered ordinary inhabitants of Assam on that date. After a ten-year waiting period, Citizenship became available to those who entered Assam between January 1, 1966, and March 25, 1971, those who arrived in Assam between January 1, 1966, and March 25, 1971, following ten years of waiting period. However, the process was criticised for being too slow. The setting up of the Foreigners Tribunal was proposed but the same was struck down by the Supreme Court.

In the Northeast region of India, there were concerns regarding undocumented migrants, primarily stemming from two main issues: the potential threat to the region's cultural identity and the impact on its electoral balance. These concerns were even acknowledged by the Supreme Court, which characterized the situation as a form of invasion. To address these concerns, there was an effort to expedite the process by establishing a National Register of Citizens (NRC). CAA sparked a controversy nationwide due to it allegedly being biased towards particular communities. CAA came along with the National Population Register (NPR), and the NRC which were specific to Assam. It was feared that the simultaneous enforcement of this revised Act in combination with the NPR and the NRC would have detrimental consequences for the underprivileged, marginalized, migrant, female, transgender, and indigenous populations. The primary concern is that they will be categorized as “suspicious voters” and consequently lose their right to vote. In essence, they will find themselves without a recognized nationality and a say in matters affecting them. The Rohingya migrants were also to be put up in detention centres till deportation. But one must keep in mind that all these are only those migrants who entered the country after December 2014.

India with its CAA did not do injustice toward the refugees who were afraid of persecution but merely acted against its increasing population which was even increased by the influx of migrants and illegal migrants. Although India is a hospitable nation, but it also has to see its self-interest before providing for others. Accepting millions of migrants every year has putting negative impact on its economy and resources. Though India is obliged on humanitarian grounds to provide them shrine, every country seeks their municipal interest before international charity. It must be highlighted that on 11th March 2024, the Indian government has notified the Citizenship (Amendment) Rules, 2024 for its implementation (Tiwari, 2024).

Even though CAA cannot be seen as a law which focus on the religious aspects there are other factors for which the refugees are treated as a threat by India one such factor is the national security.

Conflict and a state of insecurity are the causes of refugees, and their presence in a nation further worsens or causes conflict tension and insecurity conditions. Refugees are often the result of conflict and insecurity, and their presence in a host country can contribute to or intensify existing tensions and insecurity. When large numbers of refugees arrive in a country, they may strain local resources, such as housing, healthcare, and employment opportunities, leading to competition and resentment among the local population. Additionally, the sudden

demographic shift can change the social fabric of communities, potentially leading to cultural clashes and misunderstandings. The influx of refugees can also create security concerns, as host countries may fear the infiltration of militants or the spread of conflict across their borders. Furthermore, the economic burden of supporting refugees can strain national budgets, diverting resources from other critical areas such as infrastructure and development. These factors combined can heighten tensions and contribute to a cycle of instability that affects both the refugees and the host country.

Migration of peoples leading to ethnic tensions was also a colonial legacy, in many instances. Colonial legacies often played a significant role in shaping ethnic tensions through migration patterns. During the colonial period, European powers frequently manipulated ethnic and cultural divisions to establish control and exploit resources, leading to forced migrations and the creation of artificial borders (Murphy, 2017). These colonial policies often resulted in ethnic groups being relocated or settled in areas where they were minorities, creating tensions and conflicts that persisted long after independence (Mamdani, 1996). Additionally, the imposition of arbitrary borders frequently grouped together disparate ethnic communities or separated historically linked groups, exacerbating local conflicts and fostering long-term instability (Herbst, 2000). The impact of these colonial legacies is evident in contemporary ethnic tensions, where the repercussions of such divisions continue to affect migration and conflict dynamics (Anderson, 2016).

The security implications of refugee movements need to be assessed in relation to the conditions in their home state. Understanding the root causes of displacement such as ongoing conflict, persecution, or economic instability can help host countries better prepare for potential security challenges (UNHCR, 2020). By analyzing the political and social dynamics of the refugee-generating state, host countries can anticipate possible risks, such as the spread of extremist ideologies or the continuation of ethnic conflicts. Moreover, this assessment can inform more effective policies and international cooperation strategies, ensuring that refugee protection and national security are balanced (Betts, 2013). Addressing the underlying issues in the home state through diplomatic efforts and targeted aid can also help lessen the push factors driving refugees, ultimately contributing to greater regional stability and security (Ferris & Kirisci, 2016).

Until and unless the countries follow the rule of the strongest policy creation of refugees will remain a significant issue for a long run.



India can effectively handle the complex problems presented by refugee crises with the support of a refugee policy that prioritizes political stability, economic rewards, and humanitarian concerns while remaining neutral and impartial. India may position itself as a responsible global actor, furthering its interests and making a positive impact on a more peaceful world, by prioritizing diversity, collaboration, and conformity to international standards. India must balance the possible advantages and disadvantages of ratifying the Refugee Convention against its economic, political, geopolitical, and social interests. From an economic standpoint, India may benefit from ratifying the Refugee Convention. It would offer a methodical approach to managing refugees, encompassing entry to global collaboration and support. By enabling refugees to lawfully engage in the labor market and hence access a qualified workforce, this can assist reduce the financial burden of hosting refugees and possibly even led to the economic growth (Tiwari, 2014).

## Major Findings

### SETTLEMENT AREAS

- i. The formal settlement areas provided by the Government of India was not sufficient to accommodate all the refugees which led to the establishment of an unplanned settlement at Majnu Ka Tila outside the formal designated area for the Tibetan refugees. Majnu Ka Tila settlements are run by the community group that is the Residents Welfare Association (RWA) established in 1965 by election. Later, a Central Tibetan Administration Tibetan Welfare Office was established in 1984.
- ii. Similarly, West Bengal settlement for Rohingyas were established by the local people with the support of Non-Governmental Organisations.

### SIMILARITIES BETWEEN TIBETAN AND ROHINGYA REFUGEES

- i. Neither the 1951 Refugee Convention nor its 1967 Protocol are ratified by India similar to that of the other South Asian countries. Both Tibetan and Rohingya refugees in India face challenges related to their legal status.
- ii. Tibetan and Rohingya refugees are not considered refugees in India because a person who is not considered a citizen of India is considered as Foreigner. Therefore, Tibetan and Rohingya refugees are considered foreigners. Similarly, in Indian the laws which are relevant to refugees include the Registration of Foreigners Act of 1939, the



Foreigners Act of 1946, the Foreigners Order of 1948, the Passport Act of 1920, the Passport Act of 1967, and the Extradition Act, of 1962.

- iii. The First generation of Tibetan refugees faced the same problems that the Rohingya refugees are facing today and some of the similar problems have been mentioned below.
- iv. Several challenges confront Tibetan and Rohingya refugees in India, including difficulties in obtaining legal documentation, security concerns, and limited access to essential services.
- v. Both the refugees lost their homeland under the rule of the other party which led them to persecute and take asylum in different countries.
- vi. In all the refugee settlements or camps the number of female respondents was higher than that of the male respondents.
- vii. The age group of the respondents between 15 to 30 are higher in number from both the Tibetan and Rohingya refugees.
- viii. The younger generation of both the refugees are attending various schools and colleges and the problems related to the lack of education faced by Rohingya refugees today have similarly been faced by the Tibetan refugees
- ix. Both Rohingya and Tibetan refugees rely heavily on private services for their family's income.
- x. Both the refugees Tibetans and Rohingya faced the same kind of problems related to their income even though now the Tibetan refugees are in a good position. In India, none of the refugees is qualified to work for the government
- xi. Both the refugee children attend Private schools and universities.
- xii. Both refugees receive greater support from non-governmental organizations.
- xiii. All the settlement areas have a head member who looks after the settlement.
- xiv. Lack of job opportunities in the settlement area is a common problem for both the refugees.

- xv. Some of the schemes launched by the Government of India are benefitting both the refugees.
- xvi. Whenever there is a summit or any program where the international countries meet like India and China or India and Myanmar meetings. Both the refugees are treated as a hurdle and restricted in certain areas so that they will not create any problems.

## DIFFERENCES BETWEEN TIBETAN AND ROHINGYA REFUGEES

- i. The treatment of Tibetan and Rohingya refugees in India differs significantly across various dimensions, including legal status, socio-economic conditions, challenges, and international implications. While Tibetan refugees have enjoyed relatively favorable treatment and support from the Indian government, Rohingya refugees face a more precarious situation characterized by insecurity, discrimination, and lack of basic rights.
- ii. Even though both the refugees have a higher number of female respondents and less number of male respondents in the settlements and camps it does not mean the same thing because Tibetan female respondents are working and earning in the settlements and they are in a good position. On the other hand, Rohingya refugee female respondents are housewives, confined in their homes taking care of the children and living in bad conditions without earning anything
- iii. The difference in the age group belonging to the Tibetans and Rohingyas between 51 to 60 are higher among Tibetan refugees in comparison to the Rohingya refugees mainly because of their presence in India
- iv. According to the CTA, the majority of Tibetan villages have schools that only teach up to class VII or X standards. Even if there aren't enough seats at that specific school for every child living in the community, some of them used to attend private schools. However, these amenities are absent from the camps where the Rohingya people reside.
- v. Along with the Government of India Tibetan refugees are governed by the Central Tibetan Administration (CTA) which is commonly known as the Tibetan Government in Exile (TGiE) whereas Rohingya refugees are govern by the Government of India.
- vi. The higher percentage of illiteracy among Rohingya refugees can be explained by the fact that, due to various circumstances back in their native country, they were likewise unable to attend school. As a result, when they came in India, their top priority was to find employment rather than attend school. The Rohingya people are unable to help their kids pursue an education. That is not the case, though, with Tibetan refugees, as

the third generation is more concerned with obtaining an education and obtaining occupations that suit them, whereas the first and second generations had to deal with a similar scenario of lack of knowledge.

- vii. Despite the fact that both refugees work in the private services sector, there is a significant difference between them. Tibetan refugees work in private businesses such as managing hotels and shops in Delhi, selling seasonal sweaters, cooperating with various private institutions, and so on. On the other hand, Rohingya refugees work in private sectors as construction workers, road builders, laborers in factories, and other agricultural fields. A CTA allows Tibetan refugees to work for the government. However, that is not available among Rohingya refugees.
- viii. There is a huge difference in the income of the Tibetan and Rohingya refugees. This is due to the work they do. Tibetan Refugees belong to the well-to-do groups in comparison to the Rohingya refugees because of their existence in the country. It is been 65 years that they have been living in India and they have improved their conditions and are successful in securing a good life for themselves after tackling the harsh conditions earlier. Rohingyas on the other hand, had just arrived in India and are struggling to get a good opportunity. Comparatively, the economic condition of Tibetan refugees in Delhi is better than the majority of Tibetan Settlement in India.
- ix. The facilities which are provided to the Tibetan refugees by the Indian Government cannot be compared with the mere facilities provided to the Rohingya refugees in India.

## **INITIATIVES TAKEN BY THE GOVERNMENT OF INDIA FOR THE TIBETAN REFUGEES**

- i. Right from the beginning the Government of India had taken various initiatives for the Tibetan refugees some of them are the rehabilitation areas along with the basic necessities, registration document, identity documents to travel abroad etc. The government of India set up the CTRC that is Central Tibetan Relief Committee. Since the 1960s, India has set up designated settlements across different states of the country under its Tibetan rehabilitation regime.
- ii. One of the major initiatives is that those Tibetan Refugees who came to India during January 26, 1950 to July 1, 1987 are allowed to take Indian Citizenship under the law. This particular initiative was taken by the Government of India when there was the case demanding the Citizenship right by the Tibetan refugees in Supreme Court of India.

- iii. India has helped the Tibetan community living in exile even though it recognizes Tibet as a part of China. This involves permitting Tibetan refugee camps and the Central Tibetan Administration (previously the Tibetan Government in Exile) to function in India along with Tibetan refugee settlements.
- iv. Some of the recent efforts the CTA has made on behalf of Tibetan refugees are the development of the community center for the settlement's residents; Provision of loans for seasonal businesses; Projects for various residential facilities; Scholarships for education; and Policy for Tibetan Rehabilitation, 2014.

### **INITIATIVES TAKEN BY THE GOVERNMENT OF INDIA FOR THE ROHINGYA REFUGEES**

- i. The Government of India has allowed Rohingya refugees to stay in India on humanitarian grounds.
- ii. The Government of India, through its various agencies and organizations, has provided humanitarian assistance to Rohingya refugees living in India. This assistance includes food, shelter, healthcare, and other essential services.
- iii. The Ministry of Home Affairs and Ministry of External Affairs have been actively involved in coordinating relief efforts and providing support to Rohingya refugees in different parts of the country.
- iv. The Government of India has also issued long-term visas to some Rohingya refugees, enabling them to access basic services and employment opportunities legally.
- v. The Government of India has engaged with the Governments of Myanmar and Bangladesh, as well as international organizations, to address the Rohingya crisis comprehensively. India has emphasized the importance of finding a peaceful and sustainable solution to the crisis, including the safe and voluntary return of Rohingya refugees to their homes in Myanmar.
- vi. In addition to government efforts, various civil society organizations, non-governmental organizations, and local communities have extended support to Rohingya refugees in India

- vii. The Government of India is not able to provide all the assistance that is needed to the Rohingya refugees. Therefore, Indian government is allowing other NGOs and supporting organizations to provide the help needed to Rohingya refugees.
- viii. Numerous organizations are currently assisting Rohingya refugees in Delhi. These include:
  - UNHCR's Delhi office
  - Zakat Foundation of India
  - Student Islamic Organization
  - Rohingya Human Rights Initiative etc.

## **RELIGION AS FACTOR TO DETERMINE THE STATUS OF REFUGEES IN INDIA**

- i. India is considered as a secular state, however, it had a large influence of religion in politics. From the formation of the party to the execution of the law, religion plays a significant role. Religion often plays a significant role in shaping attitudes and policies towards refugees in various countries, including India.
- ii. India, as a secular democracy, provides refuge to persecuted individuals irrespective of their religion. However, the treatment of refugees can sometimes be influenced by religious considerations. India has a history of providing refuge to the persecuted communities, including Tibetan Buddhists, Sri Lankan Tamils, and Afghan Sikhs and Hindus. However, the Partition of India in 1947 and subsequent conflicts have led to mass migrations based on religious lines, shaping perceptions and policies regarding refugees.
- iii. The Rohingya refugee crisis has brought attention to how religion intersects with refugee status determination in India. Rohingya Muslims fleeing persecution in Myanmar have faced challenges in obtaining refugee status, with concerns raised about potential discrimination based on their religion.
- iv. Similarly, India passed the Citizenship Amendment Act (CAA) in December 2019. This law offers citizenship to the persecuted minorities or those people who arrived in India before 31 December 2014 from Afghanistan, Bangladesh, and Pakistan, but only if

they are Hindu, Sikh, Buddhist, Jain, Parsi, or Christian. Notably, the law excludes Muslims, including Rohingya refugees.

- v. The absence of a comprehensive refugee law leaves room for discretion and potential biases in the refugee status determination process, including considerations related to religion.
- vi. While religion should not be a factor in determining refugee status in India, its influence cannot be overlooked in the context of the country's socio-political dynamics. As India continues to handle refugee issues, it is essential to uphold the principles of non-discrimination, secularism, and human rights in addressing the needs and rights of refugees, regardless of their religious identity.
- vii. Before the introduction of CAA, India did not have a good impression of the Rohingya refugees. India's treatment of Rohingya refugees is influenced by two factors related to their identity. Firstly, their Muslim faith. Religious tensions have simmered in India since independence, and the current government has heightened these divisions. Anti-Muslim sentiment has grown, spilling over onto the Rohingya. Secondly, their presence in Jammu and Kashmir, a disputed territory with a history of Islamic separatism, allows the Indian government to portray them as security threats.
- viii. Right after the CAA India stands remain the same towards the Rohingya refugees which is visible in a court case on march 2020. India for the first time admitted that Rohingya Muslims face ethnic persecution in Myanmar. However, they downplayed the reason for the Rohingya seeking asylum in India. The government argued that these refugees came for economic reasons, not to escape persecution.
- ix. From these steps it is clear that religion also plays an important role in determining the policies of India in respect to religion. However, one cannot neglect the fact that a country's security is an important aspect. On a humanitarian basis, India is at fault for departing the Rohingya refugees because the condition of Rohingya refugees is very vulnerable in their own country. At least basic rights should be provided to them so that they can have an average life.
- x. However, CAA is all about providing rights to the religious persecuted people. CAA gives chance to those people to live their lives without being forced to change their

religion. Those refugees who face religious persecution in their country were provided this right. For example in a Muslim country if a Hindu person is facing religious persecution and takes asylum in India then under the CAA India grants that person citizenship of India which leads that person to follow the religion they want. Even though the CAA is considered a negative step by the government towards Rohingya refugees which is mostly highlighted by the critics it cannot be neglected that the government's stand on this CAA is influenced by the security aspects of India.


### **COMMON PROBLEMS FACED BY TIBETAN AND ROHINGYA REFUGEES IN INDIA**

- i. Lack of specific law for Refugees to identify and claim their status in India.
- ii. Insufficient land or area
- iii. Both the refugees can be played as a card in the hand of the Indian Government to negotiate with the countries of these refugees' origin.

India received a large number of refugees from all over the nations therefore India need a uniform laws based on humanitarian grounds which will be applicable to all the refugees seeking asylum in India. This allow the government to maintain the non- citizen population in India. The Government of India should come up with the policies which will be beneficial for not only one or particular refugees community but for all the refugee.

# Sonam Yangden Pradhan

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## CHAPTER 2

### HISTORICAL BACKGROUND OF TIBETAN REFUGEES IN INDIA

#### 2.1 Introduction

It is important to know the relationship between India, China and Tibet so to have a better understanding about the historical background of Tibet. Historically, two of the oldest civilization of the world, India and China lived in harmony and Tibet had acted as a buffer state between China and India. India and China never confronted each other till the occupation of Tibet by China in 1950. For India, the direct result of the occupation of Tibet by China was the transformation of the Indo-Tibet border into Sino-Indian border and the border issue which was nearly non-existent in 1950 suddenly became a serious problem that led to border conflict in 1962 between India and China. This not only affected the normal growth of relationship between the two most populous and major developing countries of Asia for several years, but also altered the geopolitical situation in the entire south Asian region drastically.

India and China presently face identical challenges like feeding the large population, poverty alleviation and economic development. The leadership of the two countries conscious of their historical responsibilities have realized that the differences between the two countries cannot be allowed to keep hostage economic development and mutual interests in the 21st century. The economic reforms in the two countries in the last two decades and the resultant resurgence in growth, globalization of economy and emerging new international situation have brought them much closure to each other to cooperate for mutual benefit and peace and development in the region. The readjustment in policies to respect mutual interests and concerns is marked by shift in focus on commonalities and complementarities and tackling the differences, including border dispute, through peaceful dialogue.

#### 2.2 The Origin of Tibetan Kingdom

Tibet which is also referred as 'the land of snow' or 'roof of the world' was unknown to the world. It was only after the Chinese invasion that the world countries came to know about Tibet. Tibet was isolated from the world mainly due to its geographical, cultural, social, economic and political reasons and compulsions. The Tibetan plateau represents the world's largest and highest land mass.

Historically, Tibet's remote location and challenging terrain made it difficult for outsiders to access. The Himalayan mountain range, with its towering peaks, created natural barriers that deterred travel and communication with neighboring regions (Norbu, 1997). Additionally, Tibet's distinct cultural and religious practices, deeply rooted in Tibetan Buddhism, fostered a sense of identity and autonomy that resisted external influence (Kapstein, 2006).

Economically, Tibet's traditional economy was based on subsistence agriculture and pastoralism, which did not encourage extensive trade or interaction with other nations. Politically, Tibet operated as an independent theocracy, governed by the Dalai Lama, which further limited its engagement with the outside world (Goldstein, 1997).

Tibet occupies a total area of about 4, 71, 700 square miles. It has high elevation ranging from 9,000 to 20,000 feet above the sea level. Earlier this plateau was known as 'stod-bod' meaning 'high-bod' and gradually it changed into 'To-bot' which means 'upper- part' and finally from thereon it was called as 'Tibet' (Chopra, 1989). Lhasa which means the land of God was the capital of Tibet.

The Himalayan Kingdom was divided into different population groups like Khampa, Amdo and U Tsang (whom in some book referred to as Bodpo). It was basically a geo-demographic division. There were some cultural differences that existed among these population groups but no racial differences were there. In the western part of Tibet mostly the khampa people used to reside while the Amdo people used to reside on the North-East region, near China. The Amdo people were reputed to be very clever businessmen and traders and they had a close contact with the Chinese and there was a strong impact and influence of the Chinese culture upon them. Lastly the Bodpo people used to reside in the central regions, which also includes the capital region of Lhasa (Desai & Raha, 2011).

It is difficult to recall the historical events of Tibet in any proper manner due to the absence of any systematic history except for the myths which have been used by the peoples to explain the history. There are no such authentic data about the early history of Tibet however it had been argued that earlier Tibet was not constitute as a whole it was different small parts ruled by different rulers and its history emerged when the whole part was brought together under one ruler.

Five hundred years before Buddha Shakyamuni came into this world that is circa 1063 BCE there was an empire name Shangshung which comprised of all the parts of Tibet was ruled by the eighteen Shangshung kings. However at the end the empire got divided and Bod Empire came into existence under the rule of King Nyatri Tsenpo who started the age of religious kings after the decline of Shangsung Empire.

In the 7<sup>th</sup> Century AD, Tibet as a powerful nation emerged under the kingship of Song-Tsen- Gampo. Bod Empire became stronger and again and it brings all the parts of Tibet under his rule. He had three wives, his first wife was a princess from Sangshung King, his second wife was a princess of Nepal and his third wife was a Chinese princess from Chinese empire because of this marriage to a Chinese princess relations with China were first clearly established. With the influence of the latter two wives, the king adopted Buddhism and also established it in the country after the great Buddhist master Padma sambhava went from India to Tibet in 779 the first monastery was built that is the Potala palace at Lhasa (Praag, 2018)

The Mongols conquered both China and Tibet in the thirteenth century, and for the first time both China and Tibet were under a single government. But it has been argued that even during the time of Mongol rule both China and Tibet was ruled differently and Tibet was not treated as a part of China. The time of their takeover and fall was not the same as Mongol capture china first and Tibet later and release Tibet first than that of the China. When the Mongol Yuan dynasty fell in China, the succeeding Ming dynasty (1368-1644) “exerted no administrative authority” in Tibet.

