



## A case of stateless nationals and their floating identity in India

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### Abstract

This paper is an outcome of my research conducted in the past. It deals with the refugee status and their problem that lingers in India since more than sixty years now. This article explicates especially Tibetan Refugees in particular who are surviving in different states in India. It elucidates their identity in South Asia and their distinct relationship with India. It observes through a social science perspective on refugee's social life and experiences that concern their identity. It shows the host country inclusive practices towards what they are today. How the dynamics of integration process and difficulties are imperative for them to avail. It encompasses their flexible identity on their transnational individuality. Therefore overall, this paper is an honest attempt to acquaint with their problems of adaptation and integration in India.

**Keywords:** case of stateless, floating identity

### Introduction

The south Asian countries have not signed international refugee instrument for the refugees. The fact is according to U.N.H.C.R, *United Nations High Commissioner for Refugees* the Asia-Pacific region is home to 7.7 million people. While according to the *refugee law initiative 2019* reports the person of concern includes 3.5 million refugees mainly from Afghanistan and Myanmar. While Asian regional states to have rejected the 1951 Refugee Convention. In spite of that there are several reports by U.N.H.C.R and other substantial articles that mention that India acted as receiving Country to several refugee groups. If we see India there are refugees from several countries like *Pakistan, Afghanistan, Bangladesh, Myanmar, Uganda, Sri-Lanka and Tibet etc.*

Here the primary focus is on the Tibetan Refugees in India. They are from present *Tibet Autonomous Region* and have fled to India in the past. Their previous generations and life experiences show their flight and settlement to various Indian states. Tibetan refugees' settlement bears their difficulty in adaptation an unwieldy life exchanges that one cannot imagine what they went through. Did their integration really took place or is it in limbo is itself vague. But their *government in exile* have been working along the Indian Government to meet the needs of the Tibetan Refugees. In recent studies their mental health and other problems are different issues altogether.

However, they have been in limelight for their long pending struggle for freedom since last sixty years. Specially how time and again activities like '*free Tibet*' around the world and even in India have come in attention. While their spiritual leader the *Dalai Lama's* effort to maintain peace and assert dialogue in the international audiences is also inescapable and critical. In most of the Tibetans opinion, there must be something in Dalai Lama's lifetime or else their culture and identity would be hard to survive. Although Tibetan refugees in India have mixed responses among them. It is known that India being the nearest influential host country has given generous resettlement plan for the Tibetan refugees.

### Administrative scheme

It is to be acknowledged that the *Ministry of Home Affairs* had circulated a *Standard Operating Procedure, S.O.P w.e.f. 29-12-2011* for dealing with foreign nationals who claim to be refugees. But India has several laws and each state might have their own law and order in general. One would think how would they acquire a Citizenship. Essentially, the *Ministry of home affairs* under the *Government of India* has laid four preconditions to acquire Indian Citizenship. One has to give up the registration certificate or R.C and identity certificate I.C. One also need to distance one from any Tibetan refugee settlements. These conditions also include that no Tibetan enjoy the C.T.A or *Central Tibetan Administration* benefits and privileges.

It is now approved currently that any refugee groups including the Tibetans, after the enactment of *Citizenship Act of 2003*, are immigrants and will be treated same. It is also found by the reports by *Times of India* that there is decrease in the influx of Tibetan refugees in India. But several other refugees are seen as threat like the recent ones who are the Rohingyas from Myanmar in India. But regarding the status of Tibetans refugees of India in practice, they are classed as foreigners. However, they enjoy two national statutes as *Tibetan Citizens* and *Indian Tibetan refugees* in exile. They are governed through the *Foreigners Act of 1946* and the *Registration of Foreigners Act of 1939*. It is also to be known that according to the legality is concerned all refugees are foreigners and are liable to penalties for violating the laws. It includes imprisonment, fines, restriction of several things like property, movement, rights etc. But according to the administrative regulations any Tibetan born in India receive RC. When they are 16 years of age. Tibetans coming to India through Nepal, Bhutan may be considered under Special Entry Permits since 2003.

But Indian under the *natural and moral law* implications provided the Tibetan refugee grant for asylum. It was basically passed through the general agreement of the masses in the Indian administration and society. Although in jurisprudence, the term '*Natural Law*' means those rules and

principles that are supposed to have originated from supreme source other than any worldly authority or polity. Natural Law fundamentally cannot be ex claimed by legislation.

### **Their Location**

In India there are many states where Tibetan refugees can be found. Tibetans who are Buddhist today by religious beliefs have been the victim of Chinese persecution since the beginning of fifties. The cause for their maltreatment was the State sanctioned grounds of their distinct religion and political belief. They fled with their leader the 14<sup>th</sup> Dalai Lama on 31 March 1959 and is on asylum by Government of India.

As per the reports by *Central Tibetan Relief Committee* or C.T.R.C they are 73,404 in India. While the *Ministry of Home Affairs* reports that they are settled in various states amounting to *Karnataka* (21,922), *Himachal Pradesh* (16,146), *Arunachal Pradesh* (4,708), *Uttarakhand* (4654), *West Bengal* (3,006), and *Jammu & Kashmir* (7,041). It also shows that they are given minimum basic needs. The *Ministry of Home Affairs* has issued the Tibetan Rehabilitation Policy of 2014. It says that India sanctioned a scheme of providing Rs. 40 Crore to the CTRC over a period of five years commencing from 2015-16 to 2019-2020 to meet the administrative and social welfare activities expenses of 36 Tibetan Settlement offices located in different States of the country. While how long will these expenses have to be prearranged. The question is had India and China shared a common good relation would India adore Tibetans like today? Therefore, a thoughtful solution to solve the Tibetan refugee's problem is a prerequisite.

