

**GENDER BASED VIOLENCE IN TIBETAN REFUGEE  
CAMPS IN INDIA: A STUDY OF HIMACHAL PRADESH**

A Thesis Submitted  
To  
**Sikkim University**



**In Partial Fulfilment of the Requirement for the  
Degree of Doctor of Philosophy**

**By**

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**DEPARTMENT OF PEACE AND CONFLICT  
STUDIES AND MANAGEMENT**

SCHOOL OF SOCIAL SCIENCES

**SIKKIM UNIVERSITY**

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**Date: 13.10.2020**

**Declaration**

I, Hemant Kumar Yadav, hereby declare that the research work embodied in the titled “**Gender Based Violence in Tibetan Refugee Camps in India: A Study of Himachal Pradesh**”, submitted to Sikkim University for the award degree of **Doctor of Philosophy**, is my original work and it has not been submitted earlier to this or any other University for any degree.

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All the assistance and help received during the course of investigation have been duly acknowledged by him.

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**“Gender Based Violence in Tibetan Refugee Camps in India: A Study of Himachal Pradesh”**

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## **List of Abbreviations**

BPFA	Beijing Platform for Action
CBSE	Central Board of Secondary Education
CEDAW	Convention on the Elimination of All Forms of Children
CTA	Central Tibetan Administration
DESAPD	Department of Economic and Social Affairs,
DEVAW	Declaration on the Elimination of Violence against Women
DIIR	Department of Information and International
GBV	Gender Based Violence
IAW	Institute for the Advancement of Women
IDMC	Internal Displacement Monitoring Center
IDPs	Internally Displaced Persons
IDSA	Institute for Defence Studies and Analyses
INSTRAW	International Research and Training
IOM	International Organisation for Migration
IPV	Intimate Partner Violence
OAU	Organization of African Unity
PLA	People's Liberation Army International
PRC	People's Republic of China
RHRC	Reproductive Health for Refugees Consortium
SEM	Social Ecological Modal



TAC	Tibetan Autonomous County
TAP	Tibetan Autonomous Prefectures
TAR	Tibet Autonomous Region
TAR	Tibet Autonomous Region
TCV	Tibetan Children's Villages
UN	United Nations
UNECA	United Nations Economic Commission for Africa
UNHCR	United Nations High Commissioner of Refugees
UNICEF	United Nations Children's Fund
WCRWC	Women's Commission on Refugee Women and Children
WHO	World Health Organisation
TDS	Tibetan Demography Survey
SEM	Social Ecological Model
TWA	Tibetan Women Association
WED	Women's Empowerment Desk

## **Gender Based Violence in Tibetan Refugee Camps in India:**

### **A Study of Himachal Pradesh**

#### **ABSTRACT**

Conflicts are one of the major parts of human life and it exists within society in various forms. Mostly, the conflicts occurred within society or state. Major reasons for conflict are either division of power or unequal distribution of natural resource or violation of rights. Gender based violence is also the result of conflict that occurs with different human communities which are part of all types of society and most common in conflict-affected areas like refugee settlements.

The problem of refugee in various forms has been prevalent in the world from ancient times. One of these problems is gender based violence, affecting every third person in the world. It is very much pervasive in every society, ranging in proportion from one to another societal structure. Gender based violence with refugees becomes even more macabre, for already facing many problems. It exists as a serious issue in those refugee camps which are built for temporary settlement to receive refugees in order to meet basic human needs and protection of human right during conflict all over the world.

Gender based violence is a violation of human rights. This kind of violence perpetuates the stereotyping of gender roles that denies human dignity of the individual and stymies human development. It includes physical abuse (includes battering, sexual assault, at home or in the workplace), psychological abuse (includes deprivation of liberty, forced marriage, sexual harassment, at home or in the workplace), deprivation of resources needed for physical and psychological well-being (including health care,

nutrition, education, means of livelihood) and treatment of women as commodities (includes trafficking in women and girls for sexual exploitation) and reinforces inequalities between women and men.

China's occupation of Tibet in 1950 by the People's Liberation Army (PLA) and the massacre of human rights caused widespread exodus of Tibetans, and they decided to seek asylum in India. Approximately 1,09,015 Tibetan refugees living in India in the forty-one different settlements, and are divided into 70 communities in Himachal Pradesh, Jammu & Kashmir, Arunachal Pradesh, Karnataka, Uttar Pradesh, Uttarakhand, Delhi, Meghalaya, Chhattisgarh, Sikkim, West Bengal, Maharashtra, and Orissa. According to the last census taken by the CTA in 2009, 109,015 Tibetans lives in outside of Tibet, including 94,203 who live in India.

India is not party to the 1951 Refugee Convention or its 1967 Protocol and does not have a national refugee protection framework. However, it continues to grant asylum to a large number of refugees from neighbouring states. Apart from this, the refugees in India are not only living their lives but also enjoying their rights. Some rights of refugees have been vested for security reasons, but apart from this, they are providing education to their children under Right to Education and appealing for their authority in the Indian courts, likewise, other important rights have been given by the Government of India and the State. Despite the rights given by the government, due to unfavourable socio-economic structure, refugees have to face many problems. Gender based violence is important among these problems.

This study tries to critically examine gender based violence in refugee camps of India particularly Himachal Pradesh as the focused area of study, in the process of it the study attempts to examine the impact of India's policy and programmes formulated specifically for Tibetan refugees who migrated to India after 1959 for giving the legal

status of the Tibetan refugees including; rights of their education, access to social benefits and welfare schemes, access to security, safety and justice from criminal activities, human rights, etc.,

This study is basically divided into two main sections. The first section focusses on the introduction of study with objectives, research questions, database, methodology, literature review, taking into account a brief description of Himachal Pradesh's five Tibetan refugees' settlements. Dharamshala is the most populated settlement of Tibetan refugees among them and located in district Kangra and other four Bir Dege and Bir Tibetan Society, Bir Chauntra, Nangchen and Phuntsokling, Dalhousie are around it. This section of the study divided into three different parts. First subpart details about nature and conceptualised causes of gender based violence; different sites of gender based violence; theoretical perspectives of gender based violence with details patriarchy theory, feminist theory, social learning theory, ecological theory, cycle of violence theory and theoretical framework of gender based violence.

The ecological theory has been able to develop the Social Ecological Model (SEM). The SEM model is a theory-based framework for understanding the comprehensive and interactive effects of personal and environmental factors that determine behaviours. This model aims at identifying behavioural and organizational leverage points and intermediaries. It includes five hierarchical levels of the SEM: Individual, interpersonal, community, organizational, and policy/enabling environment. The second part includes root causes of migration of Tibetan abroad. This sub-part elaborates historical background of Tibetan and their government structure in Tibet. Second part also cover various causes of Tibetan migration. Apart from this, this study deals about the cultural revolution and cultural genocide, destruction of the

Tibetan culture and human rights violation which are the major causes of Tibetan migration abroad.

Tibetans continued to migrate to India after the massacre because India was safe for practising Tibetan faith, protection of arts, culture and religious practices. The emigration did not stop but Tibetan emigration to India still continues. Availability of spiritual education, secular education and work opportunities are the main factors for immigration of Tibetans in India. Arrival in India was not the simplest things for Tibetan. They faced different types of problems including hot weather, insecurity of livelihood and gender based violence. Third part of first section of study discussed the policies and programmes offered by the government of India to the Tibetan refugees in their respective time period of arrival. Tibetans are enjoying India because of their legal status. They are registered with Registration Certificate (RC), Identity Certificate, Special Entry Permit, with the help of these documents they can also travel to different parts of India and abroad. The Government of India and various state governments have a rehabilitation policy for Tibetans. These policies and programs helped develop agro-based industries, carpet-weaving and handicrafts and agriculture in Tibetan settlements. Tibetan protected by Constitutional Provisions and Indian judiciary. This part has discussed the Indian judiciary provision for the protection of Tibetan rights against gender based violence and human rights violations.

The second section of this study deals with issues of gender based violence with Tibetan refugees in Himachal Pradesh contextualising the impact of violence on decision-making processes. Further, this section also incorporates the summary of findings, suggestions and conclusion. To fulfil the requirement of objectives the data has been collected from both primary as well as secondary sources. The primary data have been collected by interviews, questionnaire survey and case studies. Secondary

data have been collected from different Government departments, Central Tibetan Administration, Settlements office of the Tibetan refugees and Tibetan Demographic Survey (2009).

In addition, samples have been investigated to generate first-hand data to support the study. In order to understand the GBV among the different respondents of Tibetan settlements in the area of study, the qualitative narrative method has been utilised. This information has been collected through discussions with the CTA's office and Tibetan refugees, including representatives of various gender and age groups, representative of state and central government of India, settlements officials and Tibetan religious leaders. Case studies have been referred to collect information about gender based violence in the Tibetan settlements of Himachal Pradesh.

The collected information is described in a sequential manner to fulfil the first and second objective. Further, to understand the impacts of gender based violence on women in refugee camps and it also examines changes in social impact and affairs, affecting decision-making role, centring India's policy and programme for upliftment of Tibetan refugees in India.

Further it is to be noted that certain techniques; descriptive and inferential statistical technique, crosstab, frequency table and figure have been constructed for the inferential statistical, chi-square test, custom table of SPSS uses to calculate the share of different categories under the different set of data.

Study shows that the without the signatory to the 1951 Refugee Convention and 1967 Protocol, India takes care of refugees on humanitarians' basis. About 50 thousand Tibetans decided to seek an asylum in India after the Lhasa demolition before 69 years.

Present time approximately 94,203 Tibetan refugees living in India in the forty-one different settlements.

The study attempts to show that Tibetans are enjoying all human rights for improvement of their socio-economy status. Apart from these, Tibetans are eligible to avail credit facility by Indian banks. This is a great financial support for Tibetans as it enables them to resolve the financial rebellion that is available to Tibetans. Therefore, many Tibetan refugees are getting loan from the bank and establishing to set up their businesses, hotels and other resources for their livelihood.

The study depicts that the majority of Tibetans are educated and are employed or retired from different institutions of non-governmental organizations, private limited, state government departments and the central government of India. In addition, sons and daughters of Tibetan people are also working in various government-funded institutions. Tibetans have built pucca houses in collaboration with national and international funding agencies. Apart from this, they have also built schools and hospitals. The Government authorities have tried their best to provide right to education, *Beti Padhao*, *Beti Bachao*, and other rights to cultural remedies and have full supports for Tibetan refugees in India without any refugees' law. In addition to it Tibetans have valid document for traveling out of India with their Identity Certificate (IC) issued by Indian Government.

Gender based violence is major issues of refugees' camps of the world. It effects human dignity of individual and stymies the possibility of human development, overwhelming majority of the victims/ survivors of gender based violence are women and mostly girls. Even if gender based violence seems to be a public concern, it has to be admitted that it is deeply rooted with the individual attitude to condone violence within the family, towards the community and to the state at a large. The root causes

and consequences of sexual and gender based violence must be understood before appropriate steps could be taken to prevent and respond to this violence. The gender violence does not occur in concurrence with age, place or time, it occurs anywhere at any time and age. Women aged between 15 years to 44 years are more vulnerable to gender violence. The gender violence is used as a weapon during the times of conflict. However, in Indian society, Tibetans are facing different forms of gender based violence. As per the record, Dharmshala police registered FIR against an Indian citizen for murder of Tibetan girl. The State Government, as well as the Government of India, is fully committed to protect the human rights of Tibetan refugees as per the provisions ascribed in the Constitution of India. Whoever the offender is, the Constitution of India punishes the offender according to the crime. This constitution provides full protection to Indians as well as foreigners.

Study of the State Plan Division, Planning Commission, H.P (2005) reported that Himachal Pradesh falls in the category of high-ranking states in crime against women. Districts of Kangra, Mandi and Shimla have recorded high rates of crime against women and these districts are more populated with Tibetan refugees. Social Ecological Model asserts that every human being affects the other in different ways. In the same context, the spokesperson of CTA in his interview said that “We are aliens but we are also human beings and we can't deny that GBV doesn't occur in our community”. The study was also supported by a study by the Tibetan Women's Association (TWA), which aimed to raise awareness of China's oppressive, violent policy against Tibetan women in 1984 and the preservation and promotion of the specific culture, religion and identity of the Tibetan people.

Various Indian courts are also giving priority to cases related to gender based violence specifically related to women, in addition, the Government of India has special



emphasis on lawsuits related to foreigners, which is helpful to protect the rights of Tibetans as they are living in India as foreigners. India's policy and programs are also helping to strengthen their socio-economic status.

## **Chapter 1**

### **Introduction**

#### **1.1 Background**

Gender based violence is a violation of human rights. This kind of violence perpetuates the stereotyping of gender roles that denies human dignity of the individual and stymies human development. The overwhelming majority of the victims/survivors of gender based violence are women and girls. Gender based violence is much more than sexual assault and rape. Although it may occur in public contexts and is also largely rooted in individual attitudes that reflect violence within the family, community and state. The root causes and consequences of sexual and gender based violence must be understood before appropriate steps could be taken to prevent. It has become a major concern and a serious problem throughout the world.

International human right instruments, which are treaties and other international documents relevant to international human rights law and the protection of human rights in general, recognized gender based violence as a violation of human rights. In 1993, the UN Declaration on violence against women offered the first official definition of violence against women or gender based violence as, “any act of gender based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life”. Gender based violence has been an integral element of conflict throughout the world history and continues to be a feature of almost all recent conflicts and conflict-affected places. It is a difficult subject to study because of its sensitivity and the silence that surrounds it. GBV plays on gender norms

and gender exclusions to break people down both physically and emotionally (Jack, 2003). The UN Secretary-General has defined “Gender based violence” as: “any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another” (UN Secretary-General Bulletin, Oct 2003).

Gender based violence (GBV) reflects and reinforces inequalities between women and men. At least one in three women around the world is estimated to have been coerced into sex, physically beaten or otherwise abused in her lifetime. For women aged 15 years to 44 years, such violence is a major cause of disability and death. It happened during civilian fight, conflict and among displaced people perpetrated by rebels, bandits, military, border guards, host communities, humanitarian aid workers, security or peacekeeping forces, and fellow refugees.

Gender based violence is a serious problem in those refugee camps which are built for temporary settlement to receive refugees to meet basic human needs and protection of human right during conflict all over the world. Women are vulnerable victims of sufferings in the conflict before moving to the camps. India, Nepal and Sri Lanka offer asylum to a considerable number of refugees, although they are not signatories of the UN Convention of 1951. India is neither a part of Refugee Convention 1951 nor Protocol of 1967. United Nations High Commissioner for Refugees (UNHCR) cooperates with the governments of these countries, as well as with NGOs and other stakeholders, to protect, assist and find solutions for refugees and other victims. The population of these refugees, according to UNHCR, in the sub-region includes more than 200,000 men, women and children in India. The lack of specific refugee legislation in India has led the government to adopt an ad-hoc approach to different refugee influxes. The status of refugees in India is governed mainly by political and

administrative decisions rather than any codified model of conduct. The ad hoc nature of the government's approach has led to varying treatments for different refugee groups. Some groups are granted a full range of benefits including legal residence and the ability to be legally employed, whilst others are denied access to basic social resources.