Another great King of Tibet was Song De-Tsen who invaded China and captured its capital and also ruled some part of India as far as the Bay of Bengal. During his time the first monastery of Samyae was founded by Guru Padma Shambhava. Guru Padma Sambhava, became the saint of that monastery was also known as Lo-Pen Rinpoche (the Precious Teacher). Thus, we find the original Buddhism of Tibet, known as the Red Hat Sect (Desai & Raha, 2011).

After being ruled by many Kings the Tibetan empire later disintegrated into many small princedoms. Konchong Gyalo in 1073 CE, founded the Sakya Monastery. Later his son Sakya Kunga Nyingpo, by formulating the tantric traditions started the Sakya sect. The Sakya lamas became more powerful that Tibet was ruled by around twenty Sakya lamas. Kublai Khan the first Mongol emperor of China visited the high priest of the large Tibetan monastery of Sakya

during 13th century, the high priest converted the emperor to Buddhism, and received in return the sovereignty of Tibet. Thus, it led to the beginning of the priest-kings rule in Tibet (Bell, 1928).

Tsong-Ka-Pa, often known as "the Man from the Land of Onions," was born in 1358 in North-Eastern Tibet. In 1409, he established Ganden, the first Gelugpa monastery, and thus began the Gelug lineage. Monastic discipline was reinforced, and he started a movement that prohibited priests from marrying or drinking wine. His adherents were known as the Yellow Hats, which set them apart from the priesthood's Red Hats. Tsong-Ka-Pa died in 1474 and was succeeded by his son Gan-den Truppa.

Sonam Gyatso was born in 1543, he was a great spiritual scholar and most eminent lama of that time. He converted Mongol chieftain Altan Khan to Buddhism and Altan awarded him the name "Dalai," a Mongol translation of his name Gyatso both with the meaning "oceanic" in 1578 and hence the name Dalai Lama (Ocean of Wisdom) originated (Desai & Raha, 2011).

The Chinese were able to expand their power in Tibet during the tenure of the 7th Dalai Lama, and the invasion by Gurkhas solidified the process. Gurkha rulers were successful in establishing their power in Nepal in 1760. The Gurkhas then seized Shigatse, a big town half a mile from Tashi Lhumpo in Tibet, twelve years later. The Chinese government dispatched an army made up partially of Chinese and Tibetans, which was successful in driving the Gurkhas back to Nepal. The presence of the Ambans in Lhasa during 1792 enhanced Chinese influence in Tibet for a while. As British dominance in Bengal and throughout India grew dramatically during that time, the Chinese took the precaution of sealing Tibet to Europeans (Praag, 2018).

Around 1893, during the reign of the 13th Dalai Lama, Thupten Gyatso (1875-1933), Britain established a protectorate over Sikkim and established a trade market in Tibet at Yatung in the Chumbi Valley. The Dalai Lama had a powerful advocate in Russia, which had many Mongol nations (Kalmuks, Buriats) who were Buddhists. Britain attempted to redress the balance and declared war, eventually occupying Lhasa in 1904. During that time, Russia's focus was mostly on her conflict with Japan. Britain and China signed a pact in which the former acknowledged the latter's suzerainty over Tibet and China opened up Tibet for commerce with the Great Britain.

In order to assert her dominance, China attempted to reform and modernise Tibet. In Kham, there was armed intervention. Tibet brought Britain's aid in, but it proved ineffective. In 1910, the Chinese army advanced on Lhasa, forcing the Dalai Lama to flee to India. However, in China, revolution erupted, ushering in an era of instability. The Dalai Lama returned to Lhasa after the Chinese army was forced to retreat from Tibet. He declared himself free of China upon his return and regarded himself as a sovereign. China, on the other hand, declared Tibet to be a part of it. The Sino-British Treaty of 1914 on the Status of Tibet was signed between Great Britain, China, and Tibet, dividing Tibet into two parts: central Tibet, from Ladhak to Chamdo, under the Dalai Lama's administration, with a Chinese representative accompanied by a small escort at Lhasa; and eastern Tibet, Kham, under Chinese administration, with the Dalai Lama control over the monasteries. However, the Chinese never ratified this treaty.

In 1949, China recovered power under communist leadership, and by May 23, 1951, they had seized Tibet and taken control of it. Then, in May 1951, the Central People's Government of China and the Tibetan religious government signed a 17-point agreement in Peking. The most crucial point was that Tibet be incorporated into the People's Republic as an ethnic minority with internal autonomy, with the Dalai Lama and Panchen Lama's privileges preserved, and religious tradition respected. From July 1951, events moved quickly, and the Dalai Lama and his entire court returned to Lhasa (Praag, 2018).

An armed insurrection by the Khampas (proud warriors) who had previously opposed China erupted in 1956 under unclear circumstances. Following the Lhasa insurgency on March 10, 1959, the Dalai Lama and his cabinet fled to India, followed by thousands more Tibetans seeking asylum in India.

The Dalai Lama was granted shelter by the Indian government on March 30, 1959, and was publicly welcomed in Tezpur, Assam (Desai & Raha, 2011).

### **2.3 Factors related to Tibetan Refugee migration**

Tibetan refugees migrated to India for a variety of reasons, including religious, political, educational, social, and economic factors. Palakshappa, a researcher, performed a study among Tibetan refugees in Karnataka in order to learn more about the causes that led to their migration to India. During his research, he discovered that people had offered various reasons for leaving Tibet. He discovered five common causes for their exodus among them, the first of which was



related to growing concerns about their faith and culture's destiny underneath the Communist Government. Tibetans feared that they would be denied the right to practice Buddhism and continue their traditional way of living. Second, many Tibetans had heard about Tibetans being tortured and humiliated by the Chinese in Lhasa when they refused to follow Chinese Communism. Third, Tibetans were being forced to marry Chinese brides or grooms by Chinese officials (which was intended to eradicate the ethnicity of which the Tibetans are proud of). Fourth, Tibetans learned that the spiritual leader of Tibet, the Dalai Lama, fled to India. Finally, the Tibetans' property was grabbed by the wealthy people. The Chinese had generated a sense of fear in their daily lives, and this insecurity was the fundamental reason for their migration. (Muni & Baral, 1996).

Following Tibet's opening to trade and tourism in the 1980s, a second wave of Tibetan exodus occurred as a result of increasing political oppression. Some Tibetan refugees travelled to India in the 1980s as pilgrims to meet the Dalai Lama or to send their children to acquire Tibetan education in India. Others stay longer in India in search of religious or secular education, and are thus directed to Tibetan monasteries and schools throughout the country. Only a few people come to be with their family or friends. Tibetans are also attracted to India because of the economic prospects as well as the freedom of expression, religion, and education (Grent, 2002).

Early research and publications attempted to draw attention to cases of genocide in Tibet, which resulted in the mass exodus in 1959. In a report based on interviews with selected groups of refugees in India, the International Commission of Jurists identified various incidents of religious persecution, torture, forced sterilisation, family dissolution, and other factors that led to forced migration (Muni & Baral, 1996).

## **2.4 The Origin of Tibetan Crisis**

Historically, Tibet had been very close to India. It was easier and convenient to go to Beijing from Lhasa via India and sea route than by land route. The Anglo-Tibetan agreement of 1904 had granted India military, communication, postal, trading and other rights in Tibet and at the same time recognized the Chinese suzerainty over Tibet. However, the changes in the geopolitical situation due to Chinese occupation of Tibet in 1950 necessitated redefining India's relationship with the People's Republic of China (PRC). India protested the use of force by the People's Liberation Army (PLA) in dealing with Tibet and hoped that Tibet would be

granted genuine autonomy. India recognized Tibet as a region of China and signed the first agreement in 1954 with the government of the PRC after protracted negotiations. This agreement aimed at developing good neighborly relationship between the two countries and conduct border trade between India and Tibet. India trusted China's friendly gestures and sought security in building peace. India also voluntarily surrendered the special rights it had inherited from the British government according to the 1904 agreement. The agreement of 1954, in addition to recognizing Tibet as a region of China can be considered as the first confidence building measure between the two countries as it had for the first time laid five principles of peaceful coexistence (Recognizing and upholding each nation's right to govern itself and its land, Refraining from the use of force or threats against one another, Avoiding intervention in the domestic matters of other nations, Ensuring fair and reciprocal cooperation between countries, Promoting harmony and cooperation among nations despite differences) that could still be considered a model for conducting relationship between any two sovereign countries. This agreement was in fact most generous and humane in dealing with the interests and social relations of the people of the bordering region (Bhatkoti, 2014).

## **2.5 Chinese Involvement and Tibet Resistance**

Tibet's independent kingdom reached its acme in the seventh century under the great king Songtsen Gampo (reigned c. 627-649). This was also the period when relations with China were first clearly established through Songtsen Gampo's marriage to a Chinese princess. Buddhism, which was to become the most salient hallmark of Tibetan culture, was introduced into Tibet in the seventh century, with the first monastery being set up shortly after the great Buddhist master Padmasambhava went from India to Tibet in 779. The Mongols conquered both China and Tibet in the thirteenth century, and for the first time both China and Tibet were under a single government. When the Mongol Yuan dynasty fell in China, the succeeding Ming dynasty (1368-1644) "exerted no administrative authority" in Tibet.<sup>3</sup> In the late fourteenth century, the great monk Tsongkapa (1357-1419) founded the Gelukpa Order of Buddhism, often called the Yellow Hat Sect, because Tsongkapa's followers wear yellow hats. This has become the dominant form. The early fifteenth century saw the establishment of three great monasteries of the Gelukpa Order in the Lhasa area, the earliest being the Ganden, which Tsongkapa himself established in 1409, and the largest the Drepung (1416); while in 1445 Gendundrup (1391-1475), who was later retrospectively revered as the First Dalai Lama, set up the Tashilhunpo Monastery in Shigatse, which other than Lhasa is Tibet's main city. In 1578, the Mongol Altan Khan conferred the title dalai (meaning "ocean" and implying vast

wisdom) on Sonam Gyatso, later regarded as the Third Dalai Lama. The magnificent Fifth Dalai Lama (1617-1682) was the pinnacle of the theocratic system, which gave the Dalai lamas both governmental and religious authority. It subsequently began to decline but did not end until the middle of the 20th century.

China's final imperial dynasty was the Qing (1644-1911), dominated by the Manchu people. In 1720, Manchu troops took over Tibet. The original aim was to calm a tumultuous political situation, but in fact, the Manchus stayed on in Tibet until their dynasty's collapse. They regarded Tibet as part of their empire and established a system by which resident officials answerable to the Qing dynasty stayed in the Tibetan capital. However, the Tibetans retained a great deal of autonomy, including their own government and judicial system, and the Qing did not try to make Tibet a part of China.

One major action of the Qing dynasty in Tibet was the appointment of the Second Panchen Lama as sovereign of part of Tibet in 1728. The title panchen is an abbreviation of a term meaning "great scholar". The Panchen lamas held – and still hold – their seat in the Tashilhunpo Monastery in Shigatse and have been traditionally regarded as temporal and spiritually dominant in that region, but subordinate to the Dalai lamas. Nevertheless, down to the present, the Panchen lamas have the reputation of being far more pro-Chinese than the Dalai lamas. In 1912, the Republic of China replaced the Qing dynasty. Following the principle of inheritance, it regarded those territories that had made up the Qing Empire, including Tibet, as belonging to China, and this remained the view of succeeding Chinese administrations. The most important of the Chinese regimes of the period from 1912 to the establishment of the PRC in 1949 was Chiang Kai-shek's National Government dominated by the Nationalist Party. In March 1929, the Third Nationalist Party Congress formally declared Mongolia, Tibet and Xinjiang to be part of the Chinese nation, not merely part of the Republic of China. The month before, Chiang Kai-shek's government had set up the Mongolian and Tibetan Affairs Commission, clearly signaling its view that Tibet (and Mongolia) belonged to China.

The Tibetans held a different view. They resisted Chinese military attempts to suppress disorder in Tibet in 1912. The Thirteenth Dalai Lama publicly proclaimed Tibet's independence in Lhasa in February 1913. and the same year expelled all Manchu and Chinese officials and troops from Tibet. In the words of one scholar, these acts "created a de-facto independent Tibet that maintained its own army and government, used its own language and currency and regulated movement across its borders".<sup>7</sup> Although the Chinese had no control over central

Tibet, both the Tibetan areas in the east (Kham) and in the north (Amdo) remained clearly part of China.

## **2.6 Role of British India**

Meanwhile, Britain, with its control in India, had become strongly involved in Tibetan affairs, sending troops into Tibet under Francis Young husband in 1904. From October 1913 to July 1914, Britain sponsored a major conference in Shimla in north India, aiming mainly to determine the status of Tibet and to mark out the borders between India and Tibet. Under the resulting Shimla Convention, the extent of Tibetan autonomy expanded with significant British protection, while Chinese influence was “effectively forced out of the area”. Considering that the Shimla Convention marginalized China, it is not surprising that no Chinese government has ever signed it. The Chinese Communist Party (CCP) came to power on 1 October 1949, after winning a civil war against Chiang Kai-shek and his Nationalist Party, and established the PRC. The CCP’s policy on ethnic minorities was to ban discrimination and lay down equality, as well as the freedom to use local ethnic languages and to preserve or reform traditional cultures. The CCP allowed a limited autonomy to ethnic minorities by setting up autonomous regions (at province level), and prefectures, counties and banners (at lower levels). Right from the start, the CCP was very clear that it regarded Tibet as part of China’s territory. In a speech of 24 September, People’s Liberation Army (PLA) Commander-in-Chief Zhu De announced that the new government was determined to complete “the liberation of all the territory of China”, and he specifically included Tibet.

In January, the Chinese media reported an appeal from the Tenth Panchen Lama in Qinghai Province to liberate Tibet. February 1940 had seen the formal enthronement in Lhasa of the Fourteenth Dalai Lama who, born on 6 July 1935, was still a very small boy. As of 2005, he remains the present incarnation. Late in 1950, the PLA advanced towards Tibet, taking Chamdo in the east in October after a fierce week-long battle. It advanced west, meeting little resistance, but did not move to occupy Lhasa for the time being. The Lhasa regime appealed to the United Nations for help against Chinese aggression. However, for various reasons that are beyond the scope of this paper, the international community did nothing. Meanwhile, Sino-Tibetan negotiations had begun, the Tibetan delegation led by aristocrat and Tibetan cabinet member Ngabo Ngawang Jigme, the Chinese by Li Wei-han. The result was the Seventeen-Point Agreement of 23 May 1951. The Preamble of this Agreement opened with the statement that among the ethnic groups with a lengthy history inside China's borders is the Tibetan

people. Among the seventeen points were the following: the Tibetan administration would aggressively support the PLA's entry into Tibet and the consolidation of national defense; and the Tibetan people would return to the large family of the Motherland, the People's Republic of China. Additionally, it guaranteed Tibet's citizens the ability to exercise national and regional autonomy under the Central People's Government. The central government pledged under Point 4 to maintain Tibet's current political structure and the Dalai Lama's established position, duties, and authority.

Chinese troops did not occupy Lhasa until the Agreement was signed. The Chinese justified their attack mainly on the proposition that Tibet was an integral part of China and one of the PRC's top priorities was to reunify the country, a view it had inherited from earlier regimes and many states in the international community supported or regarded as sustainable. The government in Lhasa was equally insistent that Tibet was independent, which meant that the Chinese action was a straight-out invasion of a foreign country by an aggressive power. The Chinese claim assumed that it was imperialism and Chinese weakness, and certainly not principle, which had led the preceding regimes of the Republic of China to withdraw from Tibet. In Tibet itself, though not in Tibetan areas outside Tibet, the CCP did initially leave the old political and social system in place. It did not carry out in Tibet the radical revolutionary reforms that characterized most of the rest of the PRC. The 1950s saw several anti-Chinese uprisings in Kham or eastern Tibet but, in the Tibetan heartland, a reasonable attempt both from the Chinese authorities and the Dalai Lama to get on with each other. When, in March 1955, China's State Council set up its Preparatory Committee for the Tibet Autonomous Region, it appointed the Dalai Lama as chairman and the Panchen Lama as one of the deputy chairmen. However, this situation was not to last. In March 1959, a major revolt against Chinese rule and for Tibetan independence took place in Lhasa. Anti-Chinese demonstrations and disturbances went on for several days with comparatively little Chinese response, but then Chinese troops attacked, suppressing the revolt within a week. However, although they had formally defeated the Tibetan forces, they also lost greatly in moral terms. The revolt "marked the end of the attempt to forge a co-existence between Communist China and Buddhist Tibet".

The Dalai Lama immediately fled to India, crossing into exile at the end of March. His flight was to have repercussions that persist to this day. He denounced the Chinese for suppressing the Tibetan people, accused them of turning their backs on the autonomy promised in the Seventeen-Point Agreement and demanded Tibetan independence. He also led the

establishment of an important Tibetan community in Dharamsala and set up the Tibetan Government in Exile (the TGIE). On their part, the Chinese authorities also accused the Dalai Lama of turning his back on the Seventeen-Point Agreement. With the strong support of the Panchen Lama, the Chinese government declared it would eliminate the regime the Dalai Lama had headed in Lhasa and institute “democratic reform”. By this, they meant that they would uproot the unequal feudal serf system that had prevailed in Tibet, distribute land to the poor and then proceed towards establishing a socialism like that already prevailing elsewhere in China. The 1959 revolt in Lhasa and the Dalai Lama’s flight to India also affected China’s foreign relations. For a start, it had an immediate and very negative impact on relations with India, with which China had been extremely friendly over most of the 1950s. While it is true that Indian Prime Minister Jawaharlal Nehru (1889-1964) stated his wish that the Dalai Lama should not use India as a base for political activities, Nehru was quite prepared to give him refuge and to let him denounce China from India.

The CCP placed part of the blame for the revolt on India. The Chinese government also claimed that the Americans, with whom relations at the time were extremely hostile, were deliberately trying to stir up trouble in Tibet. Although the Dalai Lama and his supporters flatly denied at the time that they were receiving any help from the United States, there is ample evidence that the Chinese were right in their accusations. The Central Intelligence Agency provided such services as training Tibetans in the United States itself and flying them back to Tibet to resist China, and supplying them with equipment. This went on in total secrecy from 1957 until the American rapprochement with China in the early 1970s.

Despite their disclaimers at the time, Tibetan participants are shown in a BBC television programme issued in 1998 as proud of the fact that they had fought in a secret war against China. With secrecy no longer required, their point of view was that they had been fighting in a national Tibetan war against the invading Chinese. The Chinese view was that this was external and unwarranted interference in China’s domestic affairs. In September 1965, the Chinese government set up the Tibet Autonomous Region (TAR). This followed the model of autonomous areas, referred to above. There had already been eight Tibetan autonomous prefectures established in the 1950s, of which five were in Qinghai, with one each in Gansu, Sichuan and Yunnan, as well as two autonomous prefectures the Tibetans shared with another ethnic group.

The Tibet Autonomous Region (TAR) was the fifth and last autonomous region to be established in the PRC. While an autonomous region is in theory different from a province, the extent of administrative control is actually quite similar. As noted above, earlier regimes had never set up a province-level unit in Tibet. What this means is that the establishment of the Tibet Autonomous Region (TAR) was an important step towards bolstering the authority of the central Chinese government in Tibet. The years of the Cultural Revolution from 1966 to 1976 are acknowledged almost universally as the worst in the PRC's history. This vast campaign was orchestrated by CCP Chairman Mao Zedong (1893-1976), who was obsessed by a vision of class struggle that saw everything as part of a war between the proletariat and the bourgeoisie. Certainly, class struggle took precedence over national struggle to the extent that Mao regarded it as absurd for minorities to fight against majorities. The proletariat of all nationalities should be uniting in struggle against the overlords of all nationalities. The Tibetan areas were not spared the devastations of the Cultural Revolution. Monasteries were destroyed, religious persecution intensified and factional political struggle erupted on a major scale. In September 1968, Tibet became, along with Xinjiang, the last of China's province-level units to set up the Cultural Revolution's administrative form known as the revolutionary committee. Meanwhile, the Panchen Lama had already become increasingly critical of Chinese policy in Tibet as the situation became tenser in China generally. He fell from favour in 1964 and was imprisoned, not being released until 1978, by which time Mao was dead and his brainchild the Cultural Revolution over (Mackerras, 2005)

## 2.7 Migration and Resettlements in India

Following the Chinese invasion of Tibet, the 14th Dalai Lama and his followers decided to flee the country, preferring routes that brought them closer to Tibet. From Lhasa, the 14th Dalai Lama began his journey to India. He first landed in Arunachal Pradesh's Bomdila, after which he was escorted to Assam's Tezpur, and then to Mussorie via West Bengal (Moraes, 1960). It's difficult to say which path was the most popular for Tibetan refugees to arrive in large numbers. Since 1959, fresh Tibetans have been arriving in various parts of India on a regular basis.

The order regulating Tibetan Nationals in India in 1950 mandates that Tibetan nationals must get a permission in the prescribed form **from the officer in charge of the police post at the Indo-Tibetan border** at the time of their arrival into India. The permit allows such a person to stay and travel in India for the prescribed period, extendable on application (Mohan, 2019).



When Tibetan refugees attempted to enter India, they encountered numerous hurdles and difficulties. The psychological fear of not knowing if they would perish en route to India or arrive safely; physical fatigue brought on by the long journey from Tibet to India, especially many Tibetans who resided in isolated regions of Tibet like Kham, Amdo, and Lhasa faced many difficulties in reaching India; difficulties of language-communication problems with the host population; lack of resistance to tropical diseases, climatic changes, and other factors (Muni & Baral, 1996).

Following the arrival of Tibetan refugees in India, the Indian government started preparing land for the settlement. The 14th Dalai Lama requested India's then-Prime Minister, Pandit Jawaharlal Nehru, to offer Tibetan refugees with non-cultivable land in the hills and cold climate areas in its several states. As a result, they were given hill territories in South India, Northern India, and the Darjeeling and Sikkim regions (Desai & Raha, 2011).

