



Berne-Wabern, 30 June 2013

Focus

The Tibetan Community in India

Haftungs- und Nutzungshinweis zu Quellen und Informationen

Der vorliegende Bericht wurde von der Länderanalyse des Bundesamtes für Migration (BFM) gemäss den gemeinsamen EU-Leitlinien für die Bearbeitung von Informationen über Herkunftsländer erstellt (http://www.bfm.admin.ch/bfm/de/home/themen/migration_analysen/herkunftslanderinformationen-.html). Er wurde auf der Grundlage sorgfältig ausgewählter Informationsquellen zusammengestellt. Alle zur Verfügung stehenden Informationen wurden mit grösster Sorgfalt recherchiert, evaluiert und bearbeitet. Alle verwendeten Quellen sind referenziert. Dessen ungeachtet erhebt dieses Dokument keinen Anspruch auf Vollständigkeit. Es erlaubt auch keine abschliessende Bewertung darüber, ob ein individueller Antrag auf einen bestimmten Flüchtlingsstatus oder auf Asyl berechtigt ist. Wenn ein bestimmtes Ereignis, eine bestimmte Person oder Organisation in diesem Bericht keine Erwähnung findet, bedeutet dies nicht, dass ein solches Ereignis nicht stattgefunden hat oder dass die betreffende Person oder Organisation nicht existieren. Die Inhalte sind unabhängig verfasst und können nicht als offizielle Stellungnahme der Schweiz oder ihrer Behörden gewertet werden.

Clauses sur les sources, les informations et leur utilisation

Ce rapport a été rédigé par l'Analyse sur les pays de l'Office Fédéral des Migrations (ODM) dans le respect des Lignes directrices de l'UE en matière de traitement et de transmission d'informations sur les pays d'origine (http://www.bfm.admin.ch/bfm/fr/home/themen/migration_analysen/herkunftslanderinformationen.html). Ce document a été élaboré sur la base de sources d'informations soigneusement sélectionnées. Toutes les informations fournies ont été recherchées, évaluées et traitées avec la plus grande vigilance. Toutes les sources utilisées sont référencées. Cependant, ce document ne prétend pas à l'exhaustivité. Il n'est pas davantage concluant pour décider du bien-fondé d'une demande de statut de réfugié ou d'une demande d'asile particulière. Si un événement, une personne ou une organisation déterminé(e) n'est pas mentionné(e) dans le rapport, cela ne signifie pas forcément que l'événement n'a pas eu lieu ou que la personne ou l'organisation n'existe pas. A noter que ce document a été produit de manière indépendante et ne doit pas être considéré comme une prise de position officielle de la Suisse ou de ses autorités.

Reservation on information, its use, and on sources

This report, written by Country Analysis of the Federal Office for Migration, is in line with the EU Guidelines for processing Country of Origin Information (http://www.bfm.admin.ch/bfm/en/home/themen/migration_analysen/herkunftslanderinformationen.html). The report draws on carefully selected sources that are referenced in the report. Information has been researched, analysed and edited according to best practices. However, the authors make no claim to be exhaustive. No conclusions should be drawn from this report regarding the merits and legitimacy of a request for refugee status or asylum. The fact that some occurrence, person, or organisation is not mentioned in the report does not imply that such occurrence never happened or that the person or organisation does not exist. This report is the result of independent research and editing. The views and statements expressed in this report do not necessarily represent any consensus of beliefs held by the Swiss government or its agencies.

Fragen/Kommentare, questions/commentaires, questions/comments:

coi@bfm.admin.ch

Contents

Executive Summary / Main Findings	4
1. Sources and limitations	4
2. The trip from Nepal and to India.....	5
2.1. The Reception Centre in Kathmandu.....	5
2.2. Getting a Special Entry Permit from the Indian Embassy.....	6
2.3. From Kathmandu to New Delhi.....	7
2.4. From New Delhi to Dharamsala.....	8
3. The Tibetan community in India	10
3.1. General background – Short description.....	10
3.2. The Central Tibetan Administration in India	11
3.3. The legal status of Tibetans in India	15
3.4. Access to health services	18
3.5. Access to education	20
3.6. Housing	22
3.7. Economic opportunities	24
3.8. Opportunities for women	26
4. Travel documents for Tibetans issued by Indian authorities	27
4.1. Identity Certificate (IC).....	27
Annexes.....	29
A: Status of Tibetan in India.....	29
B: List of Tibetan Settlements in India	32
C: Citizenship Act, 1995	33
D: Medical facilities in refugee settlements in India.....	41
E: Tibetan Schools in India	42
F: IC Application Form	44
G: Identity Certificate (IC) Information	50

Subjects

In this document, the following questions were taken into consideration:

- How do Tibetans travel to Nepal and India?
- What is the legal status of Tibetans living in India?
- What are the living conditions of Tibetans in India?

Executive Summary / Main Findings

The purpose of this report is to examine Tibetan communities in exile in India. This report provides an analysis and evaluation of the current political, educational, health and economic situation of these communities, as well as an examination of their legal status in India.

The *first* chapter describes the journey of Tibetans from Nepal to India. The *second* chapter describes the political, educational, health and economic situation of Tibetans in India. The *third* chapter reviews the different travel documents delivered by Indian authorities to Tibetans for trips abroad.

The major findings are as follows: *Firstly*, the vast majority of Tibetans cross the border from China to Nepal in winter with the help of smugglers. *Secondly*, most Tibetans in India live in settlements and are better off than other refugees in India. The Central Tibetan Administration (hereafter CTA) provides them with a wide variety of facilities such as schools and hospitals. *Thirdly*, the majority of Tibetans living in India possess a Registration Certificate (hereafter RC) and thus can acquire documents issued by the Indian government that allow them to travel abroad. *Fourthly*, interlocutors met during a fact-finding mission (hereafter FFM) in March 2012 agreed that Tibetan exiles in India are not currently at risk of *refoulement* to China.

1. Sources and limitations

This report draws on carefully selected sources such as United Nations (UN) documents, academic reports, press articles, official governmental websites, and the CTA website, as well as reports drafted by non-governmental organisations (hereafter NGOs). In March 2012, a joint fact-finding mission (hereafter FFM) was carried out in northern India and Nepal by the Belgian Office of the Commissioner General for Refugees and Stateless Persons (CGRS) and the Swiss Federal Office for Migration (FOM). The information gathered during this mission was then verified, updated and complemented with new information collected for the writing of this report. This report does not purport to be an exhaustive summary of the vast number of relevant documents on the situation of Tibetans in exile in India.

Five main restrictions should be considered when reading this report. *First*, because of the political sensitivity of the issue, acquisition of publicly available, valid sources on the situation of Tibetans in China and on the background of their movement towards Nepal is challenging. *Second*, it is possible for Tibetans to cross the border between China and India directly. However, that route has not been studied in this report. *Third*, obtaining valid information on the number of Tibetans who have acquired or wish to acquire Indian citizenship is difficult because this is still a taboo subject among Tibetans in exile. *Fourth*, a detailed overview of gender topics is not included in this report, as issues such as domestic violence are not covered in depth by any source. *Fifth*, because most Tibetans seeking asylum in Switzerland are Buddhists, this report covers only their situation and does not address e.g. the situation of Tibetan Muslim communities in India.

2. The trip from Nepal and to India

2.1. The Reception Centre in Kathmandu

In the “2013 UNHCR Country Operations Profile”, the Office of the UN High Commissioner for Refugees (hereafter UNHCR) stated that approximately 800 Tibetans transit through Nepal to India annually.¹

Tibetans transiting through Nepal are hosted at the Tibetan Reception Centre situated on the outskirts of Kathmandu (shown in *Figure 2* below). The centre comprises three dormitories. The first one welcomes males, with no distinction between ordinary Tibetans and former detainees. The second dormitory shelters women. The third is reserved for monks.²

The Lutheran World Federation Nepal (LWF Nepal)³ is responsible for managing the day-to-day operation of the centre in Kathmandu (shelter, food, medical treatment, etc.). The federation works in close cooperation with the UNHCR.⁴

2.2.1. Screening process

Since 2009, upon arrival at the Reception Centre in Kathmandu, all newcomers are screened to verify that they are Tibetans or people from the Himalayan Region (Nepal, Bhutan and India). Children and parents are interviewed separately. Since 2009, the interviewer has rejected 300 people. During the screening, the interviewer checks identity documents (border pass, driving licence, school records, etc.), personal belongings (knives, SIM cards), dialects, spontaneity of answers (no rigid answers that may have been memorised), geographical knowledge, physiognomy, etc.⁵

Verified Tibetans receive a yellow form that they can take to the centre’s “registration office”, where their data are entered into a database, which was created in 1998; their data are shared with the Tibetan Refugee Reception Centre (hereafter TRRC) in Dharamsala / India and with the UNHCR. There are no records of arrivals at the centre before 1998.⁶

¹ UNHCR, 2013 *UNHCR country operations profile – Nepal*, <http://www.unhcr.org/pages/49e487856.html> (15 February 2013).

² Information gathered during a visit to the Reception Centre, Kathmandu, Nepal, on 15 March 2012.

³ Lutheran World Federation Nepal official website: <http://www.lwfnepal.org/> (9 July 2012).

⁴ Lutheran World Federation Nepal, *Annual report 2011*, <http://www.lutheranworld.org/lwf/wp-content/uploads/2010/05/LWF-Nepal-Annual-Report-2011.pdf> (15 February 2013).

“With assistance from UNHCR, LWF Nepal provided care and maintenance assistance to a total of 739 Tibetan New Arrivals transiting to India through Nepal in 2011. This year, LWF Nepal also carried out a Needs Assessment of the Tibetan New Arrivals, who on their transit reside in Kathmandu Reception Centre (KRC). In addition, a KRC Management Guideline was also introduced to systematize and standardize the management of KRC.”

⁵ Information gathered during a visit to the Reception Centre, Kathmandu, Nepal, on 15 March 2012.

⁶ Information gathered during a visit to the Reception Centre, Kathmandu, Nepal, on 15 March 2012 and to the Tibetan Reception Centre, Dharamsala, on 12 March 2012.

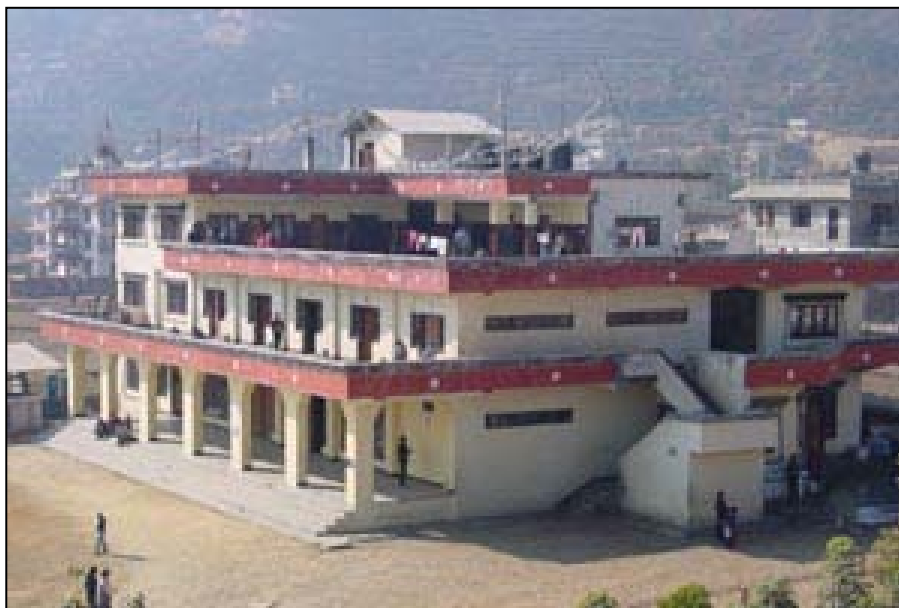


Figure 1: The Reception Centre in Kathmandu ⁷

2.2.2. Medical treatment

Once they are registered, newcomers undergo a medical check-up and receive a medical booklet that contains information concerning immunisations and personal health issues. During their stay at the centre, newcomers have free access to Tibetan,⁸ as well as Western, medical treatments at the centre's clinic, where two nurses work full-time. Moreover, a doctor visits the clinic once a week.

At the centre's clinic, staff members treat mainly gastric diseases, mosquito bites and frostbite. The nurses also assist Tibetans who must be admitted to hospital in Nepal but cannot speak Nepali. The centre also contains an art room for children and young adults, where they can draw and paint. This activity is part of trauma therapy, which includes counselling. This trauma therapy is intended for former detainees or children who fled China without their parents, among others.⁹

2.2. Getting a Special Entry Permit from the Indian Embassy

Until 2003, no document was needed in order to cross the border between Nepal and India. Since then, however, newcomers have been required to obtain a "Special Entry Permit" (hereafter SEP) from the Indian Embassy¹⁰ in Kathmandu before leaving Nepal for India.¹¹ Before issuing an SEP, the Indian Embassy interviews the individual to assess his/her origin. It

⁷ Save Tibet, *Tibetan Refugees*, <http://www.savetibet.org/action-center/current-ict-campaigns/tibetan-refugees> (20 February 2013).

⁸ For further information on Tibetan medicine, refer to: Tibetan Medicine and Astrological Institute, *Tibetan Medicine History*, <http://www.men-tsee-khang.org/tibmed/tibhistory.htm> (18 February 2013). Tibetan Medicine and Astrological Institute, *Tibetan Medicine Treatise*, <http://www.men-tsee-khang.org/tibmed/med-treatise.htm> (18 February 2013). Tibetan Medicine and Astrological Institute, *Tibetan Medicine Buddha*, <http://www.men-tsee-khang.org/tibmed/medbuddha.htm> (18 February 2013).

⁹ Information gathered during a visit to the Reception Centre, Kathmandu, Nepal, on 15 March 2012. For more information on this issue, refer to: Terheggen, M.A., Stroebe, M.S., Kleber, R.J. Western Conceptualizations and Eastern Experience: A Cross-Cultural Study of Traumatic Stress Reactions among Tibetan Refugees in India, *Journal of Traumatic Stress*, 14:2 (2001), 391–403. Crescenzi, A., Ketzer, E., Van Ommeren, M., Phuntsok, K., Komproe, I., de Jong, J.T.V.M. Effect of Political Imprisonment and Trauma History on Recent Tibetan Refugees in India. *Journal of Traumatic Stress*, 15:5 (2002), 369–375. Ruwanpura, E., Mercer, S.W., Ager, A., Duveen, G. Cultural and Spiritual Constructions of Mental Distress and Associated Coping Mechanisms of Tibetans in Exile: Implications for Western Interventions. *Journal of Refugee Studies*, 19:2 (2006), 187–200.

¹⁰ Indian Embassy in Nepal official website: <http://www.indianembassy.org.np/> (10 July 2012).

¹¹ Information gathered during a visit to the Tibetan Reception Centre, Dharamsala, on 12 March 2012.

is extremely rare for someone who has been cleared by the “screening office” in the Reception Centre to not receive an SEP.¹²

There are three different categories of SEPs.¹³ First, the permit can be issued for **educational purposes**. This category of SEP was created to allow Tibetans to carry out their studies in India. “Education SEPs” are valid only until completion of the studies. “*Tibetans entering India, on SEP, for the purpose of education are issued Registration Certificates for the duration of the course or one year, whichever is earlier.*”¹⁴ Every year when Tibetans renew their RC, they need to present a letter from the education centre stating that they are carrying on their studies. According to the Indian Bureau of Immigration, Tibetans studying in India can reapply to the appropriate Foreigner Registration Regional Office/Foreigner Registration Office (FRRO/FRO) to extend their stay on a yearly basis. They must provide not only proof of registration and residence, but also a “bona-fide certificate from the recognised/approved educational institution in India”.¹⁵ There is no limit to the number of yearly RC renewals issued on the basis of an educational SEP.¹⁶ The majority of newcomers fall within this category.¹⁷

Second, an SEP can be issued for **pilgrimage**. “Pilgrimage SEPs” are valid for a period of three months, with a possible extension to six months. They allow Tibetans to perform religious pilgrimages. Once the pilgrimage is finished, however, travellers have to go back to China.¹⁸

The third SEP category is **other/refugee**. This type of SEP allows Tibetans to remain in India for a long-term stay.¹⁹

2.3. From Kathmandu to New Delhi

Once a group of approximately 30 to 40 people is ready to go to India, the Reception Centre in Kathmandu hires a bus to transport them from Kathmandu to New Delhi. Among the group members, an individual is designated as the lead. This person carries the documents for the entire group (a list of individuals allowed to travel in the bus, medical booklets, SEPs, etc.).²⁰

The identity of every member of the group is checked by UNHCR staff before they are allowed to board the bus. The group is also escorted to the Indian-Nepali border by a member of the Nepalese Department of Immigration. At the border, identifications are checked again by Indian border authorities.²¹

The TRRC is located in North Delhi, next to Majnu ka Tilla settlement²² on the right bank of the River Yamuna. Usually, the bus arrives in New Delhi in the morning, and the New Arrivals leave for Dharamsala the same evening.²³

Once the group arrives in New Delhi, the documents carried by the “lead” are given to the director of New Delhi’s TRRC. He then sends all the documents to Dharamsala’s TRRC. He

¹² Information gathered during a visit to the Reception Centre, Kathmandu, Nepal, on 15 March 2012.

¹³ Tibet Justice Center (2011). *Tibet’s Stateless Nationals II: Tibetan Refugees in India*. <http://www.tibetjustice.org/reports/stateless-nationals-ii/stateless-nationals-ii.pdf> (18 February 2013).

¹⁴ Bureau of Immigration (BOI), Ministry of Home Affairs (Government of India), *Information Pertaining Tibetan Nationals*, http://www.immigrationindia.nic.in/Instr_Tibetans2.htm (20 February 2013).

¹⁵ Bureau of Immigration (BOI), Ministry of Home Affairs (Government of India), *Information Pertaining Tibetan Nationals*, http://www.immigrationindia.nic.in/Instr_Tibetans2.htm (20 February 2013).

¹⁶ Some study programmes last more than 17 years, e.g. the programme taught at the Jamyang Choling Institute in Dharamsala: “*The Institute has a program that requires over 17 years of intense study to complete and is equivalent to the program of study required for a doctorate in Buddhist philosophy.*” <http://www.jamchoebuddhistdialectics.org/> (28 March 2013).

¹⁷ Interview with CTA Department of Security, Dharamsala, on 10 March 2012.

¹⁸ Tibet Justice Center, *Tibet’s Stateless Nationals II: Tibetan Refugees in India*, 2011, <http://www.tibetjustice.org/reports/stateless-nationals-ii/stateless-nationals-ii.pdf> (18 February 2013).

¹⁹ Information gathered during a visit to the Reception Centre, Kathmandu, Nepal, on 15 March 2012.

²⁰ Information gathered during a visit to the Reception Centre, Dharamsala, India, on 12 March 2012, and to the Reception Centre Ladakh Budh Vihar, New Delhi, India, on 6 March 2012.

²¹ Information gathered during a visit to the Reception Centre, Kathmandu, Nepal, on 15 March 2012.

²² Majnu ka Tilla settlement official website: <http://www.majnukatilla.com/> (10 July 2012).