Gender based violence, migration and refugees are drastically different in their nature and approach to different areas. These are correlated and interdependent. These problems are everywhere in the contemporary world, developing and developed or industrialised countries. It is eventually visible across cultural and economic boundaries and has also been acknowledged as a major public issue resulting in the causes for more deaths, disability and injuries in normal as well as the conflicted societies. Gender based violence has been recognized as one of the serious problems. Such violence is directly related to the violation of basic human rights of the refugee and posing serious obstacles in the development of human being especially in war-affected areas and refugee camps.

Gender based violence perpetuates the ideological stereotypes of gender roles that denigrates the human dignity of individual and stymies the possibility of human development. The overwhelming majority of the victims/survivors of gender based violence are women and mostly girls. It majorly includes much more sexual assaults and rapes. Even if gender based violence seems to be a public concern, it has to be admitted that it is deeply rooted with the individual attitude to condone violence within the family, towards the community and to the state at a large. The root causes and consequences of sexual and gender based violence must be understood before appropriate steps could be taken to prevent and respond to this violence.

Gender based violence does not occur in concurrence with age, place or time, it occurs anywhere at any time and age. However, women aged between 15 years to 44

years are more vulnerable to gender based violence. It is used as a weapon during the times of conflict. It is mostly witnessed during civilian fights in conflict and among displaced people perpetrated by rebels, bandits, military, border guards, host communities, humanitarian aid workers, security or peacekeeping forces, and fellow refugees. Gender based violence is a serious problem in refugee camps which is built for temporary settlement to receive refugees to meet basic human needs and protection of human right during conflict all over the world. Women are most vulnerable victims of sufferings in the conflict before moving to the camps (WHO, 2000).

### **The Concept of Gender Based Violence**

Gender Based Violence has been an integral element of conflict throughout the evolution of human civilizations, identified much later and continues to be a feature of almost all recent conflicts and conflict-affected areas with distinctive features and sensitivity. The rate of GBV is greater in conflict-affected areas as compared to normal circumstance. More numbers of GBV with the war-affected civilians is the new human security agenda within international institutions (Golberg, Elissa & Don, Hubert, 2001).

International human right instruments, which are mainly treaties and other international documents recognized gender based violence as a violation of human rights (Ulrich, 2000). In 1993, the UN Declaration on Violence against Women offered the first official definition of Violence against Women or gender based violence as,

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

At least one in three women around the world is estimated to have been coerced into sex, physically beaten or otherwise abused in her lifetime (WHO, 2012). The report developed by World Health Organization, the London School of Hygiene and Tropical Medicine record the account of first global methodological review and combination of the body of scientific data on the dominance of two aspects of violence subjected to women: violence by someone other than a partner or sexual violence by an intimate partner (WHO, 2016). This report finds out the outcome of the details of violence on women's sexual, physical, reproductive and mental health. The average 35% of women of the world have encountered sexual and/or physical violence and one third (30%) of all women who have been in any kind of relationship have gone through sexual and/or physical violence by their intimate partner. There are some regions where 38% of women are become the victim of intimate partner violence; estimating 38% of killings of women are executed by intimate partners. The women have to deal several health issues when compared to common women who have not been exploited or abused sexually or physically, more than 16% of women are likely to have more than twice as likely an abortion a low-birth-weight baby due to sexual or physical exploitation and abuses (WHO, 2016).

Wies and Haldane (2018) discussed that "gender-based violence is an umbrella term covering for any harm that is perpetrated against a person's will; that has a negative impact on the health, physic and psychology, influencing development and identity of the human being". Due to this result, power inequities that exploit distinctions between males and females are visible (Ward, 2002).

Gender Based Violence has been defined in literature differently depending upon the nature of violence or crime. Gender Based Violence refers to violence targeted at a person because of his/her gender, or that affects his/her because of his/her special

roles or responsibilities in the society (Benjamin & Khadija, 1998). The description 'gender based violence' clarifies that reference is made to violence rooted in prescribed behaviours, norms and attitudes based upon gender (Lang, 2002). Gender Based Violence is violence directed at an individual, male or female, based on his or her specific gender role in society (Human Rights Watch, 2002).

GBV involved both physical and psychological abuse. Physical abuse includes 'battering, sexual assault, at home or in the workplace or the refugee camps,' Psychological abuse includes 'deprivation of liberty, forced marriage, sexual harassment, at home or in the workplace,' deprivation of resources needed for physical and psychological well-being 'including health care, nutrition, education, means of livelihood' and treatment of women as commodities 'includes trafficking of women and girls for sexual exploitation' (UNHCR, 2003).

### **The Concept of Refugees**

The history of migration of human beings can be traced since the earliest societies. The first migrants were tribal people in search of livelihood resources. They can be called the *nomads*, mostly not harmful to one another. The migrations of tribal people were not or cannot be counted as that of refugees or asylum seekers (Goldin et. al., 2012). The migration of early human beings who were mere gatherers or hunters was in search of new lands for settlement or for agriculture. The land and the resources of earth was their source for satisfying the basic needs. The life of tribal was simple without any conflicts as under this study, but the conflicts emerged from the formation of civilizations and the development of state, in order to achieve or keep one's territory through social, political power and history of socialization constituted governments to define organized territory (Stavenhagen, 1996). The development of socialization instituted laws during anthropological development to guard their natural resources.

The people wanted to control more land and resource, though anthropological development failed to protect their rights, which initiated the conflicts among the nations. The people became displaced and migrated for protection of their rights and so during conflicts, many converted them into, stateless or internally displaced persons, asylum seekers and refugees.

The first refugees discarded their homes due to religious victimization or conflicts that emerged in their societies (UNHCR). But the maximum number of refugees ever recorded, was produced during and after the two World Wars (Bacaiian, 2011).

The word 'refugee' is used to explain a person who is forced to run off his or her home due to the reason for which that particular individual is not responsible. The mobility of human can be accounted for certain positive and negative factors. These factors have identified specific groups of people having peculiar necessities. On the positive side of mobility, it takes place due to economic reasons from rural to urban places, which is, generally, known as economic migration. On the other hand, on the negative side of the human exodus from one place to another is caused by the rapid war and conflict, this can be termed as the refugee migration. The Article 1A (2) of the 1951 Convention of United Nations High Commissioner for Refugees (UNHCR) defines refugee;

"A person can only be a refugee if he/she is outside his/her country of nationality, or for those who are stateless, outside their country of habitual residence' or a person who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, is outside the country of his or her nationality, and



is unable to or, owing to such fear, is unwilling to avail himself of the protection of that country”.<sup>1</sup>

UNHCR. (2011)

The concept of refugee and international displaced person is different. Every refugee will be international displaced person but every international displaced is not refugee. Organization of African Unity (OAU) convention was held in 1969. Article 1 of the convention defines the “term refugee shall mean every person who, owing to well-founded fear of being persecuted for reasons of membership of a particular social group or political opinion, religion, race and nationality is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country, or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.”<sup>2</sup> It also defines that “the term ‘refugee’ shall also apply to every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order either partly or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality” (OAU, 1969).<sup>3</sup>

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<sup>1</sup>United Nations Convention Relating to the Status of Refugees, (1951). Art. 1(a). “...refugee is a person who owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular group, or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of the country.”

<sup>2</sup>OAU convention governing the specific aspects of refugee problems in Africa. *Adopted on 10 September 1969. Article 1.1 which states* “For the purposes of this Convention, the term “refugee” shall mean every person who, owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country, or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.”

<sup>3</sup>*Ibid. Article 1.2* “The term “refugee” shall also apply to every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of

Cartagena Declaration on Refugees, Colloquium on the International Protection of Refugees in Central America, Mexico and Panama adopted by the Colloquium on the International Protection of Refugees in Central America, Mexico and Panama, held at Cartagena, Colombia from 19 - 22 November 1984, defines the concept of a “refugee to be recommended for use in the region is one which, in addition to containing the elements of the 1951 Convention and the 1967 Protocol, includes among refugees persons who have fled their country because of their lives, safety, or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order”<sup>4</sup>

The dominant conception of refugee as a moving entity is founded upon the movement of people particularly from the seventeenth century at least until the end of Second World War. Indeed, it is this historical record which according to Hathaway's account of the development of the refugee definitions, was drawn upon to define the refugee variously in 'juridical, social and individualistic terms. The term 'refugee' was first employed in 1573, emerged through the process of identity formation. According to Atle Grahl Madsen, refugee movements have been recorded “as far back as the history of mankind.” Peter Rose dates the emergence of the concept of asylum to the writings of Euripides, Sophocles and Virgil. The historical narrative continues in this vein from the age of religious persecution to the age of political oppression in the eighteenth century with most countries in Europe being forced to admit political dissidents fleeing from Austria, Russia, Prussia and France. From the early twentieth

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

<sup>4</sup>“Cartagena Declaration on Refugees, Colloquium on the International Protection of Refugees in Central America, Mexico and Panama” Adopted by the Colloquium on the International Protection of Refugees in Central America, Mexico and Panama held at Cartagena, Colombia from 19 - 22 November 1984.

century to the present minority groups have been the target of oppression (Patricia, 1999). The refugee problem in the twentieth century could be attributed to the two world wars and regime changes in the two biggest countries Russia and China. But the number of refugees being generated now is result of localized conflicts than a clearly discernible global phenomenon, nor can it be linked to a single cause except a generalization regarding human rights violations. The process of migration ranges from voluntary migration for economic reasons to that of involuntary migration due to political upheavals viz. civil strife, civil wars, military coups, dictatorial political tyranny or occupation by alien forces making the life of a person unsecured, uncertain and rendering his very existence and tranquillity precarious. Almost all the refugee's groups in South East Asia including the Tibetan issue are products of communist hegemony over weaker nations.

The refugees are results of the international migrants which is the biggest problem of the world. It's continually increased throughout the period from 2000 to 2017 from 173 to 258 million persons (Ratha, 2016). Half of the population increase in the developed regions while the other half took place in the developing regions. The United Nations, Department of Economic and Social Affairs, Population Division counted 258 million international migrants in 2017, representing 3.4 percent of the global population (UN, 2017). The management of international migrant and refugees are the biggest task of the world. UNHCR's annual figures showed 1.1 million people fled across international borders in 2012, while 6.5 million were displaced within their homelands.

With 41 percent of the world refugee population, Asia leads the ranking of the largest refugee-hosting continent. Out of it, at around 12 percent of the world refugee population of the world is hosted by the South Asia which ranks at the fourth in hosting

the refugees. Majority of the South Asian populations are living in or at the neighbouring nations as refugees due to persecution, war, human conflict or forced relocation. Refugees in South Asia constitute from those within the region and outside. Burma, China, Sri Lanka and Bangladesh lead to the rank for maximum generation of refugees. India is the major refugee-hosting state from within the region. Apart from some refugee groups it continues to host from outside the region (Sharma, 2008). Since 1947 population movements across boundaries in South Asia have consisted largely of rejected people or unwanted migrants (Weiner, 1993).

India is one of the few developing countries which had been sheltering over 2.5 million refugees successfully during its post-independence period. It must also be remembered that showing humanitarian considerations to refugees should not lead to any chaos in the country. Country's unity and integrity should not be affected in such activities. Keeping that in mind the government officials had been taking cautious efforts (Majumder, 2005). The Indian government deals with the refugees at both the political and administrative level and as treated under the law applicable to the aliens. In the case of refugee's protection, the Constitution of India guarantees certain fundamental rights which are applicable to non-citizens namely, the Right to Equality (Article 14)<sup>5</sup>, the Right to Life and Personal Liberty (Article 21)<sup>6</sup> and the Freedom to Practice and Propagate their own Religion (Article 25)<sup>7</sup>. Any violation of these rights can be remedied through recourse to the judiciary as the Indian Supreme Court has held

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<sup>5</sup>The Constitution of India, 1949, Article 14: "...*The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.*"

<sup>6</sup>*Ibid*, Article 21: "...*Protection of life and personal liberty No person shall be deprived of his life or personal liberty except according to procedure established by law.*"

<sup>7</sup>*Ibid*, Article 25: "... (1) Subject to public order, morality and health and to the other provisions of this Part, all persons are equally entitled to *Freedom of conscience and free profession, practice and propagation of religion...*"

that refugees or asylum seekers cannot be discriminated against because of their non-citizen status (Majumder, 2005).

While national governments are responsible for the protection of the basic human rights of their nationals, "refugees" find themselves without the protection of a national state. Refugees by definition are victims of human rights violations.<sup>8</sup> It is the risk of human rights violations in their home country which couples the refugees to cross international borders and seek protection abroad. Consequently, safeguarding human rights in countries of origin is of critical importance not only to the prevention of refugee problems but also for their solutions. If conditions would have fundamentally changed in the country of origin promoting and monitoring the safety of their voluntary return had allowed refugees to re-establish themselves in their own community and to enjoy their basic human rights.<sup>9</sup> Respect for human rights is also essential for the protection of refugees in countries where they are integrated locally or re-settled.

Refugees have diverse status and every inflow has been taken care of in an alternate way by the Indian government. For instance, those dislodged by partition were common residents and were helped by the state resettlement strategy. The Tibetans who began escaping from Chinese abuse after 1959 were the following rush of refugees (TJC, 2011). The administration arrangement for Tibetans has been to resettle them through an administration of residency grant controls and restrict them from political action. Tibetan outcasts, their administration and government— in a state of banishment are a wellspring of strain from the Chinese government. Notwithstanding India's

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<sup>8</sup>Statement made at the 50th session of the UN Commission on Human Rights (1994) Quoted in UNHCR, *Human Rights and Refugee Protection, Part I: General Introduction* (October, 1995), p.4.  
<sup>9</sup>*Ibid*, at p3.

mollifying Chinese fears, the Chinese decry the Dalai Lama and feel that India can possibly destabilize China.

United Nations High Commissioner for Refugees (UNHCR) cooperates with the governments of these countries, as well as with NGOs and other stakeholders, to protect, assist and find solutions for refugees and other victims. It created to tackle the problems resulting from the displacement of people in Europe after World War II. The UN Relief and Rehabilitation Administration (UNRRA), set up in 1943, were placed in 1947 by the International Refugee Organization (IRO). Creation of a new United Nation agency, the UNHCR paved the way of international negotiations on refugee reliefs (Elie, 2010).