Tibetan refugees in India are found living in a variety of locations, mostly in rehabilitation settlements that have formed and grown through time as a result of various projects. The main areas for refugee resettlement in India are as follows:

- Karnataka, in the Southern part
- Madhya Pradesh, Orissa, and Maharashtra in the central region
- Uttar Pradesh, Himachal Pradesh, and Jammu & Kashmir in the Northern Region.
- Sikkim and West Bengal in the Eastern region.
- Arunachal Pradesh in the North- Eastern region

In India, there are 37 Tibetan villages, 14 of which are agricultural settlements, 9 of which are handicraft-based communities, and the rest are agro-industrial and scattered groups (Roy, 2001). According to the 2007 Report on Refugee Population in India, there are 70 scattered Tibetan villages, indicating that outside of planned settlements, a considerable number of Tibetan refugees have managed to find shelter on their own.

Actually, the Government of Indian government provided number of hill lands, some of them were densely forested, where they could develop their communities with the government's direct help. The major goal of the Tibetans' separate settlement was not to



integrate them, but to keep them distinct from the country's mainstream political activity. As a result, Tibetan refugees have been able to preserve their culture, language, history, and traditions, and also got the opportunity to preserve a strong sense of Tibetan nationalism.

## 2.8 Rehabilitation and Adjustment of the Tibetan Refugees

The connection between India and China has a major effect on India's policies toward Tibetan resettlements. The Chinese claim of suzerainty over Tibet had created difficulties for India. As a result of human rights violations in Tibet and China's failure to grant Tibetans regional autonomy, the Indian government was forced to provide basic requirements for the Tibetans. Thus, for humanitarian reasons, the Indian government took in the Tibetan refugees.

To aid in the rehabilitation process, the Indian government formed the 'Central Relief Committee for Tibetan Refugees' on April 4, 1959. It was founded by unofficial Indians as a means of distributing excess food, medicine, and other necessities. Various non-governmental organisations stepped forward to assist Tibetan refugees, and a number of foreign countries sent presents and aid to Tibetan refugees in India (Roy, 2011).

Similarly, in 1960, the Dalai Lama established a Parliament-in-Exile with judiciary, executive, and legislative branches, as well as a separate group of official and independent new organization, the Central Tibetan Administration (CTA), also known as Tibetan Government in Exile, to organize and represent Tibetan refugees and their interests in India and abroad. Members of the Assembly of Tibetan People's Deputies were elected by ballots cast in all Tibetan settlements across the Indian subcontinent, and he established a representative government among Tibetan refugees. The CTA's activities are overseen by the highest executive body call the 'khasang'. This administration "exists only as a non-political and private institution devoted primarily to the cultural development, rehabilitation, and general welfare of Tibetan refugees," and serve as an advisor to the Indian government in carrying out its policies on Tibetan refugee. The following are the seven working departments that make up CTA:

Tibetan Spiritual and Cultural Legacy Department- This department promotes and preserves Tibetan spiritual and cultural heritage.

1. The Department of Home is in charge of Tibetans' overall rehabilitation plans (Asfuroglu, 2012).

2. The Department of Education is in charge of inspecting and supervising schools in India, Nepal, and Bhutan.
3. The Department of Security ensures or is responsible for His Holiness the Dalai Lama's security. It also considers the receiving centres in Kathmandu, Delhi, and Dharamsala, as well as transit camps.
4. The Department of Finance is in charge of generating revenue in order to administer the administration.
5. Department of Health- This department is in charge of the primary health facilities and hospitals that are placed across the rehabilitation centres.
6. Information and International Relations Department- Maintain contact with the office.

Considering the request of the Dalai Lama the Government of India provided three forms of settlements in India for the Tibetan refugees that is:

- 1) Land based settlement,
- 2) Agricultural based settlement, and
- 3) Handicraft based settlement

The planning and implementation of the relief measures to provide aids to the refugees were in the hands of three agencies,

- 1) The Central Relief Committee, as the authorized channel to accept and distribute the international aids.
- 2) The Government of India along with the state governments.
- 3) The Central Tibetan Administration (CTA) or the office of Dalai Lama for Home and Rehabilitation.

While performing their duties, these three agencies were linked. The CTA was in charge of selecting the refugees who would be placed on various programmes. This resulted in a division of labour among the refugees in India. It was discovered that about 80% to 85% of the immigrants had agricultural or pastoral backgrounds, they were given agricultural properties (Desai & Raha, 2011).

It was not an easy task for India to rehabilitate a large number of Tibetan refugees. In comparison to traditional Tibetan society and Tibet, India had entirely distinct social, cultural, political, and environmental circumstances. In their early years, Tibetan refugees in India found it very difficult to make a living and live because of this. Tibetan refugees was initially employed in road construction and other labor projects mostly in India's northern states. Their

struggle to live in exile was intensified by the terrible climatic and economic conditions. Many Tibetan exiles died as a result of different health issues including as tuberculosis, malaria, and other diseases. In 1959, 167 children and 65 adults died in two camps in West Bengal and Assam: Buxar and Misamari (Norbu, 2001). They also had to deal with language barriers as well as a slew of other concerns and issues. They first had trouble adjusting physically and culturally, but they quickly started associating with the natives to obtain some advantages. Tibetan marriages with locals began to take place. They also learned the local languages, which helped them communicate with the local population, particularly the Indians in the area.

They had numerous difficulties finding work, especially the elderly, because they had families and were unable to find work readily, however they eventually recovered from their inefficiency of labor in accordance with the demands of the region. They attempted to adjust socially by following their own religious practices, cultural activities, diet, and clothing (Roy, 2001). Through their hard effort, they were able to integrate into Indian society. The Tibetan and Indian communities have had cordial relations, and both have adjusted well to each other. Tibetans are now regarded as one of the world's most successful exiles, having spent many years in exile in India as refugees.

## 2.9 Impact of Tibetan Refugees in Host population of India

The Government of India (Separate settlement and delegated authority) has granted Tibetan refugee settlement in India in order to recreate Tibetan society and allow the refugees to continue their lives in exile.

However, refugees have an impact on the host country of India, which can be measured by looking at the relationship between the refugees and the local population. As previously stated, one of the reasons for Tibetans' forced migration was a fear that their cultural identity and religious institutions would be put at risk under Chinese rule and the majority of the Indians shared this sentiment. Separate Tibetan villages, on the other hand, were intended to maintain a cultural divide with the host community. This also implies that the relationship between the refugees and the host population is restricted to market transactions.

Many people in the host population have benefited financially from refugee settlements. As it employed locals in the agricultural field, and many members of the host community were also employed by Tibetan refugees in other fields. Most Tibetan settlements were in remote parts of India, which had previously received little attention from the Indian government in

terms of development and funds, but with the establishment of Tibetan settlements, they began to receive benefits such as schools, hospitals, and irrigation canals, among other things. Similarly, foreign charity organisations sponsored similar schemes for local villagers as well. (Desai & Raha, 2011).

Despite the fact that the Tibetan settlement benefits the local people, there are still challenges and disputes in their relationship. The main cause of conflict was sometimes a lack of communication and a language barrier, which resulted in small conflicts or misunderstandings between locals and Tibetans. Another key factor in the conflict between Indians and Tibetans is the Tibetans' quick advancement. Local Indians mistakenly believe that the Tibetans' progress is due to the usage of their resources. As a result, the Indians were continually envious of the Tibetans' progress, and they used to antagonise them over little matters (Muni & Baral, 1996). The Tibetans, on the other hand, were unconcerned with these events and instead focused on the future.

However, the impact is not consistent throughout the host society. Tibetan refugees control six significant monastic institutions in Ladakh, according to Ladakhi intellectuals, and those Tibetan refugees in that area have not learned Ladakhi. The development and mentality that has resulted from Tibetan settlements in the sensitive Himalayan region is not conducive to security (Desai & Raha, 2011).

Even though there are few incidents of host-refugee conflict in India, some scholars have attempted to examine the tensions between refugees and host elites. The host-refugee tension in the Himalayan region, according to Stobdan, has two causes. To begin, there is the Tibetan refugee population's increase, as well as the economic disparity between them. Second, the Himalayan region's Tibetan cultural and religious dominance must be preserved.

Tensions between the host and the refugees have been seen to be different. More tension appears to have existed in the Himalayan region than in the Indian plains. This can be explained by the fact that Tibetan refugees in Himalayan states share a lot of racial, linguistic, religious, and cultural similarities with the host communities, with the exception of Nepalese. Because of their similarities, the refugees may be tempted to interfere in politics.

According to a field survey performed by Saklani for his book "The Uprooted Tibetans in India," 76.92 percent of Indians have a favourable view toward Tibetan refugees, whereas 85 percent of Tibetans have a positive attitude toward Indians.

From the historical perspective of Tibet, it is apparent that Tibet was a land isolated from any other country's social contact. Religious views and rituals dominated the conversation. It's natural that when China invaded Tibet, the Tibetans did not fight back, preferring instead to flee the situation because they were not as advanced as China. Following the invasion, Tibetans entered into India from various routes because it was the closest country to them at the time. The Indian government acknowledged the Tibetans as asylum seekers and agreed to provide them with settlement areas. They were given hill territories and sites that were densely forested or covered in jungle or forest so that the Tibetans could build towns that were as close to their homeland as possible. Tibetan refugees were given the opportunity to retain their culture, language, and customs, as well as a strong sense of Tibetan nationalism, as a result of this action. The Indian government has set up settlement sites for Tibetan refugees so that they can find work and earn money to help them survive. They studied the nature of the local activities and adjusted themselves following the settlements. They also have access to a number of handicraft centres, which helped to strengthen local economy. However, certain issues arose with the host population, most likely due to economic reasons, but they were able to resolve these issues and became friendly with the host population as a result, making them one of India's most successful refugees.

## CHAPTER 3

### HISTORICAL BACKGROUND OF ROHINGYA REFUGEES IN INDIA

#### 3.1 Introduction

Rohingya is one of the most persecuted ethnic minorities in the world according to the United Nations (Faisal, 2020). Rohingya refugees like any other refugees was originated from a country where they was not accepted as one of the minority ethnic group of that particular country. Therefore it is important to know about the country first from where it was generated and why it was not regarded and one of the minority group of that particular country.

#### 3.2 Myanmar

It is believed that Myanmar is the country from where the Rohingyas came from. Myanmar which is formally known as Burma is one of the nation situated in the South of Asia. It is surrounded by the countries like China in the North, Bangladesh and India from the southwest, Laos and Thailand in the east (Majumder, 2015) Bay of Bengal and the Andaman in the south. Its capital city is Yangon and the official language is the Burmese. Its estimated populations was around 60,584,650 (including the Rohingya) and estimated area of more than 261,000 square miles 676,578 km (Demographics of Myanmar, 2018; World Bank, 201 cited by Mohajan, 2018).

It was colonized by the British in 1824, and had achieved independence in 1948. Burman, Shan, Karen, chin, Karenni, Kachin, and Rakhine are the eight ethnic groups that are formally recognized by the government. There are several different sub-ethnic groups in each ethnic group. In terms of religious basis, it is consisted of Buddhists (89%), 4% Christians (Baptists 3%, and Roman Catholics 1%), 4% Muslims, 1% animist, and 2% others (Ullah, 2011; Singh, 2014; Warzone Initiatives, 2015 cited by Mohajan, 2018). The minority ethnic groups Kachin, Chin, Shan, and Rakhine live on the borders of neighboring countries (HRW, 2013). In Myanmar there are more than 200 dialects and languages that are spoken among the ethnic minority groups.

The name of the country was Burma in the 1947 Constitution which was changed by the military junta as Myanmar in 1989 (Ullah, 2011) cited by (Mohajan, 2018). According to the 2008 constitution the official name of the country is “The Republic of the Union of Myanmar” (Government of Myanmar, GoM, 2008)cited in (Mohajan, 2018).

Myanmar is divided into seven states for political organization and also functions to separate different ethnic minorities. Like many nations, each of these states is further divided into divisions, townships, wards, and villages.

There are seven states in Myanmar and they are Kachin State Government, Kayah State Government, Kayin State Government, Chin State Government, Mon State Government, Rakhine State Government and Shan State Government. The map of Myanmar reveal the Kachin State as the region located in the northern tip of Myanmar, and it is bordered by the Tibetan region of China and India. Myanmar's highest mountain Hkakabo Razi is located in this region. This mountain also forms the southern tip of the iconic Himalayan mountain region. On the east coast of Myanmar there lies the Kaya State which shares borders with Thailand. This region is mostly inhabited by the Kayah people who belong to Karenni ethnic group. Their culture is similar to that of the Sino-Tibetan people. The Kayin State was previously known as the Karen State, characterized by its mountainous Karen Hills in the northwest. This region is most notable for its tremendous rainfall, with the minimum amount of rain each year coming in at an incredible 120 inches. The Chin State in Myanmar is in the north-west region of this country. The Chin State is known for having the highest poverty levels in the nation, with almost three out of every four people living in poverty. The Mon State is a narrow region that extends along the long peninsula of Myanmar, into the Bay of Bengal. This landmass also includes some small islands. This area is overwhelmingly Buddhist, and produces rice and rubber as its two major exports. The Rakhine State is the easternmost portion of Myanmar. This area is characterized by conflict, with seven different ruling powers marking its long history. To the modern day, this region is still fought over and has been gifted as a prize of war several times. The Shan State is a large landmass on the eastern coast of Myanmar. This big region contains several different ethnic groups, and their own respective armies. This state is rural and known for its agriculture, natural resources like silver and zinc etc.

The majority of the Myanmar ethnic group are the Burman which is also referred as the Bama and Bamar followed by the Shan ethnic group along with the other major and minor ethnic groups. Officially there are 135 major ethnic groups excluding Muslim Rohingyas. Myanmar has vast resources and diverse people. As a nation it is home to many religion and culture where variety of large and small ethnic groups reside because of this it has also endured almost constant ethnic and military strife. One of such important ethnic conflict arose in the Rakhine state.



The Rakhine State is the homeland of several different ethnic communities. The two major ethnic groups residing in the Rakhine State are the Muslim Rohingya and the Buddhist Rakhine. The majority of the people were Rohingya who were the followers of Islam. On the other hand, the Maghs (Rakhains) were a minority who believed in Buddhism (Faisal, 2020). Buddhist Rakhines, formerly called the Arakanese, live along the coast of the Rakhine State, known as Arakan and the Kingdom of Mrauk-U in the past, and in the Chittagong and Barisal divisions of Bangladesh. It is also a home for other ethnicities, such as Hindus, the Chins and Myo (Rey Ty, 2019).

In Arakan, a small number of tribes live in the hills. They are Mros, Kamis, Chaungthas, Chins, Saaks, Ahnus, Chaws, Khaungtsos and Kons (Faisal, 2020). Similar cultural traits are shared by the Rakhines of Myanmar's Rakhine State and the Arakanese Chakma, who are primarily Buddhist, the Marmas (formerly known as Moghs or Maghs), and other peoples who have lived in Bangladesh's Chittagong Hill Tracts since the 16th century. In Tripura, India, there are also the Arakanese Buddhist Mog people. Other Muslim groups live in Myanmar, such as the Kamans who are the only Muslim taing-yin-tha, or members of the 135 ethnic groups officially recognised by the Burmese government (Rey Ty, 2019).

Both the Buddhist Arakanese and Muslim Rohingyas have lived together in the broad region of what is now Arakan state in Myanmar and the Chittagong Division in Bangladesh since the pre-colonial era. Historians trace the Muslims living in the frontier between what is now Bangladesh and Myanmar's Arakan State since the 12th century. Through Arab traders who also doubled as missionaries, Islam came to the region in the 7th century CE, during which they intermarried with local Buddhists as well as converted Buddhists to Islam by 788 CE. (Majumder, Velath, Chopra and Chakraborty, 2015)

The Arakans and the Rohingyas, as we call them now, have been living at the frontier between what we now call Bangladesh and Myanmar for centuries. For example, from 1429 to 1785, the autonomous Empire of Mrauk-U governed over what is currently the Rakhine State in Myanmar and the Chittagong Division in Bangladesh, where Muslims and Buddhists of different ethnicities coexisted. During this same period, this region was a protectorate of the Sultan of Bengal at different points in time. By the 18<sup>th</sup> century, it became part of the Burmese Empire (Rey Ty, 2019).



### 3.3 Brief History of Rohingyas

The Muslims arrival in Arakan area can trace back their descent to the Arab traders who came to trade in the region as far back as the 8th Century. They ruled (1430-1784) the kingdom of Arakan, Chittagong of Bengal, and parts of India for more than 350 years until the Burmese occupation of 1784. Two communities lived together for hundreds of years. But the problem began since the 1785 AD, when a Magh commander by the name of Ga Than de welcomed the arrival of Burmese troops to take Arakan from the Rohingya Muslims. He became the governor of Arakan state (Faisal, 2020). Following the Burmese conquest of Arakan in 1784-85, between 35,000 to 40000 Arakanese fled to the neighbouring Chittagong region to avoid Burmese persecution and seek protection in British controlled Bengal. After the occupation of Arakan State by the British in 1826, there started a reverse flow of migrants—from the Eastern Bengal districts like Chittagong to the Arakan with British encouragement. The immigration continued until the 1930s. From 1936 onwards, mistrust grew between Muslims and Buddhists in British Burma (Majumder, Velath, Chopra and Chakraborty, 2015)

During British rule, the ethnic problems started spreading due to their partiality though the Rohingya community participated in the Second World War in favour of Great Britain (Faisal, 2020). The first large scale riot between Muslim –Rohingyas and Buddhist- Rakhines in Arakan state took place on March 1942 (Majumder, Velath, Chopra and Chakraborty, 2015). This was the time where British force surrendered to the Japanese army at Burmese point, Burmese Muslims also participated in their Independence movement and the Mujahid party was formed by some Rohingyas in 1947 to create a separate state for the Muslims in northern Arakan. The seeds of Rohingya separatism had been sown in spite of the effort of some Rohingya leaders to bring different nationalities of Myanmar into a Union (Majumder, Velath, Chopra and Chakraborty, 2015). They also led the Student Union and have been elected parliament members, even minister of government (Mohammed Yunus, 1994:69) cited by (Faisal, 2020).

On 4 January 1948, the Republic of the Union of Burma has become an independent country. After independence, communist-backed underground groups engaged Arakan in political violence, rebellion Rakhine Muslim Mujahedeen and followed with other armed rebellious groups. In that same year, the 1948 Union Citizenship Act was passed which included a list of Burma's indigenous races qualifying for citizenship which does not include the Rohingya. This led to further unrest between Muslim-Buddhist relations.

The Muslim rebels who's numbered several thousands in 1948 at the time of independence, quickly reduced to just few by 1950. About 100,000 Rohingya people were killed by the Buddhist Magh community, and 80,000 fled to the Bengal part of British India. In 1961, the Mujahedeen militants were defeated, with the Mayu Frontier Administration established by the national government (Faisal. 2020).

According to the UN, Rohingyas are among the worlds most mistreated and maybe most neglected minority. The present act of violence is a part of pattern of discrimination that began 50 years ago. Rohingyas' history can be described in three categories that is the Pre-colonial, Colonial and Post-colonial.

In pre-colonial times, Muslim Arabic sailors inhabited the independent kingdom of Arakan (now known as the Rakhine State) between 788 and 810 AD, followed by Bengalis between the 15th and 17th centuries. Prior to colonization, the Rohingyas and Arakanese (the remaining Arakan Buddhist population) coexisted peacefully.

After the British occupied the area after the first Anglo-Burmese war in 1825, this was altered. The British captured Arakan in their first battle against Myanmar in 1824–1826, and supported an inflow of Bengali Indian migrants. By the early 20th century, the immigrant population was double the size of the indigenous Muslim community. The religious networks of the Muslim Rohingya community grew as it took in more migrants, and the Rohingya started to behave, dress, and seem differently from their Buddhist neighbours. Some Buddhist settlements were displaced as the expanding population moved southward. When the Arakense sided with the Japanese during World War II and the Rohingyas pledged allegiance to the British, the division grew even more pronounced. Muslims were given preference over other groups by British colonists. In World War II, they enlisted them as troops and appointed them to positions of power in the post war government, as opposed to the Buddhists. Both the Japanese and British troops took advantage of the tensions and hostility among the local populace while the war raged in Burma to achieve their own military objectives. The communalist (Buddhist) Rakhine and Burma Independence Army both attacked the Rohingya community during the Japanese rule of Burma (including Arakan), murdering 100,000 of them and driving another 50,000 of them into exile near the East Bengali border.

After Burma won independence in 1948, the anti Rohingya campaign began, typified by prejudice and denial of their citizenship rights. In 1962, Burmese Government was taken over by military coup. They established a military junta and abolished the nation's constitution.

Following the 1962 takeover of power by General Ne Win and his Burma Socialist Programme Party (BSPP), the government started dismantling Rohingya political and social groups. In order to register residents and weed out foreigners before a national census, Burmese military and immigration officials launched what they named Operation Nagamin (Dragon King) in 1977.

More than 200,000 Rohingya had left Burma for Bangladesh by May 1978, which the Burmese government said was proof of their unlawful status there. The Burmese army was accused of extensive rape, murder, and violence by the refugees, who also claimed that they had been forcibly expelled. The Bangladeshi government and the International Committee of the Red Cross provided immediate aid, but they were soon overburdened. Thirteen camps were quickly set up along the border for the migrants after the Bangladeshi government asked the UN for assistance.

### **3.4 Origin of the Rohingya Crisis**

The primary reason for the conflict between the ethnic groups after the independence of Myanmar is that the non-Bama ethnic groups are not fully integrated into the government, politics, economy, and culture which was dominated by the Bama. Despite the diversity in Myanmar, only the Bama language, culture, and interpretation of history are covered in educational institutions, and these individuals remain the only ones with the ability to participate in politics and government. Because of their economic, political, and cultural dominance over all other ethnic groups, those groups keep fighting for recognition for their autonomy and self-determination and continue to wage civil war in Myanmar. The minorities that continue their revolutionary struggles include the Chin, Kachin, Karen, Karenni, Rohingya, Shan, Wa and other ethnic minorities (Rey Ty, 2019).

In 1962, a coup led by Gen. Ne Win marked the beginning of decades of oppressive military rule. The military junta's rise to power in 1962 which further led to marginalization of the Rohingya. The junta also gave documentation to few Rohingya children and refused to recognize new generations of the Rohingya population (Faisal, 2020). Throughout the military rule in Myanmar there were several Buddhist- Muslim clashes in Arakan State because of the government adopted laws and policies they continued to become the victim of wide spread discrimination and human rights violations (Majumder, Velath, Chopra and Chakraborty, 2015).