²³ Information gathered during a visit to the Reception Centre, Dharamsala, India, on 12 March 2012.

does not keep photocopies of these documents in Delhi. He also sends a list of all newcomers to the Bureau of His Holiness the Dalai Lama in New Delhi.²⁴

2.4. From New Delhi to Dharamsala

2.5.1. Facilities of the new Refugee Reception Centre

Until February 2011, the TRRC was located in Mcleod Ganj in the suburbs of Dharamsala. On 24 February 2011, a new centre, funded by the United States of America, was inaugurated by the American ambassador to India at that time, Timothy J. Roemer. The new centre is situated in lower Dharamsala, approximately 20 minutes by car from Mcleod Ganj.²⁵

The new centre can accommodate 500 people (300 males and 200 females). Each female dormitory can accommodate 14 women, and each male dormitory, 20 men. The centre also has two staff quarters for its 26 staff members. Former detainees have a separate dormitory, with only three accommodated per room. In general, more males than females come here; only rarely does the centre welcome families. There are call centres in the TRRC, as well as shops that sell snacks, batteries, etc.²⁶

The centre also houses a free medical clinic with two health-care workers available every day. In case of emergency, the Tibetan Delek Hospital²⁷ is approximately 15 minutes away. If newcomers require special care, they can be sent to the main hospital in Dharamsala or, if necessary, to New Delhi.²⁸

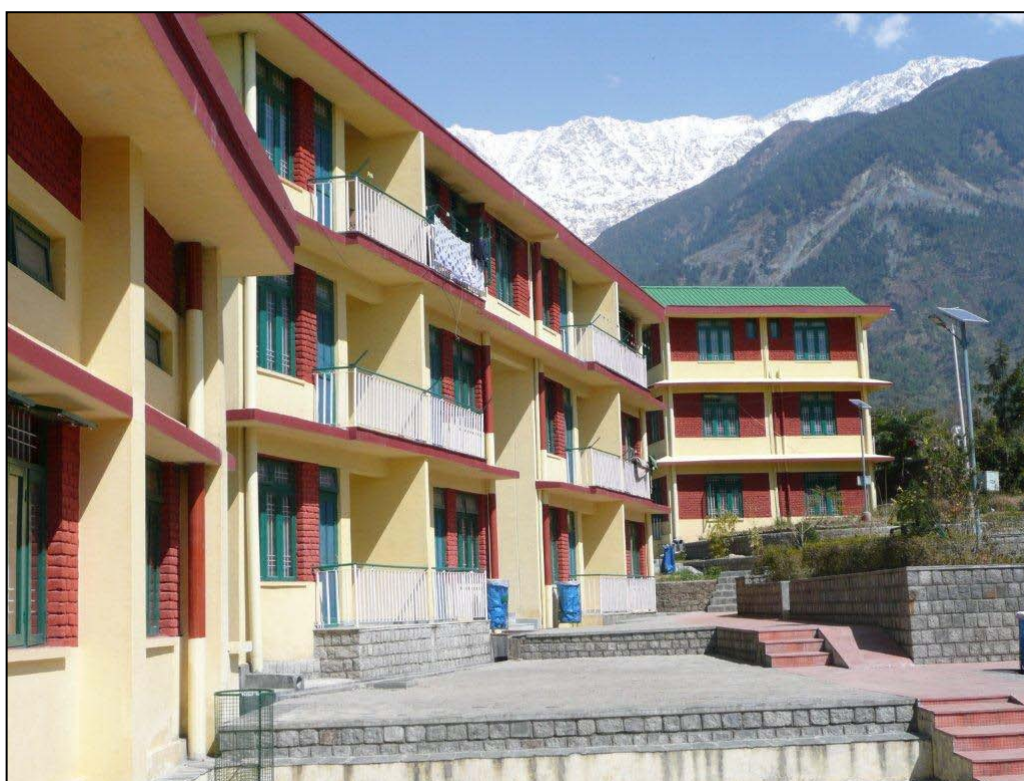


Figure 2: Photos of the new TRRC Dharamsala taken by the FFM Team (own pictures).

²⁴ Information gathered during a visit to the Reception Centre Ladakh Budh Vihar, New Delhi, India, on 6 March 2012.

²⁵ International Campaign for Tibet, *U.S. Ambassador Roemer inaugurates Tibetan Refugee Center in Dharamsala*, 24 February 2011 <http://www.savetibet.org/media-center/ict-press-releases/us-ambassador-roemer-inaugurates-tibetan-refugee-center-dharamsala> (10 July 2012).

²⁶ Information gathered during a visit to the Reception Centre, Dharamsala, India, on 12 March 2012.

²⁷ Information gathered during a visit to the Reception Centre, Dharamsala, India, on 12 March 2012.

²⁸ Friends of the Delek Hospital official website: <http://www.delekhospital.org/> (25 June 2012).

²⁸ Information gathered during a visit to the Reception Centre, Dharamsala, India, on 12 March 2012.

2.5.2. *In-processing*

When the newcomers arrive in Dharamsala, the director of the TRRC welcomes them personally at the bus stop. The documents carried by the group lead are given to the centre's director. The TRRC in Dharamsala then makes a list of all New Arrivals and sends it to the Reception Centre in Kathmandu and to the UNHCR to confirm that all the people who left Nepal have arrived.²⁹

Likewise, when the people leave the TRRC in Dharamsala, their departure, as well as their destination (school, monastery or settlement), is communicated to the Reception Centre and to the UNHCR office in Nepal. When the newcomers arrive at their destination, authorities at the school, monastery or settlement inform the centre in Dharamsala, which then transfers the information to the TRRC and the UNHCR office in Nepal.³⁰



Figure 3: Photos of the new TRRC Dharamsala taken by the FFM Team (own pictures).

Until February 2011, the TRRC in Dharamsala kept copies of all SEPs. The New Arrivals took their SEPs with them to the school, monastery or settlement, where they were needed in order to obtain their RCs.³¹ Since February 2011, however, the Indian police have been coming to the TRRC in Dharamsala to issue the RCs to the newcomers. It takes between 20 and 25 days to get a certificate. The police also apply the departure stamp directly here. The SEPs issued by the Indian Embassy in Kathmandu are kept by the TRRC in Dharamsala. When a newcomer leaves, he/she takes only his/her RC.³²

Once the New Arrivals have acquired their RC and have seen the Dalai Lama, they leave the TRRC for their destination of choice, such as a school (possible for newcomers up to 30 years of age), a settlement, a monastery or an old people's home.³³

²⁹ Information gathered during a visit to the Reception Centre, Dharamsala, India, on 12 March 2012.

³⁰ Information gathered during a visit to the Reception Centre, Dharamsala, India, on 12 March 2012.

³¹ Information gathered during a visit to the Reception Centre, Dharamsala, India, on 12 March 2012.

³² Information gathered during a visit to the Reception Centre, Dharamsala, India, on 12 March 2012.

³³ Information gathered during a visit to the Reception Centre, Dharamsala, India, on 12 March 2012.

3. The Tibetan community in India

According to a demographic survey of Tibetans living in exile conducted by the CTA Planning Commission in 2009, approximately 128,014 Tibetans lived outside Tibet, among whom 94,203 lived in India.³⁴ Nevertheless, unconfirmed sources put the number of Tibetans in India as high as 300,000.³⁵

3.1. General background – Short description

The settlement process of the Tibetan community can be depicted as three waves.³⁶ **The first wave** began when the 14th Dalai Lama fled Lhasa in the direction of India in the spring of 1959, when the Chinese People's Liberation Army (PLA) crushed an uprising of Tibetans against the Chinese communist authorities.³⁷ The Government of India (hereafter GOI) provided settlement areas, which were spread all over the country.³⁸ Thereafter, the **second wave** was characterised by people leaving the country during the 1980s and 1990s (i.e. martial law was proclaimed in the Tibet Autonomous Region in 1988). A **third wave** of Tibetans comprises today's "Tibetan New Arrivals".³⁹

The general living conditions of Tibetans in India can be divided into three categories. *First*, some Tibetans live in "refugee settlements"⁴⁰ provided by the GOI and administered by the CTA.⁴¹ *Second*, other Tibetans live among local communities in so-called "scattered communities".⁴² *Third*, some Tibetans are living outside these communities (see the list of 38 "settlements" in Annex B).

³⁴ CTA. *Tibet in Exile*, <http://tibet.net/about-cta/tibet-in-exile/>, (18 February 2013). Additional data are available in CTA (2010). *Demographic Survey of Tibetans in Exile – 2009*. <http://www.phayul.com/news/article.aspx?id=28666&t=1> (18 February 2013). More information can be found in the printed version that was distributed by the CTA Planning Commission.

³⁵ Rashme Sehgal: Born in Exile. *Infochange India*, July 2008, <http://infochangeindia.org/agenda/migration-a-displacement/born-in-exile.html>, (20 February 2013).

³⁶ Tibet Justice Center, *Tibet's Stateless Nationals II: Tibetan Refugees in India*, 2011, <http://www.tibetjustice.org/reports/stateless-nationals-ii/stateless-nationals-ii.pdf> (18 February 2013).

³⁷ The Office of HH the Dalai Lama. *Biography*, <http://www.dalailama.com/biography/chronology-of-events> (18 February 2013).

For more information on His Holiness the Dalai Lama's flight, see: Kharat, R.S. *Tibetan refugees in India*. New Delhi: Kaveri Books, 2003, pages 46 and following.

³⁸ Discussions in the political sphere are ongoing, and a variety of government interventions have therefore been undertaken in the past. The years 1952 to 2005 are summarized in the report Tibetan Parliamentary and Policy Research Centre, *Indian Parliament on the Issue of Tibet, 2006*, http://www.claudearpi.net/maintenance/uploaded_pics/lok_sabha_debates_on_tibet-2006.pdf (18 February 2013).

³⁹ For further information on the Tibetan history, refer to: Van Schaik, S. *Tibet – A History*. New Haven: Yale University Press, 2011. Hölzl, M. *Tibet – vom Imperium zur chinesischen Kolonie: eine historische und gesellschaftstheoretische Analyse*. Frankfurt am Main: Verlag Peter Lang, 2009. Sikri, R., *Challenge and strategy: Rethinking India's foreign policy*. New Delhi: Sage, 2009. Norbu, D., *China's Tibet policy*. Richmond: Curzon Press, 2001. Catherine Hool, *Die chinesische Tibetpolitik*. Bern: Verlag Peter Lang, 1989.

⁴⁰ For a description of each settlement (location, facilities, livelihood, administrative setup, etc.), see: CTA Department of Home, official website, <http://www.centaltibetanreliefcommittee.org/settlements.html>, (2 May 2013).

⁴¹ CTA Department of Home, official website, <http://www.centaltibetanreliefcommittee.org/settlements.html>, (2 May 2013). Bentz, A.-S. *Les réfugiés tibétains en Inde*, Paris: Presses Universitaires de France, 2010, pages 134 – 137. Kharat, R.S. *Tibetan refugees in India*. New Delhi: Kaveri Books, 2003, pages 55-61.

Till today the GOI is supporting the Tibetans. The Ministry of Home Affairs had in its Budget 2011–2012 a position that was intended to cover expenditures on refugees from Tibet as well as a position that was to "to provide rehabilitation assistance to Tibetan Refugees" (GOI, 2012 and GOI, 2005). GOI (2012). *Government of India. Ministry of Home Affairs. Outcome Budget*, <http://mha.nic.in/pdfs/OB%28E%292011-12.pdf> (18 February 2013). GOI (2005). *Government of India. Ministry of Home Affairs. Annual Report*, <http://mha.nic.in/pdfs/ar0405-Eng.pdf> (18 February 2013).

⁴² According to the Human Rights Law Network (2007), the term *scattered communities* can be defined as follows: "The scattered communities consist of smaller groups of Tibetans outside of the official settlements who were not willing, or not able, due to limited resources, to be accommodated in the settlements." Human Rights Law Network (2007). *Report of Refugee Populations in India*, http://www.hrln.org/admin/issue/subpdf/Refugee_populations_in_India.pdf

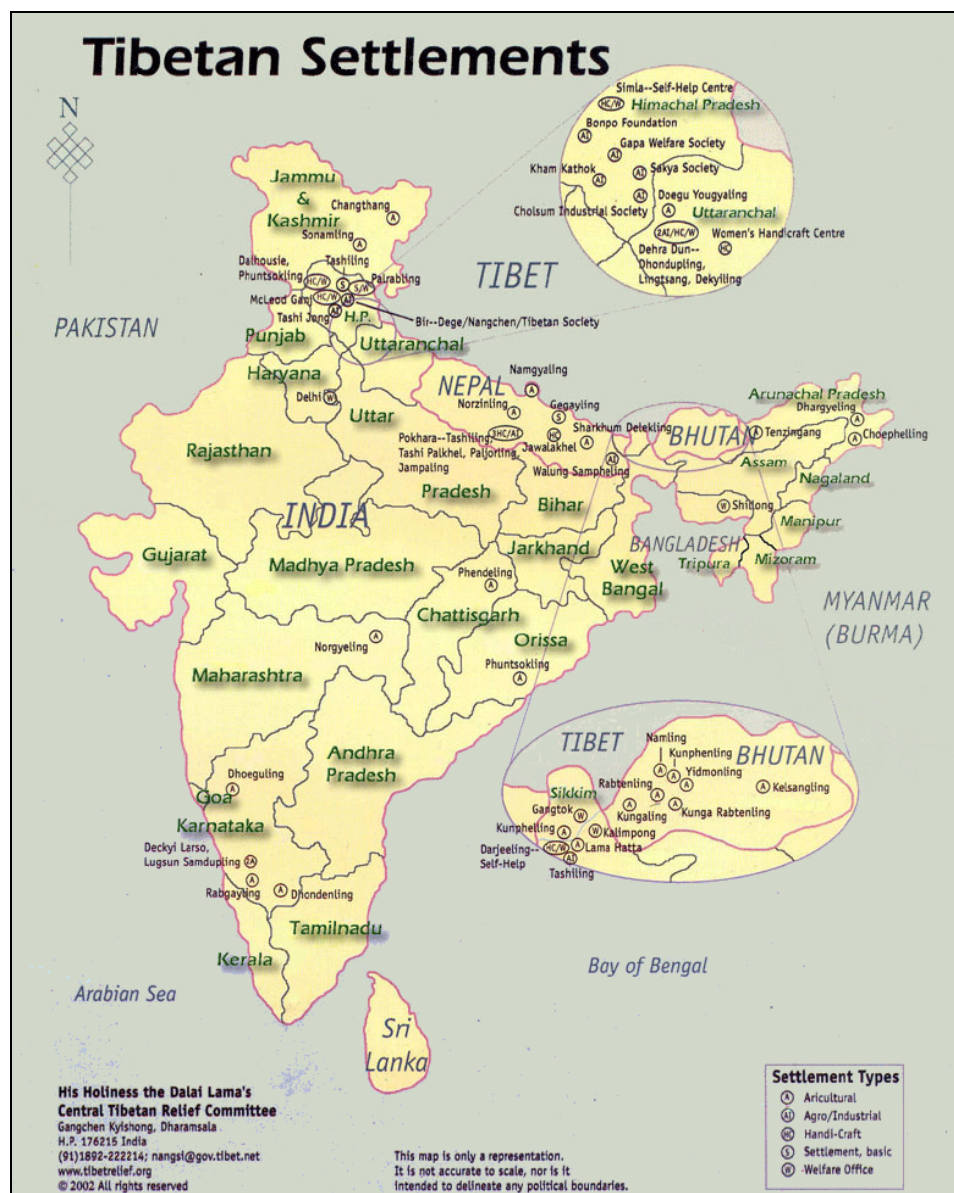


Figure 4: Tibetan Settlements in India, Nepal and Bhutan ⁴³

3.2. The Central Tibetan Administration in India

The CTA was set up in 1959 by the 14th Dalai Lama and his entourage in a move to rehabilitate the refugee community in the subcontinent as quickly as possible. In 1960, the CTA based its headquarters in Dharamsala, in the foothills of the Himalayas (Himachal Pradesh, India). Since then, it has attended to the welfare of exiles in their respective host countries and advocated their cause to the international community.⁴⁴

⁴³ Central Tibetan Relief Committee (CTRC), *Tibetan Settlements in India, Nepal and Bhutan*, 2002, <http://academic.reed.edu/anthro/364/maps/setmap.gif> (20 February 2013).

The Democratic Socialist Republic of Sri Lanka appears on this map published by the Central Tibetan Relief Committee (CTRC) in 2002 despite the fact that there are no Tibetan settlements in this State.

⁴⁴ Tibet Swiss. *Central Tibetan Administration*. <http://www.tibetswiss.ch/central-tibetan-administration.html> (18 February 2013).

Bentz, A.-S.. *Les réfugiés tibétains en Inde*. Paris: Presses Universitaires de France, 2010, Chapter II, pages 75–129. Kharat, R.S. *Tibetan refugees in India*. New Delhi: Kaveri Books, 2003, pages 74 – 79.

In 1991, the CTA adopted a charter⁴⁵ that contains general rights for Tibetans, such as the right of equality before the law and freedom of religion.⁴⁶ Furthermore, the charter establishes separation of power between the three pillars of the judiciary, the legislature and the executive.⁴⁷

The CTA has His Holiness the Dalai Lama as its spiritual head. Below the Dalai Lama, one finds the three-pillar structure mentioned in the charter, which includes the Supreme Justice Commission, the Cabinet and the Tibetan Parliament in Exile (TPIE), as shown in green in Figure 5 below.⁴⁸

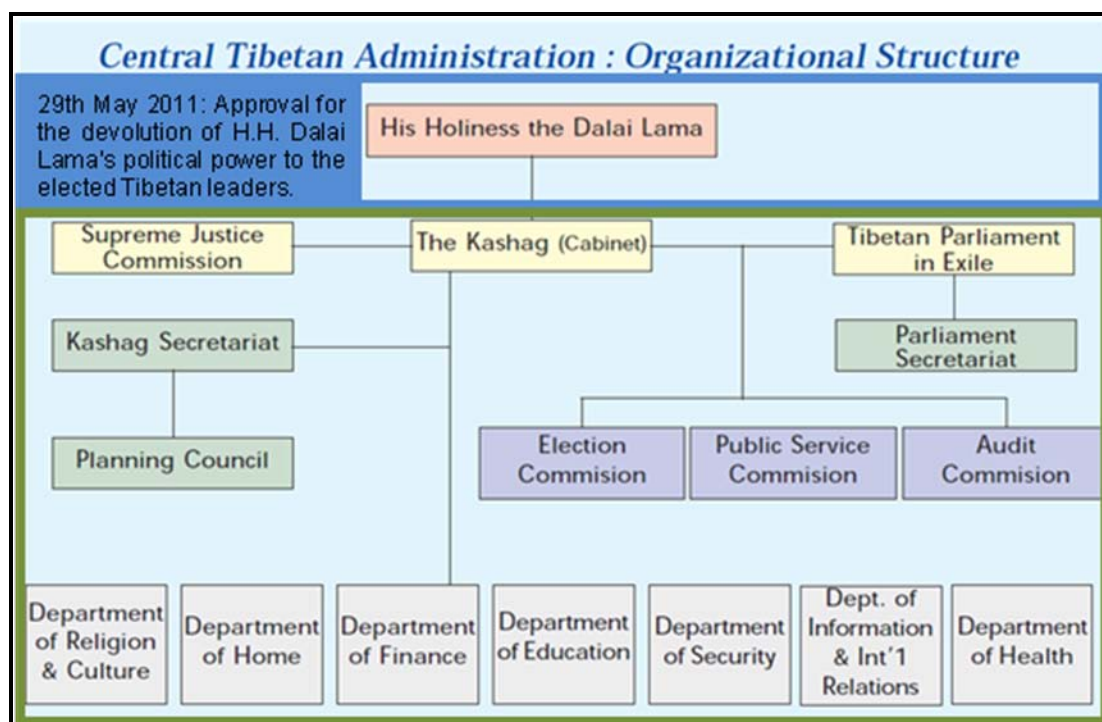


Figure 5: Central Tibetan Administration: Organisational structure.⁴⁹

His Holiness the Dalai Lama declares that he has three commitments in life. First, he promotes human values such as tolerance and compassion. Second, he promotes religious harmony and respect for all of the world's major religious traditions. Last, the Dalai Lama is "a free spokesperson of the Tibetans in their struggle for justice".⁵⁰ The Dalai Lama "will carry on with the first two commitments till his last breath".⁵¹ However, on 29 May 2011, the Dalai Lama delegated all his administrative and political authority to the elected leaders of the CTA.⁵² Ever since, he has remained the spiritual leader.