The 1951 Convention is purely committed towards protection of refugees all over the world but India is neither a part of Refugee Convention 1951 nor Protocol of 1967. The UNHCR has been assigned with the task of cooperating with states who host refugees. It's also to fix the socio-economic status of refugees. The Refugee Convention 1951 defines the term refugee which fixed the certain legal protections and rights they should receive from the host state. Article 1A (1) of the Refugee Convention defines a refugee to include those considered refugees under previous arrangements or conventions whilst article 1 (A) 2 defines the term refugee to be applicable to any person who has a well-founded fear of being persecuted for reasons of Religion, Race, Nationality, Membership of particular political opinion or social group etc. (Oswald, et al., 2010).

### **Refugees Status in India**

India is not having any particular laws for refugees. The history of refugees in India is started during the partition of the country in 1947. The millions of people displaced on both sides. Apart from this, most of the refugees are in India from neighbouring

countries Tibet, Sri Lanka, Iran, Bangladesh, Pakistan, Afghanistan and Myanmar. There are a huge number of refugees in India due to its religious society, geographic location and vast culture. India always sheltered people and religion of other countries. Due to which India got a certificate of tolerance. It is a part of Indian tradition. India had been the home of mixed religions in the world. Tolerance and goodwill made India a haven for refugees from very early times. In the Indian tradition, a stranger who comes as a guest is referred to as *Athithi* and the host is expected to treat him as God next only to mother, father and preceptor (Suryanarayan, 2001). India's diversity, stability and the relatively well-established rule of law have attracted the individuals to find shelter in the nation from against the oppression and precariousness in their own nations. In the South Asian region where most of the states are precarious and unstable, India stands upright with a high tolerance for humanity and has well established democratic and secular values. India has truly confronted various floods over numerous centuries and the capacity of these individuals to incorporate into the multi-ethnic culture and contribute gently to neighbourhood societies and economies have fortified the impression of Indian being a nation customarily affable to refugees. India shares seven land borders and one sea border with countries in varied states of strife and war and over the years has facilitated vast refugee populaces from neighbouring countries (Acharya, 2004).

The movement of refugees and displaced persons is a serious concern for India and other Asian countries. Before partition, India has witnessed nearly 20 million people crossing the borders of India and Pakistan. It is an estimated data that during post-1959 period nearly 80,000 Tibetan refugees were sheltered in India and they settled in various states of India. In addition to Tibetan refugee, about 53,000 Chakmas, 19,000 Afghan refugees and a small number of Burmese students are settled in different

states. If we add Sri Lankan Tamil refugees to this figure, the total number of refugees and displaced persons looked after by India after independence would be approximately 25 million which is more than the combined population of Sri Lanka, Singapore, Bhutan and Maldives (Suryanarayan, 2001).

The status of refugees in India is governed mainly by political and administrative decisions rather than any codified model of conduct. The lack of specific refugee legislation in India has led the government to adopt an ad hoc approach to different refugee influxes. The ad hoc nature of the government's approach has led to varying treatments for different refugee groups. Some groups are granted a full range of benefits including legal residence and are legally employed, whilst others are denied access to basic social resources. The result is that they are treated under the law applicable to the aliens. In the case of refugee's protection, the Constitution of India guarantees certain fundamental rights which are applicable to non-citizens namely, the Right to Equality (Article 14), the Right to Life and Personal Liberty (Article 21) and the Freedom to Practice and Propagate their own Religion (Article 25). Any violation of these rights can be remedied through recourse to the judiciary as the Indian Supreme Court has held that refugees or asylum seekers cannot be discriminated against because of their non-citizen status (Bandyopadhyay, 2007).

### **Status of Tibetan Refugees in India**

India was not the signatory of the 1951 Refugee Convention or the 1967 Protocol. So, there is no national refugee safeguard framework. Despite this India has opened its territory to the asylum and refugees from neighbouring countries. The Tibetan refugees come under the limit of India's normal laws. They are granted asylum by the Government of India, and the principle of non-refoulement has been strictly adhered to (Jha, 2003).



The Chinese capture of Tibet and the subsequent genocide led to a mass exodus of the ethnic Tibetans in 1950 (Roy, 2001). The People's Liberation Army (PLA) was continuously violating the human rights of Tibetan, hence the Tibetan people decided to seek asylum in India, here are approximately 1,09,015 Tibetan refugees living in India in the forty-one different settlements, and are divided into 70 communities in Himachal Pradesh, Jammu & Kashmir, Arunachal Pradesh, Karnataka, Uttar Pradesh, Uttarakhand, Delhi, Meghalaya, Chhattisgarh, Sikkim, West Bengal, Maharashtra, and Orissa (Routray, 2007). According to the last census taken by the CTA in 2009, 109,015 Tibetans lives in outside of Tibet, including 94,203 who live in India (Planning Commission, 2010). Most other sources report higher estimates: the U.S. Committee for Refugees and the UNHCR report put the number of Tibetans in India at about 110,000 (U.S. Department of State, 2002, March 4),<sup>10</sup> while Brinkerhoff (2009) stated that more than 125,000 Tibetans live in India, Nepal and Bhutan. Many of those are Tibetans who were born in India. There is no agreement on the actual number of Tibetan refugees in India, although it can be asserted that the number has gone well past one lakh.

India has allowed the Dalai Lama to establish a Central Tibetan Administration at Dharamsala, district headquarters of Kangra district of the Northern Indian state of Himachal Pradesh. The Indian Government also provided land and housing in various states of the country for the Tibetans to establish farming settlements, monasteries and nunneries, the number of which today stands at more than hundred.

The Central Tibetan Relief Committee (CTRC) earlier known as Central Relief Committee (CRC) was started in 1959 by some prominent Indians to coordinate the

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<sup>10</sup>U.S. Department of State (2002, March 4). Bureau of Democracy, Human Rights, and Labor 2001. India. Retrieved from <http://www.state.gov/g/drl/rls/hrrpt/2001/sa/8230.htm> on 19.06.2016.

relief assistance between the Government of India and the representatives of his holiness Dalai Lama for the rehabilitation of Tibetan refugees. Most of the Tibetan settlements are built on land that was leased in the 1960s and 1970s by the Indian government to the Central Tibetan Relief Committee (CTRC), a subsidiary of the Central Tibetan Administration's Home Department. India initially leased land in the states of Himachal Pradesh, Ladakh, Arunachal Pradesh, Karnataka, Uttar Pradesh, Madhya Pradesh, South Sikkim, West Bengal, Maharashtra, and Orissa - ostensibly for a term of few years (Mishra, 2014). The committee's work included organizing medical programmes in the Tibetan settlements and camps. The grants in aid were given to CRC by the Government of India and it was entrusted with the responsibility of coordinating and distributing the relief assistance received from foreign agencies. It initiated the handicraft projects aiming at generating employment for the under privileged section of the community, the unsettled refugees and school dropouts. In this way, CTRC plays a very prominent role in rehabilitating exile all over South Asia. Estimates of the number of Tibetans living in exile vary.

Tibetans were fully harassed by Chinese People's Liberation Army. They ruined the religious site and monasteries of Tibetans. The war between China and Tibet was completely different in the world because in this battle the army, along with the general public, have also been active participants of the religious teachers, whose far-reaching results are still available and from 1959 till now. The Tibetans are continuously arriving in India and other countries of the world. The group of the arrival of the Tibetan who arrived in India is divided into five parts i.e. (1) 1959 to 1979; (2) 1980 to 1993; (3) 1994 to 1999; (4) 2000 to 2007 and (5) 2008 to present.

### **First Wave of Tibetan Arrival from 1959 to 1979**

The history of the cultural, religious and educational arrival of Tibetans into India goes back in time but in 1959 the first wave of approximately 85,000 Tibetans fled to India. On 17 March 1959, the Dalai Lama left his place and entered India along with 13,000 of his followers, to seek political asylum (Roemer, 2008). The first group of Tibetans fled to India with the His Holiness Dalai Lama was granted official refugee status by the India government known as the original group of Tibetan refugees. The government of India allotted two places for the new arrivals, set up transit camps for the Dalai Lama and his follower's humanitarian assistance on April 24, 1959, one in Missamari, near the Tibetan border with Assam, the other in Buxa Duar, near the Bhutanese border in West Bengal. In 1959 May and June, Missamari alone housed 15,000 refugees in transit and Prime Minister Nehru conferred with the Dalai Lama on April 24, 1959 (McConnell, 2016).

During this duration, everyday new arrival of Tibetan continued and they were happy. Missamari alone transited 15,000 refugees in May and June of 1959 and approximately 30,000 Tibetans had arrived in India in end of November 1959 in temporary camps and were dependent upon agriculture. Latter Government of India relocated the Dalai Lama and the fledgeling Tibetan Government-in-Exile (TGIE) from Mussoorie to McLeod Ganj, Dharamsala in 1960 after consideration of Indian Government and later TGIE became known as the Central Tibetan Administration (CTA). Additional settlements were built for the 40,000 new arrivals by October 1964 (CTJ, 2011).

### **Second Wave of the Tibetans arrival from 1980 to 1993**

With the increasing Chinese political domination on the Tibetan, second wave of exile took place from 1986 to 1993, 25,000 Tibetans joined their exiled community via Nepal through Sino-Indian border (Klieger, 2016). These groups of Tibetans arrived in India "Gentlemen's Agreement" border Officials allowed buses for Tibetans arriving from

the Tibetan Reception Centre in Kathmandu to cross the border for an “entry fee” up to Delhi, and from there, typically, to Dharamsala (TJC, 2016).

### **Third Wave of the Tibetans arrival from 1994 to 1999**

The third wave of the Tibetan arrival in India happened on the basis of the Central Tibetan Administration (CTA) and the Indian government ‘De Facto Policy’ of “voluntary repatriation” in years 1994 (CTJ, 2016, June). As per this policy, third wave arrivals sustained to receive from the Tibetan Government in Exile with voluntarily responsibility to return to Tibet, after about three months. These policies were applied to children, monks and nuns who had come to India to get a Tibetan education and had come for religious training, for this entrance, China restricted or prohibited in Tibet. Tibet Justice Center noted in its finding during this period, 2843 new arrivals in India, the CTA asked 1200, about half, to return to Tibet. In the same context, the arrival of Tibetans in advance is in two other waves in between 2000 to 2007 and 2008 to 2016 (CTJ, 2016, June).

In the beginning, the Indian government considered Tibetans refugee problem as a temporary one and hoped that they could return to their country. But on the request of the His Holiness Dalai Lama, India initiated long-term rehabilitation programmes for Tibetan in exile (Chakraborty, 2001). The Tibetan refugee community in India has been rehabilitated largely in three areas to make them self-independent, especially during periods of exile.:

- i. Agricultural sector (settlements in agricultural, horticulture or animal husbandry).
- ii. Agro-industry based sector (The creation of small industries to be run by Tibetans).

- iii. Handicraft based sector (Establishment of centres for training refugees in the production and sale of Tibetans handicraft and carpet weaving). (CTJ, 2016, June)

Himachal Pradesh is a major settlement of Tibetan refugees. Dharamshala is the most populated settlement of Tibetan refugees in district Kangra which is based on agro-industry. Tibetans are scattered in many small regions in Dharmshala<sup>11</sup>. It has been the largest area of concentration for Tibetan refugees in the state also known as quasi-capital for the Tibetan refugee population and projected as a “Little Lhasa”.<sup>12</sup>

Table 1.1: List of the Tibetan refugee’s settlement and population in India’s state

S. No.	Name of the Settlement	Sate	Male Population	Female Population	Total Population
1.	Choephelling	Arunachal Pradesh	1069	1022	2091
2.	Tenzingang	Arunachal Pradesh	382	339	721
3.	Tawang	Arunachal Pradesh	499	475	974
4.	Dhargyaling	Arunachal Pradesh	846	756	1602
5.	Rajpur	Chhattisgarh	769	646	1415
6.	Phendeling	Chhattisgarh	475	463	938
7.	Delhi	Delhi	1355	1213	2568
8.	Bir Dege	Himachal Pradesh	1969	1235	1969
9.	Bir Nangchen	Himachal Pradesh	478	454	932

<sup>11</sup>The place name is spelt either as Dharamsala or Dharamshala. But the Government-in-exile, following Indian government surveys, uses the former spelling. Throughout the discussion, the spelling Dharamsala would be used in order to designate the place. Dharamsala is a common name used for Dhamasala proper (the Kotwali Bazaar area) or the Lower Dharamsala, McLeod Gunj or the Upper Dharamsala. Lower Dharamsala is a predominantly Indian area. While many Tibetan establishments are located here, there are more in the vicinity of Dharamsala (for instance the Norbulingka Insititute). Dharamsala is used as a generic name for all. Location wise, it is characterized as a hill station in Himachal Pradesh.

<sup>12</sup>Though “Little Lhasa” was put on the map of global tourism mostly after the mid-eighties, the name had come to be associated with Upper McLeod Gunj from the sixties itself.

10.	Bir Tib Society	Himachal Pradesh	1113	765	1878
11.	Tashijong	Himachal Pradesh	185	148	333
12.	Dalhousie	Himachal Pradesh	335	325	660
13.	Dharamsala	Himachal Pradesh	7616	6085	13701
14.	Kullu	Himachal Pradesh	802	814	1616
15.	Poanta Sahib	Himachal Pradesh	409	381	790
16.	Puruwala	Himachal Pradesh	419	321	740
17.	Sataun	Himachal Pradesh.	91	81	172
18.	Shimla	Himachal Pradesh	709	701	1410
19.	Bonshi	Himachal Pradesh	267	111	378
20.	Mandi	Himachal Pradesh	247	293	540
21.	Ladakh	Jammu & Kashmir	3,417	3,352	6769
22.	Lingsang	Karnataka	179	97	276
23.	Bangalore	Karnataka	840	850	1690
24.	Lugsam	Karnataka	6501	2728	9229
25.	Dekyi Larsoe	Karnataka	2,915	1,508	1,407
26.	Rabgyaling	Karnataka	1422	991	2413
27.	Doeguling	Karnataka	6976	2871	9847
28.	Dhondenling	Karnataka	1784	1,695	3,479
29.	Norgyaling	Maharashtra	464	412	876
30.	Shillong	Meghalaya	312	347	659
31.	Dimapur	Nagaland	175	203	378
32.	Phuntsokling	Odisha	973	912	1885
33.	Gangtok	Sikkim	1575	1695	3270

34.	Ravangla	Sikkim	675	505	1,180
35.	Dhundupling	Uttarakhand	822	535	1357
36.	Dekyiling	Uttarakhand	2937	2749	5686
37.	Doguyugyalling	Uttarakhand	653	596	1249
38.	Kamrao	Himachal Pradesh	78	51	129
39.	Darjeeling	West Bengal	1587	1414	3001
40.	Sonada	West Bengal	257	289	546
41.	Kalimpong	West Bengal	978	963	1941
Total Population			53414	40789	94203

Source: Tibetan Demography Survey 2009 published from Central Tibetan Administration, Dharmshala, Himachal Pradesh.