In 1974, a new law again promote the limit on the rights of the Rohingya, particularly in employment and education. At the time of constituting Rakhaine State from the former Arakan Division the Emergency Immigration Act further reduced the chance of Rohingyas possessing national registration certificates as they were only issued with a Foreign Registration Cards which the Schools and employers do not recognize.

On 6th February 1978, one of the most crucial Rohingya ethnic cleansing action named “The King Dragon Operation” began. The Myanmar military commenced the Nagamin operation with great severity, focusing on a fresh Census mainly aimed at eliminating Burmese citizenship of as many Rohingya as possible and was marked by extensive torture, rape, forced labour and extra-judicial executions. Within three months more than 300,000 Rohingyas went Bangladesh and took shelter in camps of Cox’s Bazar district (Faisal, 2020). Operation Nagamin, or King Dragon was unleashed to crash the Mujahid groups in the Rohingya-dominated areas.

In 1982, Citizenship Law Rohingyas were deprived from the list of 135 national ethnic groups by the revised Myanmar Citizenship Law they lost national protection due to their non-citizenship (Abdelkader, 2014) that caused Rohingyas to become stateless and more vulnerable to arbitrary denial of rights. In Myanmar, citizens whose age is ten years and above are eligible to apply for a national identity card. This identity card is essential for higher education, travel, medical care, business, etc. Those person having no identity card may be detained and imprisoned. The membership of obtaining the full citizenship is given to those national races who are considered by the State to have settled in Myanmar prior to 1848 along with the fluency in one of the national languages (Burmese Rohingya Organisation UK, BROUK, 2014 cited in Mohajan, 2018). The 1982 Law was based on the principle of *jus sanguinis* which identifies three categories of citizens: full, associate and naturalized. Only few Rohingyas were able to fulfill the requirements that are demanded for being in one of these categories (Majumder, Velath, Chopra and Chakraborty, 2015)

According to this law the Rohingya were not granted full citizenship as they were not eligible to apply for the national identity card instead they only obtained foreign identity cards. As a result, they were restricted from their rights to study, travel, work, exercise to vote, marry, practice their religion, and access health services (Mohajan, 2018).

On 18th September, 1988 by a Dramatic military coup Chief of Army Staff, General Saw Maung came to power. The colour-coded Citizens Scrutiny Cards were introduced which

were in pink, blue and green in colour. Pink card was for the full citizens, blue card was for the associate citizens and green card was for the naturalized citizens. The Rohingyas were not issued with any of these cards. They also formed the State Law and Order Restoration Council (SLORC). At that time, in Myanmar many pro-democracy demonstrations started. SLORC strictly controlled all kinds of political activities. They killed more than 3000 pro-democracy protesters. Some pro-democracy activists were arrested, tortured and killed in Arakan and many protesters crossed the border and joined revolutionary groups. All the business establishments of Rohingyas were seized (Faisal, 2020).

Then in 1991–1992, the National League for Democracy won the election after the disputed multi-party election. The Myanmar military began another campaign called Pyi Thaya (or Prosperous Country), which began with a buildup of military forces and formation of a border task force, called Nay-Sat Kut-kwey Ye (or Na Sa Ka) which consisted of police, military intelligence and immigration or customs and other officials. The intensified post-election restriction led to a second exodus. Some 250,000 Rohingyas crossed into Bangladesh, while another 15,000 ultimately made their way to Malaysia. In the mid-1992, in accordance with the policy of Bangladesh the recognition of Rohingyas closed with a registration cut-off date. Those Rohingyas who arrived or returned after the cut-off date were not able to receive the status of refugees and they are not permitted in the camps. Bangladesh also closed its door to the Rohingya refugees saying they are not Bangladeshis. About 30,000 registered Rohingyas, supported by the U.N. High Commissioner for Refugees are in Bangladesh and informally there are 200,000 unregistered Rohingyas residing in Bangladesh. (Majumder, Velath, Chopra and Chakraborty, 2015)

In response to UNHCR's intensive advocacy efforts to document the Rohingyas the Burmese authorities in 1995 started issuing them with a temporary Registration Card (TRC) (a white card) in accordance to the 1949 Residents of Burma Registration act. The TRC does not mention the holder's place of birth and cannot be used to claim citizenship (Faisal, 2020).

On May 28, 2012, a Buddhist woman, was allegedly raped and murdered by three Muslim men in Ramri Township in southern Arakan State which once again started the conflict in the region. In response to this incident around 100 Rohingyas were killed (including 10 Muslim pilgrims travelling on a bus in Tounghp) and 120,000 were displaced (Mohajan, 2018).

June 2012 violence between Muslim Rohingyas and Rakhine Buddhists in Arakan State of Myanmar increased the number of Rohingya refugees in neighbouring Bangladesh. It led to

some of the 140,000 internally displaced to take an effort to flee across the border. A month after the violence that is on July 12, President Thein Sein called for illegal Rohingya to be sent to third countries. Again on 21 October, although the government of Myanmar claimed that they had taken the necessary measures to prevent the recurring violence, the conflict broke out. After 2012 riots, the mass exodus of Rohingya from Myanmar in Arakan state was the most recent incident of persecution and forced evacuation. Rohingyas are caught between Buddhist dominated Myanmar and Muslim-dominated Bangladesh so they started entering into India through the north east States. After the deadly religious persecution and massacre in Myanmar which wiped out the entire village of Rohingyas in the last few years thousands of Rohingya Muslims have taken refuge in India. The exact number of those Rohingyas who entered in India is not known, it is estimated to be around 20,000 to 25,000. (Majumder, Velath, Chopra and Chakraborty, 2015)

On 9th October 2016, in Maungdaw and Rathedaung district some Rohingya rebellion ambushed Border Guard Police where nine police officers was killed, and 10,000 rounds of ammunition and 62 firearms was robbed. Once again during 10 to 12 October, 2016 they killed 4 Myanmar soldiers (Faisal, 2020). In the respond to the attacks, on 10 October 2016, the Government of Myanmar stopped all the humanitarian aid to the Rohingya (Mohajan, 2018). On November 12, a lieutenant colonel was killed and injured several others by 60 armed members of the Rohingya militants. After this incident security forces destroyed 1,500 Rohingya buildings, and helicopters fired indiscriminately into Rohingya villages killing hundreds of Rohingya people. More than 100 Rohingya have died, and more than 90,000 have escaped from Myanmar (Faisal, 2020)

To safeguard the Rohingya community and their rights the Arakan Rohingya Salvation Army (ARSA) was founded by some Arakanese youth. On 25th August 2017, they targeted 30 security camps and killed 12 Myanmar Police officers (Lynn, 2017). Following this incident Genocides started all over the Arakan. From August 2017 to the end of 2018 more than 620,000 Rohingya refugees have migrated to Bangladesh and taken shelter in Cox's Bazar, Bangladesh refugee camps (Mohajan, 2018). It has been analysed that around 354 Rohingya villages in the state of Rakhine burned, houses looted, and widespread rapes was committed and approximately 24,000 Rohingya people killed including 730 children, 40,000 victims of bullet wounds, 34,000 thrown into flames, 17,718 women and girls raped, 114,000 injured and 115,000 houses destroyed (Faisal, 2020)



The bloodbath that the Myanmar army's military operations generated, which ultranationalist Buddhists support, led to the displacement of more than half a million to one million Rohingyas. Myanmar security forces have the right and duty to engage in battle with the ARSA, as both sides are combatants who must engage in armed conflict based on the laws of war. But international humanitarian law states that on the one hand, reprisals against civilian population and their property are forbidden and military actions on both sides must be proportionate on the other hand. It also establishes that Rohingya civilians must be spared from military attacks under all circumstances and at all times.

Both Article 3 common to all four Geneva Conventions and Protocol II additional to these Conventions affirm that: (1) there should always be a distinction between the armed forces and civilians; (2) all persons taking no active part in the combat, including the wounded and the sick, must be treated humanely; (3) the only legitimate objective is to weaken the enemy's armed might; (4) and the civilian population, including women and children, as well as civilians' homes, property and cultural objects, must be protected, as they are not military targets. (Rey TY, 2019)

Most of the persecuted Rohingyas fled to Cox's Bazar in neighbouring Bangladesh to seek refuge and a safe haven, which is where the Bangladeshi government welcomed them. After Rohingyas left their villages, their houses and properties were bulldozed. At least 55 Rohingya villages were destroyed in order to eliminate the evidence. About half a million Rohingyas still remain in the Rakhine State in Myanmar. UN envoy Yanghee Lee claims that mass graves show "hallmarks of genocide". The Rohingya's mistreatment was described as a "textbook example of ethnic cleansing" by Zeid Ra'ad Al Hussein, the High Commissioner for Human Rights in United Nation at the time. A group of Nobel Peace prize winners urged the UN Security Council to defend the Rohingya against more atrocities.

### 3.5 The response of the International Communities

The Association of Southeast Asian Nations (ASEAN), of which Myanmar is a member, was blasted for keeping mum on the persecution of the Rohingya. India and Japan support Myanmar. China and Russia oppose United Nations resolutions on the Rohingya issue. The European Union (EU) and the United States (US) imposed economic sanctions on top military officials as a form of punishment. The United Kingdom (UK) is calling for repatriation, while China mediates between Bangladesh and Myanmar on repatriation. With China's overtures, Bangladesh and Myanmar signed an agreement to execute the Chinese

settlement plan for the deportation of the Rohingya from Bangladesh's Cox's Bazar to Myanmar's Rakhine State.

The country is currently grappling with the burden of housing about 1 million illegal Rohingya refugees in Cox's Bazar. Not allowed to work in Bangladesh, the stateless Rohingya refugees are desperate and are only permitted to work as part-time volunteers. There are over 200 aid agencies operating in the Rohingya camps. Purporting to serve the Rohingya in the refugee camps, some Non-Governmental Organisations (NGO) are allegedly engaged in corruption and nepotism, while the locals at Cox's Bazar seeking employment with these charities were turned away. Sixty-five shipwrecked Rohingya who were survivors of human trafficking were found stranded in southern Thailand. Human trafficking of vulnerable Rohingya refugees is on the rise. Rohingya girls are the targets of sex trafficking (Rey TY, 2019)

Myanmar cannot be considered a politically stable nation, especially from the ethnic point of view. Apart from Rohingya issue, the country has still to manage tensions (which turn into conflicts) among other minorities (Shan, Karen, Kachin and Lisu) that together account for 40% of the population. In fact the Rohingya crisis is not even the top priority of the nation.

The first democratically appointed government in Myanmar's history took office in 2016, but detractors claim that Aun San Suu Kyi's administration is hesitant to support the Rohingya and other Muslims out of concern for offending Buddhist nationalists and jeopardising the civilian government's power-sharing arrangement with the military. The de facto leader has rejected global criticism of her handling of the situation and completely disputed that ethnic cleansing is occurring. In December 2017, the Myanmar government terminated collaboration for the rest of Yanghee Lee's tenure as UN Special Representative on Human Rights in Myanmar and refused her entry, further confirming the situation.

Myanmar is bound by the 1948 Genocide Convention, which requires it to take similar steps to stop and punish those who commit massacre. But how will the perpetrators of crime punish themselves? Though Myanmar Government is justifying the indiscriminate attacks on civilians as a response to ARSA attack, the history is self-explanatory on how Rohingyas have been systematically targeted by the Government. The response of international community on the other hand has been extremely slow and reserved towards this crisis. There is a common belief among Rohingya as well as many Bangladeshis that international community is discriminatory to the Muslims. The United Nations Security Council (UNSC) which is a



potential avenue to take action against serious human rights abuse such as genocide became neutralized by the presence of reliable friend China. Following the eruption of violence in late August, Britain requested a Security Council meeting but China resisted stronger involvement by the UN.

Another UNSC resolution demanding an end to political repression and human rights violations in Myanmar was also blocked by China and Russia using VETO power. Chinese interests in Myanmar can be visible by the \$7.3 billion deep-sea port project in KyaukPyu as part of its ambitious 'One Belt, One Road' plan. KyaukPyu is important for China because that is where a Chinese oil and gas pipeline enters, providing them with an alternative path for Middle Eastern energy imports that bypasses Malacca Straits, a shipping chokepoint.

Being a strong regional economic association, ASEAN has strong capability to improve the situation in Myanmar. However, it is limited by its non-interference principle in member states' domestic affairs. Only Malaysia, which has a majority of Muslims, has expressed concern against the situation. Despite the issue spilling into neighboring countries and becoming Tran's boundary, ASEAN still has not shed their non-interference behavior in tackling the multidimensional humanitarian crisis.

The United Nations has called on the entire international community to put disagreements over politics aside and support the ongoing humanitarian efforts to aid Rohingya Muslim refugees. The region's accessible safety space for Rohingya refugees has become extremely unstable due to these countries' reluctance to sign the 1951 Refugee Convention and the lack of national laws in most South-East Asian countries, which abstain from becoming parties to the 1951 Refugee Convention and the 1967 Protocol on the grounds that signing the Convention may result in a rise in the number of refugees arriving in their territory, which could impose a significant financial burden. Major role players including India in particular have actually not come out and supported when their support could have been actually crucial.

### **3.6 Role of India: Border connection between India and Myanmar through Mizoram**

A virtually open border situation exists between India (in Mizoram) and Myanmar. Eastern Mizoram touches Myanmar while the western part touches Bangladesh. As a result, there are movements of people from both Bangladesh and Myanmar into the state, more so from Myanmar. Many Myanmar nationals routinely come to southern districts of Mizoram. During the 1990s, in some districts of Mizoram, daily wage laborers came from bordering areas of Myanmar for shopping and medical treatment as a matter of routine. The chins who lived

across the border in Myanmar were ethnically Mizos, and as such, there was no suspicion attached to them when they visited Mizoram. In the Saiha sub-division of the district, now a full district, villages nearest to the border were Vawanbrek, Saichang- kawm, and Lungpher, which were motorable and just a kilometer away from the border. On the Myanmar side, three to four days of walk were required to reach the nearest motorable route. Naturally, they preferred to come to Mizoram for shopping and other amenities, particularly during the Christmas season. It was difficult to say how many such Myanmarese stayed back in Mizoram. However, one could get some idea from the record by computing the figure of permanent and temporary residence. The 1991 census showed that chhimtuipui district registered a much higher decadal growth than two other districts, Aizawl and Lunglie (Ghosh, 2016).

It is not deniable that crisis in Myanmar has collateral effect on its surrounding countries. The influx of refugees has also gravely touched India. However, the country has not taken a decisive stand against this ghastly situation. India has a unique history of providing asylum to many people who migrated from the imminent threat in their respective countries. They expected security and necessities while harboring in this country and it performed its role as protector of human rights in the international community. It provided shelter to Tibetans, Chamkas from Bangladesh, refugees from Afghanistan, Sri Lanka etc. However, it has refused to extend similar hospitality to Rohingyas who have settled in places like Delhi, Hyderabad, Kashmir, West Bengal and the northeastern states.

The Government refuses to even recognize Rohingyas as refugees. The refugees lie in a state of void where they cannot return to their home and the country wherein they seek asylum refuse to acknowledge them. Union Minister for Home Affairs, Kiren Rijiju of Bhartiya Janta Party, is ignorant about India's history in granting refuge and its obligations under the Customary International Law. His statement about Indian being not signatory to the accord on refugees, starkly contradicts the conduct of the Government when it came to granting asylum to refugees in the past on ad hoc basis under The Passport (Entry of India) Act, 1920, The Passport Act 1967, The Registration of Foreigners Act, 1939, The Foreigners Act 1946 and Foreigners Order 1948. Even otherwise, India is a signatory to the International Covenant on Civil and Political Rights (ICCPR) (Pandhi & Tanvi, 2018), wherein as per Article 2 and 26 of the Convention, protection can be granted to the stateless Rohingyas in India. However, India and Indians instead of showing leadership and setting an example for the international community, are creating an atrocious atmosphere for the Rohingyas. Rohingyas are largely living in the northern states of India. Since 2016, they have been targeted by the right-wing

Hindu groups who have been calling for their eviction from the State, with groups even threatening attacks if the government rejected their call. In December 2016, the Vishwa Hindu Parishad, a group with links to the ruling Bhartiya Janta Party (BJP), demanded eviction of refugees from Jammu, calling them a threat to security. Another group, the Jammu and Kashmir National Panthers Party, started a public campaign against the Rohingya, putting up billboards in the city calling on Rohingya and Bangladeshis to leave the State. In February 2017, a BJP member whose lawyer is the BJP spokesman in Jammu, filed a petition in the state High Court seeking Rohingya's deportation, arguing that there had been a sharp increase in illegal migrants from Burma and Bangladesh. The campaign by Hindu groups against the Rohingya in Jammu has prompted vigilante-style attacks against them (Pandhi & Tanvi, 2018)

In April, unidentified assailants reportedly set on fire five huts housing Rohingya in Jammu. Four days earlier several Rohingya families living in the outskirts of Jammu alleged that unidentified people beat them up and set ablaze the scrap they collected to earn a livelihood. The basis of this extreme violence and hostility towards Rohingyas by the Government is to safeguard its political and international relations with Myanmar.

When Prime Minister Narendra Modi visited Myanmar on 05th to 07th September 2017, on his return, he generously praised the leadership of Aung San Suu Kyi and expressed full support against the terrorist attacks on Myanmar Security Forces. Myanmar is extremely significant for India's security, stability and prosperity. It's vital for its business and connectivity initiatives.

In July 2017, Senior General Min Aung Hlaing, the commander-in-chief of Tatmadaw visited India and met with Indian army's chief, Prime Minister, Defence Minister, and National Security Advisor. India is maintaining a distinct relationship with Tatmadaw apart from diplomatic relations with Naypyidaw and heavily investing in Tatmadaw with huge arms export and 'appears apathetic about the humanitarian ramifications of emboldening an army that has been widely accused of serious human rights violations and subversion of democracy' (Pandhi & Tanvi, 2018).

### **3.7 Factors related to Rohingya Refugee migration**

They faced numerous types of oppression after the independence of Myanmar such as denied citizenship, excessive taxation, confiscation of property, mosque destruction, torture, extrajudicial killing, restrictions on freedom of movement and marriage, forced deportation, destruction of houses and villages (Faisal, 2020).

Rohingya refugees like any other refugees migrated to India for various reasons among them the main reasons is to save their lives. It is stated that Fear of death and rape along with no earning are the main reasons of their escape. Other reasons like Forced eviction and destruction of houses, Murder of family members like Parents, Brother, Sister, Wife, Children & other relatives, Rohingya men are taken by police and they never return back, Arbitrary arrest, Violence against Women as Women were the victims of two forms of discrimination: one for being a woman and the other for being a Rohingya. They were raped and forcibly taken away from their home. Minor girls are also tortured sexually and Unmarried, beautiful girls are the main target of Na Sa Ka (Majumder, Velath, Chopra and Chakraborty, 2015).

Following this reasons some other Rohingya refugee arrive India because of the economic aspects. The majority of these individuals have family in India. They are mostly found in Delhi and Jammu. They also mention that a large number of their relatives hold refugee cards. Therefore, there is a widespread belief among these individuals that obtaining a refugee card, Good opportunity of work, no restriction of movement, secure place in India is rather simple and Indian Government helps foreigners for better living. They know that some Rohingya people already live in Delhi. There is a good image of India as a secure country with opportunities to live a peaceful life. All these concepts are developed either by their relatives or by their neighbours or other known people. There is a tendency among Rohingyas to come to India, somehow manage to stay here, and then bring the whole family.

Some Rohingyas families are in India for two or three years and they are the remaining who have come last. It is quite clear from here that there is a continuous flow of Rohingyas in India. The draw factor is now India's positive reputation and these individuals' families whereas continuous persecution in Burma and an already developed negative image of Bangladesh serves as the push factor

However it has been clear that extreme human right violation and mass exodus, violence against Rohingyas in the state has continued over the years. Destruction of houses, forced labour, confiscation of land, rape etc, all these have lead Rohingyas to leave their land every day, before and after 2012.

### 3.8 Routes of Migration

After the outbreak of the violence lots of rohingya refugees fled Myanmar by crossing the land into Bangladesh, others take to the sea to reach Malaysia, Indonesia, India and Thailand to escape from persecution (Faisal, 2020)

Fleeing violence and persecution, Rohingya refugees are risking dangerous journeys to reach India for safety. Many travel through Bangladesh, with over 50 crossing through the Hilly Border in South Dinajpur. This district, bordering Bangladesh on most sides, is a small northeastern region of India. A few Rohingya also entered through Cooch Behar's Changra Bandha border, while one individual crossed directly from Myanmar through Manipur. (Majumder, 2015)

Out of 55 Rohingya who crossed through the Hilli Border, only 7 managed to reach Delhi first. They likely followed this route: Hilli - Balurghat - Malda - Delhi. The remaining 48, possibly arrested, also planned this route. After Hilli, they likely head to Balurghat, with some stopping in other parts of South Dinajpur. To avoid arrest, some Rohingya reportedly travel to Burdwan and then take a train to Delhi. Delhi and Jammu appear to be their preferred destinations. Since Jammu is accessible from Delhi and Delhi has a UNHCR office, reaching the Indian capital is likely their primary goal. (Majumder, 2015)

There is no proper routes mentioned regarding the arrival of Rohingya refugees in India as they came to India from Myanmar through Hilly border, mountains, and rivers in different parts or states of India in which few of them came from north east states like Manipur, others crossing hili reached Balurghat and South dinajpur (Kushmumdi, Buniadpur). Some people arrive at Burdwan and from there, pick the train towards Delhi. It is found that Delhi and Jammu are the desired destination of Rohingyas. As it is known to them that Jammu can be reached from Delhi and because of the office of UNHCR in Delhi, their primary target is to reach the capital of India. Before reaching Delhi some were arrested on their way and moved towards various detention camps (Majumder, Velath, Chopra and Chakraborty, 2015).

### **3.9 Arrival and settlement in India**

The Rohingyas began to migrate towards the closest surrounding nations following the beginning of unrest in their own country. Bangladesh, India, Malaysia, Laos, and others are a few of those nations.