⁴⁵ The Constitution of 1991 can be found in the following source: Tibetan Justice, *Charter of the Tibetans-in-Exile 1991*. <http://www.tibetjustice.org/materials/tibet/tibet6.html> (18 February 2013).

⁴⁶ CTA, *Constitution*, <http://tibet.net/about-cta/constitution/> (18 February 2013).

⁴⁷ It is important to emphasize that the CTA or its institution has internally produced legal products or laws; in addition, several countries around the world, as well as international organisations, have published resolutions that have focused on Tibet. A meaningful overview can be found in the following source:

Tibetan Justice Centre, *Legal Materials on Tibet*, <http://www.tibetjustice.org/materials/> (18 February 2013).

⁴⁸ Further information on the CTA can be found in the following book: Roemer, S. *The Tibetan government-in-exile: Politics at large*. London: Routledge, 2010.

⁴⁹ Friedrich-Naumann-Stiftung, *Understanding the Issue of Tibet*, http://tpprc.org/publication/Understanding_Issue_Tibet.pdf (18 February 2013).

⁵⁰ Dalai Lama, *Three main commitments* <http://www.dalailama.com/biography/three-main-committments> (18 February 2013).

⁵¹ Dalai Lama, *Three main commitments* <http://www.dalailama.com/biography/three-main-committments> (18 February 2013).

⁵² Tibetan Post, *His Holiness the Dalai Lama Ratifies Amendment to Charter of Tibetans*, 2011, <http://www.thetibetpost.com/en/news/international/1740-his-holiness-the-dalai-lama-ratifies-amendment-to-charter-of-tibetans> (18 February 2013).

The judiciary⁵³ is composed of three different levels: the Supreme Justice Commission, the Tibetan Circuit Justice Commission and the Tibetan Local Justice Commission.⁵⁴ *“Whenever an issue of contention arises in the course of the Tibetan executive’s implementation of any rules and regulations, besides public and individual civil disputes among the Tibetan community in exile, the Tibetan judiciary (Tibetan Supreme Justice Commission and its subordinate Justice Commission) interprets or makes decisions thereof; thus protecting the rule of law by guaranteeing justice to all and making the institution of Tibetan democracy vibrant and meaningful.”*⁵⁵

The legislature, which is the highest organ in the CTA, lies within the TPiE, with members elected every five years. There are 44 seats in the parliament, *“ten members each from U-Tsang, Do-tod and Do-med, the three traditional provinces of Tibet, while the four schools of Tibetan Buddhism and the traditional Bon faith elect two members each. Four members are elected by Tibetans in the west: two from Europe, one from North America and one from Canada. [...] When the Parliament is not in session, there is a standing committee of eleven members: two members from each province, one member from each religious denomination.”*⁵⁶ On a lower level, one can find local parliaments in 38 Tibetan communities.⁵⁷

The executive is represented by the *Kashag (Cabinet)*, which is responsible for the execution of the operational and administrative tasks of the CTA. It is composed of seven members who are led by a *Sikyong*, or political leader, who is directly elected by the community. The *Sikyong* can nominate seven *Kalons*, who need to be approved by the parliament. The term in office is five years.⁵⁸ The *Kalons* are in charge of the following seven departments: Religion and Culture,⁵⁹ Home,⁶⁰ Finance,⁶¹ Education,⁶² Security,⁶³ Information and International Relations,⁶⁴ and Health.⁶⁵ Under the leadership of the Department of Information and International Relations are a number of “foreign missions” or “Tibet Offices”, which are located in New Delhi, Kathmandu, New York, Geneva, Tokyo, London, Canberra, Brussels, Moscow, Pretoria and

⁵³ To learn more about the current leadership of the three pillars, refer to the continually updated list on the CTA website: <http://tibet.net/about-cta/leadership/>

⁵⁴ CTA, Judiciary, <http://tibet.net/about-cta/judiciary/> (18 February 2013).

CTA, Hierarchies of Tibetan Justice Commission, <http://tibet.net/about-cta/judiciary/about-us/the-hierarchies-of-tibetan-justice-commissions/> (18 February 2013).

⁵⁵ CTA, Tibetan Justice Supreme Commission, Introduction, <http://tibet.net/about-cta/judiciary/about-us/introduction/> (18 February 2013).

⁵⁶ CTA, Legislature, <http://tibet.net/about-cta/legislature/> (18 February 2013).

⁵⁷ CTA, Legislature, <http://tibet.net/about-cta/legislature/> (18 February 2013).

⁵⁸ CTA, Executive. Introduction, <http://tibet.net/about-cta/executive/about-us/kashag/> (18 February 2013).

⁵⁹ “The Department of Religion and Culture is a ministry office established under the executive organ of Central Tibetan Administration whose function is to overlook religious and cultural affairs in Tibetan exile community. It has responsibility of supervising works aimed at reviving, preserving, and promotion of Tibetan religious and cultural heritages that is being led to the verge of extinction in Tibet.” CTA, Religion and Culture, <http://tibet.net/religion/> (18 March 2013).

⁶⁰ “It looks after 21 agricultural settlements, 11 cluster units, eight agro-industries and four carpet-weaving cooperatives in India. In addition, the department looks after 20 Tibetan settlements and handicraft societies in Nepal and Bhutan.” CTA, Home Affairs, <http://tibet.net/home/> (18 March 2013).

⁶¹ “The main objective and role of the Department is to raise revenue for CTA to fulfill its mission and to prepare, execute and control its annual budget.” CTA, Finance, <http://tibet.net/finance/> (18 March 2013).

⁶² “The Department of Education currently oversees 73 Tibetan schools – excluding the pre-primary sections and private schools – in India and Nepal under different autonomous administrative bodies.” CTA, Education, <http://tibet.net/education/> (18 March 2013).

⁶³ “The primary responsibility of the Department of Security is to ensure the security of His Holiness the Dalai Lama. [...] In addition, the Department of Security runs three Reception Centres to look after the growing number of new refugees arriving from Tibet.” CTA, Security, <http://tibet.net/security/> (18 March 2013).

⁶⁴ “Essentially, we are responsible for all communications from or concerning the Central Tibetan Administration, through various medium, in addition to international relations. The latter focuses on relations with governments, civil society, media, as well as the Tibetan diaspora.” CTA, Kalon’s Message, <http://tibet.net/information/announcements/kalons-message/> (18 March 2013).

⁶⁵ “The main aim of the Department is to make Tibetan refugee settlements viable by improving basic health status of Tibetan in exile. It includes providing adequate, equitable, and holistic primary health care services to all Tibetan refugees through its Primary Health Care centers and to create and expand public health care program in the community for disease prevention, promoting healthier lifestyles, and a cleaner environment.” CTA, Department of Health, <http://tibet.net/health/> (18 March 2013).

Taipei.⁶⁶

Additionally, the Tibetan community in India has created a variety of **NGOs** such as the Tibetan Youth Congress (TYC),⁶⁷ the Tibetan Women's Association⁶⁸ (TWA),⁶⁹ Gu Chu Sum⁷⁰ and Students for a Free Tibet.^{71,72}

The three official pillars mentioned previously are financed by voluntary contributions that were established on 1 August 1972. According to the CTA, the voluntary contributions, which are made by Tibetans throughout the region, reinforce the legitimacy of the administration as the official government in exile and serve to renounce China's incursion into Tibet.⁷³

Payment of the so-called *Chatrel* also enables Tibetans to receive⁷⁴ a "Green Book".⁷⁵



Figure 6: Photograph of a Green Book⁷⁶

This document is the only piece of identification provided by the CTA⁷⁷ and is currently "used for school admission, school or university scholarship and employment within the exiled community".⁷⁸ Every Tibetan above the age of 6 years is allowed to possess a Green Book.⁷⁹

⁶⁶ CTA official website, *Offices of Tibet*. <http://tibet.net/contact/offices-of-tibet/> (20 March 2013)

⁶⁷ For more information, refer to <http://tibetanyouthcongress.org/>

⁶⁸ For more information, refer to <http://tibetanwomen.org/>

⁶⁹ Marwah, R., Soni, S.K.. Tibetans in South Asia: a research note. *Asian Ethnicity*, 11:2 (2010), 263 – 268.

⁷⁰ For more information, refer to <http://www.gu-chu-sum.org/>

⁷¹ For more information, refer to <https://www.studentsforafreetibet.org/>

⁷² An overview about the development of the NGO sector of Tibetans in exile can be found in the following source: MacPherson, S., Bentz, A.-S., Ghoso D.B. (2008). *The Tibetan Diaspora: Adapting to Life outside Tibet (Part II)*. <http://www.migrationinformation.org/USFocus/display.cfm?ID=696> (20 February 2013).

⁷³ CTA, *Revenue Division*. <http://tibet.net/finance/programs/revenue-division/> (18 March 2013).

⁷⁴ CTA, *Green Book* <http://tibet.net/support-tibet/pay-green-book/> (20 February 2013).

⁷⁵ Another project – the so-called "Blue Book" – was initiated along with the "Green Book". It is targeted towards "friends of Tibet" and facilitates "annual financial contributions to help support the various educational, cultural, developmental and humanitarian activities of the CTA." The Tibet Bureau Geneva, *Friends of Tibet*. http://www.tibetoffice.ch/web/blue_book/#FAQ (20 February 2013).

⁷⁶ CTA, *Green Book*. <http://tibet.net/support-tibet/pay-green-book/>, (2 May 2013)

⁷⁷ The "Green Book" should not be confused with the "Yellow Book", which is the official Indian Identity Certificate for Tibetans in exile and is referred to in chapter 5.

⁷⁸ CTA, *Green Book*. <http://tibet.net/support-tibet/pay-green-book/> (20 February 2013).

⁷⁹ The annual rates for residents of India, Nepal and Bhutan are as follows: 6 to 14 years, Rs 12; 15 to 17 years, Rs 48; 18 years and older, Rs 58. All other residents: 6 to 17 years, US\$36; students and unemployed, US\$46; and 18 years plus and employed, US\$96; CTA, *Green Book*. <http://tibet.net/support-tibet/pay-green-book/>, (2 May 2013)

Additionally, one can find local instructions from representations in the respective countries, e.g. in the case of Switzerland:

http://www.tibetswiss.ch/tl_files/content/doc/Application_for_Green%20Book/gb_guideline_english.pdf

CTA, *Green Book*. <http://tibet.net/support-tibet/pay-green-book/> (20 February 2013).

3.3. The legal status of Tibetans in India

3.3.1. International and National Legislation

India is not a state party⁸⁰ to the United Nations Convention relating to the Status of Refugees⁸¹ (1951) or to its Protocol⁸² (1967), which define the status of refugees under international law and outline certain obligations for host states.⁸³

Indian policy with regard to “refugees” is implemented in the framework of the following national legislation: Foreigners Act⁸⁴ (1946) and Foreigners Order⁸⁵ (1948). Moreover, the Indian Citizenship Amendment Act⁸⁶ (2003) “defines all non-citizens who entered without visas as illegal migrants, with no exception for refugees or asylum seekers”.⁸⁷ Despite the absence of a specific legal framework, India’s approach towards Tibetan refugees has been very generous.

Even before the escape of the Dalai Lama, India adopted specific legislation with regard to Tibetans, such as the 1950 order regulating the entry of Tibetan nationals into the country.⁸⁸ According to this order, “Any foreigner of Tibetan nationality, who enters into India hereafter shall -

- (a) at the time of his entry into India obtain from officer-in-charge of the Police post at the Indo-Tibetan frontier, a permit in the [form] specified in the annexed Schedule;
- (b) comply with such instructions as may be prescribed in the said permit; and
- (c) get himself registered as a foreigner and obtain a certificate of registration.”⁸⁹

3.3.2. Registration Certificate (RC)

Current regulations can be found on the Indian Bureau of Immigration website.⁹⁰ The information provided on this website was verified with the relevant Indian authorities and with CTA authorities during the FFM carried out in March 2012.⁹¹ All Tibetans living in India are required to possess an RC,⁹² which allows them to find a job and rental housing, as well as

⁸⁰ Tibet Office, *Requirements*. http://tibetoffice.org/downloads/gb_requirements.pdf (20 February 2013).

⁸¹ United Nations Treaty Collection, *Status of Ratification*, http://treaties.un.org/pages/ShowMTDSGDetails.aspx?src=UNTSO&tabid=2&mtmsg_no=V-5&chapter=5&lang=en#Participants and http://treaties.un.org/pages/ViewDetails.aspx?&src=UNTSO&mtmsg_no=V-2&chapter=5&Temp=mtmsg2&lang=en (18 February 2013).

⁸² UNHCR website, *Convention relating to the Status of Refugees*, 1951, <http://www.unhcr.org/3b66c2aa10.html>, (18 February 2013).

⁸³ UNHCR website, *Protocol relating to the Status of Refugees*, 1967, <http://www.unhcr.org/3b66c2aa10.html>, (18 February 2013).

⁸⁴ For further information on the perception of the Government of India of Tibetan refugees, refer to Bentz, A.-S. *L'Inde: Terre D'Accueil?* 4th Congress of the Asia and Africa Network, Paris 14-16 September 2011. http://www.reseau-asie.com/userfiles/file/A08_bentz_inde_terre_accueil.pdf (20 February 2013).

⁸⁵ Foreigners Act, 1946 (No. 31 of 1946), 23 November 1946, <http://www.unhcr.org/refworld/docid/3ae6b4df4.html> (12 September 2012).

⁸⁶ Foreigners Order, 1948, 10 February 1948, <http://www.unhcr.org/refworld/docid/3ae6b514c.html> (12 September 2012).

⁸⁷ Citizenship Amendment Act, 2003; Citizenship Rules, 1956; Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules, 2003, 7 January 2004, <http://www.unhcr.org/refworld/docid/410520784.html> (12 September 2012).

⁸⁸ United States Committee for Refugees and Immigrants, *World Refugee Survey 2009 – India*, 17 June 2009, <http://www.unhcr.org/refworld/docid/4a40d2a75d.html> (20 February 2013).

⁸⁹ *Regulating Entry of Tibetan national into India*, 26 December 1950, <http://www.unhcr.org/refworld/docid/3ae6b52e24.html> (20 February 2013).

⁹⁰ *Regulating Entry of Tibetan national into India*, 26 December 1950, <http://www.unhcr.org/refworld/docid/3ae6b52e24.html> (20 February 2013).

⁹¹ Bureau of Immigration (BOI), Ministry of Home Affairs (Government of India) <http://www.immigrationindia.nic.in/index.htm> (20 February 2013).

⁹² McConnell, F. A state within a state? Exploring relations between the Indian state and the Tibetan community and government-in-exile. *Contemporary South Asia*, 19:3 (2011), 297 – 313.

⁹³ Tibet Justice Center (2011). *Tibet's Stateless Nationals II: Tibetan Refugees in India*. <http://www.tibetjustice.org/reports/stateless-nationals-ii/stateless-nationals-ii.pdf> (18 February 2013).

conduct business at local banks and obtain a driving licence and other documentation.⁹³ Additional information can be found in *Annex A*.

All Tibetans 16 years of age or older living in India are required to possess an RC. This applies also to the monks and nuns living in monasteries. Children under 16 years of age are registered on their parents' RC. Everyone except the sick, the disabled and children has to present himself/herself personally to the branch of the FRRO in his/her district, which in some cases might be the police station.⁹⁴

Extension

In April 2012, the Indian government modified the regulations regarding the extension of RCs. Tibetans born in India and Tibetans born outside India but who have stayed in India for at least 20 years are permitted to renew their RCs every five years. Tibetans who were not born in India or have not lived there for the required period of 20 years have to continue renewing their RC every year or six months, depending on the place of issuance.⁹⁵

History

Not all Tibetans who entered India in the 20th century received an RC. Throughout the 20th century, local FRRO branches reportedly did not have any concrete, detailed nationwide instructions for the issuance of RCs to Tibetans. Hence, the procedures and prerequisites to obtain an RC may have differed from one district to the next.⁹⁶

The Tibetan interlocutors we interviewed during our FFM in March 2012 were not aware of any problems encountered by Tibetans born in India when applying for an RC. As a consequence, it is possible that many arrivals in the 1980s and 1990s falsely claimed to be born in India in order to obtain an RC.⁹⁷

From 2000 onward

In the first decade of the 21st century, the GOI and the CTA jointly organised a number of regularisation drives for Tibetans who had not obtained an RC (or failed to renew their old RCs) during the 1980s and 1990s. Awareness campaigns were organised, and information published in local newspapers explaining to undocumented Tibetans their obligations concerning registration. As a result of this campaign, 3,000 Tibetans who arrived before 2003 were issued an RC, and "only a few" Tibetans have been left without one.⁹⁸

Since the introduction of the SEP in 2003 and the awareness campaign, Indian authorities have become tougher regarding the residence situation of Tibetans. Whoever fails to renew his or her RC in due time has to reckon with official warnings and fines.⁹⁹

The CTA actively provides assistance to Tibetans who are experiencing difficulties in obtaining or renewing their RC. The office issues recommendation letters and provides for practical

⁹³ Phayul.com. *Relief for Tibetans in India, RC extension up to 5 years*, 18 April 2012, <http://www.phayul.com/news/article.aspx?id=31252&t=1> (20 February 2013).

⁹⁴ Interviews with relevant Indian authorities in New Delhi, on 5 March 2012, and in Dharamsala, on 12 March 2012.

⁹⁵ The Times of India, *Home ministry revises renewal period of certificate for Tibetans to five years*, 24 August 2012, http://articles.timesofindia.indiatimes.com/2012-08-24/mysore/33365544_1_tibetans-byalakuppe-settlement-camps (20 February 2013). Central Tibetan Administration, India nod to extension of RC for 5 years, 19 April 2012, <http://tibet.net/2012/04/19/india-nod-to-extension-of-rc-for-5-years/> (20 February 2013). Phayul.com. *Relief for Tibetans in India, RC extension up to 5 years*, 18 April 2012, <http://www.phayul.com/news/article.aspx?id=31252&t=1> (20 February 2013).

⁹⁶ Information gathered during a visit to the Tibetan Refugee Reception Centre, New Delhi, on 6 March 2012; Meeting with CTA Department of Security, Dharamsala, on 10 March 2012.

⁹⁷ Meetings with CTA Department of Security, Dharamsala, on 10 March 2012; the Bureau of HH the Dalai Lama, New Delhi, on 6 March 2012; Gu-Chu-Sum, on 9 March 2012, Dharamsala.

⁹⁸ Meeting with Indian authorities, New Delhi, on 5 March 2012, and Dharamsala, on 12 March 2012. Meeting with the Bureau of HH the Dalai Lama, New Delhi, on 6 March 2012.