The Government of India offered a place to settle a considerable number of refugees. According to Demographic Survey of Tibetans in Exile-2009 published by Planning Commission Central Tibetan Administration Dharamsala calculated India has 94,203 Tibetan refugees with 53,414 Male and 40,789 Female populations which are the 56.70% and 43.4% of total population in 41 camps (Table 1.1). These settlements spreading in over four parts of India e.g. north, northeast, central and south. Karnataka has 28341 Tibetan refugee population which constitutes 30.08 percent of the total refugee population. Himachal Pradesh, on the other hand, has a maximum number of refugee camps with a total population of 25248 Tibetan Refugee that constitutes 26.80 percent. Arunachal Pradesh has around 5388 Tibetan refugees which again constitutes 5.7 percent of Tibetan refugee population, Jammu & Kashmir with 6769 constituting 7.18 percent, Uttarakhand has 8292 (8.80 percent), Sikkim has 4450 Tibetan refugee (4.72 percent), West Bengal has 5488 (3.70 percent), Orissa has 1885 (2 percent), Delhi has 2568 (2.72 percent), Chhattisgarh has 2353 (2.49 percent), Maharashtra has 876 (1.32 percent) and lowest Tibetan refugee population is in the state of Nagaland with 378 number of Tibetan refugee population (.4 percent).

## **1.2 Review of Literature**

The review of literature has been carried out on existing available literature related to 'Gender Based Violence in Refugee Camps in India: A Study of Himachal Pradesh'.

These are divided into three themes:

- A. Gender Based Violence: A Theoretical Understanding.
- B. Gender Based Violence in global perspective.
- C. Gender Based Violence in Tibetan in India Refugee Camps.

### **A. Gender Based Violence: A Theoretical Understanding**

The existing literature on gender based violence discusses the term 'determinants' in the context of social, political, economic, environmental, and cultural factors that affect the victims, discussions and debates on GBV, especially women. It can be traced out with the emergence of feminist movement in the late 1960s and 1970s in the country like US, UK, India, etc. These studies have evidently indicated that gender based violence bears deleterious impacts on women's health as well as psyche which influence their social, economical and domestic life.

Western (2013) has depicted that societal power structure between two sexes causes an imbalance between men and women positions that lead to gender based violence against women. He further observed that male-centred ideologies propagate the supremacy of men over women with the intention to denigrate women as subordinate being in the hierarchal social structure of society, which instigates male to perpetuate violence against women.

Miller (2012) did a psychological study of between relationship men and women in order to find out the reasons responsible for violence against women and stated that man's aggressive nature and society's moral structure create suppressive



psyche in their behaviour. This suppressive nature of man compelled them to subject woman as a sexual object that results into harassment, stalking, incapacitated, rape and other violence against women.

A study by Chirongoma (2013) on GBV reflects that social conditioning of women is the main reason for gender based violence rather than biological one. Social ideologies with male version propagate the idea that women are an inferior and powerless being. He also studied modern society and said that hierarchal social structure placed women as second sex which deprived them to take part in the process of decision making in economic activities or access to resources.

Terry (2007) examined that during the state of violent conflicts, women and men experience violence in different ways. During conflicts in Bosnia, Liberia, the Democratic Republic of Congo, Northern Uganda, Burundi, Darfur in Sudan, and elsewhere, rape has been used systematically as a weapon of war. In humanitarian contexts, such as displaced people's camps, women and girls are especially vulnerable to GBV.

Wies (2011) argued that gender based violence includes multiple forms of violence and reflects the political-economic structures that perpetuate gender-based inequalities among the people. It includes physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion, arbitrary deprivation of liberty, traditional practices like female genital mutilation, early and forced marriages, female infanticide and deaths whether occurring in public or in private life and including domestic violence, crimes committed in the name of honour, crimes committed in the name of passion, trafficking of women and girls, acid attacks and commercial sexual exploitation as well as economic exploitation.

Gebreiyosus (2013) explored in his study, revealed that female refugees in refugee camps were exposed to physical violence, sexual violence, and socio-economic violence including an attempt to rape, rape, gang rape, physical injuries, discrimination and stigmatization and denial of access to services. He also disclosed that male refugees and intimate partners of female refugees were the prime GBV perpetrators of female refugees in camp of Mai Ayni, Ethiopia. Moreover, the study revealed that idleness, economic dependency, physical insecurity, lack of awareness, the collapse of social and family structure as well as poor reporting, coordination and legal enforcement mechanisms were identified as causes for gender based violence against female refugees in a refugee camp. Gebreiyosus (2013) observed that the Gender based violence is a global issue, which spans all social classes and age groups. One of the fundamental causes of violence is the power gap between male and female. In this regard, while gender based violence may be aggravated by particular social structures, value systems and traditions. He also discussed gender based violence on the basis of different instruments like; sexual violence, physical violence, emotional and psychological violence, harmful traditional practices and socio-economic violence. Among this sexual violence, there is a matching impact on the victim. It is also a human rights violation and public health issue that exceeds border and incurs devastation in context of global human cost.

Bloom & Arnoff (2012) calculated the magnitude of GBV in 10 countries and 15 cities that the proportion of ever-partnered women who had ever experienced physical or sexual violence or both, by an intimate partner in their lifetime, ranged from 15 percent to 71 percent. In four countries Bangladesh, Ethiopia, Peru, and Tanzania at least half of the women interviewed had experienced physical or sexual violence. The *Bloom* and *Arnoff* also find out the expenditure to treat the victims arising from

domestic violence include treatment and support for abused women and bringing perpetrators to trial as well as the emotional cost in human pain and suffering by the victims, and impacts on other family members. In the United States these costs exceed \$ 5.8 billion per year - \$4.1 billion for direct medical and health care services, plus productivity losses of nearly \$1.8 billion; other sources report, direct and indirect costs of all domestic violence at £23 billion per year or £440 per person.

### **B. Gender Based Violence in Global Perspective**

Gender based violence against women is one of the serious challenges in preserving human rights and social justice in the contemporary era. Human rights violation presents a significant public concern with civic, social, political, and economic consequences for individuals, communities and societies as a whole. GBV is a global virulent disease that inflicts men, women and children. However, women and girls are the most vulnerable and most affected by gender based violence. It is estimated that one in every three women has been beaten up, coerced for sex or abused in her lifetime in the world. Almost fifty percent of all sexual assaults are against girls aged between 15 years– 25 years in the world (United Nations, 2014).

Giles & Hyndma (2004) argued that refugee camps should be considered safe havens from gender based violence during peaceful time. Such violence is part of a process which can be linked to gender relations and women's historical definition within their own culture and households. Perpetrators of violence against displaced women include not only partners and military, but also humanitarian aid.

Martin (2003) found out that the real perpetrators of sexual violence against women are not only conducted by her partners, military, but also the people who are working there as an agent for humanitarian aid suppliers agency, who traded humanitarian aid in a change of sex with girls.

Ferris (2007) found that though sexual exploitation affected boys and girls from the age of life, but most frequently exploited group are girls aged between 13 years to 18 years, living in single-parent households, Special Entry Permit and unaccompanied children, girls from child-headed households, and girls of street traders.

Seith (1997) revealed that the GBV is a problem that persists at egregious levels in many countries. Although the international community has recently made strides in recognizing the pervasive nature of domestic violence and in pressuring governments to provide women with reasonable protection from this abuse, domestic violence persists but government protection still remains inadequate.

Hyder & Mac (2007) observed in their study the long-term impact of conflict as resulting in children's increased vulnerability to sexual exploitation and violence. They say that 37 percent of Sierra Leone's sex workers were girls under the age of 15 years, out of which over 80 percent belonged to unaccompanied children or children displaced by war. UNICEF (2016) estimated that 7.7 million people under UNHCR's care are children below the age of 18 years. Children comprise 39 per cent of refugees and 50 per cent of internally displaced persons. Displaced Sudanese women and men report abduction and widespread rape and sexual violence against women and girls in Darfur, Sudan. Women and girls in Chad crossing back to Sudan in search of water, food, and firewood also face the risk of sexual violence.

Cootnic (2003) has also explained that women and children refugees, who comprised 80 percent of the 12 million refugees worldwide, are subjected to vulnerable violence, including physical harm, rape, and unequal access to humanitarian assistance.

Jr. Alexander (2009) has shown that Bhutanese refugee women, who are living in Nepal, also suffered from injustice based on gender and discrimination including

rape, sexual assault, polygamy, trafficking, domestic violence, and child marriage in the camps etc. This is not only the story of a single refugee camp of Nepal but it happens in each and every refugee camp in the world.

Cook (1994) tried to explain violence through two distinct dimensions namely; sexual assault facilitated by the refugees and vulnerable situation after the fight and gender based violence in the refugee country of origin as a form of persecution qualifying the women for refugee status.

Srinivasan (2011) revealed that South Asia has the lowest sex ratio of women to men in the world, with 937 women to 1000 men in 2005 but gender violence manifested in numerous ways – such as pre-natal sex selection and female feticide, female infanticide, rape, forced marriage, early marriage, trafficking, dowry harassment, domestic violence, intimate partner violence, honour killings, public humiliation, street sexual harassment, cruelty to widows and elder abuse, bride burning etc are also the reasons.

Butchart, Mikton, & Kieselbach (2012) reported in the Violence Prevention Alliance report, every year approximately 530,000 homicides and over 16 million cases of nonfatal violence-related injuries. According to this report approximately 20 percent of women and 5–10 percent of men are sexually abused as children, while 25–50 percent of all children are reported physically abused.

Human Right Watch (2003) identifies the cause of gender based violence in a global perspective in a refugee camp is the unequal status of women and girls in refugee society generally. In refugee camps, disruptions to community support structures, unsafe physical surroundings, Special Entry Permit from families, and patriarchal

governing structures often heighten women and children's vulnerability to gender based violence. Sometimes the location of camp and design may exacerbate these problems.

### **C. Gender Based Violence in Refugee Camps in India**

Routray (2007) mentioned that there is no common consensus on the actual number of Tibetan refugees in India, although it is estimated that the numbers have gone well past 100,000. This study reveals that the issue of Tibetan refugee is still a negated area by the both governmental and non-governmental agency.

Goldstein, M.C. (1978) has pointed out the facts for the conflict between Tibetan refugee and local surrounding Tibetan settlements. The tensions among them are because of cultural imbalances between Tibetan refugees and local that includes issues of meat-eating practices of monks, competition with local, display of affluence and western lifestyles by the Tibetan refugees especially the youth, accusations of pushing up the land prices, loyalty to the nation etc.

Tibet Justice Center (2011) founded in its study that Tibetans and Indians generally coexist peacefully. But violence and hostilities have erupted occasionally, and increasingly, a growing anti-Tibetan sentiment has poisoned the historic mutual tolerance of these people which has affected the community. Northern India experienced major conflicts in the early 1990s, coinciding with the dramatic increase in the number of Tibetans coming to India, which exacerbated inter-communal tensions.

Lal (2008) described that generally Indians and Tibetans co-exist peacefully but there have been isolated cases of anti-Tibetan violence. Therefore gender based violence is increasing.

Bhatia et al. (2002) focus on the facts that migration of women to new places is the main cause of gender based violence. With the continuous migration, refugee camps

suffered the problem of health, education and socio-economic issues. These are rising consequently in Tibetan refugee camp of India. That leads to gender violence.

Cole, E. (1992) states that most of the refugee camps women do not find work. Hence, women face stress in the family. It also causes family discord that gives rise to gender based violence. Due to this reason, small children in the house are victim of physical violence. Girls have to face more physical and psychological violence due to mental stress of mothers and older female members of families.

Dhivya (2018) observed in her research refugee women in Tamil Nadu refugee camps with no male family members marry their daughters at the age of 13 or 15 with fear and insecurity. These women hope that the girl's husband will provide protection, doing this is the causes of gender based violence. These girls are vulnerable to different types of gender based violence like physical, sexual and psychological. Apart from these, child brides have no opportunity to go to school. They get denied education due to early marriage. Families unable to take care of all their family members sometimes marry their daughter to men who are often older in refugee camps for both safety and economic security. Apart from this, forced marriage is also organized for the victims of rape. Which causes psychological violence.

Often people have to leave their homes and run-away during conflicts. Family members are often shattered for this reason. Women have to take refuge in refugee camps without family members. Due to this women refugees without male family members; is an increasingly vulnerable population, they always fear of sexual assault is keeping many remain indoors (Cole, Rothblum, & Espin, 2013).

Rape and sexual violence are recognized as the most widespread forms of violence faced by women and girls; Women become victims of social violence that

often took place inside their homes. Many women are forced to go to prostitution to earn money for food and rent. Refugee women are always at risk of being forced into prostitution by their families due to harsh economic stress on the refugees. Financial and economic reasons are the main reason for quick divorce after a quick, informal marriage. Reports of rape and violence within the refugee's camps are very high and crimes can be committed by other refugees and aid workers. These are one of the reasons for gender based violence (Baines, 2017).

The existing literature does provide relevant observational aspects of the refugee issues. But there is hardly any analytical discussion on the issue of GBV of the refugee camp in India. The previous study provides little information about the socio-political causes and consequences of violence on the basis of gender which is a frequent phenomenon in the refugee camps. Most of the writing is concerted on state-centric political approaches to the refugee. Thus, besides this common issue, there are others serious issues which need an urgent academic attention from social science perspective of research to address.

### **1.3 Rationale and Scope of Study**

Violence on the basis of gender has been an increasing phenomenon in refugee camps. While the refugee camps are projected to be safe shelters for the helpless victim, in reality, they turn out to be a more vulnerable place for the women. Politicization in aid and rehabilitation makes the matter worse for the women. Though studies had been done in this area, it still remains unnoticed in the wider academic scenario. Most of the studies concerted on theoretical gender issues which affect the projection of reality behind gender based violence in India. Secondly, a holistic approach to this sensitive issue is hardly taken by the researchers and policymakers. There is a gap between the issue and its proper solution mechanism. It is the urgency of the time to look into this



matter in a more introspective manner. Therefore, present study has been taken to fill this gap and to contribute to the exciting knowledge of gender violence of the Tibetan refugee camps of India

#### **1.4 Research Questions**

- What are the determinants of gender based violence and how are they related to the socio-economic scenario?
- What is the nature and type of gender based violence in the Tibetan refugee camp of Himachal Pradesh?
- What are the impacts of gender based violence on the women in refugee camps?
- What are the governmental and Non-Government policies to initiate the issue?

#### **1.5 Objectives of the Study**

1. To understand the theoretical concepts of gender based violence in refugee camps.
2. To understand the gender based violence in Tibetan refugee camps in India.
3. To look into the issue of gender based violence in the refugee camps, with particular reference to refugee camps in Himachal Pradesh.
4. To analyze the policy mechanism to check gender based violence in refugee camps in particular and India's policy towards the Tibetan refugee in general.