In India the Rohingyas have spread into places like Delhi, Hyderabad, Mumbai, Saharanpur, Muzaffarnagar, Jammu, Noida, Mewat (Haryana), and Aligarh. They reside in Delhi's Kalindi Kunj, Khajuri, Nizamuddin, and nearby Noida slums. Some of them live in rented apartment, slums, relative house.

About 2,300 Rohingyas live in substandard circumstances in temporary tents in Jammu, which is home to their largest colony. On the other hand there is the influx of Rohingya Muslims into West Bengal via Bangladesh. In the previous six months over a thousand Rohingya refugees have been imprisoned and transported to jails in the State. They are distributed in three correctional homes. One is in Balurghat District Correctional Home (BDCH) and the other two are Berhampore Central Correctional Home (BCCH) and Jalpaiguri Central Correctional Home (JCCH) (Majumder, Velath, Chopra and Chakraborty, 2015)

On august 2017, according to Hardeep Singh Puri, Union Housing Minister the Rohingya refugees are to be relocated to apartments intended for those with lower incomes section with basic amenities and police protection.

India did not rectify the 1951 and it 1967 protocol related to the UN Convention on Refugees but India is a member of UNHCR's Executive Committee and there is an office of UNHCR at New Delhi which provide refugees with the refugee registration card and some of the Rohingyas also have this registration card.

It has been clear that the Rohingya refugees are not settled in accordance to the United Nation Refugee framework. Although government is trying to provide them with the basic necessity but the process is tremendously slow. Rohingyas on the other hand seems to be interested in coming to India because of the reasons like living a better life with the refugee card. Their main motive to enter India is to reach New Delhi the capital of India where the United Nations High Commissioner for Refugees (UNHCR) office is located and get registered as a refugee.

## CHAPTER 4

### SOCIO-ECONOMIC STATUS OF TIBETAN REFUGEES AND ROHINGYA REFUGEES IN INDIA

#### 4.1 Introduction

Socio-economic status is a comprehensive economic and sociological metric that takes into account a person's work experience and of an individual's or family's economic and social standing in comparison to others, based on afctors including income, education, and occupation (American Psychological Association, 2019). In order to determine the socioeconomic position of a family, the household income, their educational qualification, and occupation as well as combined incomeof the earners are examined. However, socio-economic status is employed to show the economic disparity between people in the society as a whole (Islam and Mustaqim, 2014).

To describe the position of a family or an individual in a society the socio-economic status can be categorized into three levels- high, middle, and low. A family's or individual's placement in one of these categories depends on three variables such as income, education, and occupation

Thus, to look into the socio-economic status of Tibetan and Rohingya refugees in India the main focus is given to three variables that are income, education, and occupation. For that purpose areas like Majnu Ka Tila (MT), Shaheen Bagh, Kalindi Kunj area of Delhi and Self Help Centre Darjeeling, Tashiling Tibetan Settlement, Kalimpong, Hardaha, South 24 Paragnas areas of West Bengal were selected for the study

#### WEST BENGAL

During the colonial rule in India, Bengal including East Bengal (now Bangladesh) and West Bengal (now a state of India) was one of the provinces which has the capital of India of British empire in India. Within the period of colonial rule, later due to the riots and administrative purpose the Bengal wast separated between East Bengal (Musim majority) and West Bengal (Hindu majority). The capital of India under the British rule was also shifted to New delhi. After the Independence of India the division remain the same leaving West Bengal under the rule of India and East Bengal under the rule of Pakistan.



West Bengal is the fourth most populous state of India with ninety-one million inhabitants residing in 88,752 square kilometers area of land. The state has both the hill and the plain regions. It shares its border with the three international countries viz Nepal, Bhutan, and Bangladesh along with the other states of India like Sikkim, Assam, Bihar, Orissa, and Jharkhand which somehow lead to the center of both the refugees in India. The capital of West Bengal is Kolkatta earlier calcutta. Bengali Hindus are in majority even though there is the existence of various people from different religions in the state of West Bengal. West Bengal is religiously diverse as 70.53% of people follow Hinduism along with 27.01% following Muslim religion.

In the northern extreme of the state lies the Darjeeling Himalayan hill region. This region have a large number of nepali immigrant population along with the various ethnic communities like Bhutia, Lepcha, Sherpa, Tamang, Tibetan etc. Almost entire buddhist population in West Bengal is from this region. Tibetan refugees were given settlement in the Darjeeling region of West Bengal due to the similar environmental conditions as some of the states were choosen for the Tibetan refugees settlements in consideration to their similar homeland environment condition as Tibet and because of the presence of the large number of people following Buddhist religion in that area also contributed it as a suitable area for the settlement of the Tibetan refugees.

West Bengal consistS of 23 district planning to introduce 7 new district taking the count to 30 district in total. The largest district of west bengal is the South 24 Parganas which is also known as Dakshin 24 Parganas in terms of land area. It is now the home for many Rohigya refugees which was established by the local people with the support of Non Governmental Organisations (NGOs)even though Government of India do not had a positive view over this issue the State Government of West Bengal had a positive stand on this matter. It is the fact that Rohingyas travel to India through West Bengal as West Bengal is a state which shares its border with the international country Bangladesh.

## DELHI

New Delhi, the capital of India, sits within the National Capital Territory of Delhi. It's the center of India's government, politics, and culture. India itself is a federal country with 28 Self-governing states and 8 union territories. Unlike states, union territories are directly controlled by the national government and have less autonomy. Delhi serves is also a union



territory under the Indian constitution. It is jointly administered by both the local and central governments of India. The national government has its key buildings located in Delhi. Therefore, the central government holds the ultimate say over them, giving them significant influence over a large part of New Delhi.

New Delhi was not the capital of India during the British rule. The capital of India during that time was Calcutta and later the British Raj (colonial government) decided to move India's capital from Calcutta and build a brand new city next to existing Delhi. This new capital, finished in 1931, became known as New Delhi, while the older city became Old Delhi. New Delhi is not a separate city, but a district within the much larger metropolis of Delhi, located in northern India. Despite its compact size of 16.5 square miles, it's one of the world's fastest-growing cities.

Delhi is governed by the Municipal Corporation of Delhi. More than 13 million people live in Delhi. Although, the majority of people follows Hinduism (86.8%) but the city is also home to the significant number of Muslim, Sikh, Jain and Christian groups. More than 13 million people. Delhi shares its border with the two states of India and it is surrounded by Haryana on the three sides and Uttar Pradesh in the east. The city sits on the western bank of the Yamuna, right at the edge of the vast Gangetic plains.

Near the bank of Yamuna river lies the Tibetan and Rohingya refugees settlement and camps. Neither Tibetan nor Rohingya refugees have been officially designated these areas in Delhi by the government to establish permanent settlements or camps.

Majnu Ka Tila which in 2000 was renamed as new Aruna Nagar Colony is a very unique settlement among Tibetan settlement in India because it was not a settlement area provided by the Government of India. When government of India provided Tibetan refugees with the formal settlement areas it was insufficient to house all the refugees therefore, the unplanned settlement was set up outside the formal designated area for the Tibetan refugees and Majnu Ka Tila is one of that Settlement. Initially these refugee colony are managed by the particular community organisation which is known as the Residents Welfare Association (RWA) which was established in 1965 by election. The credit for the development of Majnu Ka Tila goes to Residents Welfare Association as it secure resources and built connections with Indian politicians and bureaucrats. Residents Welfare Association directly address issues with Indian officials instead of relying on the Central Tibetan Administration (CTA). Since the Residents

Welfare Association operates independently of the Central Tibetan Administration, it has more freedom to negotiate with the government. Later, a Central Tibetan Administration Tibetan Welfare Office was established in 1984, similar to what happened in other Tibetan settlements. However, unlike those settlements where the Welfare Office took charge, the Residents Welfare Association in Majnu Ka Tila retains more power. Interestingly, the Residents Welfare Association and the Welfare Office don't have a clear superior-subordinate relationship. Instead, they often collaborate and use each other's authority to strengthen Majnu Ka Tila's bargaining position with the Indian government. This unique dual administrative structure, compared to other unplanned settlements, has helped Majnu Ka Tila navigate its informal status and achieve economic success outside the official resettlement process.

Majnu Ka Tila's residents had to rely on their business sense to make a living. This entrepreneurial spirit turned Majnu Ka Tila into the commercial hub for Tibetan exiles in India. It's a common stop for Tibetans traveling within the country. The area is a hive of business activity, with large shopping centers housing travel agencies and stores selling designer Tibetan clothing (chubas) alongside smaller shops offering clothes, bags, shoes, and incense. It also boasts a significant number of trendy cafes, restaurants, guesthouses, and street vendors serving Tibetan fast food. The entire look and feel of Majnu Ka Tila, from the buildings' design to the products sold, is crafted to create a strong Tibetan identity. This atmosphere attracts not only Tibetans but also many outsiders who visit the colony.

However, this was not the case during earlier period in this settlement as the first Tibetan generation faced many problems like the lack of water supply, sanitation, disreputable air and lack of jobs etc. The present condition of this settlement was only possible due to the effort made by the Residents Welfare Associations in negotiating with the Government of India (Balasubramaniam and Gupta, 2020).

Kalindi Kunj is the biggest camp for Rohingya refugees in Delhi, but the Indian government provides almost no help to run it. Rohingya refugees arrived in Kalindi Kunj, Shaheen Bagh, and other camps sometime after 2012. Over 250 residents of the Delhi camp hold official UN refugee cards, which should protect them from unwarranted arrest. All the refugees are living in the makeshift houses in the camps.

## 4.2 Tibetan Refugees in India

Following the 1959 Chinese occupation of Tibet, many Tibetans fled to India for refuge. India was not alone in offering sanctuary; Nepal and Bhutan also received refugees from Tibet.

Various routes were utilized by Tibetan refugees to reach India they also crossed the Himalayas. Some common paths to reach safety include:

- Lhasa to Kalimpong via Phari and Jelep Pass
- Tachienlu (Kangding) to Assam through the Lohit Valley
- Lhasa to Assam through Tawang
- Tachienlu to Leh and Srinagar via Chamdo,
- Often passing through Nepal before reaching India
- Tachienlu to Leh and Shimla, potentially using the Hindustan Tibet Road

Determining the most commonly used route by Tibetans fleeing to India is challenging. However, scholars suggest that the Lhasa-Phari-Jelep-Kalimpong route was favored by many Tibetans seeking asylum in India. Consequently, Darjeeling and Kalimpong became significant hubs for Tibetan refugees. Likewise, New Delhi emerged as a central transit point for those journeying to various states, including Dharamsala in Himachal Pradesh.

Geographically, Tibetans were categorized into three groups according to their regions of origin. Those originating from central Tibet were known as "U Tsang," while individuals from the western part of Tibet were referred to as "Kham," and those from the northeastern region were identified as "Amdo." The maximum number of Tibetan refugees hailed from central Tibet (U Tsang), with the Kham from the western region and Amdo following in numbers.

## 4.3 Rohingya Refugees in India

Following the beginning of unrest that broke out in their own country, the Rohingyas began to migrate towards the closest surrounding nations. Few of those nations include, Bangladesh, Malaysia, India, and Laos.

Thousands of Rohingya Muslims have sought safety in India to escape persecution and violence in Myanmar. The official's report suggests that Rohingyas are entering through the northeast border and estimates there are 20,000-25,000 Rohingya refugees in India (Majumder,

2015). Across various Indian cities, Rohingya refugees have found shelter. These locations include Delhi (slums like Kalindi Kunj, Khajuri, Nizamuddin and neighboring Noida), Jammu, Hyderabad, Mumbai, and towns in Haryana like Mewat, Saharanpur, Muzaffarnagar, and Aligarh. Their living situations vary, with some occupying rented apartments, while others reside in slums or stay with relatives (Majumder, et al, 2015).

On the other hand, West Bengal is seeing a rise in Rohingya Arrivals. The West Bengal government lacks clear data on the total number of undocumented Rohingya in the state. There are concerns about a growing number of Rohingya Muslims entering West Bengal from Bangladesh. Intelligence officials say that over a thousand Rohingya have been detained in West Bengal in the past six months. To save themselves from the detention they took an alternative route that is Hilli to Balurghat/South Dinajpur to Burdwan to get the train to Delhi. Their primary goal is to reach New Delhi because Delhi has a United Nations High Commissioner for Refugees (UNHCR) office through which they can get the UNHCR recognized card for their peaceful stay in India. Traveling toward Jammu is accessible from Delhi (Majumder, 2015).

#### 4.4 Brief Profile of the Survey Area

To look into the socio-economic status of Tibetan and Rohingya refugees in India Majnu Ka Tila, Shaheen Bagh, Kalindi Kunj area of Delhi and Darjeeling, Kalimpong, Hardaha, South 24 Parganas areas of West Bengal had been selected for the study because of its location as all over India the presence of both the refugees are in that particular state and it will be easy to analyze the state policy towards them and the central government initiatives.

##### Darjeeling

Darjeeling has a Tibetan community center on Gandhi Road which is known by the name Tibetan Refugee Self-Help Center. This center, housing roughly 650 Tibetans, is overseen by a Settlement Officer who manages all aspects of the community's well-being. The Settlement Officer is supported by an Office Secretary and additional staff.

Around 17 kilometers from Darjeeling town, in Sonada, lies the Tashiling Tibetan Settlement. This community, with roughly 540 residents, is governed by a Tibetan Settlement Office under the Central Tibetan Administration. Additionally, a cooperative society, overseen by the Indian government, operates within the settlement.

**Kalimpong (West Bengal)**

Kalimpong Tibetan settlement has a total population of around 1284. It has one settlement office which is located in the Rai Bahadur compound which is functional under Central Tibetan Administration.

**Hardaha village, South 24 paragnas (West Bengal)**

Hardaha village is located in the Baruipur subdivision of South 24 Parganas district. It takes 1 and a half hours to from Kolkata. It is the home to around 30 to 31 Rohingya refugee families consisting of 80 to 90 people. Along with that the south 24 Paragnas is also home to many Rohingya refugees living in and around the areas.

**Majnu Ka Tila (Delhi)**

The Samyeling Tibetan Settlement, New Aruna Nagar Colony or Majnu ka Tilla [MT] is a colony in Delhi. It has both a settlement office and a Regional Welfare Association. It is located on the bank of the Yamuna River. This colony is headed by the Samyeling Tibetan settlement office which is located opposite the Tee Dee restaurant. The office was first established in 1984 and acts as a bridge between the Tibetans in Delhi and the Department of Home, Central Tibetan Administration. It is the principal office whose aim is to look after the overall affairs of Tibetans in and around Delhi. The total population is around 1005 consisting of 300 families. The head of this Settlement is Dorje Tsering and Karma Dorje.

**Shaheen Bagh (Delhi)**

It is also located near Kalindi Kunj. There is a camp for refugees and it is a home for around 225 Rohingya refugees.

**Kalindi Kunj (Delhi)**

A meeting point for South Delhi and Noida in Uttar Pradesh, Kalindi Kunj is the exact where Delhi ends, and Noida starts. It consists of a camp for refugees where there are 387 Rohingya refugees are currently residing.

## 4.5 Data Analysis

The study includes 200 respondents in total, 100 of whom are Rohingya refugees and 100 of whom are Tibetan refugees. From the 100 Tibetan Refugees and Rohingya refugees sample, 50 respondents are from West Bengal and 50 respondents are from Delhi respectively.

### i. Respondents: Tibetan refugee

Majnu ka tila out of 50 respondents 3 were the Tibetan official respondents who were male and 47 are common Tibetan refugees of which 27 were female and 20 were male respondents. From West Bengal 50 respondents out of which 30 were from two places of Darjeeling that is 15 respondents from the Self-help group where 13 were female respondents and 02 were male respondents and 15 respondents were from Sonada where 06 were male respondents and 09 were female respondents and 20 respondents are from Kalimpong in which 12 were female respondents and 08 were male respondents.

### ii. Respondents: Rohingya refugee

Out of 50 respondents from Delhi 30 are from Kalindi Kunj refugee camp which consists of 21 female and 9 male respondents and 20 respondents are from Shan Bagh Camp of which 13 were female respondents and 06 were male respondents. From West Bengal 50 respondents were taken from Hardaha village and South 24 paragnas which consist of 36 female and 14 male respondents.

**Table 4.5.1: Total Number of the Respondents**

Place	Tibetan Refugees	Rohingya Refugees
West Bengal	50	50
Delhi	50	50
Total	100	100

Source: Field Survey

The information on the Socio economic status of Tibetan and Rohingya refugee in particular area are presented on the following tables and figures.

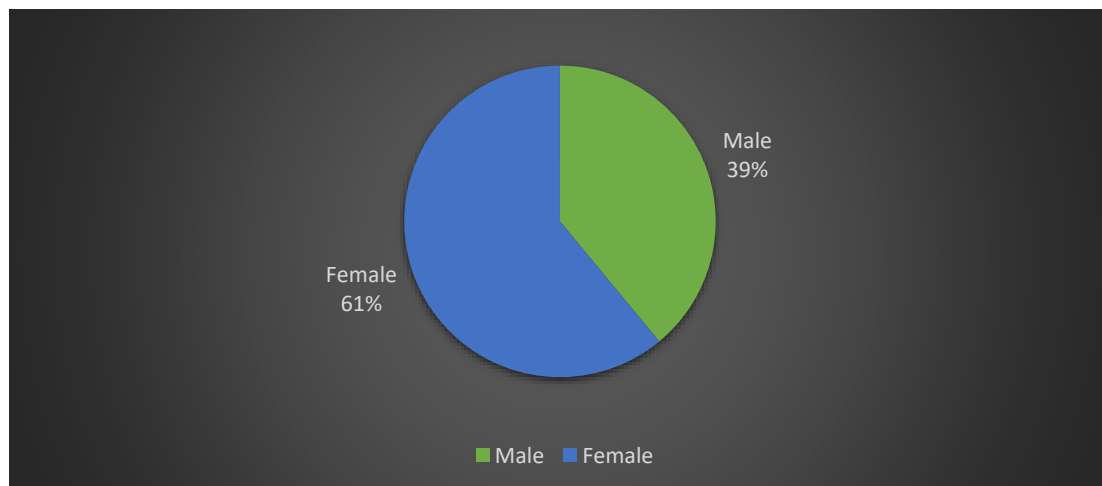
#### 4.5.2 Gender Profile of the Respondents

**Table 4.5.2.1: Gender Profile of the Tibetan Respondents**

Sex	Number of Respondents	Percentage (%)
Male	39	39
Female	61	61
Total	100	100

Source: Field Survey

**Figure 4.5.2.1: Gender Profile of the Tibetan Respondents**



Source: Field Survey

Table 4.5.2.1 and figure 4.5.2.1 shows the gender profile of Tibetan refugees in which the number of female respondents is 61% out of that 34% of female respondents are from West Bengal and 27% are from Delhi which is more than the male respondents of 39% in which 16% are from West Bengal and 23% are from Delhi.

This points out that, in both areas, the female respondents are higher than the male respondents and it also represents that Tibetan society is dominated by female members rather than male members Majnu ka Tila is a colony where they do business rather than just a

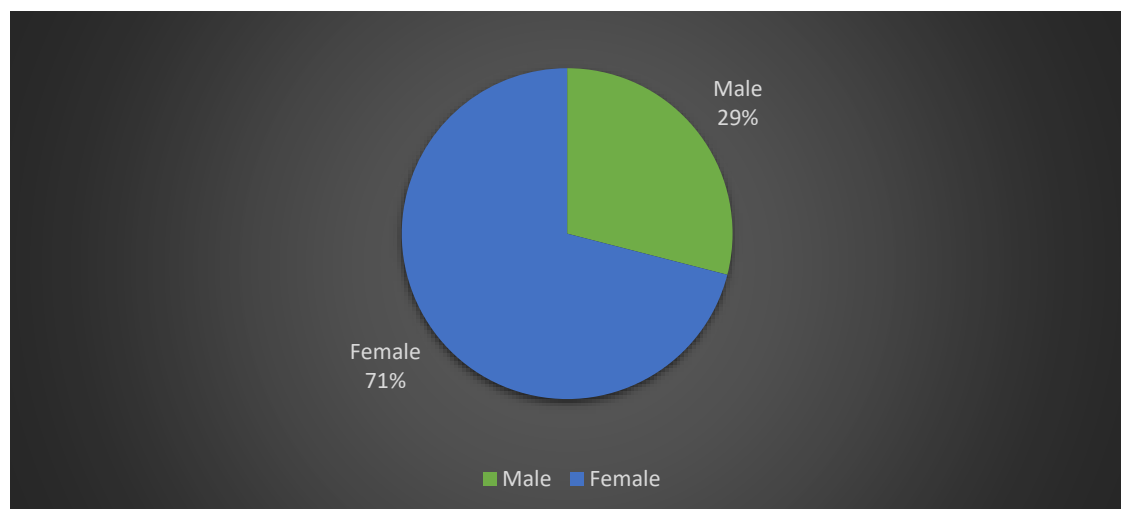
settlement like other Tibetan settlement so the higher number of women respondents shows that female used to work equally with the man and in comparison to this the West Bengal settlement has large female respondents basically due to the work, which the male member do that keep them away from their home.

**Table 4.5.2.2: Gender Profile of the Rohingya Respondents**

Sex	Number of Respondents	Percentage (%)
Male	29	29
Female	71	71
Total	100	100

Source: Field Survey

**Figure 4.5.2.2: Gender Profile of the Rohingya Respondents**



Source: Field Survey

Table 4.5.2.2 and figure 4.5.2.2 shows the gender profile of Rohingya refugees in which the number of female respondents is 71% out of that 36% of female respondents are from West Bengal and 35% are from Delhi which are more than the male respondents of 29% in which 14% are from West Bengal and 15% are from Delhi. This points out that, in both area, the female respondents is higher than of the male respondent because of the reasons like the male members were either killed during their escape and some are kept in detention centres, and



others male respondents used to work and earn for the family which keeps them away from the home.