⁹⁹ Meeting with CTA authorities during a visit to Majnu ka Tilla Settlement, New Delhi, on 6 March 2012. Meeting with Indian authorities, Dharamsala, on 12 March 2012. Meeting with CTA Department of Security, Dharamsala, on 10 March 2012.

assistance.¹⁰⁰ The CTA Department of Security also intervenes in all cases when a Tibetan has problems with the renewal or issuance of his/her RC.¹⁰¹

In New Delhi, an arrangement must be made to set a date online for the issuance/renewal of an RC. Those who are unable to navigate the internet can ask for assistance at the Welfare Office in Majnu ka Tilla.¹⁰² Tibetans living in Kangra District have to register or renew the RC at the police station in Dharamsala. Since February 2011, the police have issued new RCs to Tibetan New Arrivals directly at the TRRC in Dharamsala.¹⁰³

Reliable information on Tibetans who are living in India without being registered by the CTA was not available/could not be found. However, competent Indian authorities whom we met in New Delhi in March 2012 declared that Tibetans who are unable to obtain a recommendation letter from the CTA in order to get an RC can come to them and explain their situation.¹⁰⁴

3.3.3. Indian citizenship

According to the “Indian Citizenship Act” (1955) [the complete act can be found in *Annex B*]:

1. Every person born in India after 26 January 1950 but before 1 July 1987 is eligible to acquire Indian citizenship “by birth”.
2. Every person who has been ordinarily resident (as a foreigner) in India for (at least) 12 years is eligible to acquire citizenship by naturalisation.¹⁰⁵ In the case of naturalisation, the foreigner must have stayed in India 12 months without interruption before the application and resided there at least 11 of the 14 years preceding the period of 12 uninterrupted months of stay in India.¹⁰⁶

In addition to conditions that must be fulfilled by any foreigner who desires to acquire Indian citizenship, according to an oral agreement between the GOI and the CTA, Tibetans must also present a “letter of no objection” issued by the CTA.¹⁰⁷

If Tibetans fulfil the legal conditions prescribed by the Indian national legislation, they are *de jure* entitled to get Indian citizenship. Reliable, up-to-date information on the number of Tibetans who have already acquired Indian citizenship and the number of Tibetans who currently want to acquire it could not be found. Furthermore, all interlocutors met during the FFM in March 2012 agreed that the CTA doesn’t encourage Tibetans to acquire Indian citizenship.¹⁰⁸ However, in September 2012, Sonam Dorjee, a member of the CTA, made declarations in favour of Tibetans acquiring Indian citizenship: “*Once we get voting rights, we can strongly lobby with the Indian government to take up the Tibet issue with China. We want Indian citizenship just like the US and Switzerland provides citizenship in their country. We will be taken seriously by political parties and the ruling government only when we become vote banks.*”¹⁰⁹

¹⁰⁰ Meeting with CTA authorities during a visit to Majnu ka Tilla Settlement, New Delhi, on 6 March 2012.

¹⁰¹ Meeting with CTA Department of Security, Dharamsala, on 12 March 2012.

¹⁰² Meeting with CTA authorities during a visit to Majnu ka Tilla Settlement, New Delhi, on 6 March 2012.

¹⁰³ Information gathered during a visit to the Reception Centre, Dharamsala, India, on 12 March 2012.

¹⁰⁴ Meeting with competent Indian authorities in New Delhi, on 5 March 2012.

¹⁰⁵ Government of India, Ministry of Home Affairs, Foreigners Division, *Extracts from the Citizenship Act 1955*, <http://indiancitizenshiponline.nic.in/citizenshipact1.htm> (20 February 2013).

¹⁰⁶ Government of India, Ministry of Home Affairs, Foreigners Division, “*Citizenship Act 1955*”, http://mha.nic.in/pdfs/ic_act55.pdf <http://censusindia.gov.in/2011-Act&Rules/notifications/CitizenshipAct1955.pdf> (20 February 2013).

¹⁰⁷ Meeting with Department of Security, Dharamsala, on 10 March 2012.

¹⁰⁸ Information gathered during a Joint Fact Finding Mission of the Office of the Commissioner General for Refugees and Stateless Persons (CGGRS/Belgium) and the Federal Office for Migration (FOM/Switzerland) in March 2012.

¹⁰⁹ The Times of India. *Tibetans want Indian citizenship, voting rights*, 28 September 2012, http://articles.timesofindia.indiatimes.com/2012-09-28/india/34147257_1_immolations-tibetan-parliament-chinese-occupation (20 February 2013). Silicon India. *Tibetans Demand Indian Citizenship*, 28 September 2012, <http://www.siliconindia.com/news/general/Tibetans-Demand-Indian-Citizenship-nid-130399-cid-1.html/1/2> (20 February 2013).

A story related to the acquisition of Indian citizenship by a Tibetan hit the news in India in 2010. Namgyal Dolkar was granted Indian citizenship by the Delhi High Court on 22 December 2010 after she contested a refusal by the Ministry of External Affairs to issue her citizen status.¹¹⁰

3.3.4. Deportation and refoulement

Reliable, up-to-date information on the number of Tibetans deported or “refouled” could not be found. Interlocutors met during the FFM in March 2012 agreed that Tibetan exiles in India are currently not at risk of *refoulement* to China. However, the CTA Department of Security mentioned a case of deportation involving a man living in India without an RC. He was arrested on criminal charges and was then taken to the Nepali border and asked to cross.¹¹¹ Indian authorities pointed out that Tibetans are never actually forced to leave India. Instead, they would be left behind at the border area or outside the district frontiers, but not handed over to Chinese authorities.¹¹²

3.4. Access to health services

Figure 7 below presents an account of illnesses affecting Tibetans in exile.

Diseases	Male	Female	Total	%	Tibetan settlements with most number of cases
Lifestyle-related	3,406	3,533	6,939	44.5	Doeguling, Lugsam, Dharamsala, Dhondenling & Dekyiling
Cardio vascular	42	56	98	0.6	Dharamsala, Doeguling, Lugsam, Dekyi Larsoe & Dhargyaling
Blood pressure	1,175	1,147	2,322	14.9	Doeguling, Dhondenling, Lugsam, Dharamsala & Dekyiling
Diabetes	429	268	697	4.5	Doeguling, Lugsam, Dharamsala, Dekyiling & Darjeeling
Liver cirrhosis	289	284	573	3.7	Dharamsala, Doeguling, Dekyiling, Lugsam & Phakshing
Gastric problems	1,471	1,778	3,249	20.8	Doeguling, Lugsam, Dharamsala, Dhondenling & Dhargyaling
Degenerative	691	916	1,607	10.3	Doeguling, Lugsam, Dharamsala, Rabgyaling & Dhondenling
Cancer	37	39	76	0.5	Dharamsala, Lugsam, Dhondenling, Darjeeling & Doeguling
Arthritis	374	571	945	6.1	Doeguling, Rabgyaling, Ladakh, Lugsam & Dharamsala
Asthma	280	306	586	3.8	Doeguling, Dharamsala, Lugsam, Choepheling & Dhondenling
Pathogenic	1,297	1,173	2,470	15.8	Phuntsokling, Dharamsala, Doeguling, Dekyiling & Dhargyaling
Tuberculosis	614	431	1,045	6.7	Dharamsala, Dekyiling, Doeguling, Lugsam & Bir Tib Society
Pneumonia	311	304	615	3.9	Doeguling, Dharamsala, Lugsam, Dekyi Larsoe & Dekyiling
Malaria	237	279	516	3.3	Phuntsokling, Dhargyaling, Choepheling, Phendeling & Puruwala
Typhoid	102	138	240	1.5	Phuntsokling, Dhargyaling, Dhondenling, Dharamsala & Dekyiling
Cholera	33	21	54	0.4	Dharamsala, Phuntsokling, Bir Tib Society, Doeguling & Kullu
Sexually transmitted	536	435	971	6.2	Dharamsala, Doeguling, Lugsam, Dhondenling & Dekyiling
Hepatitis B	454	347	801	5.1	Dharamsala, Lugsam, Dhondenling, Doeguling & Dekyiling
HIV/AIDS	8	11	19	0.1	Phendeling, Doeguling, Boudha, Dharamsala & Kullu
STD	6	2	8	0.1	Doguyugyaling, Rajpur, Dharamsala & Tenzigang
UTI	68	75	143	0.9	Doeguling, Rabyaling, Dharamsala, Ladakh & Choepheling
Others	1,899	1,712	3,611	23.2	Dharamsala, Dekyiling, Doeguling, Lugsam & Kullu
Total	7,829	7,769	15,598	100	

Figure 7: Morbidity and type of illnesses afflicted by Tibetans in exile¹¹³

To deal with these challenges, the CTA's Department of Health provides a variety of general programmes, including an insurance programme and an extensive health infrastructure.

¹¹⁰ Immigration and Refugee Board of Canada. *India: The 22 December 2010 Delhi High Court ruling that Namgyal Dolkar, a Tibetan woman born in India, is entitled to claim Indian citizenship by birth, as per the Citizenship Act*, 14 April 2011, <http://www.unhcr.org/refworld/docid/50b48ebc2.html> (20 February 2013). The Indian Express. *Citizen Namgyal*, 27 January 2011, <http://www.indianexpress.com/news/citizen-namgyal/742388/> (20 February 2013). Tendar Tsering. *Late political prisoner's daughter follows her father's footsteps*. China News centre, 9 January 2012, <http://www.chinamedia.com/news/2012/01/09/late-political-prisoners-daughter-follows-her-fathers-footstep/> (20 February 2013).

¹¹¹ Meetings with CTA Department of Security, Dharamsala, on 10 March 2012, and with competent Indian authorities in New Delhi, March 2012.

¹¹² Meeting with competent Indian authorities in New Delhi, March 2012.

¹¹³ CTA Planning Commission. *Demographic Survey of Tibetans in Exile – 2009, August 2010*, p. 49.

3.4.1. General programmes of the Department of Health

The Department of Health was created in 1981 by the CTA, with the mandate to improve the health of Tibetan refugees through the establishment of medical centres that provide both treatment and preventative services and through the development of “a comprehensive health care system” serving Tibetan exiles in Nepal and Bhutan, as well as India.¹¹⁴ The Health Department based in Dharamsala¹¹⁵ is registered under the Indian Society Registration Act¹¹⁶ as a charitable organisation and is known as the “Tibetan Voluntary Health Association (TVHA)”. The department does not have a fixed budget but depends on fundraising. Donors include such institutions as the American Himalayan Foundation¹¹⁷ and the Tibet Relief Fund.¹¹⁸

The Department of Health also manages programmes¹¹⁹ such as the “Mother and Child Health Program”¹²⁰, the “Disease Control Program”¹²¹ and the “Tibetan Torture Survivors Program”.¹²²

3.4.2. Special programme: Tibetan Medicare System

Currently in the settlements, clinics and hospitals admit Tibetans living in India, whether they have a Green Book or not, as well as Indian citizens. Services at these clinics and hospitals are not generally free. However, they are cheaper than services offered by Indian hospitals, and the poorest people do not have to pay.

On 1 April 2012, the CTA Health Department launched a new programme known as the “Tibetan Medicare System”,¹²³ offering secondary and tertiary health-care coverage aimed at providing “financial assistance to poor Tibetan families as well as to provide proper medical care to those in need of urgent medical attention”.¹²⁴ The system, based on a public-private partnership, aims to provide equitable and comprehensive coverage on a yearly basis to serve the health-care needs of the entire Tibetan exile community. All Tibetans living in India are entitled to enrol. For an annual payment of Rs 3565,¹²⁵ a family of two to five people receives cashless health benefits with a value up to Rs 100,000¹²⁶ (each additional family member costs Rs 713¹²⁷ a year). Individuals pay Rs 950¹²⁸ annually for cashless benefits up to Rs 50,000.¹²⁹ The benefits include costs of hospitalization at selected institutions and prescription medicines

¹¹⁴ Central Tibetan administration official website: <http://tibet.net/> (25 June 2012).

¹¹⁵ Department of Health Central Tibetan Administration Dharamsala – 176215 H.P., India; tel: +91-1892-222718, 223408; fax: +91-1892-222718; e-mail: health@tibet.net, <http://tibet.net/contact/cta-contact/> (25 June 2012).

¹¹⁶ The Societies Registration Act (Act XXI of 1860), 21 May 1860, An Act for the Registration of Literary, Scientific and Charitable Societies, <http://www.usig.org/countryinfo/laws/India/India%20Societies%20Registration%20Act.pdf> (27 June 2012).

¹¹⁷ American Himalayan Foundation official website: <http://www.himalayan-foundation.org/> (27 June 2012).

¹¹⁸ Tibet Relief Fund official website: <http://www.tibetrelieffund.co.uk/> (27 June 2012).

¹¹⁹ For more information on all the CTA Department of Health programmes: <http://tibet.net/health/> (18 February 2013).

¹²⁰ CTA Department of Health. *Mother and Child Health program*, <http://tibet.net/health/programs/mother-and-child-health-program/> (18 February 2013).

Of note, there has been a significant decline in the fertility trend among Tibetans in exile, as the rate fell from 6.3 births per woman in 1987 to 1.7 births on average in 2000. Childs, G., Goldstein, M.C., Jiao, B., Beall, C.M. Tibetan Fertility Transitions in China and South Asia. *Population and Development Review*, 31:2 (2005), 337 – 348.

¹²¹ CTA Department of Health. *Disease Control Program*, <http://tibet.net/health/programs/disease-control-program/> (18 February 2013).

¹²² CTA Department of Health. *Tibetan Torture Survivors Program*, <http://tibet.net/health/programs/tibetan-torture-survivors-program/> (18 February 2013).

¹²³ CTA Department of Health. *Tibetan Medicare System*, <http://tibet.net/health/programs/tibetan-medicare-system-tms/> (18 February 2013). Micro Insurance Academy. *Project Title: Setting up a holistic Tibetan Medicare System for the Tibetan population in India*, <http://www.microinsuranceacademy.org/content/setting-holistic-tibetan-medicare-system-tms-tibetan-population-india> (18 February 2013).

¹²⁴ Tibet.net. *Department of Health Launches Tibetan Medicare System*, 2 April 2012, <http://tibet.net/2012/04/02/departement-of-health-launches-tibetan-medicare-system/> (2 July 2012).

¹²⁵ Approximately 50.5 euros/61.5 CHF

¹²⁶ Approximately 1,417 euros/1,727 CHF

¹²⁷ Approximately 10 euros/12 CHF

¹²⁸ Approximately 13.4 euros/16.4 CHF

¹²⁹ Approximately 708.7 euros/863.8 CHF

purchased up to 30 days after hospital discharge.¹³⁰

3.4.3. General medical infrastructure

Currently, the CTA Department of Health manages 7 hospitals, 4 primary health centres and 31 clinics in refugee settlements across India.¹³¹ A list of the facilities can be found in *Annex C*. The number of health-care resources varies by settlement. For instance, at the Majnu ka Tilla settlement in New Delhi, there is a clinic with two full-time Tibetan nurses and a dental clinic; an Indian doctor visits two days a week.¹³²

Tibetans can also be trained as Tibetan doctors in India. There is a medical school in Dharamsala, the *Tibetan Medical and Astrological Institute*, which has 15 branch offices in India.¹³³ To become a Tibetan doctor, one needs to follow a five-year course of study and then perform a one-year internship. Once the six-year programme is complete,¹³⁴ the student is a qualified Tibetan doctor.¹³⁵

All Tibetan refugees in India own a medical booklet in which their medical history is recorded. Tibetans born in India receive their booklet at birth, and all vaccinations since birth are recorded in it. For Tibetans born in Tibet, the medical booklet is issued at the Reception Centre in Kathmandu.¹³⁶

In 1971, the Tibetan Delek Hospital was established in Dharamsala with the mandate to provide health care to the Tibetan community, as well as the Indian community in the area. The hospital has 45 beds and “provides general medical care with a special focus on Tuberculosis, the single most serious infectious disease that threatens the Tibetan population and new arrivals from Tibet”.¹³⁷ Services at the hospital are not free, but “user fees are kept exceptionally low so that the poor can afford treatment in this hospital.”¹³⁸

3.5. Access to education

The CTA created an Education Department in 1960 with the mandate to “look after the educational affairs of the Tibetan administration and community in exile”.¹³⁹ The CTA Education Department, based in Dharamsala,¹⁴⁰ is registered under the Indian Society Registration Act¹⁴¹ as a charitable organisation with the name Tibetan Children’s Educational and Welfare Fund (TCEWF).¹⁴² The creation of separate schools for the Tibetan community living in India was based on the assumption that it would allow a modern, quality education while preserving the

¹³⁰ CTA, Tibetan Medicare System (TMS): <http://tibet.net/health/programs/tibetan-medicare-system-tms/>

¹³¹ Correspondence from CTA Department of Health, 30 June 2012.

¹³² Interview with several representatives at the Majnu ka Tilla settlement, New Delhi, India, on 6 March 2012.

¹³³ Tibetan Medicine and Astrological Institute official website: <http://www.men-tsee-khang.org/branch/index.htm> (18 February 2013).

¹³⁴ Tibetan Medicine and Astrological Institute. *Medicine Courses*, <http://www.men-tsee-khang.org/college/course/med-course/medcollege.htm#6> (18 February 2013).

¹³⁵ Among others, see: Pietkiewicz, I. *Culture, religion, and ethnomedicine: The Tibetan diaspora in India*. Lanham, Md.: University Press of America, 2008. Probst, A. *Precious Pills: Medicine and social change amongst Tibetan refugees in India*. New York: Berghahn Books, 2008. Also from the Proceedings of the Tenth Seminar of the International Association for Tibetan Studies, Oxford, 2003. *Soundings in Tibetan medicine: Anthropological and historical perspectives*. Leiden: Brill, 2007.

¹³⁶ Interview with a representative of the Health Department, Dharamsala, India, on 12 March 2012.

¹³⁷ Friends of the Delek Hospital official website: <http://www.delekhospital.org/> (25 June 2012).

¹³⁸ Friends of the Delek Hospital official website: <http://www.delekhospital.org/> (25 June 2012).

¹³⁹ Central Tibetan Administration official website: <http://tibet.net/> (25 June 2012).

Bentz, A.-S. *Les réfugiés tibétains en Inde*, Paris: Presses Universitaires de France, 2010, pages 120-128.

¹⁴⁰ Contacts: Department of Education, Central Tibetan Administration, Dharamsala – 176215H.P., India, tel: +91-1892-222572, 222721; fax: +91-1892-223481; e-mail: education@tibet.net; website: <http://sherig.org/>, <http://tibet.net/contact/cta-contact/> (25 June 2012).

¹⁴¹ The Societies Registration Act (Act XXI of 1860), 21 May 1860, An Act for the Registration of Literary, Scientific and Charitable Societies, <http://www.usig.org/countryinfo/laws/India/India%20Societies%20Registration%20Act.pdf> (27 June 2012).

¹⁴² Tibetan Children’s Educational and Welfare Fund (TCEWF) official website: www.tcewf.org/ (25 June 2012).