#### **1.6 Hypothesis**

- Gender based socio-economic inequality in the refugee camps is responsible for gender based violence.
- Lack of proper awareness leads to gender based violence in refugee camps.

- The support mechanism of government and NGO institutions are not sufficient to address the issues of gender based violence in Himachal Pradesh refugee camps.

## **1.7 Research Methodology**

The present study is based on both secondary and primary data.

### **Methodology and Data Sources for the Secondary Data**

#### **A. Study Area**

At present, there are 41 Tibetan refugee settlements in India (TDS, 2009). There are fourteen Tibetan refugee camps in Himachal Pradesh known as settlements. These settlements situated into Mandi, Kangra, Chamba, Kullu, Sirmour and Shimla districts. The research has been carried out in the five Tibetan settlement namely Dharamsala, Bir Dege and Bir Tibetan Society come under district Kangara, Bir Chauntra, Nangchen is part of district Mandi and Phuntsokling, Dalhousie is a part of Chamba. According to Demographic Survey Report 2009, Himachal Pradesh has 25119 numbers of Tibetan refugees, Dharamsala has 13701 numbers of population (54.54 percent) followed by Bir Dege has 1969 people (7.83 percent), Bir Tibetan Society 1878 people (7.47), Bir Nangchen 932 people (3.71 percent) and Phunksokling, Dalhosie 660 people (2.62 perecent) of total population of Himachal Pradesh Tibetan refugees population. Due to the nature of migration of Tibetan population of five selected settlements are differ from 2009 to present. This study is confined to Dharamshala because most of the refugee camps are situated around it and Dharmshala is regarded as an important holy place for Tibetan refugees as their holy leader resides there. Secondary data was collected from various sources at central Tibetan administration, settlements level, documents published from UNHCR, Reports of different department of government of sates and central government of India etc.

## Methodology and Data Sources for the Primary Data

### A. Study Area

The present study “Gender Based Violence in Tibetan Refugee Camps in India: A Study of Himachal Pradesh” carried out in five Tibetans settlements in Himachal Pradesh, namely the Dharamshala (Center of Tibetan administration and head office of His Holiness); Bir Dege; Bir Tibetan Society; Bir Chauntra, Nangchen and Phuntsokling, Dalhousie. These five settlements have been chosen, because of the Dharmshala which have largest populated settlement and other four settlements are situated around it.

The primary data has been collected through questionnaire by interviewing the different age group between 15 to above 60 from the study areas. A list of respondents in each of the five settlements was prepared. After that 250 respondents were selected from these settlements using a systematic sampling technique in the proportion of the population of the respective settlements, interview scheduled were distributed (Annexure 1).

Table 1.2: Sample distribution in study area

Tibetan settlements	Interviewed	Percentage
Bir Nangchen	38	15.2
Bir Dege, Bir	38	15.2
Bir Tibetan Society	47	18.8
Dharamsala	95	38.0
Phunksokling, Dalhosie	32	12.8
Total	250	100.0

Source: The field survey of five Tibetan Refugees settlements of Himachal Pradesh during August 25, 2018, to November 10, 2018.

The final sample consists of 129 males and 121 females. Summary of the settlement-wise selected respondents is presented in Table 2.2, Out of 250, only 211 of the respondents answered GBV in Table 5.34. In further studies to assess GBV, the researcher analysed only 70 responses to GBV among the 250-sample because the

researcher found that only 70 respondents are victims of different types of GBV (Table 5.35).

### **A. Sample Design and Implementation**

The universes of the study consist of all Tibetan living in five selected settlements in Himachal Pradesh.

#### *(a) Data collection method*

The study applied two methods for the data collection in the research area: interview and observation methods. The first part of the interview/questioner method was used to collect the information on the socio-economic profile of the respondent, status of gender, education, and marital, family size, the source of income and literacy level. The second part of observation methods covered the awareness about policies and programmes, refugee laws and human rights and third chapter covered the issues related to gender based violence and their causes. Apart from it, these ten respondents were subjected part to in-depth interview as well.

#### *(b) Techniques for data analysis*

The data has been analyzed by a descriptive and inferential statistical technique. In descriptive statistical technique frequency table, cross tables, and figure have been constructed for the inferential statistical, chi-square test has been used. Further data generated through in-depth interview also transcribed and read again and again to develop themes related to the objectives of the study. Before going to the field, interview guide has been prepared for conducting an interview with respective settlements officers, spokesperson of CTA and others. Interview guide has been placed in an appendix.

## **1.8 Limitation of the Study**

The study undertaken will focus on the gender based violence of Tibetan refugee in the state of Himachal Pradesh. The reason to confine this study to five refugee settlements Bir Nangchen Division, Bir Dege, Bir, Bir Tibetan Society, Phuntsokling, Dalhousie and Dharamshala Tibetan refugee settlements is that it is one of the most populated settlements of Tibetan refugees in Himachal Pradesh and is the head quarter of Tibetan Government - in - exile. Bearing the limitations of time and resources in mind, the researcher has restricted to study Dharamshala settlement and around four settlement only since it is difficult to study the 41 settlement as a whole. The study has covered only two Tibetan settlements Dharamshala and Bir Tibetan Society for focused group discussion only and for survey five settlements apart from thirteen settlements of H.P.

## **1.9 Organization of the Study**

### **Chapter 1: Introduction**

This first chapter is introductory in nature. Chapter 1 deals with the nature, scope, rationale, objectives, research questions, methodology along with a general overview of the proposed study. It gives an outline regarding the emergence of gender based violence.

### **Chapter 2: Gender Based Violence: A Theoretical Perspective**

The second chapter focuses on theoretical perspectives of gender based violence in refugee camps. This chapter conceptualized the causes of gender based violence that occurs in refugee camps and between refugees.

### **Chapter 3: Root Causes of Migration of Tibetan Abroad**

This chapter highlighted the root causes of migration of Tibetan It focuses on aspects of reasons and factors that initiated Tibetan refugees' migration and India's approach

towards these refugees and it also discuss about GBVs among Tibetan Refugees in India.

#### **Chapter 4: India's Policy and Programmes Towards Tibetan Refugees**

This chapter deals with the policy and political views for the settlement of refugee issues and protection of their human rights by the government of India. It also discusses the livelihood options and the role of national and international NGOs to uplift such livelihood conditions of these refugees.

#### **Chapter 5: Gender Based Violence in Tibetan Refugee Camps of Himachal Pradesh**

This chapter is based on field study and divided into two section. The first section of this chapter examines the prevailing gender based violence in all the Tibetan Camps in Himachal Pradesh. The second section highlights the gender based violence in Tibetan refugee camps in Himachal Pradesh and its impact on the socio-economic and psychological condition of refugee woman and other determinants of gender based violence in Tibetan refugee camps in Himachal Pradesh. A structured questionnaire is used in order to have a clear understanding of the problems associated with the refugees in their respective camps.

#### **Chapter 6: Conclusion**

This chapter gives a summarized narrative of the findings regarding gender based violence in Tibetan refugee camps in India and analyzes the validity of the hypothesis

## **Chapter 2**

### **Gender Based Violence: A Theoretical Perspective**

#### **2.1 Introduction**

Gender based violence affects the human rights of millions of men and women of the world, its effects in different classes of society including classes of socio-economic and educational sectors and also in the major conflict area of social sciences. As we mention earlier gender based violence against women and girls as well as man and boys include psychological, physical, economic and sexual abuse. It includes eve-teasing, trafficking, forced prostitution, honour killing, rape, sexual harassment, dowry, female foeticide, intimate partner violence (IPV), etc. It is often known as gender based violence because it evolves in part from both men and women's subordinate status in society mostly with women.

UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) defines the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedom in the political, economic, social, cultural, civil or any other field (CEDAW), GBV is a "violence that is directed against women because she is a woman or that affects women disproportionately", that is to say, that violence against women is not something happening to women randomly, but it is an issue which has influenced them because of gender. Further GBV is defined as including "act that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and

other deprivation of liberty” (Freeman, M. A., Rudolf, B., & Chinkin, C. 2012). The UN Declaration on the Elimination of Violence against Women (DEVAW) defines Violence against women as “any act of gender based violence that results in or is likely to result in physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life.” (DEVAW, Article1).

Gender based violence is a very serious issue emerging in all developing countries of the world. The 35 percent population of the women have undergone and experienced either sexual violence or physical violence and psychological violence worldwide. Among them one third (30%) of all women have suffered from sexual and physical violence by their intimate partner but in some of the areas 38% of women have encountered violence by their intimate partners; internationally, 38% murders of women are committed by intimate partners. Available reports state that 7% of women have been sexually abused and assaulted by someone other than a partner. However, the evidence that does exist reveals that women who have experienced this form of violence are 2.3 times more likely to have an alcohol addiction and 2.6 times more likely to have the experience of depression or anxiety (García-Moreno, et al., 2013).

The gender is socially constructed term due to the nature that both women and men can be perpetrators and victims of GBV. Gender based violence is largely effectual to developing countries. The chance of GBV against women is more, although young boys, man and adult civilian are victims of forced recruitment, sex-selective massacre, wartime sexual violence, sexual violence, other forms of gender based and abuses during conflict situations (Carpenter, 2006). Gender based violence is common in the refugee's camps, conflict-affected area and during and post-war period. Every third woman of the world is a victim to the gender based violence, which includes the sexual



and other forms of physical abuse, economic and social disparities throughout her lifetime.

The present chapter will focus on theoretical perspective of gender based violence. Since gender is the creation of the society and the violence its action, it is important for the study to understand and identify the existing different theoretical perspective on gender based violence.

## **2.2 Nature and Conceptualized Causes of Gender Based Violence**

Ward, J., & Marsh, M. (2006, June) identified the term gender based violence is an umbrella term for all types of discrimination that is based on socially ascribed (i.e. gender) differences between females and males. It includes physical violence, sexual violence, psychological violence, economical violence and other deprivations of liberty acts can occur in private or in public.

The term GBV is used to understand the systemic inequality between males and females which is common in every aspect of society in the world. The UN Declaration on the Elimination of Violence against Women (DEVAW, 1993) defines violence against women as “any act of gender based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women (Edwards, 2010).” It occurred with civilian boys and men during the insurgency in public or in private. The Declaration on the Elimination of Violence against Women while defining the violence against women includes the gender based violence that causes physical, sexual or psychological harm or suffering to women through threats, coercion or arbitrariness that deprives the liberty of the women in private or in public. The scholars of social sciences explain that the gender based violence emanates on the basis of the three models. The first model of violence against women finds out the main causes were

explained through biological differences where violence is a human predisposition conceived as a psychobiological response. The second focuses on the influence of the characteristics of social systems on individual conditions and third model considered psychopathological reasons: violence as a consequence of a psychological disorder, of alcohol or drug abuse, etc (Ward & Inserto, 1990). Thus the cause of the gender based violence can be attributed to the biological incapacity to compete among the different genders, combined with the social hierarchy of the male dominance; and the biologically strong and the socially dominated male physiological factors; those are often influenced by alcohol or drug abuse. However, this system never stated that violence is inherent in gender relations and the significance of gender output was absent in the analysis of violent relationships between men and women.

Niroj Sinha (1987) has emphasised that the patriarchal system and its ideologies are another determinant reason for such violence. The male dominance in the patriarchal system begins with the basic structure of the society, i.e. the family. The dominance has been able to create gender disparity and the suppression of women inside the four walls of the home, which has spread to all possible sphere of the society where she lives. The spheres that extend from the bedroom to kitchen, from road to the workplace, at the workplace for pay and promotion; from the birth of a human being discriminated on the gender for nutrition, education, opportunity all are divided with the high proportion for the patriarch of the society. This disparity which has been brought forward through the wheels of time held the so-called weaker sect of the human being objectified to the gender based violence. Unless and until the attitudes and mindsets of society and its people changes, violence, atrocity and discrimination would continue to persist. According to Sinha, violence may be physical and exploitative. The author identifies a 'victim of violence', if anyone is subjected to the threat or if the

person does not act as per the desires of the group of persons identified as the oppressors. It will not only include the physical violence but will also include the context and particular situations under which threats of force are to be implemented.

Richard J. Gelles (1980) in his seminal study on conjugal violence and child abuse states that violence emerges from individual hitting, striking, battering, assaulting, or throwing an object at another person and it is questionable when analysing and reading violence in families. The attitude of the family members to the discriminatory division on the violence initiated by women in the family, assigns her the status quo of an outspoken or Man handled lady. This hidden agreement in the minds of the family members defines a violent act in two unparallel dimensions, based on the commuter of the act. That is to say, a violent act, when done by a male member, does not fall under the quotes of definition, while the same act by a female attribute her outspoken status. Since the term violent act is properly suited to the situations of the user for the desired benefits, the definition dissolves in the act. An action of a parent slapping the child may or may not fall under the violent act, which shall be determined on the conscience of both parents and the circumstance of the situation. One possible solution to the rather broad conceptualization of violence would be to separate 'violence from force'. In a society, the force will be defined on the basis of legitimate behaviour permitted by the social acceptance for the cause, while violence could be thought of as an act that society looks at as non-normative.

Gelles (1980) methodologically divides family violence into three kinds: normal violence which covers routine, normative and necessary, secondary violence; kind of violence to resolve a conflict in contrary to family norms, it produces extra conflict and contradiction over violence which gives reason for further violence, and lastly, volcanic violence that occurs at end of line – has run out of patience; it is an

illegitimate violence that is explained as arising out of the building of stress and frustration- the stress builds up to the points where the offender 'erupts' into violence.

Anuradha Sharma contextualises in *Encyclopaedia of Indian Women* (1998) gender based violence in the social order is that "...illegal employment of methods of physical coercion for personal or group ends...which is distinct from force or power", is a purely physical concept. Thus, in nutshell, there is a range of force or power in the society which is accepted and practised in the social institutions, but when the force or power is imposed upon the individual at gunpoint or on the coercion, so as to satisfy the pleasure of such user or groups; it overrides the accepted power and violence against gender and society begins.

### **2.2.1 Nature of Physical Violence**

Physical violence can be defined as the use of external force which causes injury, harm, disability including death. It cannot be only limited to pushing, shoving, throwing, grabbing, biting, choking, slapping, hair pulling, punching, burning or uses of a weapon like a gun, knife etc. To Coercing or exciting other people to perform the same has also be regarded as physical violence.

The study on intimate partner violence (IPV) analyzed data from the National Violence Against Women Survey (NVAWS) of women and men aged 18 to 65 found that 28.9% of 6790 women and 22.9% of 7122 men had experienced physical, sexual, or psychological IPV during their lifetime to experience physical or sexual at their workplace (Coker et al., 2002). The man and women both are affected by physical violence with an increased risk of current poor health; substance miss use; and developing a chronic disease, risk of current poor health and injury. It is happening due to generally abuse of power and control was more powerfully linked with these health outcomes than was verbal abuse (Coker et al., 2002).