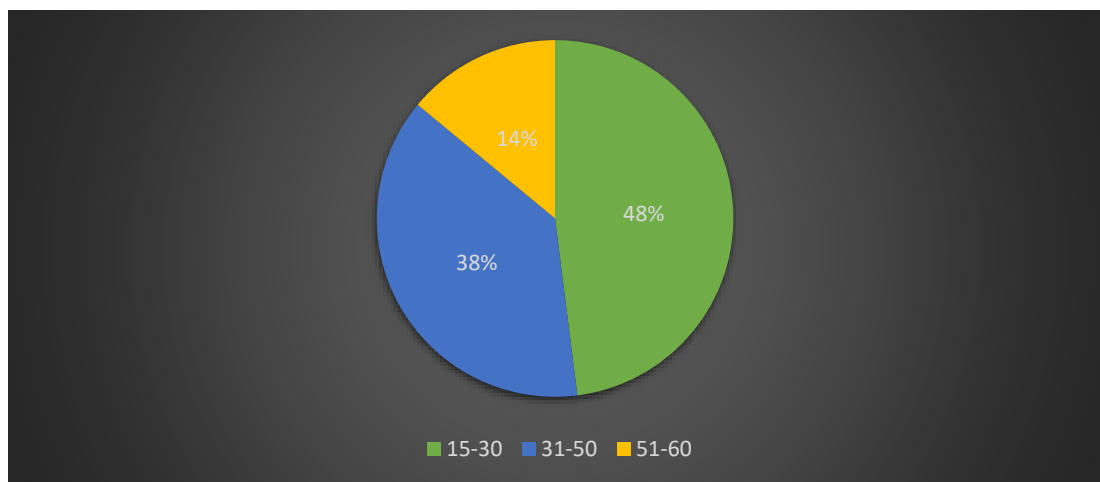
### 4.5.3 Age Group of the Respondents

**Table 4.5.3.1: Age Group of the Tibetan Respondents**

Age Group	Number of Respondents	Percentage (%)
15-30	48	48
31-50	38	38
51-60	14	14
Total	100	100

Source: Field Survey

**Figure 4.5.3.1: Age Group of the Tibetan Respondents**



Source: Field Survey

Table 4.5.3.1 and Figure 4.5.3.1 displays that the people within the age group of 15-30 years old are higher in number than that of the other age group. As it shows 48% of the Tibetan respondents both from West Bengal and Delhi fall within the age group of 15-30 years old, 38% of respondents between the age of 31-50 years old, and 14% of respondents between the

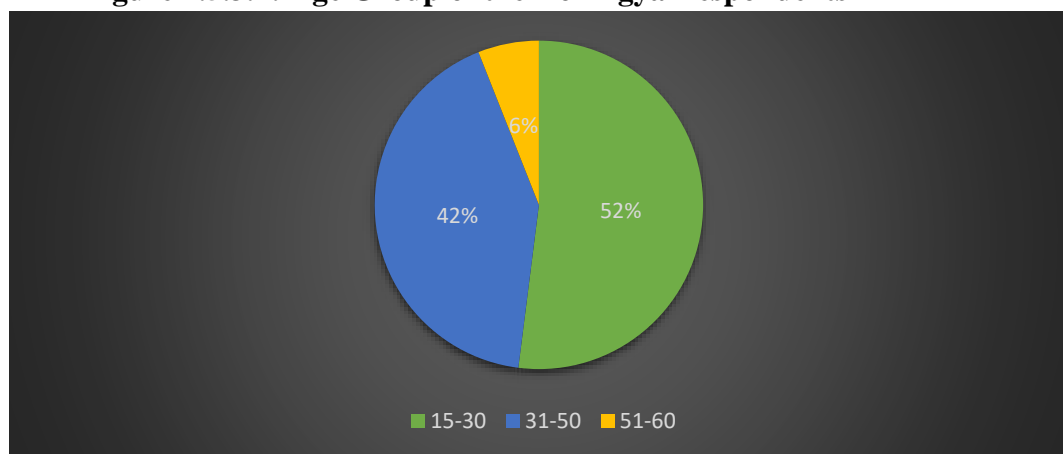
age of 51-60 years old. It indicates that the majority parts of the samples are in the 15-30 years age group in both areas, they are found more suitable and convenient for the study.

**Table 4.5.3.2: Age Group of the Rohingya Respondents**

Age Group	Number of Respondents	Percentage (%)
15-30	52	52
31-50	42	42
51-60	06	06
Total	100	100

Source: Field Survey

**Figure 4.5.3.2: Age Group of the Rohingya Respondents**



Source: Field Survey

Table 4.5.3.2 and figure 4.5.3.2 displays that the Rohingya respondents within the age group of 15-30 years old are higher in number than that of the other age group. As it shows among 100%, the 52% of respondents are between the ages of 15-30 years old, 42% respondent are between the age of 31-50 years old, 06% of respondents are between the age of 51-60 years old.

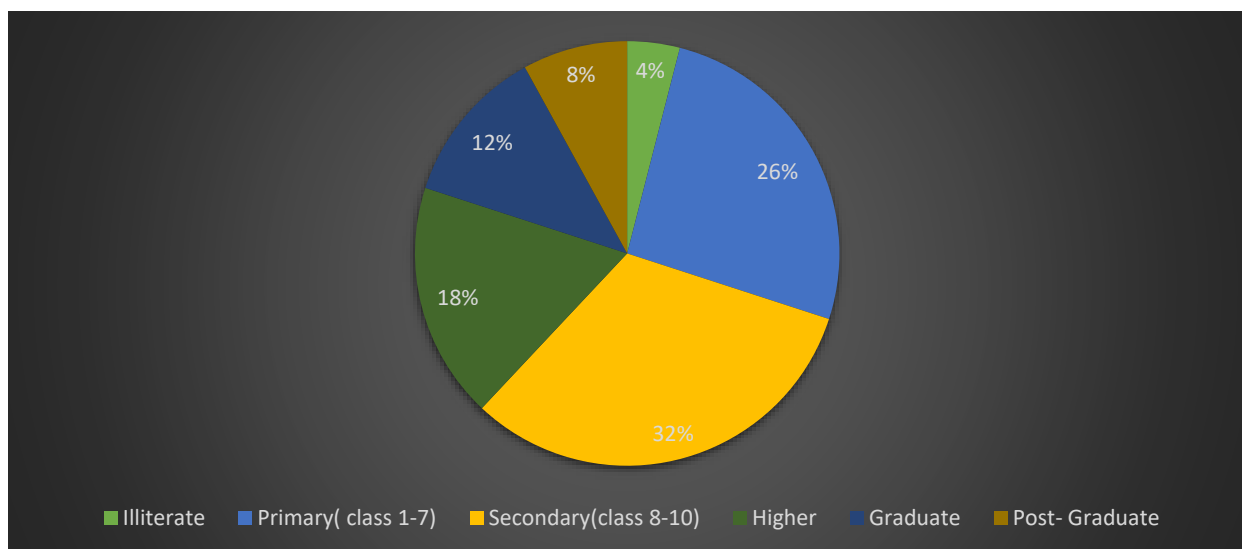
#### 4.5.4 Educational Qualification of the Respondents

**Table 4.5.4.1: Educational Qualification of the Tibetan Respondents**

Educational Qualification	Number of Respondents	Percentage (%)
Illiterate	04	04
Primary( class 1-7)	26	26
Secondary(class 8-10)	32	32
Higher	18	18
Graduate	12	12
Post- Graduate	08	08
Total	100	100

Source: Field Survey

**Figure 4.5.4.1: Educational Qualification of the Tibetan Respondents**



Source: Field Survey

The educational qualification among the Tibetan refugees at the secondary level is higher, which is 32% of the total number of respondents among which 17% are from West

Bengal and 15% are from Delhi followed by the primary level education qualification of respondents which is 26% where 12% are from West Bengal and 14% are from Delhi. Amongst the respondents who have higher level education consist of 18% from which 10% are from West Bengal and 8% are from Delhi, while 5% are from West Bengal and 7% from Delhi which is 12% have graduate level education and 8% including 3% are from West Bengal and 5% from Delhi have post-graduate level education qualification. Lastly, if we look at the illiteracy rate it's 4% out of which 3% are from West Bengal and 1% are from Delhi as shown in the above Table 4.5.4.1 and Figure 4.5.4.1.

The first generation of Tibetan refugees who came to India in early stage of their asylum were not exposed to the outside world before, as Tibet were dominated by the religious beliefs and practices so there was no schools which preaches the western and other languages and they were not able to go to schools as they never went to any schools in their homeland that is why the language became a major problems of Tibetan refugees in India.

The secondary and primary level education qualification is higher among Tibetan refugees is due to the respondents age group as a large number of the respondents were from the age group of 31 to 50 which is the second generation of Tibetan refugees as shown in Table 4.5.3.1 and Figure 4.5.3.1. Firstly, they also faced the struggle to cope up with the education system during their residence in India as basically Tibetans from this groups were involved in working and earning for the betterment of their and their family future. Therefore, most of them are school dropouts. Secondly, the other reason for their lack of higher education qualification is due to the availability of the higher Tibetan school education as most of the schools under Tibetan Government in Exile during that period does not provide higher education in the schools under Central Tibetan Administration. Thirdly, because of the language barrier only few people were able to go to the school and complete their courses the others were not able to fulfill their school course and left the course in between because they find it difficult for them to understand and study the new languages due to unfamiliarity.

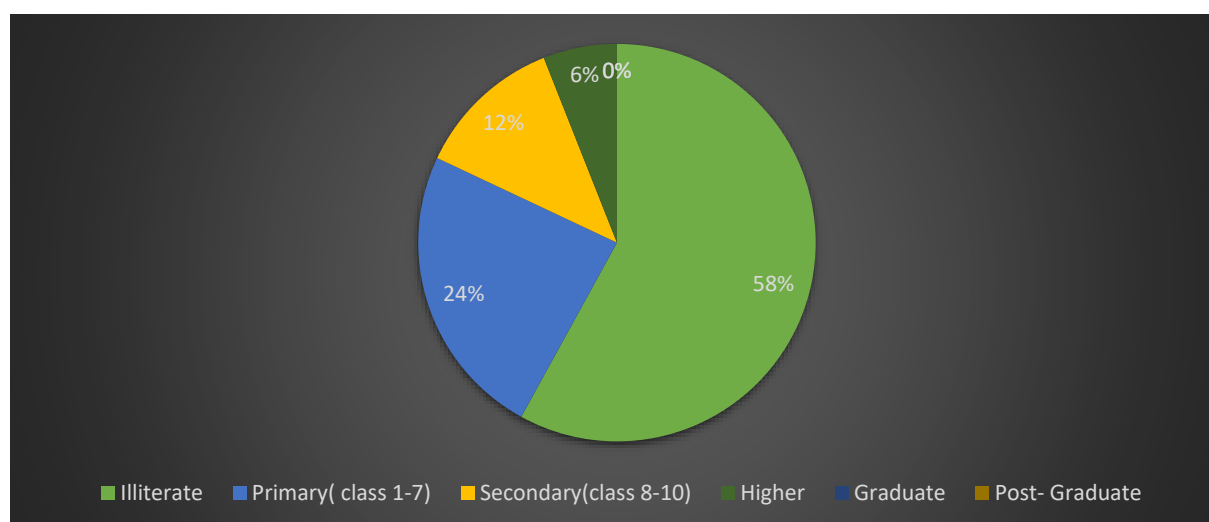
However, the third or the younger and present generations of Tibetan refugees are acquiring higher education in different fields by attending different schools and colleges, although all of them did not attend the Tibetan school and colleges but they are applying and attending various other schools and colleges under central and state government.

**Table 4.5.4.2: Educational Qualification of the Rohingya Respondents**

Educational Qualification	Number of Respondents	Percentage (%)
Illiterate	58	58
Primary( class 1-7)	24	24
Secondary(class 8-10)	12	12
Higher	06	06
Graduate	00	00
Post- Graduate	00	00
Total	100	100

Source: Field Survey

**Figure 4.5.4.2: Educational Qualification of the Rohingya Respondents**



Source: Field Survey

The illiteracy rate is higher among the Rohingya refugees, which is 58% of the total respondents out of which 39% are from West Bengal and 19% are from Delhi followed by 24% of Primary level educational qualification respondents which include 7% from West Bengal and 17% from Delhi, the respondents who have secondary level educational qualification is

12% including 3% from West Bengal and 9% from Delhi, 1% from West Bengal and 5% from Delhi that is 6% consist of higher level educational qualification of the respondents, no respondent have graduate and post-graduate education qualification as shown in the above Table 4.5.4.2 and figure 4.5.4.2.

Rohingya refugees have a higher illiteracy rate because these respondents are from the first generation of Rohingya refugees in India before they arrived in India they never went to schools because of the domination by the other ethnic groups in their homeland and after the conflict when they came to India they were not able to secure a place for their stay let alone attending the educational institutions. Similarly, after their residence in settlement camps or slums, among the second generation of Rohingya refugees only a few people were able to afford school and even though some of them got into the schools the language and their poor economic condition became a problem to achieve their education that is why many of the Rohingya children were not able to continue their education which is reflected in the large number of illiteracy and dropout. Only some of them are continuing their school courses. However, the fact cannot be neglect that the younger and present generation of Rohingya refugees are attending school and pursuing for higher education. Some of them are even getting their education in kuran knowledge and those who study and complete the quran education becomes the ulemas and maulvi in future. They are the person who preaches or interpret the quran to the people.

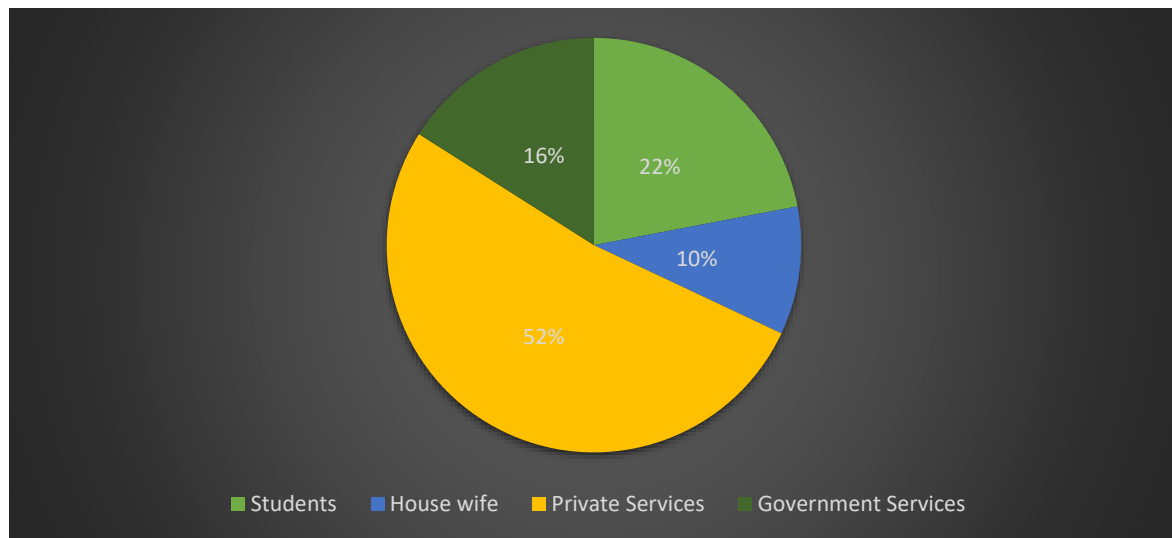
#### 4.5.5 Occupation of the Respondents

**Table 4.5.5.1: Occupation of the Tibetan Respondents**

Occupation	Number of Respondents	Percentage (%)
Students	22	22
House wife	10	10
Private Services	52	52
Government Services	16	16
Total	100	100

Source: Field Survey

**Figure 4.5.5.1: Occupation of the Tibetan Respondents**



Source: Field Survey

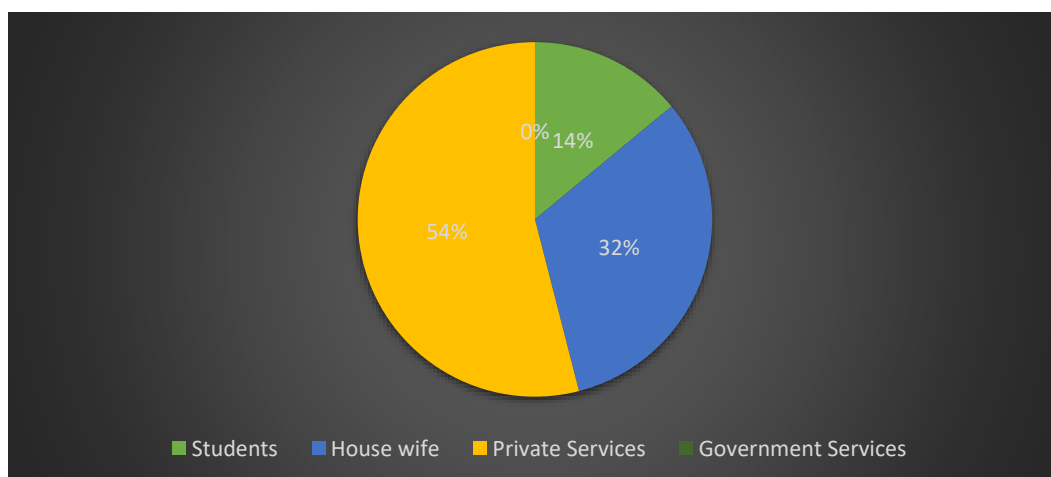
Table 4.5.5.1 and figure 4.5.5.1 indicate that the maximum number of respondents that is 52%, 22% from West Bengal and 30% from Delhi is involved in private services which include works like a private business, shops, seasonal business, working under private institutions, cooperation, etc in comparison to the other settlements of Tibetan refugees, Tibetans residing in Delhi is largely involved in the private business because it is a colony area rather than settlement. 10% from West Bengal and 12% from Delhi which is 22% are students who are pursuing higher studies followed by 16% out of which 11% from West Bengal and 5% from Delhi are engaged in government services like the office secretary, accountant, teachers under CTA, Tibetan army, etc this figure is not convincing as the governmental jobs are not easily accessible to them hence they cannot take advantage and of the remaining 10% where 7% from West Bengal and 3% from Delhi are the housewives. The first generation of Tibetan refugees were indulged working on buildings sites, road construction, and performing other agricultural tasks but now the second and the younger age group of Tibetan refugees are no longer indulging themselves in those jobs.

**Table 4.5.5.2: Occupation of the Rohingya Respondents**

Occupation	Number of Respondents	Percentage (%)
Students	14	14
House wife	32	32
Private Services	54	54
Government Services	00	00
Total	100	100

Source: Field Survey

**Figure 4.5.5.2: Occupation of the Rohingya Respondents**



Source: Field Survey



Table 4.5.5.2 and figure 4.5.5.2 indicates that the maximum number of respondents is 54% of which 23% are from West Bengal and 31% from Delhi are engaged in private services they were indulged in construction sites, driving, road making, and work on other agricultural fields these is due to their lack of education and language obstacles and some of the students also works in these fileds followed by 24% from West Bengal and 8% from Delhi total 32% are the housewife they do not earn money for the family and remaining 14%, 03% from West Bengal and 11% from Delhi are the students. No respondents are indulged in governmental jobs as they cannot access them.

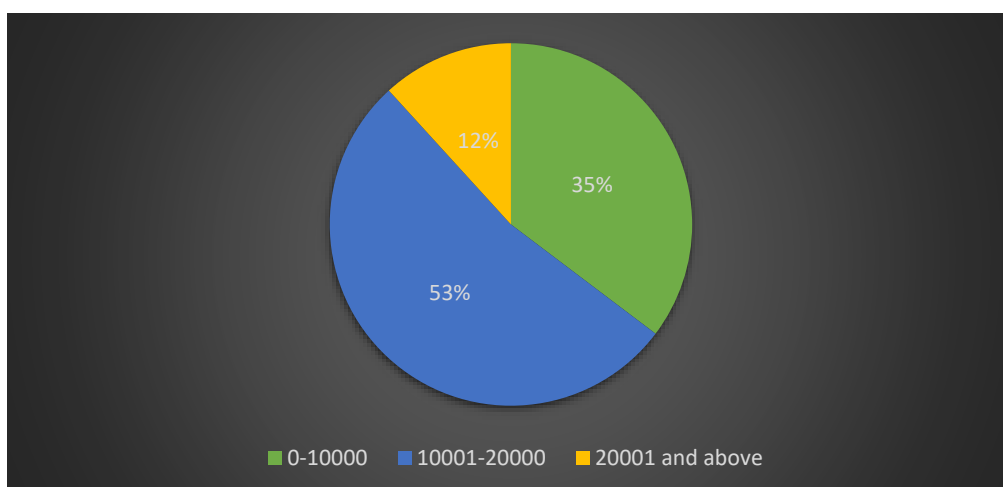
#### 4.5.6 Monthly Income of the Respondents Family

Table 4.5.6.1: Monthly Income of the Tibetan Respondents Family

Income	Number of Respondents	Percentage (%)
0-10000	36	36
10001-20000	54	54
20001 and above	12	12
Total	100	100

Source: Field Survey

Figure 4.5.6.1: Monthly Income of the Tibetan Respondents



Source: Field Survey

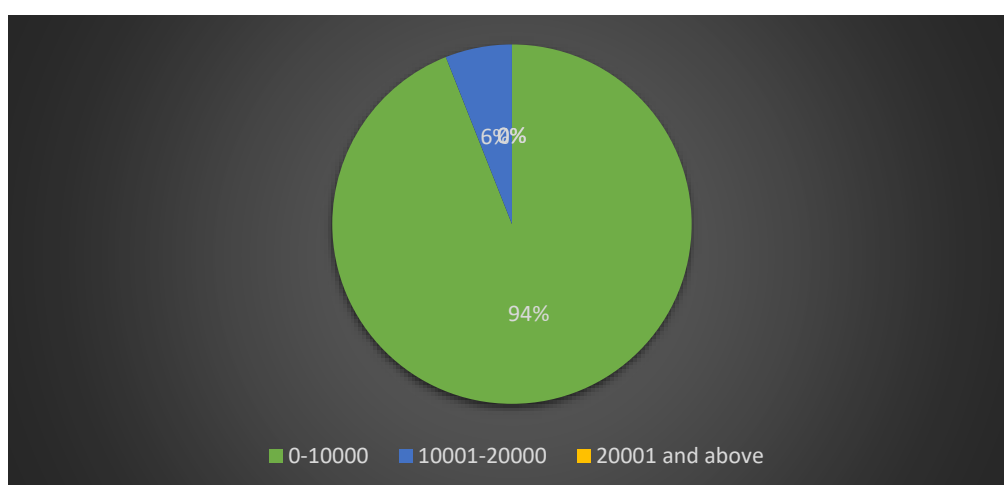
Table 3.5.6.1 along with figure 3.5.6.1 point out that 53% of respondent families has monthly income from 10001-20000 which is a total of 21% from West Bengal and 32% from Delhi, 35% of respondents family has monthly income of 0-10000 where 24% are from West Bengal and 11% are from Delhi and 12% has monthly income from 20001 and above out of which 5% are from West Bengal and 7% are from Delhi. Most of the income is generated from the private business, shops, etc. Government services including Tibetan Army mostly the male members of the Tibetan family involved on it due to the lack of employment in the government administrative field. The women along with men are also involved in the seasonal business though some women are still dependent on the male members. Some of them also receive the Ex-army pensions from the Government.