Tibetan language and culture.¹⁴³ This seems to be a key issue, as studies indicate that a growing number of Tibetans in India face a challenge in preserving their religious identity.¹⁴⁴

The CTA Education Department supervises 73 Tibetan schools in India and Nepal under different autonomous administrative bodies. These schools welcome approximately 24,000 students and employ approximately 2,200 staff. Tibetan schools fall into two categories; on one side, the schools are run by the Indian government (Central Tibetan Schools Administration), and on the other, schools are managed by charitable organisations (such as the Tibetan Children's Villages [hereafter TCV], the Tibetan Homes Foundation [hereafter THF] and the Sambhota Tibetan Schools Society).¹⁴⁵

A list of Tibetan Schools in India can be found in *Annex D*. In addition, in 2000, the Department of Health established a school for children with special needs (Ngoenga School) in Dehradun. The school provides special programmes and a homelike environment for 50 children with a range of disabilities.¹⁴⁶

3.5.1. Schools managed by the Indian government

The Central Tibetan Schools Administration was created in 1961 and is managed by the Ministry of Human Resource Development, GOI. Its objective is to “*establish, manage and assist schools in India for the education of Tibetan Children living in India while preserving and promoting their culture and heritage*”.¹⁴⁷ The administration comprises 71 schools in India, welcoming approximately 10,000 students from pre-primary to class 12. The medium of instruction at primary level is Tibetan, and thereafter English.¹⁴⁸ Children arriving from China are not received in Tibetan schools run by the Indian government. These schools are only for Tibetans born in India.¹⁴⁹ The Indian Ministry of Human Resource Development has agreed to hand over responsibility for Central Tibetan Schools to the CTA by 2014.¹⁵⁰

3.5.2. Schools managed by charitable organisations

Tibetan Children's Villages

The TCV¹⁵¹ is a charitable organisation that manages seven villages (TCV Upper Dharamsala, TCV Lower Dharamsala, TCV Suja/Bir, TCV Gopalpur, TCV Bylakuppe, TCV Ladakh and TCV Patlikuhl). The villages welcome children from 0 to 14 years of age and include accommodations, medical facilities and schools. In March 2012, there were approximately 15,000 children in TCV across India.¹⁵²

¹⁴³ Central Tibetan administration official website: <http://tibet.net/> (25 June 2012). Indeed, a 2008 study showed that teachers have a significant impact in “*shaping students’ understanding of the ethnicity in and for the [Tibetan] minority*” Maslak, M.A. School as a site of Tibetan ethnic identity construction in India? Results from a content analysis of textbooks and Delphi study of teachers’ perceptions. *Educational Review*, 60:1 (2008), 85–106. Furthermore, there are projects that are intended to “*strengthen interest and love for the Tibetan language and culture*” among “*Tibetans born in exile*” Chen, S.T. When “exile” becomes sedentary: On the quotidian experiences of “India-born” Tibetans in Dharamsala, north India. *Asian Ethnicity*, 13:3 (2011), 263–286.

¹⁴⁴ Routray, B.P. Tibetan Refugees in India: Religious Identity and the Forces of Modernity. *Refugee Survey Quarterly*, 26:2 (2007), 79 – 90.

¹⁴⁵ Central Tibetan Administration, official website: <http://tibet.net/education> (25 June 2012). Kharat, R.S. *Tibetan refugees in India*. New Delhi: Kaveri Books, 2003, pages 61 – 62.

¹⁴⁶ Central Tibetan Administration official website: <http://tibet.net/health/>

¹⁴⁷ Central Tibetan Schools Administration official website: www.ctsa.nic.in (27 June 2012).

¹⁴⁸ Central Tibetan Schools Administration official website: www.ctsa.nic.in (27 June 2012).

¹⁴⁹ Interview with Mr. Tsewang Yeshe, President, Tibetan Children's villages, 9 March 2012.

¹⁵⁰ Central Tibetan Administration, *Centre to hand over running of Tibetan schools to govt-in-exile*, 29 June 2012, <http://tibet.net/2012/06/29/centre-to-hand-over-running-of-tibetan-schools-to-govt-in-exile> (18 February 2013). The Tibet Post, *Education Department Takes Over Running of Central School for Tibetans*, 11 July 2012, <http://www.thetibetpost.com/en/news/exile/2695-education-department-takes-over-running-of-central-school-for-tibetans> (18 February 2013). Contact Magazine, *CTA to Take Control of Tibetan Schools Across India*, 24 July 2012, <http://contactmagazine.net/articles/july-2012/cta-take-over-administration-tibetan-schools-across-india/> (18 February 2013).

¹⁵¹ Tibetan Children's Villages official website: <http://www.tcv.org.in/> (27 June 2012).

¹⁵² Tibetan Children's Villages official website: <http://www.tcv.org.in/> (27 June 2012). Information gathered during a visit to Upper Dharamsala TCV, on 9 March 2012.

Images of the infrastructure at the TCV Upper Dharamsala are shown in Figure 8 below.



Figure 8: Photographs taken at the Upper TVC Dharamsala by the FFM Team (own pictures)

The TCV also manages the first Tibetan college (The Dalai Lama Institute for Higher Education) in Bangalore, India.¹⁵³

Tibetan Homes Foundation

The THF¹⁵⁴ is a charitable organisation established in November 1962 in Mussoorie. Its mission is to care for the most vulnerable segment of the Tibetan refugee population – the children, many of whom have lost or been separated from one or both parents or are living in poverty. The foundation also operates a school with a Montessori section for the youngest children and Junior and Senior sections through class 12, where students are exposed to the humanities and sciences, as well as business classes. The school is affiliated with the Central Board of Secondary Education in New Delhi.¹⁵⁵

Sambhota Tibetan Schools Society

The Sambhota Tibetan Schools Society¹⁵⁶ is a charitable organisation that manages 12 schools. Among them is the Sherab Gatsel Lobling School in Dharamsala, where students beyond traditional school age (i.e. older than 18 years) can learn language skills (English as well as Tibetan) and take computer and other vocational classes. Many of these Tibetan refugees have recently moved to India from Tibet, where they were unable to attend school.¹⁵⁷

3.6. Housing

In the settlements, Tibetans have been provided with housing facilities proportionate to the number of persons comprising the household at the time of the establishment of the settlement. Scattered Tibetans living in Indian towns and cities mostly reside in rental houses. Up to 27.5% of Tibetans have a privately owned house, which is defined as “a house for which any of the household members is not paying any rent or the particular house has been distributed by the settlement office or any other authority”.¹⁵⁸ Moreover, as shown in Figure 9 below, in India, 41.4% of Tibetans live in settlement houses, 35.2% live in rented houses and 22.7% live in “staff

¹⁵³ The Dalai Lama Institute for Higher Education, official website, <http://dalailamainstitute.edu.in/>, (3 May 2013)
Official website of the Office of His Holiness the 14th Dalai Lama, *Dalai Lama Inaugurates First Tibetan College In India*, <http://www.dalailama.com/news/post/314-dalai-lama-inaugurates-first-tibetan-college-in-india>, (3 May 2013)

¹⁵⁴ Tibetan Homes Foundation: <http://www.tibhomes.org/> (27 June 2012).

¹⁵⁵ The Department of Education/Tibetan Children's Educational and Welfare Fund (TCEWF), *Tibetan Homes Foundation, Mussoorie*, <http://tibhomes.org/school-education/>, (4 March 2013).

¹⁵⁶ Sambhota Tibetan Schools Society official website: <http://www.sambhota.org/index1.html> (27 June 2012).

¹⁵⁷ Sambhota Tibetan Schools Society, Sherab Gatsel Lobling, Khanyara Road, http://www.sambhota.org/sogar_history.html (27 June 2012).

¹⁵⁸ CTA Planning Commission. Demographic Survey of Tibetans in Exile – 2009, August 2010.

quarters provided by the organisation they work for".¹⁵⁹

Country	Whether the house is privately owned?					If not privately owned, type of house occupied						
	Yes	%	Country	Yes	%	Country	Yes	%	Country	Yes	%	Country
INDIA	5,120	27.5	13,498	72.5	18,618	5,390	41.4	2,960	22.7	4,584	35.2	13,034
NEPAL	599	17.8	2,769	82.2	3,368	745	27.2	170	6.2	1,817	66.5	2,734
BHUTAN	56	22	199	78	255	147	73.9	3	1.5	49	24.6	199
Total	5'775	26	16'466	74	22'241	6'282	39.3	3'133	19.6	6'450	40.4	15'967

Figure 9: Ownership and type of houses occupied by the Tibetan households in India, Nepal and Bhutan¹⁶⁰

Furthermore, as shown in Figure 10 below, in India, 93% of Tibetans have access to tap drinking water, 98% of Tibetan households have an electricity connection and 90% have toilets.

Country	Living rooms in occupation of the households (%)						Drinking water source (%)			Households having water within premises (%)	Households with electricity connection (%)	Households having toilets (%)
	1	2	3	4	>=5	Shared	Tap	Hand Pump	Other			
INDIA	22	29	22	15	12	1	93	2	5	71	98	90
NEPAL	39	31	13	7	8	2	92	1	7	52	91	73
BHUTAN	31	36	15	12	6	0	99	0	1	57	89	97
Total	30	28	18	12	11	1	94	2	5	64	95	86

Figure 10: Living rooms and household amenities available with Tibetan households living in India, Nepal and Bhutan¹⁶¹



Figure 11: Photos of Dharamsala taken by the FFM Team (own pictures).

¹⁵⁹ CTA Planning Commission. Demographic Survey of Tibetans in Exile – 2009, August 2010.

¹⁶⁰ CTA Planning Commission. Demographic Survey of Tibetans in Exile – 2009, August 2010.

¹⁶¹ CTA Planning Commission. Demographic Survey of Tibetans in Exile – 2009, August 2010.



Figure 12: Photo of the Majnu ka Tilla settlement, New Delhi taken by the FFM Team (own pictures).

3.7. Economic opportunities

As shown in Figure 13 below, in India, Tibetans participate in a variety of economic sectors, such as agriculture, education and health services. According to a survey conducted by the CTA Planning Commission in 2009, a total of 3,173 Tibetans have found a livelihood while working for the administration and its allied/affiliated offices. This number amounts to almost 10% of the entire working population of exiles.¹⁶² In general, one can say that “[Tibetans] have successfully emerged from a self-sufficient barter economy into a competitive economy, and have adjusted to the new situation which is a tribute to the Tibetan community in exile”.¹⁶³ However, unemployment and lack of opportunity are important issues as well.¹⁶⁴ According to the CTA survey, more than 17% of the total Tibetan population in India is unemployed¹⁶⁵ or underemployed.¹⁶⁶

Economic Activity of the Main and Marginal Workers										
Country	Cultivator	Sweater Seller	Teacher	CTA/Similar Services	NGO Service	Household Industry	Health Services	Other	Unknown	Total
INDIA	2,337	4,714	2,018	2,993	757	872	1,534	9,603	3,870	28,698
NEPAL	103	35	329	177	121	338	141	1,812	736	3,792
BHUTAN	233	13	5	3	4	75	5	137	100	575
Total	2,673	4,762	2,352	3,173	882	1,285	1,680	11,552	4,706	33,065
%	8.1	14.4	7.1	9.6	2.7	3.9	5.1	34.9	14.2	100

Figure 13: Economic activity of the main and marginal workers¹⁶⁷

¹⁶² CTA Planning Commission, Demographic Survey of Tibetans in Exile – 2009, August 2010.

¹⁶³ Girija Saklani, *The Uprooted Tibetans in India: A sociological study of continuity and change*. New Delhi: Cosmo, 1984, page 216.

¹⁶⁴ Bentz, A.-S.. *Les réfugiés tibétains en Inde*. Paris: Presses Universitaires de France, 2010, pages 150 – 151.

¹⁶⁵ According to the Demographic Survey of Tibetans in Exile, the following definitions were used: *Unemployed* is defined as “the share of the workforce, who are not currently employed in any economically productive activity but are available for work and seeking employment.” It is not clearly defined what *Underemployed* means. However, as the book describes in-depth the phenomenon of marginal workers – that are seasonally employed in the winter sweater business – it is assumed these individuals comprise the *Underemployed*.

¹⁶⁶ Tibet Justice Center. *Tibet's stateless nationals II: Tibetan refugees in India*. September 2011, <http://www.tibetjustice.org/reports/stateless-nationals-ii/stateless-nationals-ii.pdf> (9 March 2013); CTA Planning Commission. Demographic Survey of Tibetans in Exile – 2009, August 2010.

¹⁶⁷ CTA Planning Commission. Demographic Survey of Tibetans in Exile – 2009, August 2010.

Differences can be found in the distributions within the female and male workforces. The survey shows that across all Tibetan communities in India, Nepal and Bhutan, a significantly greater number of females tend to work in the agricultural field, the sweater business and health services. The workforce distribution of Tibetan females is presented below in Figure 14.

Economic Activity of the Main and Marginal Workers (Female)										
Country	Cultivator	Sweater Seller	Teacher	CTA/Similar Services	NGO Service	Household Industry	Health Services	Other	Unknown	Total
INDIA	1,302	2,474	957	767	255	442	840	3,613	1,688	12,338
NEPAL	56	22	140	72	61	133	80	746	403	1,713
BHUTAN	126	6	1	0	1	42	5	69	46	296
Total	1,484	2,502	1,098	839	317	617	925	4,428	2,137	14,347
%	10.3	17.4	7.7	5.8	2.2	4.3	6.4	30.9	14.9	100

Figure 14: Economic activity of main and marginal workers (female) ¹⁶⁸

Males are more likely than females to be employed by the CTA or similar services, as shown in Figure 15.

Economic Activity of the Main and Marginal Workers (Male)										
Country	Cultivator	Sweater Seller	Teacher	CTA/Similar Services	NGO Service	Household Industry	Health Services	Other	Unknown	Total
INDIA	2,337	4,714	2,018	2,993	757	872	1,534	9,603	3,870	28,698
NEPAL	103	35	329	177	121	338	141	1,812	736	3,792
BHUTAN	233	13	5	3	4	75	5	137	100	575
Total	2,673	4,762	2,352	3,173	882	1,285	1,680	11,552	4,706	33,065
%	8.1	14.4	7.1	9.6	2.7	3.9	5.1	34.9	14.2	100

Figure 15: Economic activity of main and marginal workers (male) ¹⁶⁹

For some of the activities listed above, property and land are important requirements. However, in India, Tibetans cannot easily acquire or transfer immovable property. According to Indian Law, “No person being a citizen of Pakistan, Bangladesh, Sri Lanka, Afghanistan, China, Iran, Nepal or Bhutan without prior permission of the Reserve Bank shall acquire or transfer immovable property in India, other than lease, not exceeding five years.”¹⁷⁰ Tibetans who hold a valid RC can obtain permission to acquire property from the Reserve Bank.¹⁷¹

However, this process reportedly requires a lot of time and is burdensome. It is not common for Tibetans to follow this procedure. They more often strike a deal with an Indian citizen, who pays for the property in his/her own name with the informal understanding that the Tibetan shall use it. This procedure does not grant any legal protection to Tibetans. In Dharamsala, most of the land on which Tibetans live and work has apparently been acquired in this manner. Furthermore, because India is governed federally, the laws differ from one state to another. “Himachal Pradesh, for example, which includes Dharamsala and other regions with major Tibetan populations, prohibits ownership of agricultural land by anyone who is not a citizen of

¹⁶⁸ CTA Planning Commission. Demographic Survey of Tibetans in Exile – 2009, August 2010.

¹⁶⁹ CTA Planning Commission. Demographic Survey of Tibetans in Exile – 2009, August 2010.

¹⁷⁰ Article 7, Foreign Exchange Management (Acquisition and transfer of immovable property in India) Regulations, 2000, published in the Official Gazette of Government of India – Extraordinary – Part-II, Section 3, Sub-Section (i) dated 08/05/2000 – G.S.R. No. 407(E), <http://rbidocs.rbi.org.in/rdocs/notification/PDFs/13271.pdf> (28 June 2012).

¹⁷¹ Tibet Justice Center. *Tibet's Stateless Nationals II: Tibetan Refugees in India*, September 2011.

*India and a lawful resident of Himachal Pradesh.*¹⁷²

The economic prosperity of Tibetans in India is sometimes a source of conflict with local Indian communities. According to Anne-Sophie Bentz, the economic prosperity of Tibetan refugees sometimes upsets the local populations, who perceive this success as an injustice.¹⁷³ According to Prof. R. S. Kharat, Himachal Pradesh is the most sensitive region with regard to friction and conflict between Tibetans and the local population. As an example, he describes events that occurred in 1997 and 1998: “*There were continuous conflicts between the Tibetans and the local population particularly in Gaddi and Gujjar districts of Himachal Pradesh. These conflicts were mainly due to the sharing of economic opportunities of livelihood in business, taxi-driving and shop-keeping. Most of the time, local Indians have come in mobs and ransacked Tibetan property; in retaliation, Tibetans have used violent methods and sometimes even killed responsible individuals.*”¹⁷⁴ In Dharamsala (home of His Holiness the Dalai Lama), tourism has an important impact on the relationship between Tibetans and the local population. In fact, the money made from tourism by the Tibetans increases the inequalities between the two communities.¹⁷⁵

3.8. Opportunities for women

As stated in section 3.2. as well as 3.6., women play an important role in Tibetan society.¹⁷⁶ Their past contributions have included major involvement in the uprisings of 1959 when, for example, only women participated in the insurgency in Lhasa on 12 March 1959.¹⁷⁷

In the **political** sphere, there are currently two female Kalons:¹⁷⁸ Dolma Gyari is the head of the Department of Home Affairs, and Dicki Chhoyang represents the Department of Information and International Relations.¹⁷⁹

In the **civil society** field, one of the biggest NGOs is the Tibetan Women’s Association. The key activities of the group, according to its website, are “*supporting women in Tibet*”, “*working for women’s empowerment*”, “*supporting women [...] through studies fellowship*”, “*rigorously campaigning for issues and injustice affecting the lives of [Tibetan] women*” and producing “*regular research and media*”.¹⁸⁰ The NGO has regional branches all over India as well as in Australia, Canada, Japan, England, Denmark, Italy, Nepal, Switzerland, the United States and Taiwan.¹⁸¹

In the field of **health**, Tibetan women have access to the Mother and Child Health Program, offered by the CTA’s Department of Health. This programme supports mothers and their children. It offers free immunisations and also free distribution of traditional Tibetan medicines. Furthermore, it provides expansive reproductive health-care services that are sensitive to cultural norms and available “*to all the Tibetan refugees of reproductive age*”.¹⁸²

Very little information is available on the subject of **violence against women**, and very few cases are publicly reported. One case that was publicised in July 2011 involved a Tibetan woman who “*was assaulted, beaten and paraded naked in a public space by other Tibetans for*

¹⁷² Tibet Justice Center, *Tibet’s Stateless Nationals II: Tibetan Refugees in India*, September 2011.

¹⁷³ Bentz, A-S. *Les réfugiés tibétains en Inde*. Paris: Presses Universitaires de France, 2011, pages 211-216.

¹⁷⁴ Kharat, R.S. *Tibetan refugees in India*. New Delhi: Kaveri Books, 2003, pages 86 – 88.

¹⁷⁵ Bentz, A-S. *Les réfugiés tibétains en Inde*. Paris: Presses Universitaires de France, 2011, pages 211-216.

¹⁷⁶ Bentz, A-S. *Les réfugiés tibétains en Inde*. Paris: Presses Universitaires de France, 2011, pages 156–158 and 162–166.

¹⁷⁷ Tibetan Women’s Association (2009). *Breaking the Shackles: 50 Years of Tibetan Women’s Struggle*. http://tibetanwomen.org/wp-content/uploads/2011/09/Breaking_the_Shackles_Chapter_One.pdf (22 February 2013)

¹⁷⁸ Refer to 4.2. for an explanation.

¹⁷⁹ CTA, *Present Kalons*. <http://tibet.net/about-cta/executive/about-us/present-kalons/> (21 February 2013).

¹⁸⁰ Tibetan Women’s Association, *Our Aims and Objectives*. <http://tibetanwomen.org/aims-objectives/> (22 February 2013).

¹⁸¹ Tibetan Women’s Association, *Regional Branches*. http://www.tibetanwomen.org/about/regional_branches/ (22 February 2013).