### **2.2.2 Nature of Sexual Violence**

The sexual violence is one of the frequent issues in contemporary society. This kind of violence is very common and serious in our day to day life. The sexual violence can be understood multifaceted nature of violence (Bronfenbrenner, U. 1994). The first time, it was first introduced in the late 1970s. Depending upon violence nature, it is divided into three major categories; self-directed, interpersonal and collective in nature. Krug et al., (2002) illustrates the nature of violent acts, which can be:

I.Physical;

II.Sexual;

III.Psychological;

IV.Involving deprivation or neglect.

World Health Organisation (2002) explains that sexual violence is primarily focused on violence against female, majority of which are caused due to rape. It takes place in different circumstances irrespective of the age, status gender of the victim. Rape is the major consequences of sexual violence (Josse, 2010). It may happen during dating or within marriage relationships, rape by strangers are also common. It has also been identified that a significant number of sexual abuses of mentally or physically disabled people is increasing. Unwanted sexual advances or sexual harassment, including demanding sex in return for favours, sexual abuse of children, forced marriage or cohabitation, including child marriage, denial of the right to use contraception or to adopt other measures to protect against sexually transmitted diseases, forced prostitution and trafficking of people for the purpose of sexual exploitation and forced abortion (Josse, 2010). While the gender disparity suppresses the female through the taboo against the use of contraceptives or abortion for the prevention of unwanted pregnancy, dismantles the female gender as the aftermath of

the sexual violence against the kind. When safety is the concern of every state to its citizen the fact is that women of all ages, children, and widows are not even safe within their four walls of the family. The early thought that still prevails within the society, that wall of the family prohibits revealing the mishaps within the bedroom to the public, in order to protect the image of the so-called higher gender, 'male'.

When the gender based violence and sexual abuse are side-lined with the agenda of uplifting the deprived female gender, it is not to be taken away from the focus that the term gender is incomplete without a male, and so the violence. It's not only females who are the victims of the gender based violence but also the males are the affected parties.

*ManKind* is the first charity organisation of Great Britain registered to support male victims of domestic abuse since 2001. It is running a confidential phone helpline for male victims of domestic violence and domestic abuse found. The *ManKind* recognised that every three victims of domestic violence ratio is 2:1, means two will be female and one will be a male of England. 8.2% of women and 4% of men were estimated to have acknowledged domestic abuse in 2014/15, equivalent to an estimated 1.3 million female and 600,000 male victims. *ManKind* identified the partner's sexual violence abuse is 23.7% of women (3.9 million) and 10.3% of men (1.7 million) have experienced at the age of 16. Partner abuse or non-sexual abuse was the usually experienced type of intimate violence among both men and women of the population of England during 2014. When the violence is against the dominated group (male) the confidentiality clause on the identity and nature comes up. It seems quite tragic for the male to come up in the open society and talk about the violence they go through, due to their dominance through the ages over the weaker sect of the gender. The gender

based violence against the male is not only limited to the violence from their partners but in conflict zones, they are subjected to the arrogant discrimination.

Jyoti Diwakar mentions in her research, that the violence against men in India is largely emotional and psychological in nature. It affects the lives and productivity of Man. The man of India is still more inclined towards the emotion. Many of such cases go unreported because men feel more hesitation to report the case of violence as compared to women in the matters of physical assault. She mentioned that Indian Legislation has failed to accept that men can also be victims of sexual violence and physical assault. Various laws of India are women-centric, for example, the Indian Penal code Act (1860) Sections 354 A, 354 B, 354 C and 354 D deal with sexual harassment and voyeurism etc. accept women as victim and men as the executor and there are only one Indian Penal code Section 377 where only penile sexual intercourse served and non-penile abuse victims are not served by this law. Section 497 of the Indian Penal Code, 1860 punishes the male counterpart for the offence of adultery and takes account of the innocence and the protectiveness for the female involved in the offence.

### **2.2.3 Dynamics of Physical or Sexual Violence**

The physical and sexual violence based on gender is multidimensional in nature. The physical violence includes; use of weapons, gestures and words to communicate that are physically evident and may cause death, injury or physical disability to the victim. The weapons, words or gestures are used to force a person to engage in sexual acts or any abusive sexual contact against his consent. Such an act may be initiated by the person himself with or without the knowledge or instigated by him at the will of any other person. An act of sexual violence not only deteriorates the physical body of the victim including their private body parts but also affects at large their mental capacity

to be stable in the society. Similarly, in sexual violence use of aggressive voice like “I will kill you” or “I will beat you if you don’t satisfy my sexual desire” are the assertion terms used to conduct sexual violence.

Dynamics of physical or sexual violence against men by women or *vice-versa* is not a new phenomenon. It is due to increase with changing economic independence, power dynamics and control over resources and economy. Changing patterns of power dynamics is also affecting relationships between women and men. While, men are afraid of losing their dominance, women are wound up by their empowered position. In this framework, situating power within men and women, husband-wife, and family is important in favour of the larger society (Kumar, 2012).

Shakil (2016) mentions in his study that there is no systematic record or study on the dynamics of violence against men by women in India. Approximately 40 cases involve violence against men apart from in 100 cases of domestic violence. Indian men are more emotional as compared to other courtiers. They are bound by values and social system which prevent them from reporting and sharing physical abuse and domestic violence. Even if men share their problem, torture, harassment from the family or the marriage, the society never listens to them. Instead, they are seen with the lenses of weakness or as feminine.

Men and their dominance have to be blamed for this, so as they were the ones propagated in the society that, men are never to shed the tears, they have to be strong and arrogant. Thus, talking about harassment by women or sharing that they are beaten by their wives is shameful. The dynamics of man’s violence with another man are totally different, as it’s seen as the tussle between the two equals; but when the counter-partner is of the opposite gender and if he fails, it’s a matter of great shame. Generally, men in India do not enjoy sex because women withhold sex without any reason. The



visual part of these types of violence is verbally abusive. Commonly women insult men in different ways related to attitude, profession, day-to-day work, and sexual life. These types of abuse lead to psychological torture.

Indian society could not consider that wife or women can mentally or verbally harass/ abuse men, rather such an act is taught to be one of the greatest *sins* for the ones to commit, and in them, its constructed that '*Pathi is Parmeshvar*'. It's generally the trend that when a man is not following what his wife demands, his in-laws or family start to unwantedly interfere authoritatively into the family and causes a nuisance. In some cases, it is also found and reported when things go wrong or when the husband is not following what his wife is demanding, her family and in-laws start to threaten to charge against false cases such as or the Domestic Violence Act, 2005 or anti-dowry (498a, IPC).

Torture is the best example of physical violence commonly existing in all places including refugees camps and it is part of gender based violence, it includes solitary confinement, threats to harm, often without food or fluids, physical beatings, mock executions, electrocution, or unwanted sexual violence and bluster, such as rape, rencontre, or forced to be nakedness (Fornazzari & Freire, 1990). The main aim of torture in conflict is to inflict severe physical or psychological pain and thereby obtain information, punish, intimidate, and/or coerce. Research associated with victims of physical or sexual violence finds out that alcoholism, drug addiction and smoking continuously increased in their daily routine (Acierno et al., 1996). We can see a lot of behavioural change in the victims of the physical or sexual violence; they are often addicted to alcohol and other intoxicants, which have a bad effect on their health both physical and physiological. That is the reason for the high rate of illegal sales of drugs and alcohol around the refugee's camps site.

Health care costs of victims of physical or sexual Violence have been found to be up to 92% higher for victims than a normal person (Wisner et al., 1999). The injury caused in the physical or sexual violence to the victims who are in the conflict zones or the refugees at settlements is not under the imaginable limit, as in the case of normal civilian victims. Physical and physiological abuse which extorts both visible and mental strength of the victim cause high cost for regeneration of the lost capacity.

#### **2.2.4 Psychological or Emotional Violence**

The psychological or emotional violence is the most common form of violence by women to men or vice versa which occurs within the family. Psychological violence is not an aloof form of torture at the conflict zones. Emotional and psychological form of violence which are one among the most adopted method in the conflict areas are capable of breaking down the will of the individual and lets the person down for rest of the life. The experience of psychological or emotional violence would differ from the characteristics of those experiencing sexual violence or physical, it is more severe violence than other types. Consequences of the psychological violence are disempowerment, and failure of control in a relationship with the partner (Coker et al., 2000).

Psychological violence always happened in relationships in which the abuser holds a position of trust over the victim (Doherty & Berglund; 2008). In some cases, an individual may construct the abusive in environment to organise forms that perpetuate the situation. This abuse is converted into “systemic abuse” or “institutional abuse” because the system itself silences the sufferers (Simmons 2002). Researchers define it as the systemic extermination of a person’s self-esteem, always happening in relationships where there are differences, division and dispute in power and control (Follingstand and Dehart 2000). With the bondage of trust the beneficial person attacks

the victim emotionally or psychologically, the individual conflicts stand never ending and if such a situation arises in a conflict zone the system stays as the watchdog, as it is a silent beneficiary. Depending on its terms and its frequency and short and long-term effects of psychological violence is known as interpersonal violence (Tomison & Tucci, 1997). Refugee's camps are the best place for these types of violence because these people need empathy and sympathy and willing to be taken care of.

Psychological abuse, damaging the psychological health of man and women from all over the world, predicted post-traumatic stress disorder symptomatology in victims (Straight et al., 2003). It is the identified primary source of distress and impact on adjustment. In psychological abuse victims, also have greater dissatisfaction and negative opinion about their health. The research on psychological abuse similar to physical and sexual victimization may have downbeat effects on sufferer health and greater frequency of chronic illnesses. The migrants and the refugees are often the victims of such violence.

### **2.2.5 Economic Violence**

True, J. (2012) identified that violence against women is also part of economic violence. This is committed by an intimate partner or family member through economic blackmail or control over money a woman earns denial of access to education, health assistance and denial of property rights etc. These types of violence always happened with women. It includes limited access to finances and credit; controlling access to education, healthcare, employment, including agricultural resources; excluding from financial decision making, and discriminatory on inheritance, property rights due to traditional laws of family or in society. It happened due to the paternal nature of society.

Economic violence may also include restricting or withholding funds needed for necessities such as clothing and food, excluding a female partner from financial

decision-making taking wife's money and damaging their property. Due to the consequences of economic violence, poverty is increasing in the society; 70% women are poor in 1.5 billion world population of poor people due to the economic violence. Study finds out that woman not only earns less but also have less control over assets and own only a fraction of the land compared to men (Chen et al. 2005).

Economic violence should not be looked through a single angle of restrictions on the expenditure expected upon the female, rather the new dimension of the violence which intends to gain access to the economy of the female is also to be noted. With the feminist movements and other awareness programmes, it was able to lift the taboo of women working for an economic gain, but the suppression of the liberated ones took its new approach by aiming to control her wealth.

### **2.3 Sites of Gender Based Violence**

Gender based violence is a very common phenomenon and it is not restricted to any defined area and time. This kind of violence violates human rights extensively. It is pervasive to all developing nations of the world. It may happen with anyone including men and women at any time, at any place. The most affected are those in the war affected areas or post-war victims or the refugees. It is a very serious sort of concern for humanitarian since it raises questions on the protection of human rights, security problem and protection of civilians during high politics. Jeanne Ward (2002) mentions in the Reproductive Health for Refugees Consortium (RHRC)'s reports state that gender based violence is an umbrella term for all kinds of violence against a person which creates negative changes on the psychological and physiological condition of the concerned person (Ward, 2002). He further mentions in his research that, gender based violence has been an integral component of armed conflict through the world. During the 1919 persecution in Russia, Jewish women were raped by Cossacks, the Japanese

army raped thousands of Korean and thousands of Bengali women were raped by Pakistani soldiers during the 1971 Bangladeshi wars of disestablishment. This report confirmed to GBV against girls and women and to lesser extent boys and men that has been and continues to be a feature of virtually all armed conflicts. Recent interrelated events on the international stage have brought GBV in armed conflict, as well as in refugee, internally displaced, and post-conflict settings, into starker relief. In the broadest terms, these events include (Ward, 2002).

1. The rise of women's and human rights movements across the world, which have not only identified violence against women as a global phenomenon but have also characterized that violence as an affront to basic human rights;
2. The shift in the nature and scope of humanitarian aid afforded conflict-affected populations, including attention to the distinct protection needs of women and children and the ascendancy of reproductive health programming;
3. The increased dominance of international legal instruments and institutions in promoting and reinforcing international standards of human rights as they apply both to women and to conflict;
4. The advances in global technology as well as changes in attitudes toward war that have altered the nature of war propaganda and reporting, leading to significant international press coverage of sexual violence;
5. A basic change in the character of war during the latter half of the past century from military engagements primarily between fighting forces to violence that targets, dislocates, or otherwise victimizes civilian populations.

The gender based violence has exclusively been identified as a human security issue of the twenty-first century (Joachim, 2003). UN Security Council Resolution 2010 which states that all parties and armed forces must adopt special measures to protect

women and girls from gender based violence' during war or conflicts and at in such situations meaning and definition of violence against women and girls can be redefined in order to protect women in purview of human rights and human security (Richards & Haglund, 2015). Depending upon nature, the main sites of GBV are 1. Family, 2. Community / Society, and 3. State.

### **Family**

The effect of GBV is visible in the family and the experienced witnesses, by standers of such violence are responsible for committing such violence in the future that creates chaos in the basic social structure. These types of violence in the smallest unit of the society affect a large segment of the population and cross all cultural demographics of the world. Family violence is a part of the social issue, a criminal and a public health issue, justice issue and an issue of human rights, not just an individual, family or private matter; it is categorically a public concern (Chalk, 2013).

The violence within the family occurs because of the very nature of the family and its structure. This is also one of the elementary sites of GBV because violence within family and household takes place in the homes and it is often seen as a 'private' space and that is why it becomes difficult to get information about such types of domestic violence. Moreover to this, when it is the concern for the reputation of the family in the society and the individual status of the members of the family. Most of such cases of the violence are suppressed within the family itself. A fact that is not to be missed to this issue is also the beliefs and the teachings which protect the family violence from being brought into the public domain.

Mishra (2007) mentions the definition of UN Special Reporter "Domestic Violence occurs within the private sphere, generally between individuals who are related through the intimacy of blood or law." Violence in the family site can be

physical or psychological in nature, and since it occurs within the boundaries of the family it also can term as to be domestic violence. Domestic violence surpasses the boundaries of the countries, class, caste, age, education, income; ethnicity and culture, etc. In most of the cases, domestic violence is caused against the women by their own closed ones like husbands, boyfriends or partner. In the recent year's numerous attempts have been done by various government organizations and NGO to bring domestic violence in the public consideration as, according to law, there is nothing personal in it (Loseke, et al., 2005).