Table 4.5.6.2: Monthly Income of the Rohingya Respondents Family

Income	Number of Respondents	Percentage (%)
0-10000	94	94
10001-20000	06	06
20001 and above	00	00
Total	100	100

Source: Field Survey

Figure 4.5.6.2: Monthly Income of the Rohingya Respondents



Source: Field Survey

Table 4.5.6.2 and Figure 4.5.6.2 point out that 94% out of which 49% from West Bengal and 45% from Delhi respondent family has monthly income 0-10000, 6% of respondents family has a monthly income of 10001-20000 in which 1% are from West Bengal and 5% are from Delhi and no respondent family has monthly income from 20001 and above. Most of the income is generated from private services which include work in the construction site, road making and work on agricultural fields which belong to the other people. The women are mostly the housewife so they are dependent on the man economically. Due to the lack of employment in the settlement some travel far from home to do manual labour.

#### **4.5.7 Facilities available in the settlement**

The Tibetan refugees in India are taken care of by the Government of India and the Central Tibetan Administration or Tibetan Government in Exile. In every settlement area, the Central Tibetan Administration establishes a settlement office headed by the Tibetan Settlement Officers who will look after the Tibetan refugees in that particular settlement. The areas provided for the Tibetans are based on three settlement areas that is agricultural based, handicraft based, and cluster communities. All the three settlement of this study is based on the third type of settlement which is clustered community.

All the settlement areas are provided with the necessities required for the survival of its people. In both states all the Tibetan refugee families were provided with a certain portion of land where they can stay and that land is provided by the Indian government along with the electricity and water supply. Although Tibetan refugees enjoy using public healthcare facilities and educational institutions under the Indian government they also established their schools, primary healthcare facilities, and religious institutions under Central Tibetan Administration with the help and permission from the Indian government.

The Tibetan settlement of Delhi is looked after by the Central Tibetan Administration along with the Government of India and the Delhi. In the majnu ka tila Tibetan settlement each family have a portion of land, water and electricity supply. They can access to any private or public facilities like hospitals, roads, transportation services, schools, colleges etc. The main source of Tibetan refugees livelihood is business. There are several street vendors who are occupying permanent small space with or without permanent structure. Inside the settlement there is one Tibetan school known as Tibetan Children Village school (TCV school) that is up to VIII standard with nearly 105 students which is under the Department of Education Central

Tibetan Administration, Dharamsala, India. The school is for the Tibetan children. Along with it there is one Tibetan dispensary which is known as the “Men-Tse-Khang” branch of a modern allopathic dispensary and a Tibetan traditional medical center under the Department of Health, Central Tibetan Administration within the settlement area there is one monastery for the Tibetan refugees which is known as “Drepung Ngagpa Monastery”. All over the settlement there are lots of shops ranging from that of the small to big one including various hotels.

The Tibetan refugees in West Bengal are taken care of by the Government of India, Government of West Bengal and Central Tibetan Administration or Tibetan Government in Exile. In both Darjeeling and Kalimpong there are Tibetan Settlement Offices, under Central Tibetan Administration to look after the Tibetan refugees. Both the areas have basic facilities provided by the government.

On the other hand, the basic necessities that are provided to the Tibetan refugees by Central Tibetan Administration in New Delhi settlement is similar in West Bengal settlement also. They are provided with housing areas but it is slightly different than that of the other Tibetan refugee settlement as they are just provided with a small land for housing purpose only not bigger land to do the agriculture. Other facilities include hospital, school which is up to class X standard, library, co-operative society but the cooperative society is under the Indian government not the Central Tibetan Administration which earlier was run by both.

In both the Delhi and West Bengal, one of the striking fact is that the Tibetan refugees are provided with Registration Certificate (RC) and they also have Aadhaar card even though the latter only serves as an Identity Certificate (ID) proof

**Table 4.5.7.1: Facilities Available in the Rohingya Refugee Residing Camps**

Facilities	Numbers
Land	Sharing area
Schools	Private Schools
Hospitals	Week/monthly visit and health camp
Shops	1 Shops

### Source: Field Survey

Rohingya refugees in India are taken care of by the United Nations High Commissioner for Refugees (UNHCR), along with the state government and various Non Governmental Organizations (NGO). They are not able to get the facilities from the Government of India like the other refugees of India. Indian Government's stand towards Rohingya refugees is not completely alienated and this point can be justified by the reason the Indian Government did not block humanitarian assistance for Rohingya refugees in India. The Home Ministry has approved several organizations to continue their humanitarian work and along with the UNHCR card some of them are provided with the Long Term Visa. Although most of the Refugee families have UNHCR cards but still they are not able to avail any kind of socio-economic assistance, being provided to them by other organization. In spite of having legal cards issued by UNHCR, they are being treated as a threat. Basic human rights such as health, education, and dignified human life are also neglected to the Rohingyas Muslim Refugees. In all the Rohingya refugee camp they are living in the makeshift house, which is made out of bamboo, cardboard, plywood, tent, plastic and clothes etc. They do not possess any ration cards and adhar card which is needed for various purpose.

Rohingya refugees in West Bengal earlier faced with very tragic faith as those who tried to cross the border from Bangladesh to India were detained without proper trials and those who had a UNHCR refugee card also got detained in the correctional homes of West Bengal. There were no such camps for the Rohingyas in West Bengal. However, in 2018, a resident along with number of other organisation came up with the construction of shelters for the Rohingya refugees in the Harda village under South 24 Pargana's Baruipur in his own owned private land with the help of an NGO, Desh Bachao Samajik Committee, which is run by that local resident, Hossain Gazi. All the Rohingyas at the camp have valid UNHCR cards and the local police were also informed about the camp (Kundu, 2018).

Rohingya refugees in Delhi live on rented land and land obtained by local organizations. The condition in both the camp of Delhi is not as good as the west bengal camp. The water supply and electricity problem is common in both the camps. The government water supply is very limited and delivers water by truck every ten or fifteen days, but it's not enough. Once that supply runs out, residents are forced to rely on hand pumps, which likely don't provide sufficient clean water for everyone. Doctors used to visit Week/monthly and provide them with some medicines and on some occasion the health camp used to take place but there

is no ambulance service for emergencies. During emergency they used to visit private hospitals instead of government hospitals due to its distance and the residents have to rely on their own expensive while using auto-rickshaws for the medical purpose. Some of them are aware of the government schemes and are working in that schemes. They also set up their own school so that they can educate their students who are not able to afford to go to the private school. Even though maximum number of children are attending private schools they are not able to go to the Government School because the government school is so far from their house and there is no transportation facilities. They also build their own toilets and bathrooms but due to lack of proper water facilities the condition of that toilets are not good. They get help from an NGOs to get admission in the private school. UNHCR also providing with the financial assistance to set up small grocery store in the settlement areas. There is no such job facilities in the camps so they used to travel to the other places in search of jobs and while traveling they often feared of getting detainment. Some of the NGOs also provide them with the mosquito nets but because of its poor quality it is not able to do the job.

With no financial assistance, they rely heavily on help from the Indian community and their own internal networks. Organizations like Jamiat Ulema-e-Hind and Zakat Foundation of India are helping these refugees by providing support to these refugees. Rohingya refugees in Delhi struggle to make ends meet due to minimal government aid.

The Government of India responded quickly to the Tibetan crises which is visible since their arrival. Tibetan refugees in India were provided with all the basic necessities and enjoyed preferential treatment from the various states of India. In comparison with the other refugees in India they are at the advantage position. They are protected by the India Government and Tibetan Government in Exile. They are also regarded as a successful refugees because of their nonviolence nature and they attempt to create self-sufficient communities.

On the other hand, the Government of India has a very opposite response towards the Rohingya refugee. The arrival of Rohingya refugee in India was not in legal way therefore, they are detained in certain states of India. Even though some aids are provided to them by the NGOs however, it is not sufficient for all of them. They are seen as a security threat for India.

## CHAPTER 5

### REFUGEES MANAGEMENT IN INDIA: ISSUES AND IMPLICATIONS

#### 1.1 Introduction

This chapter is based on the similarities and differences in the treatment of the Tibetan refugees and Rohingya refugees in India along with the initiatives taken by the government of India for the Tibetan refugees and Rohingya Refugees in India. Further, this chapter also highlights whether religion is seen as one of the factors that determine the status of refugees in India based on the field survey.

India has been a destination for refugees fleeing persecution and conflict from various parts of the world, including Tibet and Myanmar's Rakhine State, home to the Rohingya ethnic minority. Tibetan refugees began seeking asylum in India following the Tibetan uprising in 1959, while Rohingya refugees started arriving in significant numbers in recent years due to violence and persecution in Myanmar. Despite their distinct origins, both groups share similar experiences of displacement and marginalization in India.

Taking into consideration that India did not ratify the 1951 and 1967 protocols related to the status of refugees in accordance to the United Nations, India hosted the refugees on humanitarian grounds.

In India Refugees are categorized under three categories:

1. In accordance with the standard set by the Indian government Refugees obtain full safety. They will be acknowledged by both the Government of India and the United Nations High Commissioner for Refugees (UNHCR). Examples: Sri Lankan Tamils, Tibetan Refugees, etc.
2. Refugees who receive recognition only from UNHCR and not by the Government of India in the Indian Territory are protected under the principle of non-refoulment. Example: Afghan, Iranian, and Rohingya refugees etc.
3. Refugees who are not recognized by both the UNHCR and Indian government but arrived India and adjusted into the Indian society. Example: Chin refugees from Myanmar (Bandyopadhyay, 2007).

## 5.2 Similarities in the treatment of the Tibetan Refugees and Rohingya refugees

Tibetan and Rohingya refugees are not considered refugees in India because a person who is not considered a citizen of India is considered a Foreigner in this sense Tibetan and Rohingya refugees are considered foreigners. Similarly, in Indian the laws which are relevant to refugees include the Registration of Foreigners Act of 1939, the Foreigners Act of 1946, the Foreigners Order of 1948, the Passport Act of 1920, the Passport Act of 1967, and the Extradition Act, of 1962.

Tibetan refugees came to India in 1959 as asylum seekers and since then they have been living in India for nearly 65 years including their third generation. Whereas, Rohingya refugees came to India from 2012 and 2017 marking 7 to 12 years of their arrival including first and second generation. Comparing these two refugees Tibetan refugees are considered as more successful. However, it was not the case earlier when they arrived in India they faced the same problems that the Rohingya refugees are facing today and some of the similar problems have been mentioned below.

Both Tibetan and Rohingya refugees in India face challenges related to their legal status. Like other South Asian countries, neither the 1951 Refugee Convention nor its 1967 Protocol are ratified by India, but it has historically adhered to the principle of non-refoulement, preventing the forced return of refugees to their countries of origin. However, the lack of formal refugee legislation in India leaves both groups in a state of legal ambiguity, often categorized as "foreigners" rather than refugees. This impacts their access to rights and protections under domestic and international law. However, India has signed several international agreements like the Convention on the Rights of the Child, Convention on the Elimination of all forms of Discrimination Against Women and International Covenant on Civil and Political Rights, that guarantee basic rights. These include the right to be treated with dignity, to be safe, and for children to have a good upbringing. Because India is part of these agreements, its constitution (Article 51c) requires it to follow international law, including these treaties. (Dote and Manuvi, 2021).

Tibetan and Rohingya refugees in India experience marginalization and discrimination, leading to socio-economic vulnerability. They often struggle to access education, healthcare, and employment opportunities, perpetuating cycles of poverty and dependency. Both groups reside in informal settlements or refugee camps, lacking adequate infrastructure and basic



amenities. These conditions intensify their vulnerability and hinder their integration into Indian society.

Several challenges confront Tibetan and Rohingya refugees in India, including difficulties in obtaining legal documentation, security concerns, and limited access to essential services. Both groups face obstacles in acquiring refugee identity cards or residency permits, which affects their ability to access rights and protections. Security concerns, including harassment, discrimination, and the risk of deportation, contribute to their sense of insecurity and fear of persecution.

The treatment of Tibetan and Rohingya refugees in India has broader international implications, reflecting India's stance on geopolitical issues and its relations with neighboring countries. China's objections to India's support for Tibetan refugees and Bangladesh's concerns over the Rohingya refugee influx highlight the complexities of managing refugee populations within regional dynamics. International criticism and diplomatic pressures play a significant role in shaping India's approach towards refugee management and protection.

Apart from these similarities if the comparison is been made based on a field survey it has been found that.

- Both the Tibetan and Rohingya refugees are forced to leave their place of origin. Both the refugees lost their homeland under the rule of the other party which led them to persecute and take asylum in different countries.
- In all the refugee settlements or camps the number of female respondents was higher than that of the male respondents. For example, in West Bengal Tibetan refugee settlements The female respondents were higher in number because the female used to work in different fields within the settlement area they worked in the carpet-making center at Darjeeling, agricultural fields, small shops, etc in the settlement area and the male members were working as army, and seasonal business away from the settlement. The Tibetan colony of Delhi is different in the sense that it is not like a settlement but more like a colony therefore almost all the members of this colony are involved in doing business for their living and supporting their families even here also the females are higher in number due to their potentials to work along with the male members. On the other hand, Rohingya settlement in West Bengal and Delhi is provided by the local community and Non- Governmental Organisations (NGO) on their lands therefore, the

female members look after the family in the settlement areas and male members used to do manual work and earn income for the family which keeps them away from the settlements justifying the less number of male respondents.

- The age group of the respondents between 15 to 30 are higher in number from both the Tibetan and Rohingya refugees followed by the 31 to 50 and 51 to 60 years. Among Tibetan refugees, the age group of the respondents is higher between 15 to 30 due to the respondents from West Bengal including the younger and the older generations raising the age group between 51 to 60 and the maximum number of age groups between 31 to 50 is taken from the Delhi settlement.
- Although the education qualification is not similar the younger generation of both the refugees are attending various schools and colleges and the problems related to the lack of education faced by Rohingya refugees today have similarly been faced by the Tibetan refugees first and second-generation also. That is the reason why the second generation of Tibetan refugees left their educational studies halfway because of reasons like working and earning for the family.
- A large number of family earnings come from private services among both the Tibetan and Rohingya refugees. Although there are differences in the services they do. The services that Rohingya refugees are doing at the building sites, road construction, and working in the field on others agricultural land is related to the services done by the first batch of Tibetan refugees in India.. Both the refugees are not eligible to get Government jobs in India.
- Both the refugees Tibetans and Rohingya faced the same kind of problems related to their income even though now the Tibetan refugees are in a good position.
- The area which is provided to the Tibetan refugees in Delhi is not extendable and the land is given on the lease to the Tibetan refugees which means that the land can be taken back by the Indian Government anytime if they want to. Similarly, the land in which Rohingyas are staying is not provided by the Government rather it is provided by the NGOs.
- Both the refugee children attend Private schools and universities.
- Both refugees receive greater support from non-governmental organizations.
- All the settlement areas have a head member who looks after the settlement.
- Lack of job opportunities in the settlement area is a common problem for both the Tibetan and Rohingya refugees.

- Some of the schemes launched by the Government of India are benefitting both the refugees.
- Whenever there is a summit or any program where the international countries meet like India and China or India and Myanmar meetings. Both the refugees are treated as a hurdle and restricted in certain areas so that they will not create any problems.

### 5.3 Differences in the treatment of the Tibetan Refugees and Rohingya refugees

One of the primary differences in the treatment of Tibetan and Rohingya refugees in India is their legal status. Tibetan refugees have enjoyed a relatively favorable legal status in India since the 1959 Tibetan uprising against Chinese rule. India granted asylum to the Dalai Lama and thousands of Tibetan refugees, recognizing their plight and providing them with protection and support. Consequently, Tibetan refugees in India have been able to obtain refugee identity certificates and access certain rights and benefits, albeit within the framework of India's ad hoc refugee policy.

In contrast, Rohingya refugees in India face a more precarious legal situation. India does not have a specific legal framework for refugees, and Rohingya refugees often lack formal documentation. They are often classified as illegal immigrants and subjected to detention and deportation by Indian authorities. The Indian government views the Rohingya influx as a security threat and has expressed concerns about their potential links to terrorist organizations. As a result, Rohingya refugees in India live in constant fear of arrest and deportation, with limited access to legal protections and basic rights.

The socio-economic conditions of Tibetan and Rohingya refugees in India also differ significantly. Tibetan refugees, particularly those who settled in major Tibetan settlements such as Dharamshala and Bylakuppe, have established vibrant communities with access to education, healthcare, and economic opportunities. The Central Tibetan Administration (CTA), based in Dharamshala, provides various welfare programs and services to support Tibetan refugees' integration and well-being in India. Moreover, Tibetan refugees have been able to preserve their cultural identity and heritage, contributing to India's diverse cultural landscape. Similarly in the settlement areas of West Bengal and Delhi also they are supported and taken care of under such schemes by the CTA not neglecting the fact that Delhi settlement is the one supported by the business that they carry forward.

In contrast, Rohingya refugees in India face severe socio-economic challenges. Many live in overcrowded and unsanitary conditions in informal settlements or refugee camps, lacking access to basic services such as clean water, sanitation, and healthcare. Rohingya refugees struggle to find employment due to language barriers, discrimination, and limited educational opportunities. The lack of formal recognition exacerbates their vulnerability, leaving them marginalized and dependent on humanitarian aid for survival.

Tibetan and Rohingya refugees in India encounter distinct challenges related to their legal status, socio-economic conditions, and access to basic rights. Tibetan refugees face challenges related to preserving their cultural identity and heritage while navigating the complexities of exile. Despite enjoying relatively favorable treatment compared to other refugee groups, Tibetan refugees still face obstacles in obtaining Indian citizenship or permanent residency. Moreover, the political sensitivities surrounding Tibet-China relations influence India's approach towards Tibetan refugees, leading to occasional crackdowns and restrictions on their activities.

On the other hand, Rohingya refugees in India face immediate threats to their safety and security. Many Rohingya refugees have fled persecution and violence in Myanmar, including ethnic cleansing and mass atrocities perpetrated by the Myanmar military. In India, they are often subjected to harassment, discrimination, and violence by local communities and authorities. The lack of legal recognition and protection leaves Rohingya refugees vulnerable to exploitation, trafficking, and other forms of abuse.

The treatment of Tibetan and Rohingya refugees in India has broader international implications, reflecting India's geopolitical interests and regional dynamics. India's support for Tibetan refugees has strained its relations with China, which views the Tibetan exile community as a separatist movement. China has repeatedly pressured India to limit its support for the Dalai Lama and the Tibetan cause, leading to diplomatic tensions between the two countries. India's response to the Rohingya refugee crisis has also attracted international scrutiny, with human rights organizations and foreign governments calling on India to uphold its obligations under international law.

The treatment of Tibetan and Rohingya refugees in India differs significantly across various dimensions, including legal status, socio-economic conditions, challenges, and international implications. While Tibetan refugees have enjoyed relatively favorable treatment

and support from the Indian government, Rohingya refugees face a more precarious situation characterized by insecurity, discrimination, and lack of basic rights. Addressing the needs and rights of both refugee groups requires a comprehensive and humane approach that prioritizes their protection and well-being. India, as a signatory to international human rights treaties, must uphold its obligations towards refugees and ensure their access to basic rights and services. Furthermore, the international community should provide support and assistance to India in managing refugee populations and addressing the root causes of displacement and conflict in Tibet and Myanmar.

Based on the field survey following points represent the differences between Tibetan and Rohingya refugees in India.

- Even though both the refugees have a higher number of female respondents and less number of male respondents in the settlements and camps it does not mean the same thing because Tibetan female respondents are working and earning in the settlements. They are in a good position. On the other hand, Rohingya refugee female respondents are housewives, confined in their homes taking care of the children and living in bad conditions without earning anything.
- The difference in the age group belonging to the Tibetans and Rohingyas between 51 to 60 are higher among Tibetan refugees in comparison to the Rohingya refugees mainly because of their presence in India. Three generations of Tibetan refugees are living in India at present and those whose age group is 51 to 60 belong to the first generation of Tibetan people in comparison to the Rohingya refugees who arrived in India only after 2012 and have the first generation and some second generation Rohingya population.
- There are differences in the educational qualifications between the two Refugees. That is due to the following reasons:
  1. Most of the Tibetan settlements have their schools up to class VII or X standard under the CTA. Even though all the children of the settlement are not able to join that particular school because of the limited seats some used to go to the private schools. On the other hand, the camps where the Rohingyas live do not have such facilities.
  2. The higher illiteracy rate among Rohingya refugees can be justified by the reason that back in their homeland also they were not able to go to schools because of certain problems and when they arrived in India the first thing they preferred more was to find

a job rather than going to the school. The Rohingyas are not able to facilitate their children in getting an education. However, that is not the case among Tibetan refugees because the first and second generations had faced a similar kind of situation of lack of education now the third generation is more focused on getting an education and finding the suitable jobs as they prefer.

- Although the occupation that both the refugees follow is the same that is private services but there is a huge difference between them as Tibetan refugees are involved in private services like private business which include, running hotels and shops in Delhi and seasonal sweater selling and working under various private institutions, cooperation, etc. Whereas, Rohingya refugees are involved in private services like working under construction sites, road making, working in other agricultural fields and factories, etc. Tibetan Refugees can get government jobs under CTA. However, that is not available among Rohingya refugees.
- There is a huge difference in the income of the Tibetan and Rohingya refugees. This is due to the work they do. Tibetan Refugees belong to the well-to-do groups in comparison to the Rohingya refugees because of their existence in the country. It is been 65 years that they have been living in India and they have improved their conditions and are successful in securing a good life for themselves after tackling the harsh conditions earlier. Rohingyas on the other hand, had just arrived in India and are struggling to get a good opportunity. Comparatively, the economic condition of Tibetan refugees in Delhi is better than the majority of Tibetan Settlement in India.
- The facilities which are provided to the Tibetan refugees by the Indian Government cannot be compared with the mere facilities provided to the Rohingya refugees in India.