¹⁸² CTA, *Mother & Child Health Program*. <http://tibet.net/health/programs/mother-and-child-health-program/>, (22 February 2013).

allegedly having an affair with a married man".¹⁸³

In the **education** sector, opportunities beyond those provided by the CTA are available. The Tibetan Women's Association, for instance, has held leadership training, enabling Tibetan women to gain more confidence in those roles or to obtain such positions.¹⁸⁴ Additionally, this organisation sponsors a "studies fellowship" programme that provides "*the required financial impetus*" for Tibetan women to study at advanced levels and is available for all Tibetans, including those in Nepal.¹⁸⁵ Under the title of Women's Empowerment, there are also opportunities to take part in gender sensitisation and domestic violence training, a leadership programme for nuns and democracy training.¹⁸⁶

4. Travel documents for Tibetans issued by Indian authorities

4.1. Identity Certificate (IC)

Tibetans living in India who intend to travel internationally must apply for an Identity Certificate (hereafter IC; also called "Yellow Book"), which serves as a kind of passport. As stated on the official website of the Indian Ministry of External Affairs,¹⁸⁷ an "*Identity Certificate (IC) is normally issued to Tibetan Refugees residing in India, from the Regional Passport Office, Delhi (RPO Delhi) on recommendation by the Bureau of His Holiness the Dalai Lama (HHDL), New Delhi*".

The IC is valid for a period of 10 years and can be renewed or extended in Indian foreign missions.¹⁸⁸ It is now also possible to apply for an IC online.¹⁸⁹ The online application procedure is explained on the official website of the CTA¹⁹⁰ (see *Annex F*). Tibetans desiring to acquire an IC must submit the application form with all required supporting documents to the Bureau of His Holiness the Dalai Lama in New Delhi, which then forwards the application to the Indian Regional Passport Office in New Delhi.¹⁹¹ A list of the required supporting documents can be found in *Annex G*.

Once the Indian Regional Passport Office receives the application, it must obtain a clearance from the Ministry of External Affairs. According to the ministry's official website, the clearance is issued by the "*Consular, Passport and Visa (CPV) PV-III division*".¹⁹²

In October 2012, the rates for acquiring an IC (issuance of a fresh IC; issuance of a fresh IC after the validity has expired; issuance of an additional booklet; issuance of an IC to replace a lost/damaged certificate, etc.) were adjusted owing to a revision in the passport service fees by

¹⁸³ Tibetan Political Review (2011). *A change from within: Addressing gender-based violence*. <http://www.tibetanpoliticalreview.org/articles/achangefromwithinaddressinggenger-basedviolence> (22 February 2013)

¹⁸⁴ Tibetan Women's Association, *Advanced Tibetan Women's leadership training*. <http://tibetanwomen.org/2012/11/3rd-advanced-tibetan-womens-leadership-training/> (22 February 2013).

¹⁸⁵ Tibetan Women's Association, *Studies Fellowship*. <http://tibetanwomen.org/studies-fellowship/> (22 February 2013).

¹⁸⁶ Tibetan Women's Association, *Women's Empowerment*. <http://tibetanwomen.org/womens-empowerment/> (22 February 2013).

¹⁸⁷ Ministry of External Affairs, Government of India, Consular, Passport & Visa Division, Passport Seva, *Identity Certificate* <http://www.passportindia.gov.in/AppOnlineProject/online/faqlIdentityCertificate> (22 February 2013).

¹⁸⁸ Bureau of His Holiness the Dalai Lama official website, *Identity Certificate (IC) Information*, http://www.tibetbureau.in/index.php?option=com_content&view=article&id=22&Itemid=11 (22 February 2013).

¹⁸⁹ Ministry of External Affairs, Government of India, Consular, Passport & Visa Division, Passport Seva, *Identity Certificate* <http://www.passportindia.gov.in/AppOnlineProject/online/faqlIdentityCertificate> (22 February 2013).

¹⁹⁰ CTA website, *IC-Form-Submission-Instruction*, <http://tibet.net/wp-content/uploads/2013/02/IC-Form-Submission-Instruction1.pdf>, (22 February 2013).

¹⁹¹ Bureau of His Holiness the Dalai Lama official website, *Identity Certificate (IC) Information*, http://www.tibetbureau.in/index.php?option=com_content&view=article&id=22&Itemid=11 (22 February 2013).

¹⁹² Ministry of External Affairs, Government of India, Consular, Passport & Visa Division, Passport Seva, *Identity Certificate* <http://www.passportindia.gov.in/AppOnlineProject/online/faqlIdentityCertificate> (22 February 2013).

the GOI. *“The revised rates are as follows:*

1. *Issue of fresh Identity Certificates – Rs. 1,100.00*
2. *Issue of additional booklet – Rs. 1,100.00*
3. *Renewal of expired IC (or) soon to be expired IC – Rs. 1,100.00*
4. *Issue of IC for the lost and damaged case – Rs. 2,100.00.”*¹⁹³

The IC allows the holder to travel internationally. However, re-entry to India must be ensured before leaving the country; therefore, the “No Objection to Return to India” (hereafter NORI) stamp (described below) is essential.

4.1.1. No Objection to Return to India (NORI) stamp.

If Tibetans intend to stay abroad for less than 15 days, they need to acquire NORI permission from the FRRO State Government prior to departure. If they intend to stay abroad more than two weeks, they will also need an “exit permission”. As stated on the Indian Bureau of Immigration website, Tibetans and Tibetan refugees who leave India and travel abroad without an IC or NORI permission from the appropriate FRRO/State Government office “*cease to be eligible for Temporary Refugee/Long Term Stay Status in India*”.¹⁹⁴ As stated on the Ministry of External Affairs official website, “*Clearance by State Government (Department of Home Affairs / Police) / FRRO is also required for grant of No Objection to Return to India (NORI) to be stamped on the Identity Certificate*”.¹⁹⁵ For more information on the application procedure, required supporting documents and rates, see Annex G.

¹⁹³ CTA website. *Announcement: I.C. Fee Increased*, 12 October 2012, <http://tibet.net/2012/10/12/announcement-i-c-fee-increased/> (22 February 2013).

¹⁹⁴ Bureau of Immigration, “*Instructions pertaining Tibetan nationals in India*” http://www.immigrationindia.nic.in/Instr_Tibetans2.htm (22 February 2013).

¹⁹⁵ Ministry of External Affairs, Government of India, Consular, Passport & Visa Division, Passport Seva, *Identity Certificate*, <http://www.passportindia.gov.in/AppOnlineProject/online/faqlIdentityCertificate> (22 February 2013).

Annexes

A: Status of Tibetan in India

Information posted on the official website of the Official Indian Bureau of Immigration concerning the status of Tibetans in India.¹⁹⁶

Information Pertaining Tibetan Nationals

Note: no mention of Exit Permit requirement

Status of Tibetan in India:

Tibetans who entered India upto 1959 will be entitled to rehabilitation benefits as **temporary refugees** in India.

Children born till 1987 to Tibetans who entered India up to 1959 will also be entitled to rehabilitation benefits as **temporary refugees** in India.

Tibetans who **arrived in India till 30th May 2003** but after 1959 are classified in a separate category of **Long Term Stay** and issued Registration Certificates by FRROs/FROs.

Tibetans Entry Process:

Tibetans can enter India after 30.10.2002 on Special **Entry Permits (SEP)** issued by embassy of India Kathmandu.

Tibetans shall be permitted to enter India ONLY through the designated check-post at **Sonauli** in Uttar Pradesh and **Raxual** in Bihar with a Special Entry Permit (SEP) issued by the competent authority.

Further they may ensure that proper immigration stamp of entry is affixed on the SEP by the immigration authorities of the check post. All Tibetans are required to report about their arrival at TRC, Delhi or TRC, Dharamshala as the case may be.

Registration of Tibetan Refugee /National in India:

1. Tibetan entering on SEPs:

All Tibetans, including children, arriving in India under the Special Entry Permit (SEP) scheme should report to the local FRRO/FRO having jurisdiction of the area within 14 days of thier arrival in India for registration, irrespective of their purpose of visit and validity of SEP for registration alongwith the following documents: -

1. Valid Special Entry Permit with proper immigration stamp of entry of the check post,
2. Residential proof,
3. Recommendation letter from Tibetan Reception Centre/Tibetan Settlement Officer/CTA or any other authority so designated by the Central Government,
4. Valid bona fide certificate from a recognized Institute/School/University in case the puprpose of visit to India is "**Education**".

¹⁹⁶ Government of India, *Information Pertaining Tibetan Nationals.*
http://www.immigrationindia.nic.in/Instr_Tibetans2.htm
 (23 February 2013)

2. Tibetan born in India:

Registration Certificate for Tibetan children born in India may be obtain from the concerned FRRO/FRO on production of the following documents: -

1. Birth certificates issued by Tibetan Welfare Officer/Tibetan Settlement Officer issued till 1st Jan 2003
2. Birth Certificate issued after 1st Jan 2003 by the competent authority under the Registration of Births.
3. Registration Certificate of both the parents.
4. Proof of residence.
5. Letter from TSO (Tibetan Settlement Officer)

3. Tibetan entering India for education purpose:

Tibetans entering India, on SEP, for the purpose of education are issued Registration Certificates for the duration of the course or one year, whichever is earlier.

4. No request for change in purpose specified in SEP is entertained.

Tibetans coming to India for the purpose of education are allowed extension of stay by the concerned FRRO/FRO on year-to-year basis on production of the proof of registration, (ii) residential proof and (iii) bona-fide certificate from the recognized/approved educational institution in India.

5. Tibetans entering India for pilgrimage purposes:

Tibetans entering India, on SEP valid for one month are given Registration Certificate by the concerned FRROs/FROs for the duration of the SEP. No request for change in purpose of stay will be entertained.

6. Tibetans entering India for other purposes:

Tibetans entering India, on SEP, for other purposes are given Registration Certificates for a period up to six months only.

Procedure for tibetan refugees/Tibetans intending to visit abroad:

They are required to obtain No Objection to Return to India (NORI) permission from the FRRO State Government if the intended visit abroad requires absence from India for a period less than 15 days. For more than 2 weeks, they would require to take exit permission.

Tibetan Refugees/Nationals may approach the concerned FRROs/FROs office and obtain an exit permit/NORI with the following documents: -

1. Duly filled Application Form,
2. One photograph,
3. Copy of Registration Book,
4. Copy of Identity Certificate,
5. Recommendation Letter from CTA or any other authority so designated by the Central Government,
6. Address proof and police report

Tibetans Refugees/Tibetans who visit abroad on any travel document other than Identity Certificate as also without obtaining NORI from the FRRO/State Government concerned would cease to be eligible for Temporary Refugee/Long Term Stay Status in India.

Miscellaneous:

Tibetans who enter Dharamshala on the SEPs may also visit other parts of the country. However, if he remains absent from the registered address for a continuous period of eight weeks or more or if he is changing his registered address, or if he is finally departing from India he shall inform the Registration Officer of his intention to leave either temporarily or permanently the jurisdiction of the Registration Officer and the Registration Officer shall stamp the same in his RC. He is also required to report to the concerned FRRO/FRO on arrival at the intended destination. Prior intimation in this regard shall be given by FRO, Dharamshala.

Extension of RC/RP:

The Registration Certificate in respect of all Tibetan Refugees/Tibetans staying in India on long term basis are renewed annually by the concerned FRROs/FROs.

All Tibetans (Except physically challenged) should personally present their request for extension of stay with all the requisite documents to the concerned FRRO/FRO.

Extension of Stay.

Tibetan refugees holding valid registration certificates (RC) can obtain extension of stay for 1 year on production of the following documents:

1. Visa Extension Form with one photo pasted on the form.
2. Copy of valid and notarised Lease/Rent agreement Or copy of C-form from the Hotel or copy of recent electricity / telephone bill along with the letter from the landlord, towards proof of residence.
3. Registration Certificate book in original.

Fee:

No fee is charged for extension of Residential Certificate/Residential Permit. However, penal action is taken for non-registration within the stipulated time-frame of 14 days **(under Rule 6(1) & 7 (a) of the Registration of Foreigners Rules, 1992)** and non-extension of RCs **(Under Section 14(a) of the Foreigners Act, 1946)**.

B: List of Tibetan Settlements in India¹⁹⁷

N O R T H

1. Bir Nangchen Division, Bir Chauntra, Himachal Pradesh
2. Bir Dege, Bir, Himachal Pradesh
3. Bir Tibetan Society, Bir, Himachal Pradesh
4. Dekyiling, Sahastradhara, DDun, Uttarakhand (UK)
5. Dharamsala, Himachal Pradesh
6. Dhondupling, Clementown, Uttarakhand (UK)
7. Doegu-Youlgyelling, Herbertpur, Uttarakhand (UK)
8. Gapa Tibetan Society, Kumrao, Himachal Pradesh
9. Kham Khatok, Sataun, Himachal Pradesh
10. Lingsang, Munduwala, Uttarakhand (UK)
11. Palrabling, Kullu-Manali, Himachal Pradesh
12. Paonta Choelsum, Paonta Sahib, Himachal Pradesh
13. Phuntsokling, Dalhousie, Himachal Pradesh
14. Sakya Tibetan Society, Puruwala, Himachal Pradesh
15. Samyeling, Majnu-ka-tilla, Delhi
16. Sonamling, Ladakh, Jammu & Kashmir
17. Tashijong, Bir, Himachal Pradesh
18. Tashiling Tibetan Camp, Pandoh, Himachal Pradesh
19. Tibetan Bonpo Foundation, Dolanji, Himachal Pradesh
20. Yangchen Gatselling, Shimla, Himachal Pradesh

N O R T H - E A S T

21. Bomdila, Arunachal Pradesh
22. Choephelling, Miao, Arunachal Pradesh
23. Darjeeling, West Bengal
24. Dhargyeling, Tezu, (Tuting included) Arunachal Pradesh
25. Gangtok, Sikkim
26. Kalimpong, West Bengal
27. Kunphenling, Ravangla, Sikkim
28. Shillong, Meghalaya
29. Tashiling, Sonada, West Bengal
30. Tenzingang, Bomdila, Arunachal Pradesh

C E N T R A L

31. Norgayling, Bandhara, Maharashtra
32. Phendeling, Mainpat, Chattisgarh
33. Phuntsokling, Gajapati, Orissa

S O U T H

34. Dhondenling, Kollegal, Karnataka State
35. Dickyi Larsoe, Bylakuppe, Karnataka State
36. Doeguling, Mundgod, Karnataka State
37. Lugsung Samdupling, Bylakuppe, Karnataka State
38. Rabgayling, Hunsur, Karnataka State

¹⁹⁷ CTA Department of Home, official website, *Tibetan Refugee Settlements India*, <http://www.centraltibetanreliefcommittee.org/settlements/india/settlements-in-india.html>, (24 May 2013).

C: Citizenship Act, 1995

Citizenship Act, 1955 (No. 57 of 1955) ¹⁹⁸

An Act to provide for the acquisition and determination of Indian citizenship.

Be it enacted by Parliament in the Sixth Year of the Republic of India as follows:

1.1.1 1. Short title

This Act may be called the Citizenship Act, 1955.

1.1.2 2. Interpretation

(1) In this Act, unless the context otherwise requires,

(a) "a Government in India" means the Central Government or a State Government;

(b) "citizen", in relation to a country specified in the First Schedule, means a person who under the citizenship or nationality law for the time being in force in that country, is a citizen or national of that country;

(c) "citizenship or nationality law", in relation to a country specified in the First Schedule, means an enactment of the legislature of that country which, at the request of the Government of that country, the Central Government may, by notification in the Official Gazette, have declared to be an enactment making provision for the citizenship or nationality of that country:

Provided that no such notification shall be issued in relation to the Union of South Africa except with the previous approval of both Houses of Parliament;

(d) "Indian consulate" means the office of any Consular Officer of the Government of India where a register of births is kept or where there is no such office, such office as may be prescribed;

(e) "minor" means a person who has not attained the age of eighteen years;

(f) "person" does not include any company or association or body of individuals, whether incorporated or not;

(g) "prescribed" means prescribed by rules made under this Act;

(h) "undivided India" means India as defined in the Government of India Act, 1935, as originally enacted.

(2) For the purposes of this Act, a person born aboard a registered ship or aircraft, or aboard an unregistered ship or aircraft of the Government of any country, shall be deemed to have been born in the place in which the ship or aircraft was registered or, as the case may be, in that country.

(3) Any reference in this Act to the status or description of the father of a person at the time of that person's birth shall, in relation to a person born after the death of his father, be construed as a reference to the status or description of the father at the time of the father's death; and where that death occurred before, and the birth occurs after the commencement of this Act, the status or description which would have been applicable to the father had he died after the commencement of this Act shall be deemed to be the status or description applicable to him at the time of his death.

(4) For the purposes of this Act, a person shall be deemed to be of full age if he is not a minor and of full capacity if he is not of unsound mind.

1.1.3 Acquisition of Citizenship

1.1.4 3. Citizenship by birth

[1 Except as provided in sub-section (2), every person born in India, -

(a) on or after the 26th day of January, 1950, but before the commencement of the Citizenship (Amendment) Act, 1986;

(b) on or after such commencement and either of whose parents is a citizen of India at the time of his birth, shall be a citizen of India by birth.]

(2) A person shall not be such a citizen by virtue of this Section if at the time of his birth -

¹⁹⁸ Government of India, Citizenship Act, 1955 (No. 57 of 1955), 30 December 1955, http://www.refworld.org/cgi-bin/texis/vtx/rwmain?docid=3ae6b57b8#_ftn2, (25 February 2013).

- (a) his father possesses such immunity from suits and legal process as is accorded to an envoy of a foreign sovereign power accredited to the President of India and is not a citizen of India; or
- (b) his father is an enemy alien and the birth occurs in a place then under occupation by the enemy.

1.1.5 4. Citizenship by descent

[2][A person born outside India, -

- (a) on or after the 26th January, 1950, but before the commencement of the Citizenship (Amendment) Act, 1992, shall be a citizen of India by descent if his father is a citizen of India at the time of his birth; or
- (b) on or after such commencement, shall be a citizen of India by descent if either of his parents is a citizen of India at the time of his birth.]

Provided that if the father of such a person [3][referred to in clause (a)] was a citizen of India by descent only, that person shall not be a citizen of India by virtue of this Section unless

- (a) his birth is registered at an Indian consulate within one year of its occurrence or the commencement of this Act, whichever is later, or, with the permission of the Central Government, after the expiry of the said period; or
- (b) his father is, at the time of his birth, in service under a Government in India,

[4]Provided further that if either of the parents of such a person referred to in clause (b) of Citizenship Amendment Act, 1992 was a citizen of India by descent only, that person shall, not be a citizen of India by virtue of this section, unless -

- (a) his birth is registered at an Indian consulate within one year of its occurrence or the commencement of this Act, whichever is later, or, with the permission of the Central Government, after the expiry of the said period; or
- (b) either of his parents is, at the time of his birth, in service under a Government in India.]

(2) If the Central Government so directs, a birth shall be deemed for the purposes of this Section to have been registered with its permission, notwithstanding that its permission was not obtained before the registration.

(3) For the purposes of the proviso to sub-section (1), [5][any person] born outside undivided India who was, or was deemed to be, a citizen of India at the commencement of the Constitution shall be deemed to be a citizen of India by descent only.