### **Community/ Society**

After the family, another form of hierarchy is the community or the society. When the members of the family who have prior experience to the suppression of minor genders and other forms of violence reach out into the community, nothing other than a larger perspective of violence has to be expected. At the community level violence like stalking, lucid comments, sexual harassment at workplace, forced trafficking of women, violence against migrant workers generally takes place. In a conflicted community the violence reaches a new level which includes a higher rate of physically enforced suppression and labour exploitation of all forms including sexual. Moreover to this, such communities witness a high rate of alcohol and drugs abuses which seeds the pathway for future violence of diversified nature. Pornography is also been classified as a form of violence against women that degrades the status of women and maltreats her in the society. The evolution of high-end technologies and smart life has been able to assist better opportunities for visual recording to spread across the globe in no time. Atrocities like pornography, nudity, morphed pictures and videos committed on women and circulating in the public spaces like *facebook* and *whatups* deteriorated the status of the individual as well as the community.

Media has greater public responsibility but most of the time this has been operating to romanticise the role and images of women in society and has been involved to formulate a negative impact about gender disparity. Because of being a visual and effective medium to represent social and political issues effectively it influences human life a lot. It has been seen and documented that negative and stereotyped image of women in the media and the ways in which media reports on GBV contribute a lot to the perpetuation of GBV as common phenomena (Sida, 2015). It creates and perpetuates ideologies to negate and support such cases. Be it in cinema or in an advertisement or in television programmes women are portrayed either as submissive or as a commodity object. Modern cinema or pop music generally presents the female body as an object of sex/ sexual desire which in some or other ways create violence in society. The social media has been able to trigger the nature of the media at much faster rates. The social media has also to be assigned with the status of the community, as in today's world people know their social media friend more than their neighbours. The social media functions as a tool to have control and dominate the society/community.

### **State**

Sometimes state plays a vital role in subjecting violence against women which is basically executed through the state machinery. This kind of violence takes into account through the arms of the state which include the police and armed forces. The reason can be certain turbulence conflict or crisis within the state, causing sexual exploitation, physical torture, verbal and physical abuses in custody of the investigative or protective agencies of the state. Violence such as rape in situations of armed conflict or against vulnerable and marginalised communities or group of people, refugees or internally displaced women or children is either initiated by the state missionaries or the extremists. Often the state or state functionaries such as police or the army help to carry



on GBV. The major assertion for such state initiated GBV is to in-cultivate the fear within the people in order to stay in power for the state parties. During of civil war, security forces, the police and the military are known to use rape as a subversive instrument of suppression and an indirect way of subjecting and framing the male.

#### **2.4 Theoretical Perspective of Gender Based Violence**

Several contemporary theories and postmodern literary discourses have suggested measurement for understanding gender based violence. Ahuja (1997) highlights a common approach in some of the theories that focuses on individual aggressors. Accordingly, there are two kinds of explanations focusing on individuals. One includes psycho-pathological explanations that focus on personality characteristics of victims and offenders. These theories provide a pathological explanation for violent behavior focusing on brain structures chemical imbalances, dietary deficiencies, hormonal factors as well as evolutionary theories and genetic characteristics to explain violent behaviours (Sharma, 1999). This model thus links mental illnesses and other intra individual phenomena such as alcoholism and drug use to violent behaviour. The socio-psychological model, on the other hand, argues that violent behaviour can be understood by careful examination of the external environmental factors that have an impact on the behavior of individual leading to a stressful situation or family inter-actionable patterns (Straus, et al., 2017).

Other explanations give more importance to the socio-structural factors as causes of violence among individuals. These include possible sources of stress and inert individual conflict because of factors such as poor economic conditions, bad housing, poverty, lack of job opportunities, unfavourable and frustrating work condition arising out of inequalities in the society and unequal distribution of resources. Structural

explanations also offer more political explanations for violent behaviour among individuals.

#### **2.4.1 Patriarchy Theory**

Patriarchy theory developed by R.E. Dobash and R. Dobash (violence against wives, 1979) maintains that throughout history, violence has been steadily directed towards women. In the connection to the family, it seems like “a system originating in the household wherein the father dominates” (Mill., & Mill, 1970). This structure is carried forward to each aspect of the social system because the family is being identified as the basic unit in the society. It is in a social context where male-oriented domination and exploitation is practised over female (both as an individual and as a group) and it is evidently clear in all aspects of human life. Economic and social processes operate directly and indirectly to support a patriarchal social order and family structure. Domestic violence reflects women’s inequality in culture and this reality is reinforced by various institutions. Dobash’s essential theoretical argument is that patriarchy leads to the subordination of women and contributes to a historical pattern of systematic violence directed at females.

“Women busy with bearing and nursing children became dependent on men for their survival. The dependence on men resulted in the unequal distribution of power relations in the family” (Wood, & Eagly, 2002). The major cause for dependency can be attributed to the classification brought between men and women on the basis of the physical strength and the productivity in terms of economy. The women are engaged in the uneconomic and unpaid work which made their position inferior. The patriarchal system that controls the social structure has denied for ages the opportunity for the growth and development of the women in society. The same or the worst is the condition of women from the conflicted zones and the refugee camps. The male

dominance in such affected areas can be from two different levels; firstly, from the perpetrator of the conflict and secondly the victims. Whichever is the field, the patriarchal ideology survives.

While some argue that women's inferior position is the result of controlling her sexuality. The patriarchal system to a great extent was able to confirm women to the preset norms of chastity by forced marriages. While the control over the sexuality and the sexual freedom of the women is regulated or suppressed in a normal patriarchal society, the victims in conflict areas or the refugees are exploited sexually out against their will. The women are often abused for frivolous reasons as meals not being served on time or up to their satisfaction, nagging, children not been taken care of, suspecting for infidelity and various other reasons like drinking which has a catalyst effect on violence, frustration in life and inability to achieve the desired goals.

#### **2.4.2 Feminist Theory**

The patriarchal structure of the society and the male dominance in every field of female life can be attributed to the root cause for the development of the Feminist theory. Fundamentally, Feminist theory recognises the root causes of violence in a patriarchal structure of society wherein women's inequality and society's tolerance of male violence in the context of an intimate relationship. At the centre of feminist explanations is the view that all violence is a reflection of unequal power relationships between men and women in society and also, therefore, within their personal relationship (Wood, & Eagly, 2002). The unequal distribution of power includes the lack of proper recognition for the labour by the women since there is no monetary gain associated with it; the biological and emotional disparity between women and men has been able to project men as superior to women; the political structure that governs the state failed to recognise the contribution of women to the nation building, thereby

denying her the voting rights. The social neglect that suppressed her at home among the loved ones, the society that wanted to be the protector of her, while discriminated her, the greatest attribute tolerance of her out broken and she initiated the feminist movement with the aim of gaining the equal status among the masses of the globe.

Feminist theoretical formulations came up during the height of the women's movement in the 1970s, with arguments that questions gender violence is broadly conceived as male coercion of women. The key argument of the feminist explanations is the view that all violence is a reflection of unequal power relationships, domestic violence reflects the unequal power of men and women in society and therefore, within their personal relationship. The feminist theory gives emphasis that the cause of gender violence lies in the patriarchal structure of society, where male plays a dominant role in most social institutions. In matters related to gender, society presets norms that support the subordination of women and justify violence of male against women (Tarar & Pulla, 2014). Society expects men to be 'head of the household' in terms of earning and controlling the family income, directing decisions and authority. This socio-economic dimension of gender discrimination has also been identified by feminist activists as one of the centric causes of gender based violence. By the societal support of these attitudes, the use of violent behavior to control women in relationships is legitimized (Taylor, 2006).

Male dominance is deeply rooted in the economic affairs, social ideologies and an academic institution which instigates the gender based violence and the discrimination on the division of labour with preset assigned roles for a different gender, and the conventional gender role assumptions with verbal, physical, economic, and emotional abuse. The violence is using as a means of maintaining male power in the family when men feel their dominance is being threatened. Economic independence

made women dependent on men and has made an unable escape from these abusive situations. Men' physical strength may give them the bodily power to dominate women by means of violence. The social management in which men enjoy the positions of respects and power is alike devaluing the feminine and overvaluing the masculine (Prasad, 2006).

The social hierarchy categorises male and female with the attributes of superiority and inferiority in a relation to the different social and individualistic levels. As men, is entitled to gender based respect and obedience as per the conventional approaches to the gender issues, any negative approach to the actions and pre-concepts of the male are perceived by them as disrespect and disobedience that infuriates them. Such batterers often rationalize their violence on the ground that it was necessitated by their partner's actions as they were provoked or caused by her, and they simply reacted as any man would do (Pandey, 2008). Why do men exercise violence over women? The question hunts feminists throughout the world. Two stands of thought interlink the male violence with women. First, male' control of women sexuality is a key factor in women's oppression. Secondly, heterosexuality validation or legitimization of force and the coercion as its mechanisms (Mukherjee, 2007).

From the detailed understanding of the feminist theory, it is evident that male dominance and the patriarchy are responsible for the suppression of the females across the globe. It is not fair if the applicability of the theory is not examined in the context of the conflicted societies and the refugee centric areas. The refugee camps and the conflict zones are well-accepted field area where the violence in different form thrives. The violence against humanity and the inter-intrapersonal conflicts include the gross gender targeted attacks by the state parties and the extremists. In the context, it has to be kept in the mind that most of the conflicts are organised by the male-dominated

patriarchal sectors of the state and society. The discrimination between the refugees/migrants and the civilians, if for the betterment of the society can be accepted, but if the rationale for such a distinction is not in concurrence with the basic human rights and violates the gender equality principles it is to be regarded as baseless.

#### **2.4.3 Social Learning Theory**

The concept of socialization is to be understood before understanding the social learning theory. Socialization is a learning process that begins after birth, through which both genders learn what is right and wrong, and degrees of different expectations as a part of learning their sex roles and gender identity. The culture in which they live has an impact on individuals and they learn social behavior by observing and imitating other people (Hamieh & Usta 2011). Scholars express that there is a connection between violence in a person's family or community of origin and later spousal victimization (Macmillan & Kruttschnitt 2005). Children who grow up with violence in the home or the society learn and absorb the lessons about the use of violence in interpersonal relationships to control others, and may be encouraged to follow (Baldry, 2003). This comes vital in the case of children from the conflict zones and the refugees. Moreover, women are socialized to give priority to family roles as most of the societies teach them through the conventional norms of the society and hence, their work-related behavior is also affected. They are also taught to take major responsibilities for the success or failure of their relationship with men.

Social learning theorists believe that the behavior of a person is shaped by observing well-known others in early childhood (Bandura, 1982). Therefore, the early observations and experiences of the child is a concurrent factor in shaping the personality of the child. If the early experiences are of the violence, they later attribute to form future violent relationships (Walker, 1979). Social learning theory applied to

marital violence centres on the parent-child relationship and the experiences the child undergoes within that arrangement which impacts behaviour in adulthood (Cleaver & Unell, 2011). Boys who witness their fathers beating their mothers are more likely to batter their own spouses (Hamieh & Usta, 2011) and girls who witness their father beating mother and her mother silently accepting all the violence instils in her a sense of subordination, submissiveness, and subservience that results in her playing an inferior role in society (Dutton & Painter, 1981). Same is the case with children witnessing the violence in the conflicted areas, where they are forced to suppress the will to a superior authority and lets them control the lives. The early experience of the power by force and violence to control the system even though it traumatises the child in beginnings; it cultivates in him the passion to follow his experiences as an adult.

Social learning theory attempts to explain the presence of intergenerational transmission of violence. It is proposed that, while growing up, children receive a response from others about their own behaviors, from which they begin to develop standards for judging their behavior and seek out models who match these standards (Hyde-Nolan & Juliao, 2012). Children who observed and experienced abuse were more likely to be in an abusive relationship as either an abuser or victim (Mihalic & Elliott, 1997).

Rahmatian, (2009) in his study revealed that intimate relationships have a higher rate of domestic violence; where either the victim or the offender has been exposed to prior domestic violence. In his study, 67 percent female victims indicated the formal, while abused 48 percent of the male offenders reported that a family member had previously engaged in domestic violence. Of the offender's group, 72 percent indicated the first exposure as a juvenile and 28 percent as an adult, while 45 percent of the victims reported their first experience was as a witness and 55 percent as a victim. This

study supports the social learning theory (Rahmatian, 2009). The experiences and the real-life stories from the refugee camps have a major impact on the adulthood of a person from such backgrounds.

#### 2.4.4 Ecological Theory

The ecological framework is based on the argument that not a single factor can explain why some people or groups are at higher risk of IPV, while others are more protected from it. The ecological theory seeks to better understand the “influence of external environments on the functioning of families as contexts of human development” (Bronfenbrenner, 1986). The theory aims to explain and understand the individual instances of spousal abuse as well as domestic violence as a social problem. It is useful to explain the cyclical nature of family violence both within a particular family and across generations. The ecological framework given by Bronfenbrenner was revised by Jay Belsky, who incorporated an additional level, the notion of individual history or background, a kind of internal environment (Carlson, 1984). This framework views IPV as the result of interaction among many factors at four levels—the individual, the relationship, the community, and the societal (Heise, 1998).

Table 2.1: The description of Social Ecological Model (SEM)

SEM Level	Description
Individual	Characteristics of an individual that influence behaviour change, including attitudes, knowledge, behaviour, developmental history, self-efficacy, gender, age, religious identity, racial/ethnic identity, sexual orientation, economic status, values, financial resources, goals, expectations, literacy, stigma, and others.
Interpersonal	Formal (and informal) social networks and social support systems that can influence individual behaviours, including friends, family, peers, co-workers, customs or traditions and religious networks.
Community	Relationships among organizations, institutions, and informational networks within defined boundaries, including the built environment (e.g., parks), community leaders, village associations, transportation and businesses.



Organizational	Organizations or social institutions with rules and regulations for operations that affect how or how well, for example, MNCH services are provided to an individual or group.
Policy/Enabling Environment	Local, state, national and global laws and policies, including policies regarding the allocation of resources for maternal, newborn, and child health and access to healthcare services, restrictive policies (e.g., high fees or taxes for health services), or lack of policies that require childhood immunizations.

Source: Adapted from the Centers for Disease Control and Prevention (CDC), The Social Ecological Model: A Framework for Prevention, <http://www.cdc.gov/violenceprevention/overview/social-ecologicalmodel.html> (retrieved 21.04.2017).

The socio-ecological applicability of the theory has been able to develop the Social Ecological Model (SEM). The SEM model is a theory-based framework for understanding the comprehensive and interactive effects of personal and environmental factors that determine behaviors. The model also aims at identifying behavioral and organizational leverage points and intermediaries. There are five hierarchical levels of the SEM: Individual, interpersonal, community, organizational, and policy/enabling environment as detailed in the figure below. The table below the figure provides a brief description of each of the SEM levels.