#### **5.4 Initiatives taken by the government of India for the Tibetan refugees in India.**

Right from the beginning the Government of India had taken various initiatives for the Tibetan refugees some of them are the rehabilitation areas along with the basic necessities, registration document, identity documents to travel abroad etc. The government of India set up the CTRC that is Central Tibetan Relief Committee (Oberoi, 2006). The Indian government has established designated settlements in several states under its Tibetan rehabilitation regime since the 1960s. Although far away from one another these settlements are spread all over the nation while prioritising the country security concerns. These settlements are restricted spaces with a committed infrastructure of Tibetan schools, cultural institutions, monasteries and facilities for healthcare and livelihoods. In all the settlements, CTA exercises substantive

administrative powers and in each settlement there is a Settlement/Welfare Offices which act as a network or through which the CTA function. That settlement and the local administrative bodies are responsible to the CTRC (Balasubramaniam and Gupta, 2020). In India, there are 37 Tibetan villages, 14 of which are agricultural settlements, 9 of which are handicraft-based communities, and the rest are agro-industrial and scattered groups (Roy, 2001). One of the major initiatives is that those Tibetan Refugees who came to India during January 26, 1950 to July 1, 1987 are allowed to take Indian Citizenship under the law. This particular initiative was taken by the Government of India when there was the case demanding the Citizenship right by the Tibetan refugees in Supreme Court of India.

Although India acknowledges Tibet as part of China, it has also supported the Tibetan community in exile. This includes allowing the Central Tibetan Administration (formerly the Tibetan Government in Exile) to operate in India, along with Tibetan refugee settlements. Dharamshala houses the CTA, which began in 1960 as a successor to the Tibetan government based in Lhasa. Over time, it became a wide-ranging administration for Tibetan refugees, led by and serving the entire exiled community. Despite lacking official recognition as a government, the CTA acts like one by providing essential services to all Tibetans in exile (Balasubramaniam and Gupta, 2020).

Majnu ka Tila is not a formal settlement provided by the Government of India. It was established as a result of the inadequate accommodation provided by the Indian government during their arrival. A settlement outside the formal rehabilitation was set up on the government property with implied information of the native executive organizations without any legal right to the property. This settlement is located outside the bureaucratic structure of CTA and is self-administered by the local community organization known as the Regional Welfare Association. (Balasubramaniam and Gupta, 2020).

### **The initiative taken by the CTA**

Some of the initiatives undertaken by the CTA recently for the Tibetan refugees are as follows

- Loans are provided for seasonal business
- Projects for various home facilities

- Development of the community hall for the people of settlement
- Scholarship are provided for education
- Tibetan rehabilitation policy 2014.

Tibetan Rehabilitation Policy of 2014 provides additional rights and benefits to Tibetan Refugees. This policy has provided refugees with welfare benefits as par the Indian citizens, subsidies for selected college courses, more job options and easy process in getting documents. However there is no mention about the property ownership, getting government jobs, or travelling freely within and outside India.

However, during the study it was found that despite all the various facilities made available for the Tibetan refugees most of them are only aware of the Tibetan rehabilitation policy of 2014.

Similarly, in March 2022, The Modi government has given the go-ahead to extend the seven existing sub-schemes within the "Relief and Rehabilitation of Migrants and Repatriates" Umbrella Scheme from 2021-22 to 2025-26, with a total budget allocation of Rs. 1,452 crore. This decision ensures the continued delivery of support under the Umbrella Scheme, overseen by the Ministry of Home Affairs under the leadership of Union Home Minister Shri Amit Shah. These initiatives aim to assist migrants and repatriates affected by displacement, enabling them to earn a decent income and integrate into mainstream economic activities. Over time, the government has initiated various schemes to address the needs of migrants and repatriates. These seven schemes encompass a range of assistance measures, including grants-in-aid to the Central Tibetan Relief Committee (CTRC) ( Press Information Bureau).

### **5.5 Initiatives taken by the government of India for the Rohingya Refugees in India.**

The Rohingya refugee crisis is one of the most pressing humanitarian challenges in the world, originating from Myanmar. India, being one of the neighboring countries, has been a destination for Rohingya refugees seeking safety and asylum. The Government of India has undertaken several initiatives to address the needs and concerns of Rohingya refugees within its borders. This paper explores the initiatives taken by the Indian government to support Rohingya refugees in India.



The Rohingya people, a predominantly Muslim minority group, have faced persecution and violence in Myanmar for decades. Since the outbreak of violence in Rakhine State in 2017, hundreds of thousands of Rohingya have fled to neighboring countries, including India. The influx of Rohingya refugees into India has posed various challenges, including humanitarian, social, and legal issues.

The Government of India, through its various agencies and organizations, has provided humanitarian assistance to Rohingya refugees living in India. This assistance includes food, shelter, healthcare, and other essential services. The Ministry of Home Affairs and Ministry of External Affairs have been actively involved in coordinating relief efforts and providing support to Rohingya refugees in different parts of the country.

India does not have a specific legal framework for refugees. However, the government has allowed Rohingya refugees to stay in India on humanitarian grounds. The government has also issued long-term visas to some Rohingya refugees, enabling them to access basic services and employment opportunities legally.

The Government of India has engaged with the governments of Myanmar and Bangladesh, as well as international organizations, to address the Rohingya crisis comprehensively. India has emphasized the importance of finding a peaceful and sustainable solution to the crisis, including the safe and voluntary return of Rohingya refugees to their homes in Myanmar.

In addition to government efforts, various civil society organizations, non-governmental organizations, and local communities have extended support to Rohingya refugees in India. These initiatives include providing education, vocational training, and psychosocial support to help Rohingya refugees integrate into Indian society and rebuild their lives. Despite the efforts made by the Government of India and other stakeholders, several challenges remain in addressing the needs of Rohingya refugees in India. These challenges include ensuring access to education, healthcare, and livelihood opportunities, as well as addressing the legal status of Rohingya refugees within the country.

Looking ahead, the Government of India needs to continue its humanitarian assistance and engagement efforts to support Rohingya refugees effectively. Moreover, India should work in collaboration with the international community to find a sustainable solution to the Rohingya

crisis, which addresses the root causes of displacement and ensures the rights and dignity of all affected individuals.

The Government of India's initiatives for Rohingya refugees in India reflect its commitment to upholding humanitarian principles and supporting vulnerable populations. While significant challenges remain, the government's efforts, along with the support of civil society and international partners, contribute to improving the lives of Rohingya refugees and advancing efforts towards a peaceful resolution of the crisis.

Although, the Government of India is not providing all the assistance that is needed to the Rohingya refugees. However Indian government is also not restricting or blocking the other NGOs and supporting organizations to provide the help needed to Rohingya refugees.

Numerous organizations are currently assisting Rohingya refugees in Delhi. These include:

- UNHCR's Delhi office
- Jamiat Ulama-e-Hind
- Zakat Foundation of India
- SALAMAH
- Student Islamic Organization
- Rohingya Human Rights Initiative
- Al Khair Foundation
- Kerala Muslim Cultural Committee (Khan, 2018)

The Student Islamic Organization, a Delhi-based NGO, supports Rohingya refugees by facilitating their education, enrolling Rohingya youths and children in schools, and providing hostel accommodation. Syed Zafar Mehmood, Chairman of the Zakat Foundation, who offered his organization's land for a Rohingya refugee camp, emphasized the need for systematic assistance beyond charitable efforts, highlighting the refugees' loss of everything and their reliance on government and other organizations for support. Despite such aid, Rohingya refugees grapple with significant challenges and live in constant fear and insecurity.

Various organizations are engaged in emergency relief, humanitarian protection, and refugee crisis management, with some dedicated to ongoing assistance and others offering occasional support based on their capacity. The UNHCR India office has been active in

assisting Rohingya refugees since the significant displacement in 2012, with around 14,000 Rohingya refugee residing in six places all over India: Delhi, Jammu, Hyderabad, Nuh in Haryana's Mewat district, Jaipur, and Chennai. Of these, around 11,000 have been granted Refugee Status certificates by UNHCR, while the remaining 3,000 are classified as asylum seekers. Additionally, the Indian government has provided Long Term Visas to 500 Rohingya individuals, enabling them to access banking services and enroll in schools. UNHCR facilitates the registration and determination of refugee status for Rohingyas residing in India. (Khan, 2018)

## 5.6 Religion as one of the factors that determine the status of refugees in India

India is termed as a secular state. Generally secular state is considered to indicate separation of state from religion. That state is wholly non-religious and it has no official religion. The state gives freedom to every individual to follow any religion. In a secular state, religion is a personal choice. People are free to follow any religion, or none at all. The state will not force any individual to follow any particular religion. The government stays out of religious matters, allowing all religious organisations to practice freely as long as it doesn't harm others or disrupt public order. However, national security, public safety, and citizen well-being come first, so the government can restrict religious activities if necessary. A secular state should ensure a total separation of religion from politics.

In India however, even though it is considered as a secular state it had a large influence of religion in politics. From the formation of the party to the execution of the law, religion plays a significant role. Even the caste system which is a major aspect of Indian politics has its origins in religion. Religion often plays a significant role in shaping attitudes and policies towards refugees in various countries, including India. In India, where religious diversity is a fundamental aspect of its societal fabric, religion can indeed influence the status and treatment of refugees.

India, as a secular democracy, provides refuge to persecuted individuals irrespective of their religion. However, the reality is more complex, as the treatment of refugees can sometimes be influenced by religious considerations. Instances of religious persecution, particularly against minorities, can impact the likelihood of individuals from certain religious groups being recognized as refugees. India has a history of providing refuge to persecuted communities, including Tibetan Buddhists, Sri Lankan Tamils, and Afghan Sikhs and Hindus.

The Partition of India in 1947 and subsequent conflicts have led to mass migrations based on religious lines, shaping perceptions and policies regarding refugees.

The Rohingya refugee crisis has brought attention to how religion intersects with refugee status determination in India. Rohingya Muslims fleeing persecution in Myanmar have faced challenges in obtaining refugee status, with concerns raised about potential discrimination based on their religion.

Similarly, India passed the Citizenship Amendment Act (CAA) in December 2019. This law offers citizenship to the persecuted minorities or those people who arrived in India before 31 December 2014 from Afghanistan, Bangladesh, and Pakistan, but only if they are Hindu, Sikh, Buddhist, Jain, Parsi, or Christian. Notably, the law excludes Muslims, including Rohingya refugees. Critics argue that the CAA violates the Indian Constitution's right to equality enshrined in Article 14. Following the enactment of the Citizenship Amendment Act (CAA) in December 2019, a union minister of state in Prime Minister Modi's office indicated plans to deport Rohingya Muslims. Dr. Jitendra Singh explained that the CAA excludes Muslim asylum seekers, and so Rohingya would be forced back to Myanmar. He also said the CAA applies to Jammu and Kashmir, which has a Rohingya population.

India does not have a specific refugee law but relies on various legal provisions and international treaties to address the rights and status of refugees. The principle of non-refoulement, enshrined in international law, prohibits the deportation of individuals to countries where they may face persecution based on religion, among other grounds. India also followed the non-refoulement policy towards asylum seekers till 2017. In 2017, the Indian central government instructed states to identify and deport immigrants living in India illegally. This decision was made in response to security concerns caused by immigrants from Myanmar. The government directed law enforcement agencies to be more aware of this issue. It's important to note that international law prohibits deporting asylum seekers without considering their situations. (Dote and Manuvi, 2021).

However, the absence of a comprehensive refugee law leaves room for discretion and potential biases in the refugee status determination process, including considerations related to religion.

The perception of religion as a determining factor in refugee status can have several implications. It may lead to allegations of discrimination and bias in the treatment of refugees,

undermining India's commitment to secularism and human rights principles. Additionally, it can affect the integration and protection of refugees, particularly those belonging to minority religious communities.

While religion should not be a factor in determining refugee status in India, its influence cannot be overlooked in the context of the country's socio-political dynamics. As India continues to handle refugee issues, it is essential to uphold the principles of non-discrimination, secularism, and human rights in addressing the needs and rights of refugees, regardless of their religious identity.

Before the introduction of CAA, India did not have a good impression of the Rohingya refugees which is shown in the various cases in September 2017, Prime Minister Modi's visit to Nay Pyi Taw sparked criticism for echoing Myanmar's stance on the Rakhine violence. His statement expressing condolences for the loss of lives on both sides failed to acknowledge the documented human rights abuses against the Rohingya population. India's Prime Minister pledged aid for Rakhine state's development. However, the official statement focused solely on condemning attacks on Myanmar forces and supporting development initiatives. Notably, it made no mention of offering help to the Rohingya population or condemning the violence against them.

India also refuses to sign the Bali Declaration and is opposed to a global declaration on the Rohingya crisis at a meeting on Sustainable Development Goals (SDGs). They argued the forum should focus on broader development issues, not specific countries (Dote and Manuvi, 2021).

India's treatment of Rohingya refugees is influenced by two factors related to their identity. Firstly, their Muslim faith. Religious tensions have simmered in India since independence, and the current government has heightened these divisions. Anti-Muslim sentiment has grown, spilling over onto the Rohingya. Secondly, their presence in Jammu and Kashmir, a disputed territory with a history of Islamic separatism, allows the Indian government to portray them as security threats and potential radicals (Bhatnagar, 2018).

The Indian government's stance is also influenced by the Rohingya's similarity to Bangladeshis. Both groups share a language and appearance, making it difficult to distinguish them. This is significant because large-scale Bangladeshi migration, primarily driven by economic factors, is a hot-button political issue in India. The government has implemented

stricter border controls, nationality tribunals, and even deportations to address this concern. Interestingly, the study highlights that Rohingya rarely travel with people from other religions or ethnicities during their migration, suggesting minimal overlap with Bangladeshis on this front (Das, 2016).

India launched "Operation Insaniyat" to deliver aid to Bangladesh, which was struggling to manage a massive influx of Rohingya refugees fleeing Myanmar. This humanitarian effort provided food and essential supplies to support Bangladesh. However, it's important to note that India did not offer similar assistance to Rohingya refugees who arrived within its borders.

In 2018, the Indian government denied recognizing Rohingya Muslims as refugees in a Supreme Court case. They argued that the Border Security Force was simply doing its job by preventing undocumented entry, which they see as a national security issue. The court dismissed the petition seeking protection for Rohingyas, partly because it relied on news reports. Additionally, the government affidavit linked the Rohingya presence to terrorism, further justifying their stance. Similarly, India's Supreme Court declined to intervene in the deportation of seven Rohingya Muslims, marking the first such expulsion. This decision raised concerns that the court ignored India's international obligations to protect refugees (Dote and Manuvi, 2021).

And right after the CAA India stands remain the same towards the Rohingya refugees which is visible in a court case on March 2020 India for the first time admitted that Rohingya Muslims face ethnic persecution in Myanmar. However, they downplayed the reason for the Rohingya seeking asylum in India. The government argued that these refugees came for economic reasons, not to escape persecution.

From these steps we can see that religion also plays an important role in determining the policies of India in respect to religion. However, one cannot neglect the fact that a country's security is an important aspect. On a humanitarian basis, India is at fault for departing the Rohingya refugees because the condition of Rohingya refugees is very vulnerable in their own country. At least basic rights should be provided to them so that they can have an average life.

However, CAA is all about providing rights to the religious persecuted people. CAA gives chance to those people to live their lives without being forced to change their religion. Those refugees who face religious persecution in their country were provided this right. For

example in a Muslim country if a Hindu person is facing religious persecution and takes asylum in India then under the CAA India grants that person citizenship of India which leads that person to follow the religion they want. Even though the CAA is considered a negative step by the government towards Rohingya refugees which is mostly highlighted by the critics it cannot be neglected that the government's stand on this CAA is influenced by the security aspects of India and the reason for the CAA not being the discrimination against the Rohingya is because Tibetan refugees also have some Muslim community living in Jammu and Kashmir areas who are termed as Tibetan Muslims and that particular section is also isolated because of CAA.

The Indian government, under Prime Minister Modi, considers Rohingya refugees to be undocumented immigrants posing a security threat. They deny refugee status based on this perceived threat, not solely on their Muslim faith. The government cites confidential reports from intelligence agencies alleging Rohingya involvement in illegal activities like hawala money transfers, document forgery (voter IDs, PAN cards), and even human trafficking. Arrests by police and border security forces across various states supposedly support these claims. Additionally, the government highlights cultural and dietary differences between Rohingya and the local population, potentially fueling tensions (Khan, 2018). Minister of State for Home Affairs, Kiren Rijiju has stated that our Government's stance of deporting Rohingya Refugees is the best possible option (Alam and Kumar, 2017). In this sense, CAA cannot be considered as the law that neglects a community based on religion.

### **5.7 Problems and Challenges Faced by Tibetan Refugees and Rohingya Refugees in India**

Both the refugees faced the following problems in India

1. Lack of specific law for Refugees to identify and claim their status in India.
  - No matter how successful Tibetan Refugees are, until and unless there are no specific laws for refugees in India the identity of Tibetan refugees will always remain as foreigners. Even if they are granted citizenship rights still it has an impact on their identity.
  - Rohingya refugees who are not even considered refugees in India this is the main problem.
2. Insufficient land or area
  - Many refugees are living outside the designated settlement and they are termed as scattered Tibetan communities. Among them, some are living in rents as they



are economically not sound and they are not in the position to build up their own house. Similarly, Majnu ka Tila is an informal Tibetan Colony.

- On the other hand Rohingya refugees are staying in the land provided by the local community and NGOs. The area is very limited. The house they build is not able to accommodate the entire family.
3. Issue related to the Indian Citizenship under CAA
    - Rohingya refugees who follow the Muslim religion are also not able to achieve Indian citizenship.
  4. Both the refugees can be played as a card in the hand of the Indian Government to negotiate with the countries of these refugees' origin.

### **Problems and challenges faced by Tibetan refugees in India**

- There are only a few shops that are covered under the Cooperative Society which is not enough to give employment to all the other unemployed Tibetans in the designated settlements.
- Not able to get a permanent job in the Central Tibetan Schools and Administrations.
- One of the major problems they are facing is related to jobs or finding a job. They cannot apply for jobs under state and central government and as per the rule of the Indian Government leaving them with the only option to work in the private sector or be unemployed.
- Tibetan refugees were settled separately to maintain some distance from the host population, but they still had interactions and influences from the host society. This interaction led to changes in traditional Tibetan customs, such as a decline in the practice of sending family members to the monastic order. In exile, Tibetans have shifted from traditional occupations like agriculture, religious roles, herding, and trading to more diverse jobs including business. There's also a trend towards pursuing higher education. Additionally, they are now obtaining the rights they had long sought, including Indian citizenship. However, because of these influences, there is a growing concern among the CTA because once the younger generation starts taking Indian citizenship they will no longer be considered as Tibetans which will slowly decrease the population of Tibet and the population of CTA is a major concern for their fight for Tibet. On the other hand, CTA also fears that once the Tibetans take the Indian citizenship then the culture and traditions which they preserve for so many years will be forgotten.



- The settlement of Delhi is an unofficial Tibetan settlement even though it was able to thrive till today with the help of local administration in cooperating and negotiating with the Government but there is no guarantee for tomorrow. India as a democratic country has many parties that have different agendas. Nobody can predict which party will form the government with the change of government comes a new agenda. Therefore, it is hard to say that it is possible to negotiate with every new government.

### **Problems and challenges faced by Rohingya refugees in India**

- India recently made things harder for Rohingya refugees as UN refugee cards are no longer accepted. The Indian government stopped recognizing the cards that gave Rohingya some legal status. This affects about 18,000 refugees (Zaidi and Uvais, 2021). Rohingyas get arrested even having UNHCR cards in West Bengal.
- Rohingyas also face difficulties in accessing basic needs. Many everyday things in India, like getting healthcare or a job, now require an Aadhar card which is based on residency. Rohingya advocates say some refugees used to be able to get these cards, but that's no longer happening.
- The government prohibits Rohingya from owning property or constructing permanent structures, leaving them with limited options such as renting small plots in remote areas and building makeshift shelters known as jhuggis, or renting urban apartments from sympathetic landlords. Those living in jhuggis typically endure significant hardships, often working in low-paying jobs like rag picking, which poses serious health risks due to constant exposure to waste. This occupation is prevalent among India's Rohingya population and leads to frequent and unidentified illnesses, especially among young children. Poor sanitation conditions in settlements intensify health issues, with residents lacking proper latrine facilities and spending a significant portion of their income on healthcare (Zaidi and Uvais, 2021).
- The language barrier poses a significant challenge for Rohingya refugees in North India, particularly in areas where Hindi and Urdu are predominant. Their lack of proficiency in these languages restricts their ability to communicate, find employment, and interact with the local population. Rohingya Muslims primarily speak a mixture of Bengali and Mongolian languages, further complicating their integration into Indian society. Their distinct culture and dietary practices also set them apart from the broader community in Delhi, contributing to feelings of insecurity and discrimination.

Moreover, due to cultural and linguistic differences, Rohingya refugees often struggle to integrate into the larger Muslim community in India, exacerbating their difficulties.

- Lack of Infrastructure like the building for the house.
- Lack of Water and Electricity in the camps.
- Lack of healthcare facilities often resulted in the death of people.
- Lack of proper sanitation and toilets.
- The lack of financial resources has made accessing education a significant concern for Rohingya children. With limited income, families prioritize daily expenses, leaving little to invest in formal education for their children.
- Lack of job opportunities.
- No admission to Schools without proper documentation or an Aadhar card.
- Detention due to lack of documentation and police persecution. Rohingyas residing in Delhi encounter frequent police scrutiny, especially during national festivals such as Independence Day and Republic Day, due to the city's status as India's capital and political center. The heightened security measures prompt police to routinely verify residents' documents. Additionally, following terrorist attacks anywhere in the country, police conduct checks at Rohingya camps.
- Deportation: The Indian Government started deporting the Rohingya refugees back to Myanmar which created fear among the Rohingya refugees and became one of the main problems for Rohingya living in India as they ran away from their country in fear of losing their lives and seeking asylum but now the same thing is happening to them.