### **Integration or Adaptation**

The main reason for their forceful migration in 1959 was due to the pressure of Chinese *People's liberation Army*. If we glance into the past India and China had infringing diplomatic relationships. The Sino-Indian War between China and India in 1962 had also disrupted Himalayan borders territories. It has further worsened the diplomatic ties between these Asian giants. Occasionally skirmish relation on bordering territories also indulge the neighbouring countries to rethink of their past. Specially in places like parts of Arunachal Pradesh claiming it as *Zangnan* by China, North Ladakh and Indo-Bhutan territory of *Dokhlam* etc. are some well-known incidents.

But specially in case of Tibetan refugees, their identity surrounds their temporariness and transnationality in India. Although identity plays an important role in upholding social relations in host society. However, the challenge of adaptation is not always positive or many at times create conflict in the host society. The different cultural practice of the place are main factors that hinder them. In case refugees or immigrants how hard, it can be is itself logical when their cultures are different at the country they reside. Exceptionally India having its early religious connection with Buddhism has also made them the savour. One also cannot deny that Tibetans have a distinct religious identity in India. While it is also true that there are old Tibetan natives in the Eastern Himalayas who also recognize themselves as Tibetans or Bhutias who are not refugees.

Specially in Sikkim, neighbouring state of West Bengal. Tibetan refugees in particular have their own spaces whether it be settlements or partaking religious intervention through learning in Monasteries in India. It is believed that the Tibetan Buddhists have connection to India since the middle of the seventh century A.D. The great sages like '*Guru Padmasambhava*' of Ujjain, '*Atisa Dipankara Srijana*' a native of Bengal, Vimalamitra etc. connect the larger Tibetans through Buddhism that is preached in the Indian Himalayas since centuries. Their connection with the Monasteries and religious organizational structures are of long-standing Culture.

So, for Tibetan Refugees it's a query on how have they integrated. But at large they have their own struggles of integration and adapting with their families. But indeed, with the curiosity to put forward, how efficacious they are in adapting? what extent their socio-cultural aspect integrated? These questions are what needs to be initiated. These are questions indeed that surrounds their fluid identity.

If we see, there are ethnic groups with them and are different themselves. Tibetans, have clans like '*Drothaba, Thmoowa, Khampaa, Tshongpaa, Lhasowa, and Amdowaa* who share the colloquial Tibetan languages from different regions of Tibet i.e., "*Kham, Amdo and U-Tshang*. They have diverse ethnic groups within Tibetans. They speak common language in different style.

In a similar manner specially Tibetans in West Bengal and Sikkim, has unique connection and that is seen through the language they speak. While the Tibetans and the Bhutias use the same Tibetan scripts. Dzongkha of Bhutan or Drenjongke of Sikkim they are highly intelligible languages similar to Tibetans. But Bhutias are genuinely early settlers and Tibetan in their origin and have common cultural and religious understanding with the Tibetan refugees too. Both have common lineages and their religious affinity. It is seen in places like *Karnataka, Himachal Pradesh, Delhi, West Bengal* and many more states that the younger generation have set natural skills of learning of 'host languages. The cultural institutions like *Manjushree* and *Dharma Chakra*, has played significant roles. *Manjushree* and *Dharma chakra* is an institution, which teaches Tibetan language, and recently Dharma Chakra has started translating Holy Scriptures in local languages.

Therefore, their social life, surrounds in their economic and cultural networks shaped out of different conditions. These networks are clearly the important engendering sources of collective social power for the newcomers. Their religious identity that links with the host specially in Himalayan regions of Sikkim and Darjeeling are the clan/sects or sub-groups like the *Red and Yellow sects*. The red sect comprises of the *Nyingmaa, Kargyuu, and Sakhyaa* lineages and the yellow sect consists of the *Gelugppa* lineage. These segmentations among Buddhists in the Himalayas are blends that connect with the locals. Therefore, one can say he or she is Buddhist and belong to any of the above being a non-Tibetan but Buddhist. However, such complications partially act as provisional spaces to integrate in societies where there are religious likenesses. Specially those who have accepted Lamaism and are involved into Monasteries subdue themselves into the '*Melting Pot*'. Therefore, for refugees in India, especially Tibetans have different issue altogether.

## Conclusion

For the Tibetan Refugees, the 'social world' is altogether different. However, their repatriation is yet not confirmed. How and in what way they are adapting is overall constructive phenomenon for themselves. The refugee problem in general is existing with numerous hurdles and synchronic settings altogether with challenges. The consequence of such migration in developed and underdeveloped countries can have their own outputs at odds. It is to be understood that any group who is the victim of forced migration is a threat to the other host groups too. So, this study on Tibetan refugee is itself a case to observe and opens the corkscrew of Pandora on refugee crisis around the world. However, the Tibetan refugees have received healthier treatment, than any other refugee groups in India. They have made India their 'second home' and today their repatriation is somewhat impossible. Today any Tibetan refugee identity and their culture is seen with a dictum of non-assimilation and protests. Therefore, they still dream and desire of having free Tibet by living in India in several places. They are one time acting as 'denizens' living in one country and acquitting most important facilities as citizens also on the other. But still, they are stateless nationals and have floating identities in history. Thus, the opportunity exists to bring a long-lasting solution for the Tibetan refugees. As there are millions of Tibetan refugees across the world. Therefore, in absence of the studies on the refugee problems and their adaptation and integration is an overdue in social science research today.

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