1.1.6 5. Citizenship by registration

(1) Subject to the provisions of this Section and such conditions and restrictions as may be prescribed, the prescribed authority may, on application made in this behalf, register as a citizen of India any person who is not already such citizen by virtue of the Constitution or by virtue of any of the other provisions of this Act and belongs to any of the following categories:

(a) persons of Indian origin who are ordinarily resident in India and have been resident for [[6]five years] immediately before making an application for registration;

(b) persons of Indian origin who are ordinarily resident in any country or place outside undivided India;

[7][(c) persons who are, or have been, married to citizens of India] and are ordinarily resident in India and have been so resident for five years immediately before making an application for registration;

(d) minor children of persons who are citizens of India; and

(e) persons of full age and capacity who are citizens of a country' specified in the First Schedule.:

Provided that in prescribing the conditions and restrictions subject to which persons of any such country may be registered as citizens of India under this clause, the Central Government shall have due regard to the conditions subject to which citizens of India may, by law or practice of that country, become citizens of that country by registration.

Explanation. - For the purposes of this sub-section, a person shall be deemed to be of Indian origin if he, or either of his parents, [8][xx] was born in undivided India.

(2) No person being of full age shall be registered as a citizen of India under sub-section (1) until he has taken the oath of allegiance in the form specified in the Second Schedule.

(3) No person who has renounced, or has been deprived of, his Indian citizenship, or whose Indian citizenship has terminated, under this Act shall be registered as a citizen of India under sub-section (1) except by order of the Central Government.

(4) The Central Government may, if satisfied that there are special circumstances justifying such registration, cause any minor to be registered as a citizen of India.

(5) A person registered under this Section shall be a citizen of India by registration as from the date on which he is so registered; and a person registered under the provisions of clause (b) (ii) of Article 6 or Article 8 of the Constitution

shall be deemed to be a citizen of India by registration as from the commencement of the Constitution or the date on which he was so registered, whichever may be later.

1.1.7 6. Citizenship by naturalisation

(1) Where an application is made in the prescribed manner by any person of full age and capacity who is not a citizen of a country specified in the First Schedule for the grant of a certificate of naturalisation to him, the Central Government may, if satisfied that the applicant is qualified for naturalisation under the provisions of the Third Schedule, grant to him a certificate of naturalisation:

Provided that, if in the opinion of the Central Government, the applicant is a person who has rendered distinguished service to the cause of science, philosophy, art, literature, world peace or human progress generally, it may waive all or any of the conditions specified in the Third Schedule.

(2) The person to whom a certificate of naturalisation is granted under sub-section (1) shall, on taking the oath of allegiance in the form specified in the Second Schedule, be a citizen of India by naturalisation as from the date on which that certificate is granted.

1.1.8 [9][6A] Special provisions as to citizenship of persons covered by the Assam Accord

(1) For the purposes of this section -

(a) "Assam" means the territories included in the State of Assam immediately before the commencement of the Citizenship (Amendment) Act, 1985;

(b) "detected to be a foreigner" means detected to be a foreigner in accordance with the provisions of the Foreigners Act, 1946 (31 of 1946) and the Foreigners (Tribunals) Order, 1964 by a Tribunal constituted under the said Order;

(c) "specified territory" means the territories included in Bangladesh immediately before the commencement of the Citizenship (Amendment) Act, 1985;

(d) a person shall be deemed to be of Indian origin, if he, or either of his parents or any of his grandparents was born in undivided India;

(e) a person shall be deemed to have been detected to be a foreigner on the date on which a Tribunal constituted under the Foreigners (Tribunals) Order, 1964 submits its opinion to the effect that he is a foreigner to the officer or authority concerned.

(2) Subject to the provisions of sub-section (6) and (7), all persons of Indian origin who came before the 1st day of January, 1966 to Assam from the specified territory (including such of those whose names were included in the electoral rolls used for the purposes of the General Election to the House of the People held in 1967) and who have been ordinarily resident in Assam since the dates of their entry into Assam shall be deemed to be citizens of India as from the 1st day of January, 1966.

(3) Subject to the provisions of sub-sections (6) and (7), every person of Indian origin who -

(a) came to Assam on or after the 1st day of January, 1966 but before the 25th day of March, 1971 from the specified territory; and

(b) has, since the date of his entry into Assam, been ordinarily resident in Assam; and

(c) has been detected to be a foreigner;

shall register himself in accordance with the rules made by the Central Government in this behalf under section 18 with such authority (hereafter in this sub-section referred to as the registering authority) as may be specified in such rules and if his name is included in any electoral roll for any Assembly or Parliamentary constituency in force on the date of such detection, his name shall be deleted therefrom.

Explanation. - In the case of every person seeking registration under this sub-section, the opinion of the Tribunal constituted under the Foreigners (Tribunals) Order, 1964 holding such person to be a foreigner, shall be deemed to be sufficient proof of the requirement under clause (c) of this sub-section and if any question arises as to whether such person complies with any other requirement under this sub-section, the registering authority shall, -

(i) if such opinion contains a finding with respect to such other requirement, decide the question in conformity with such finding;

(ii) if such opinion does not contain a finding with respect to such other requirement, refer the question to a Tribunal constituted under the said Order having jurisdiction in accordance with such rules as the Central Government may make in this behalf under section 18 and decide the question in conformity with the opinion received on such reference.

(4) A person registered under sub-section (3) shall have, as from the date on which he has been detected to be a foreigner and till the expiry of a period of ten years from that date, the same rights and obligations as a citizen of

India (including the right to obtain a passport under the Passports Act, 1967 (15 of 1967) and the obligations connected therewith), but shall not be entitled to have his name included in any electoral roll for any Assembly or Parliamentary constituency at any time before the expiry of the said period of ten years.

(5) A person registered under sub-section (3) shall be deemed to be a citizen of India for all purposes as from the date of expiry of a period of ten years from the date on which he has been detected to be a foreigner.

(6) Without prejudice to the provisions of section 8, -

(a) if any person referred to in sub-section (2) submits in the prescribed manner and form and to the prescribed authority within sixty days from the date of commencement of the Citizenship (Amendment) Act, 1985, for a declaration that he does not wish to be a citizen of India, such person shall not be deemed to have become a citizen of India under that sub-section;

(b) if any person referred to in sub-section (3) submits in the prescribed manner and form and to the prescribed authority within sixty days from the date of commencement of the Citizenship (Amendment) Act, 1985 for year or from the date on which he has been detected to be a foreigner, whichever is later, a declaration that he does not wish to be governed by the provisions of that sub-section and subsections (4) and (5), it shall not be necessary for such person to register himself under sub-section (3).

Explanation. - Where a person required to file a declaration under this sub-section does not have the capacity to enter into a contract, such declaration may be filed on his behalf by any person competent under the law, for the time being in force to act on his behalf.

(7) Nothing in sub-sections (2) to (6) shall apply in relation to any person -

(a) who, immediately before the commencement of the Citizenship (Amendment) Act, 1985, is a citizen of India;

(b) who was expelled from India before the commencement of the Citizenship (Amendment) Act, 1985, for year under the Foreigners Act, 1946, (31 of 1946).

(8) Save as otherwise expressly provided in this section, the provisions of this section shall have effect notwithstanding anything contained in any other law for the time being in force.]

1.1.9 7. Citizenship by incorporation of territory

If any territory becomes a part of India, the Central Government may, by order notified in the Official Gazette, specify the persons who shall be citizens of India by reason of their connection with that territory; and those persons shall be citizens of India as from the date to be specified in the order.

1.1.10 Termination Of Citizenship

1.1.11 8. Renunciation of citizenship

(1) If any citizen of India of full age and capacity, who is also a citizen or national of another country, makes in the prescribed manner a declaration renouncing his Indian citizenship, the declaration shall be registered by the prescribed authority; and, upon such registration, that person shall cease to be a citizen of India:

Provided that if any such declaration is made during any war in which India may be engaged, registration thereof shall be withheld until the Central Government otherwise directs.

(2) Where [[10]a person] ceases to be a citizen of India under subsection (1), every minor child of that person shall thereupon cease to be a citizen of India:

Provided that any such child may, within one year after attaining full age, make a declaration that he wishes to resume Indian citizenship and shall thereupon again become a citizen of India.

(3) For the purposes of this section, any woman who is, or has been, married shall be deemed to be of full age.

1.1.12 9. Termination of citizenship

(1) Any citizen of India who by naturalisation, registration or otherwise voluntarily acquires, or has at any time between the 26th January, 1950 and the commencement of this Act voluntarily acquired, the citizenship of another country shall, upon such acquisition or, as the case may be, such commencement, cease to be a citizen of India: Provided that nothing in this sub-section shall apply to a citizen of India who, during any war in which India may be engaged, voluntarily acquires the citizenship of another country, until the Central Government otherwise directs.

(2) If any question arises as to whether, when or how any person has acquired the citizenship of another country, it shall be determined by such authority, in such manner, and having regard to such rules of evidence, as may be prescribed in this behalf.

1.1.13 10. Deprivation of citizenship

(1) A citizen of India who is such by naturalisation or by virtue only of clause (c) of Article 5 of the Constitution or by registration otherwise than under clause (b) (ii) of Article 6 of the Constitution or clause (a) of sub-section (1) of Section 5 of this Act, shall cease to be a citizen of India, if he is deprived of that citizenship by an order of the Central Government under this section.

(2) Subject to the provisions of this section, the Central Government may, by order, deprive any such citizen of Indian citizenship, if it is satisfied that

(a) the registration or certificate of naturalisation was obtained by means of fraud, false representation or the concealment of any material fact; or

(b) that citizen has shown himself by act or speech to be disloyal or disaffected towards the Constitution of India as by law established; or

(c) that citizen has, during any war in which India may be engaged unlawfully traded or communicated with an enemy or been engaged in, or associated with, any business that was to his knowledge carried on in such manner as to assist an enemy in that war; or

(d) that citizen has, within five years after registration or naturalisation, been sentenced in any country to imprisonment for a term of not less than two years; or

(e) that citizen has been ordinarily resident out of India for a continuous period of seven years, and during that period, has neither been at any time a student of any educational institution in a country outside India or in the service of a Government in India or of an international organisation of which India is a member, nor registered annually in the prescribed manner at an Indian consulate his intention to retain his citizenship of India.

(3) The Central Government shall not deprive a person of citizenship under this section unless it is satisfied that it is not conducive to the public good that the person should continue to be a citizen of India.

(4) Before making an order under this section, the Central Government shall give the person against whom the order is proposed to be made notice in writing informing him of the ground on which it is proposed to be made, and, if the order is proposed to be made on any of the grounds specified in sub-section (2) other than clause (e) thereof, of his right, upon making application therefor in the prescribed manner, to have his case referred to a committee of inquiry under this section.

(5) If the order is proposed to be made against a person on any of the grounds specified in sub-section (2) other than clause (e) thereof and that person so applies in the prescribed manner, the Central Government shall, and in any other case it may, refer the case to a Committee of Inquiry consisting of a chairman (being a person who has for at least ten years held a judicial office) and two other members appointed by the Central Government in this behalf.

(6) The Committee of Inquiry shall, on such reference, hold the inquiry in such manner as may be prescribed and submit its report to the Central Government; and the Central Government shall ordinarily be guided by such report in making an order under this section.

1.1.14 Supplemental

1.1.15 11. Commonwealth citizenship

Every person who is a citizen of a Commonwealth country specified in the First Schedule shall, by virtue of that citizenship, have the status of a Commonwealth citizen in India.

1.1.16 12. Power to confer rights of Indian citizen or citizens of certain countries

(1) The Central Government may, by order notified in the Official Gazette, make provisions on a basis of reciprocity for the conferment of all or any of the rights of a citizen of India on the citizens of any country specified in the First Schedule.

(2) Any order made under sub-section (1) shall have effect notwithstanding anything inconsistent therewith contained in any law other than the Constitution of India or this Act.

1.1.17 13. Certificate of citizenship in case of doubt

The Central Government may, in such cases as it thinks fit, certify that a person, with respect to whose citizenship of India a doubt exists, is a citizen of India; and a certificate issued under this section shall, unless it is proved that it was obtained by means of fraud, false representation or concealment of any material fact, be conclusive evidence that that person was such a citizen on the date thereof, but without prejudice to any evidence that he was such a citizen at an earlier date.

1.1.18 14. Disposal of application under Sections 5 and 6

- (1) The prescribed authority or the Central Government may, in its discretion, grant or refuse an application under Section 5 or Section 6 and shall not be required to assign any reasons for such grant or refusal.
- (2) Subject to the provisions of Section 15, the decision of the prescribed authority or the Central Government on any such application as aforesaid shall be final and shall not be called in question in any court.

1.1.19 15. Revision

- (1) Any person aggrieved by an order made under this Act by the prescribed authority or any officer or other authority (other than the Central Government) may, within a period of thirty days from the date of the order, make an application to the Central Government for revision of that order:
Provided that the Central Government may entertain the application after the expiry of the said period of thirty days, if it is satisfied that the applicant was prevented by sufficient cause from making the application in time.
- (2) On receipt of any such application under sub-section (1), the Central Government shall, after considering the application of the aggrieved person and any report thereon which the officer or authority making the order may submit, make such order in relation to the application as it deems fit, and the decision of the Central Government shall be final.

1.1.20 16. Delegation of power

The Central Government may, by order, direct that any power which is conferred on it by any of the provisions of this Act other than those of section 10 and section 18 shall, in such circumstances and under such conditions, if any, as may be specified in the order, be exercisable also by such officer or authority as may be so specified.

1.1.21 17. Offences

Any person who, for the purpose of procuring anything to be done or not to be done under this Act, knowingly makes any representation which is false in a material particular shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

1.1.22 18. Power to make rules

- (1) The Central Government may, by notification in the Official Gazette make rules to carry out the purposes of this Act.
- (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for
- (a) the registration of anything required or authorized under this Act to be registered, and the conditions and restrictions in regard to such registration;
 - (b) the forms to be used and the registers to be maintained under this Act;
 - (c) the administration and taking of oaths of allegiance under this Act, and the time within which, and the manner in which, such oaths shall be taken and recorded;
 - (d) the giving of any notice required or authorized to be given by any person under this Act;
 - (e) the cancellation of the registration of, and cancellation and amendment of certificate of naturalisation relating to, persons deprived of citizenship under this Act, and the delivering up of such certificates for those purposes;
 - [11][(ee) the manner and form in which and the authority to whom declarations referred to in clauses (a) and (b) of sub-section (6) of Section 6A shall be submitted and other matters connected with such declarations;]
 - (f) the registration at Indian consulates of the births and deaths of persons of any class or description born or dying outside India;
 - (g) the levy and collection of fees in respect of applications, registrations, declarations and certificates under this Act, in respect of the taking of an oath of allegiance, and in respect of the supply of certified or other copies of documents;
 - (h) the authority to determine the question of acquisition of citizenship of another country, the procedure to be followed by such authority and rules of evidence relating to such cases;
 - (i) the procedure to be followed by the committees of inquiry appointed under section 10 and the conferment on such committees of any of the powers, rights and privileges of civil courts;
 - (j) the manner in which applications for revision may be made and the procedure to be followed by the Central Government in dealing with such applications; and
 - (k) any other matter which is to be, or may be, prescribed under this Act.

(3) In making any rule under this section, the Central Government may provide that breach thereof shall be punishable with fine which may extend to one thousand rupees.

[12] (4) Every rule made under this section shall be laid, as soon as may be after it is made before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.]

1.1.23 19. [Repealed]

Repealed by the Repealing and Amending Act, 1960 (Act 58 of 1960) Section 2 and the First Schedule.

1.1.24 The First Schedule

[See sections 2(1)(b) and 5 (1) (e)]

A. The following Commonwealth countries:

1. United Kingdom.
2. Canada.
3. Commonwealth of Australia.
4. New Zealand.
5. Union of South Africa.
6. Pakistan.
7. Ceylon.
8. Federation of Rhodesia and Nyasaland.
- [13] 9. Ghana.
10. Federation of Malaya.
11. Singapore.]

B. The Republic of Ireland.

Explanation.—In this Schedule, "United Kingdom" means the United Kingdom of Great Britain and Northern Ireland, and includes the Channel Islands, the Isle of Man and all Colonies; and "Commonwealth of Australia" includes the territories of Papua and the territory of Norfolk Island.

1.1.25 The Second Schedule

OATH OF ALLEGIANCE

I, A.B.do solemnly affirm (or swear) that I will bear true faith and allegiance to the Constitution of India as by law established, and that I will faithfully observe the laws of India and fulfil my duties as a citizen of India.

1.1.26 The Third Schedule

QUALIFICATIONS FOR NATURALISATION

The qualifications for naturalisation of a person who is not a citizen of a country specified in the First Schedule are:-

- (a) that he is not a subject or citizen of any country where citizens of India are prevented by law or practice of that country from becoming subjects or citizens of that country by naturalisation;
- (b) that, if he is a citizen of any country, he has renounced the citizenship of that country in accordance with the law therein in force in that behalf and has notified such renunciation to the Central Government;
- (c) that he has either resided in India or been in the service of a Government in India or partly the one and partly the other, throughout the period of twelve months immediately preceding the date of the application;
- (d) that during the twelve years immediately preceding the said period of twelve months, he has either resided in India or been in the service of a Government in India, or partly the one and partly the other, for periods amounting in the aggregate to not less than nine years
- (e) that he is of good character;
- (f) that he has an adequate knowledge of a language specified in the Eighth Schedule to the Constitution; and

(g)that in the event of a certificate of naturalisation being granted to him, he intends to reside in India, or to enter into or continue in, service under a Government in India or under an international organisation of which India is a member or under a society, company or body of persons established in India:

Provided that the Central Government may, if in the special circumstances of any particular case it thinks fit,-

(i)allow a continuous period of twelve months ending not more than six months before the date of the application to be reckoned, for the purposes of clause (c) above, as if it had immediately preceded that date;

(ii)allow periods of residence or service earlier than thirteen years before the date of the application to be reckoned in computing the aggregate mentioned in clause (d) above.

[1] Substituted by Act No. 51 of 1986 (w.e.f. 1.7.1987).

[2] Substituted by Act. No. 39 of 1992, Sec. 2 (a)(i).

[3] Inserted by Act No. 39 of 1992, Sec. 2 (a)(ii) (w.e.f. 10.12.1992).

[4] Inserted by Act 39 of 1992, Sec. 2 (a)(iii) (w.e.f. 10.12.1992).

[5] Substituted for "any male person" by Act 39 of 1992, Sec. 2(b) (w.e.f. 10.12.1992).

[6] Substituted by Act No. 51 of 1986 for the words "six months" (w.e.f. 1.7.1987).

[7] Substituted by *ibid.*, for "Women who are, or have been, married to citizens of India".

[8] The words "or any of his grand parents" omitted by Act No. 51 of 1986 (w.e.f. 1.7.1987).

[9] Inserted by Act No. 65 of 1985, Sec. 2 (w.e.f. 7.12.1985).

[10] Substituted for words "a male person" by Act 39 of 1992, Sec. 2 (w.e.f. 10.12.1992).

[11] Clause (ee) inserted by Act No. 65 of 1985, Sec. 3 (w.e.f. 7.12.1985).

[12] Substituted by Act No. 4 of 1986, Sec. 2 and Sch. (w.e.f. 15.5.1986).

[13] Inserted by Act No. 65 of 1957, Section 2.

D: Medical facilities in refugee settlements in India

No.	Hospitals	Location
1	D.T.R Hospital, Mundgod	Distt. Karwar, Karnataka State
2	Tso Jhe Khangsar, Bylakuppe	Distt Mysore, Karnataka State
3.	Phende Hospital, Hunsur	Distt Mysore, Karnataka State
4.	DVT Hospital, Kollegal	Distt Chamrajnagar, Karnataka State
5.	Menlha Hospital, Orissa	Distt Gajapati, Odisha
6.	TPHC Mainpat	Distt Surguja, Chhatisgarh
7.	TPHHC Dekyiling	Distt Dehradun, Uttarkhand
No.	Primary health centres	
1.	Norgyeling Health Centre, Bandara	Distt Gondia, Maharashtra
2.	TPHCC Ladakh	Leh Ladakh, J & K
3.	TPHCC Bir	Distt Kangra, H.P
4.	PHC Delhi	Delhi
No.	Clinics	
1	Chautra	Distt Mandi, H.P
2	Tashijong	Distt Kangra, H.P
3	15th Mile	Distt Kullu, H.P
4	Manali	Distt Kullu, H.P
5	Kullu	Distt Kullu, H.P
6	Pandoh	Distt Mandi, H.P
7	Rewalsar	Distt Mandi, H.P
8	Shimla	Shimla, H.P
9	Dalhousie	Distt Chamba, H.P
10	Dholanji	Distt Sirmour, H.P
11	Poanta Sahib	Distt Sirmour, H.P
12	Puruwala	Distt Sirmour, H.P
13	Satuan	Distt Sirmour, H.P
14	Kamrao	Distt Sirmour, H.P
15	Rajpur	Distt Dehradun, Uttarkhand
16	Lakhanwala	Distt Dehradun, Uttarkhand
17	Khera	Distt Dehradun, Uttarkhand
18	Lingsang	Distt Dehradun, Uttarkhand
19	Clementtown	Distt Dehradun, Uttarkhand
20	Sarnath	Varanasi, UP
21	Srinagar	Jammu & Kashmir
22	Miao	Distt Changlang, A.P
23	Tezu	Distt Lohit, A.P
24	Tuting	Distt Upper Siang, A.P
25	Tenzingang	Distt West Kameng, A.P
26	Ravangla	Distt Namchi, South Sikkim
27	Gangtok	Gangtok, Sikkim
28	CKG	Distt Darjeeling, W.B
29	Gampopa	Distt Darjeeling, W.B
30	Sonada	Distt. Darjeeling, WB
31	Kalimpong	Distt Darjeeling, W.B

Medical facilities in refugee settlements in India (Correspondence from CTA Department of Health, 30 June 2012.)

E: Tibetan Schools in India

Name of School	Level	Type of School	State
Camp No-VI(Br-I) Mundgod	Pre Primary	Day School	Karnataka
Camp No-VI(Br-II) Mundgod	Pre Primary	Day School	Karnataka
Chandragiri Lobersingi	Pre Primary	Day School	Orissa
Chandragiri Mahendragad	Pre Primary	Day School	Orissa
CST Arlikumari	Primary	Day School	Karnataka
CST Bir	Primary	Day School	Himachal Pradesh
CST Branch-II Mundgod	Primary	Day School	Karnataka
CST Bylakuppe	Senior Secondary	Day School	Karnataka
CST Camp No-VI Mundgod	Middle	Day School	Karnataka
CST Chandragiri	Secondary	Day School	Orissa
CST Chauntra	Primary	Day School	Himachal Pradesh
CST CVP Bylakuppe	Secondary	Day School	Karnataka
CST Dalhousie	Senior Secondary	Residential School	Himachal Pradesh
CST Darjeeling	Senior Secondary	Residential School	West Bengal
CST Dholanji	Senior Secondary	Day School	Himachal Pradesh
CST Gothangaon	Middle	Day School	Maharashtra
CST Gulledhella	Primary	Day School	Karnataka
CST Gurupura	Secondary	Day School	Karnataka
CST Herbertpur	Senior Secondary	Day School	Uttaranchal
CST Herbertpur	Senior Secondary	Day School	Uttaranchal
CST Kailashpura	Primary	Day School	Karnataka
CST Kalimpong	Senior Secondary	Residential School	West Bengal
CST Kollegal	Secondary	Day School	Karnataka
CST Lobsersingi	Primary	Day School	Orissa
CST Mahendragarh	Primary	Day School	Orissa
CST Mainpat	Middle	Day School	Chhatisgarh
CST Manali	Primary	Day School	Himachal Pradesh
CST Miao	Middle	Day School	Arunachal Pradesh
CST Mundgod	Senior Secondary	Residential School	Karnataka
CST Mussoorie	Senior Secondary	Residential School	Uttaranchal
CST Paonta Sahib	Middle	Day School	Himachal Pradesh
CST Puruwala	Primary	Day School	Himachal Pradesh
CST Ravangla	Middle	Day School	Sikkim
CST Shimla	Senior Secondary	Residential School	Himachal Pradesh
CST Sonada	Secondary	Day School	West Bengal
CST Tenzingaon	Middle	Day School	Arunachal Pradesh
CST Tezu	Middle	Day School	Arunachal Pradesh
Darjeeling Camp-I	Pre Primary	Day School	West Bengal
Dholanji Camp	Pre Primary	Day School	Himachal Pradesh
Drepung Loseling School	Primary	Day School	Karnataka
Gothangaon	Pre Primary	Day School	Maharashtra
Kalimpong Camp-I	Pre Primary	Day School	West Bengal
Kollegal Camp-I	Pre Primary	Day School	Karnataka
Kollegal Camp-II	Pre Primary	Day School	Karnataka

Kollegal Camp-III	Pre Primary	Day School	Karnataka
Mainpat Camp-IV	Pre Primary	Day School	Chhatisgarh
Miao Camp-I	Pre Primary	Day School	Arunachal Pradesh
Miao Camp-II	Pre Primary	Day School	Arunachal Pradesh
Mundgod Camp-I	Pre Primary	Day School	Karnataka
Mundgod Camp-II	Pre Primary	Day School	Karnataka
Mundgod Camp-III and V	Pre Primary	Day School	Karnataka
Mundgod Camp-III and V	Pre Primary	Day School	Karnataka
Mundgod Camp-IV	Pre Primary	Day School	Karnataka
Mundgod Camp-IX	Pre Primary	Day School	Karnataka
Ravangla Camp-I	Pre Primary	Day School	Sikkim
Ravangla Camp-II	Pre Primary	Day School	Sikkim
Shimla BUs Stand	Pre Primary	Day School	Himachal Pradesh
Shimla Kusumti	Pre Primary	Day School	Himachal Pradesh
Shimla Sanjauli	Pre Primary	Day School	Himachal Pradesh
Tenzingaon Camp-I	Pre Primary	Day School	Arunachal Pradesh
Tenzingaon Camp-II	Pre Primary	Day School	Arunachal Pradesh
Tenzingaon Camp-III	Pre Primary	Day School	Arunachal Pradesh
Tenzingaon Camp-IV	Pre Primary	Day School	Arunachal Pradesh
Tezu Branch-I	Pre Primary	Day School	Arunachal Pradesh
TNMF Clement Town	Pre Primary	Day School	Uttaranchal
TNMF Clement Town	Pre Primary	Day School	Uttaranchal
TNMF Clement Town	Primary	Day School	Uttaranchal

Tibetan Schools in India ¹⁹⁹

¹⁹⁹ More information can be also found on the website of the Central Tibetan School Administration. CTSA, *Schools under CTSA*. <http://ctsa.nic.in/SchoolsunderCtsa.aspx> (25 February 2013).

F: IC Application Form

(<http://www.passportindia.gov.in/AppOnlineProject/online/identityCertificate>)

How to Apply for Identity Certificate

Identity Certificate (IC) is normally issued to Tibetan Refugees residing in India, from the Regional Passport Office, Delhi (RPO Delhi) on recommendation by the Bureau of His Holiness the Dalai Lama (HHDL), New Delhi. In addition to Tibetan refugees, Stateless people residing in India may also apply for Identity Certificate at the Passport Office within whose jurisdiction they are currently residing.

IC issuance is subject to clearance by Ministry of External Affairs (Consular, Passport and Visa (CPV) PV-III division). In addition, clearance by State Government (Department of Home Affairs / Police) / FRRO is also required for grant of No Objection to Return to India (NORI) to be stamped on the Identity Certificate.

Please read the following instructions related to documentary requirements and other details for Identity Certificate applications:

- **Where to Apply**

- Tibetan Refugees residing in India need to apply at RPO Delhi.
- Stateless people residing in India need to apply at the passport office within whose jurisdiction they currently reside in.

- **Photograph**

- Please paste a coloured photograph (4.5 cm X 3.5 cm) with white background in the box provisioned for photograph in the printed application form.

- **Documents Required**

Please submit one copy of each of the following documents, preferably in the same order:

- IC Application Form duly filled and signed in ink
- Recommendation Letter from the Bureau of His Holiness the Dalai Lama (HHDL), New Delhi in case of applicants who are Tibetan Refugees
- Registration Certificate issued by FRRO/ FRO to the applicant
- Registration Certificate issued by FRRO/ FRO to the parents in case of minor applicants
- Proof of Date of Birth
- Proof of Address in India

Note: Passport Office may demand additional documents relevant to your specific case, if required.

2.5. Date of Birth (DD-MM-YYYY) - -

2.6. Place of Birth

Village/Town/City

Country

(If born abroad)

District

(If born in India)

State/UT

(If born in India)

2.7. Height of applicant (in cm)

2.8. Colour of Eyes ☐ Black ☐ Brown ☐ Blue ☐ Green ☐ Others (Specify)

2.9. Colour of Hair ☐ Black ☐ Brown ☐ Grey ☐ White ☐ Others (Specify)

2.10. Visible Distinguishing Mark

2.11. Marital Status ☐ Single ☐ Married ☐ Divorced ☐ Separated ☐ Widow/ Widower

2.12. Place/Country
of Origin

2.13. Registration Certificate (RC) Number

Father's/ Legal Guardian's RC Number
(For minors only)

Mother's/ Legal Guardian's RC Number
(For minors only)

2.14. Employment
Type

☐ Self Employed ☐ Private ☐ Homemaker ☐ Others
☐ Not Employed ☐ Student ☐ Retired-Private Service

2.15. Educational Qualification

☐ 5th pass or less ☐ Between 6th and 9th Standard ☐ 10th pass and above ☐ Graduate and above

3. Family Details

3.1 Father's Given Name (Given Name means First name followed by Middle name (If any))(Initials not allowed)

 Surname

3.2. Mother's Given Name (Given Name means First name followed by Middle name (If any))(Initials not allowed)	
Surname	
3.3 Legal Guardian's Given Name (If applicable) (Initials not allowed) allowed	
Surname	
3.4 Spouse's Given Name (Given Name means First name followed by Middle name (If any))(Initials not allowed)	
Surname	
3.5 If applicant is minor, provide following details	
Parent's Identity Certificate (IC) Details (If IC has been applied for but not received, give File Number)	
Father/ Legal Guardian's IC/ File Number	Mother/ Legal Guardian's IC/ File Number
3.6 Period of Stay in India <input type="checkbox"/> Since birth <input type="checkbox"/> Others (specify) <div style="border: 1px solid black; width: 40px; height: 15px; display: inline-block;"></div> Years <div style="border: 1px solid black; width: 40px; height: 15px; display: inline-block;"></div> Months	
4. Present Residential Address Details (Where applicant presently resides)	
House No. and Street Name	
	Village or Town or City
District	
Police Station	
State/UT	
PIN	Mobile Number
Telephone Number	E-mail ID

[illegible]

8. Previous Identity Certificate/ Application Details

8.1 Details of latest held/ existing/ lost/ damaged Identity Certificate

Identity Certificate Number

Date of Issue (DD-MM-YYYY)

Date of Expiry (DD-MM-YYYY)

--	--	--	--	--	--	--	--

$$\frac{2}{3} - \frac{1}{3} = \frac{1}{3}$$

Place of Issue

[illegible]

8.2 Have you ever applied for Identity Certificate, but not issued?

☐ Yes☐ No

If Yes, provide the following details below

File Number

[illegible]

Month and Year
of applying

Name of passport
office where applied

[illegible]

9. Fee amount in (Rs)

--	--	--	--

10. Enclosures

- | | |
|-------|--------|
| (i) | (vi) |
| (ii) | (vii) |
| (iii) | (viii) |
| (iv) | (ix) |
| (v) | (x) |

11. Self Declaration

I solemnly declare that :-

- (i) I am ☐ Stateless / of _____ Nationality.

- (ii) I have not obtained an Indian/ Foreign travel document before because_____

- (iii) The information given by me in reply to the questions in this form is true.

I am aware of the terms and conditions of issue of Identity Certificate and if I do not return to India before final expiry of the validity of the Certificate of Identity, I shall lose my claim to obtain any Indian travel documents and I shall approach the country of any residence for obtaining travel documents on the grounds that I have shifted my residence from India to that country.

Place

Date (DD-MM-YYYY)

--

Signature/ Left Hand Thumb Impression of Applicant
(If applicant is minor, either parent to sign)

Page 6 of 6

G: Identity Certificate (IC) Information

GENERAL INFORMATION:

1. Application are submitted online using online forms or e-form options from Passport Seva website <http://www.passportindia.gov.in>
2. Details of supporting documents required for I.C application are listed below under respective heads.
3. ICs can be renewed anytime during the tenth year of its validity period, and no IC will be reissued before it is due for renewal.
4. The photocopies of the supporting documents have to be done on A4 size paper.
5. Applicants are required to submit the print out copy of filled-in Online IC form application to Bureau of His Holiness the Dalai Lama, New Delhi within a month, with all required supporting documents.

A. FRESH IDENTITY CERTIFICATE BOOKLET

1. The original approval letter from the Kashag Secretariat, Central Tibetan Administration Dharamsala, H.P.
2. Four passport size color photographs with white background.
3. Registration Certificate (RC): (Two sets of attested copies of any one of the following)
 - First Page with individual details, second page with the photo and the last page with its valid extension
 - In case of minors, RC copies of father/mother should suffice. The minor applicant as well as the father/mother should sign on the undertaking form.
 - Minor applicants, whose parents are settled abroad, will have to submit RC copy of his/her legal guardian along with an Affidavit of legal guardian's status, and two separate affidavits and attested copies thereof by two witnesses known to the guardian attesting the relationship between the guardian and the child.
4. Proof of Date of Birth: (Two sets of attested copies of any one of the following)
 - Birth certificate issued by the Municipal Authorities or the Office of the Registrar of Births and Deaths.
 - Matriculation Certificate issued by School Boards.
 - Original and attested copy of School bonafide certificate certifying date and place of birth.
 - Original and an attested copy of Affidavit stating date of birth and place of birth, if one has R.C.

B. REISSUE OF IDENTITY CERTIFICATE: (Renewal after expiry of 10 years)

1. Green Book: One attested copy of page 1, 2 and latest updated payment page.
2. Latest original IC with two sets of attested copies from page 1 to 5.
3. Two sets of attested copies of RC's first page, photo page and latest extension page.
4. If the latest IC is issued by a Foreign Mission, the applicant must also submit the original IC and two sets of attested copies of the last IC issued by the Regional Passport Office (RPO), New Delhi.
5. Four passport size color photographs with white background.
6. Two attested copies of marriage certificate are required if name of the spouse is to be added.

C. ADDITIONAL BOOKLET:

1. Latest original IC with 2 sets of attested copies from page 1 to 5 of the same.
2. Two passport size colour photographs with white background.
3. If the latest IC is issued by a Foreign Mission, the applicant must also submit the original IC and two sets of attested copies of the last IC issued by the Regional Passport Office (RPO), New Delhi.

D. CHANGE OF NAME IN IC:

1. Latest original IC with two sets of attested copies from page 1 to 5 of the same.
2. Two passport size colour photographs with white background.
3. Original Advertisement in two newspaper (one national and one local) with an attested copy each.
4. Original Deed Poll Affidavit with one attested copy.
5. If the latest IC is issued by a Foreign Mission, the applicant must also submit the original IC and two sets of attested copies of the last IC issued by the Regional Passport Office (RPO), New Delhi.

E. LOST CASE

1. Original and a copy of the 'FIR' lodged with police.
2. Court Affidavit in Original affirmed before a First class Magistrate bearing lost IC Number with one attested copy.
3. Two passport size color photographs with white background.
4. Furnish two copies of lost IC, if available.
5. An application from the applicant.

F. NORI RECONSIDERATION CASE: (NORI refused by MEA)

1. Original IC with two sets of attested copies from page 1 to 5.
2. One passport size colour photograph with white background.

G. REISSUE OF IC TO TIBETANS FROM ABROAD:

Renewal after expiry of 10 years validity.

1. An attested copy of Green book from page 1 to latest updated payment page.
2. Latest original IC with three sets of photocopies from page 1-5 with Indian visa and airport arrival stamp.
3. Three attested copies of Green card or Residence card.
4. If the latest IC is issued by a Foreign Mission, the applicant must also submit the original IC and three sets of attested copies of the last IC issued by the Regional Passport Office (RPO), New Delhi.
5. Four passport size color photographs with white background.

H. IC Damaged Case:

1. Submit the original damaged IC with two attested copies from page 1 to 5.
2. An application from the applicant clearly stating the cause of damage.
3. Court Affidavit in original affirmed before a first class Magistrate bearing IC Number with one attested copy.
4. Three passport size colour photographs with white background.

Note: Application may be subject to Inquiry if the photo or the NORI on the IC is damaged beyond recognition.

I. Change of Photographs:(Monk to Layman and infant to adolescent)

1. Original IC along with two attested copies from page 1 to 5.
2. Two attested copies of valid RC with latest photograph.
3. Three passport size photographs with white background.
4. A letter from the Monastery/Institution confiding applicant's membership in the past(In case of monk to Layman).

Note: Change of photograph in IC in above cases are subject to Inquiry for proper verification.

IDENTITY CERTIFICATE (IC) INFORMATION:

CAUTION:

An Identity Certificate is issued under the Passports Act, 1967. All IC holders are required to take due care that it does not get damaged, mutilated or lost. IC is a valuable document. It should not be sent out to any country by post. It should always be kept either in the custody of the holder or in the custody of a person duly authorized by the holder. It is issued for the sole purpose of providing the holder with Identity papers in lieu of a National passport.

Loss of IC should be immediately reported to the nearest Police Station and to the nearest Passport Office/Indian Mission. IC holder shall be responsible for misuse of IC due to non-intimation of loss to the concerned Passport Office/Indian Mission. IC is a Government property and should be surrendered when demanded in writing by any Passport Issuing Authority

IMPORTANT NOTE:

A. As per MEA circular, Birth Certificates issued by the Tibetan welfare/settlement officer are not accepted w.e.f 01.10.2005

B. All photographs should be identical

C. Copies of documents should be attested by:

- Any CTA official of joint secretary rank and above or
- Representative/Tibetan Welfare Officer or
- Gazette Officer, GOI or Notary Public.

APPLICATION FEES STRUCTURE AND MODE OF PAYMENT:

S. NO.	PARTICULARS	PROCESSING FEE
1	Fresh Identity Certificate	Rs. 1,100/-
2	Re-issue Identity Certificate	Rs. 1,100/-
3	Additional Booklet	Rs. 1,100/-
4	Change of name in IC	Rs. 1,100/-
5	Lost Case & Damage case	Rs. 1,100/- Rs. 1,100/-
6	NORI Reconsideration	Rs. 50/-

Application fee can be paid either by cash or by bank draft in favor of **BUREAU OF HIS HOLINESS THE DALAI LAMA, NEW DELHI**

- a) In case of DD, full name of applicant should be written on the back of the draft.
b) Application fee once paid is not refundable under any circumstances. ²⁰⁰

²⁰⁰ Tibet Bureau, *Identity Certificate Information*.

http://www.tibetbureau.in/index.php?option=com_content&view=article&id=22&Itemid=11 (25 February 2013).