This ecological theory for domestic violence argues that it's not a single issue that alone cause's violence, rather a number of reasons combine along with the primary issue raises the probability of the high nature of violence. This model breaks influencing factors down into four categories:

- The innermost circle of the ecological framework represents the biological and personal history that includes the knowledge, experiences of the individual. Each individual has his/her own personal beliefs, attitudes and behaviours. Protective factors could include high self-esteem, tolerance and good conflict resolution skills. Risk factors could include low self-esteem, childhood history of sexual or physical violence and substance abuse which was due to the

conflicted society where the early life of the child was spent, or the experiences from the refugee camps.

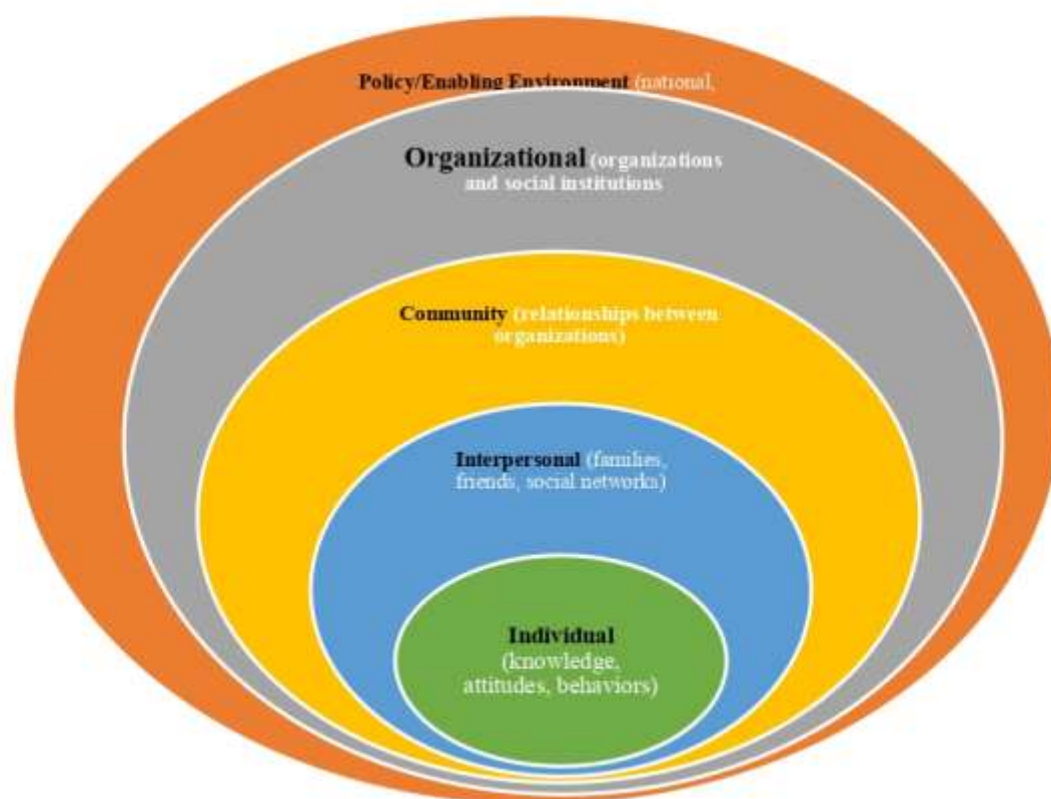


Figure 2.1. The Social Ecological Model<sup>1</sup>

- The second circle represents the immediate situation in which violence takes place frequently, including the family or acquaintance relationship or the social relationships.
- The third circle represents both formal and informal relationships in which relationships between different organisations are primarily emphasised. The next level to the interpersonal relations which is applicable at the larger level, i.e. the society, embedded through the neighbourhood, peer groups and social networks.

<sup>1</sup> Kerman, Kader Tekkas & Patricia Betrus (2018). Violence Against Women in Turkey: A Social Ecological Framework of Determinants and Prevention Strategies. *Trauma, Violence, & Abuse*, XX(X), 1-17. doi: 10.1177/1524838018781104.

- The fourth, the circle is the organisational environment where the individual has to establish a fair environment and dealing with the different social institutions.
- The outermost circle is the policy enabling an environment where the state and the government come into the picture. The economy, polity, law, and social environment including cultural norms are included in this circle.

In the ecological framework, social and cultural norms followed by the individual is combined with other factors such as whether the man was abused in the childhood days, or the violence and conflict witnessed from the affected areas or the refugee camps during the early life is used to determine the present approach of him in the society. The more risk factors present, the higher the likelihood of violence.

#### **2.4.5 Cycle of Violence Theory**

The cycle of violence theory states that violence occurs in a cycle. It was developed in 1979 by Lenore Walker. The theory is based on the opinion that the individual decision to stay in the violence is not stable and the decision to stay is purely based on the intervals of peace in the affected area. The theory explains the victimization of individuals, as they fall into the helplessness of the conflict zones and the lack of courage at the refugee camps. The cycle theory of violence identifies the cyclic nature of violence (Pagelow & Pagelow, 1984). The origin of the violence in the conflicted area can be accounted as the first stage in the theory. During this stage the abuser is aggressive, angry, and uses force and power; the tension between the groups of people at the conflict zone increases, and the fears that the abuse could occur at any moment increases. A victim during this phase stays in tension with no hope for the future. Since there is no scope or resources to fight back, the tension builds; the victim becomes more submissive and more repressive. The incapability to control the situation and the

incapacity to save the near and dear ones makes the victim powerless and incompetent which initiates the second stage of the cycle.

The tension reaches a stage where it is intolerable. In phase two when the tension peaks, the option left will either be the decision to runaway and be a refugee or a migrant or initiate the fight back with physically evident violence in a small mass.



Figure 2.2 Cycle of Violence

Source: Adapted from Lenore Walker, *The Battered Woman*, Harper and Row, 1979, Retrieved from [http://www.1736familycrisiscenter.org/pdf/Cycle%20of%20Violence\\_v3.pdf](http://www.1736familycrisiscenter.org/pdf/Cycle%20of%20Violence_v3.pdf).

Once the victims are able to escape the jurisdiction of the conflict zone and attain the status of the refugee then the third cycle of violence begins. Here at this stage, the visible physical violence will not be a factor to traumatise, but the inner conflicts and the physiological and social abuses will carry forward the cycle of conflict. It is usually provoked by the presence of an outside event or by the abuser's emotional state- but not by the sufferer's behavior.

This cycle continues again and again, at different levels both visible and hidden. The abuse may be horrible, but the hope of a better future gives the sufferer the belief that everything will be all right.

## **2.5 Theoretical Framework of Gender Based Violence**

After the detailed examination of the theories subjected to the study, it is important to construct the theoretical framework for gender based violence, without which the chapter stands incomplete. The social norms produced as the result of the patriarchal superiority in the society has been able to attribute distinctive gender based roles to the men and women. The gross gender based violence being the product of the male-dominated society and the neglect of such society to see forward into the condition of the sufferings of the women is itself the cause for the gender based violence. Be it the normal society or the conflicted group, or the refugee settlements, the ideologies that have been carried forward by the men have never been able to satisfy a solution for the status of the women in their society. The misconception of the ideology can also be a reason. For example, according to *Manu*, the girl child is to be protected by her father till she attains puberty, and ones after marriage by the husband, and if she is a widow it's the duty of the son to protect her from the idea of the Indian Jurist, the protective status of women is evident; but the sad reality is that the patriarchal society failed to understand the exact nature of protection and thereby suppressed her individual freedom and choices at their will and whims. Thereby it can be concluded that the patriarchal system has adorably contributed to the gender based violence.

The feminist movement has been able to highlight the issues of gender based violence at the highest. The identified causes for the gender based violence are the income disparities, the biological strength inequalities, conventional social norms, and

the misconception on different social relationships. The feminist theory instead of arguing for the eradication of gender violence seeks for gender equality.

The development of human society is through the process of learning. The capacity of humans to think, acquire knowledge has distinguished them from other animals. The social learning theory has been able to underline the issue of recurring violence as the effect of the learning process of human beings. The child who was a witness or a victim of the violence has to be considered as the learned adult on the subject of violence. And thus, such an expose has created the chance for the gender based violence to stay at the society forever long.

The primary member of the entire society being the individual and the basic unit being the family, the ecological theory emphasises on the historical background of the adult to analyse the gender based violence. Because the adult is the product of the child's memories and acquired experiences from the conflicts from the childhood, and thereby all the actions of the adult member in different spheres of the society has to be constructed with the context of ecological theory for establishing the gender based violence.

The applicability of the cycle of violence theory comes into the frame as it has to be understood that the violence cycles are in the never-ending nature. This nature of the violence can be identified in the transformed nature of gender based violence over the period of time. That is, if in case of India; there existed the gender based violence of practices like *Sati* and *Devdasi* system, which has transformed into the *Honour Killings*, *Bride Burnings* and *paid or unpaid sexual exploitation*.

The theoretical framework on the gender based violence cannot be attributed to any particular theory accounted on the study. But the conclusion can be asserted from

the adopted theories on the study that, the individual behaviour affected by the conflicts and violence has a great role in promoting the different forms of gender based violence in its various forms. This includes the violence at the inter-intrapersonal relations and the different social institutions.

## **Chapter 3**

### **Root Causes of Migration of Tibetan Abroad**

#### **3.1 Introduction**

Migration is the complex phenomenon of the world which can be traced back to the ages of human civilization. It is based upon the geographical, social, economical and political situations of the State as well as choices of people. Migration is a movement of people from one socio-economic condition and society to a new socio-economic situation. It is estimated that there were around 244 million international migrants in the world in 2015, which is about 3.3 percent of the global population (McAuliffe, 2018). Migration has both positive and negative aspects. It helps the people to improve life and provide the opportunity for the betterment of lives with assured safety.

This chapter comprises of two parts: the first part contains a detailed discussion and understanding about the historical and political causes of migration of Tibetan migrants. The second part of the present chapter is exclusively devoted to the gender based violence among the Tibetan refugees in India.

#### **3.2 Historical Background**

Tibet was untouched by the outside politics and social developmental agenda until the 1940s. The political turmoil started witnessing in Tibet after 1950. It was considered that Tibet was untouched by modernity till 1950. Before 1950 political upsurge Tibet was totally unaffected by the violence. It is due to the influence of Mahayana Buddhism with its teaching and propagation of non-violence. But after 1950, a political vacuum was created in Tibet to fulfil the vested interest of the western imperialist to bring into



play its geopolitical strategy in Central Asia due to the absence of modernity and political isolation and secure their presence in the periphery of mainland China.

Throughout the 19th century as well as at the beginning of 20th century, Tibet was divided between the two major world powers, British India and China. Several conferences were held to make Tibet free from colonial influence. Of these, the 1904 Tibet Conference and the 1907 Anglo Russian Conference were originally intended to influence and colonize Tibet with the aim of freeing it from any conflict (Sen, 1960).

The Chinese always opposed the British presence in Tibet and also opposed the idea of a buffer state of Tibet. According to Dava Norbu, the Chinese had always feared that the presence of the British could colonize Tibet or encourage nationalist Tibetans to modernize and "nationalize" their country. To counter the influence of modernisation and nationalism Chinese curbed all source of changes coming to Tibet.

Although Tibet was not a colony of the British, they were prepared to modernize Tibet to some extent to keep Tibet under their ideological influence and political control. In this regard, the 13th Dalai Lama attempted to pull Tibet into the 20th century but was opposed by religious institutions and ruling elites. The monastic community of Tibet refuted the Dalai Lama's idea of modern Tibet (Shakya, 1999).

The Lama's unsuccessful attempt to modernize Tibet paved the way for the Chinese to gain access to Tibet and to interfere in Tibet by bribing and instigating powerful sanctuaries in Lhasa. Since these monasteries were customary to the Chinese as patrons of Tibetan Buddhism, they expressed concern over anti-Buddhist influence and intervention in the Holy Land. As a result, the social structure has lost its balance and the traditional value system has begun to decline.

A French Tibetanist noted that prior to the Chinese invasion, "Tibet is not only an ethnic group but a civilization. Tibetans are free from those of China with whom they have nothing to do. Tibet is also one of those rare in the world. It was one of the countries that developed its culture in complete isolation from outside influences until the 20th century.

It was a religiously active country where the Tibetans were still constructing monasteries. Each member of the nobility had a library, and artists were brought to their homes at high remuneration. The French Tibetologist further commented; It was by no means a civilization on the decline, but, on the contrary, survived colonialism. The above facts supported and acknowledged by a number of books, especially those written by westerners, who spent several years in the country (Richardson, as cited in Norbu, 1979).

Tibetan Buddhism had a very clear and unique expression of prayer flags, stupas, religious monuments and prayer wheels and stones, with prayer boxes attached to them. The most obvious evidence of Buddhism was the community of monks, which constituted 20 to 33 percent of the male population. It shows how religion entered every aspect of Tibetan life (Grunfeld, 2015).

Tibet as a political unit faced major upheavals during the period 1950–1960; This was perhaps the most important part of Tibet's modern political history as the People's Liberation Army (PLA) took full charge of Tibet as a nation in this decade. Tibet took the only chance with the United States to prevent the PLA from war, failing to obtain sufficient support from its neighbors such as Nepal, British India, or Mongolia for this matter. The Containment Policy against the Communist regime at that point of time allowed Tibet to seek help from the US to retaliate against the oppression from the

Chinese Government, in response to which the US sent CIA troops along with enough ammunition to start a Tibetan resistance.

Unfortunately, such a contract could not be sustained for long; The contract was broken in 1971 due to a secret visit by an American official to China and the US withdrew its support for Tibetans. Given the fact that Buddhism in Tibet has its roots in Indian soil, India could have shown more political support in opposing the Communist Party for the colonial hangover. At the time of the Cold War, India was an important ally in determining the future of Tibet's political situation, with Prime Minister, Pandit Jawaharlal Nehru re-adopting the British-India policy on Tibet, which recognized China's mastery over Tibet until 1951 Granted (Mehrotra, 2000). To understand why this happened, we have to take the date back to 1904, when the British Government of India first demanded trade privileges in Tibet but was refused in their first attempt by the Thirteenth Dalai Lama. The British defeated the Tibetan rebels and entered Lhasa, which led to the signing of a treaty in Lhasa in September 1904, known as the Lhasa Conference. The treaty provided Britain with trade privileges in Tibet and allowed a British resident to be stationed at Gyatse (Li, 1956).

The British mission of 1904 ended the international isolation of Tibet and exposed the myth of China's authority. However, it also provoked the flight of the Dalai Lama and an inevitable Chinese effort to fix its position in Lhasa, China was willing to recognize some, but not all, provisions of the Lhasa Conference. In exchange of accepting of few provisions of Lhasa convention Chinese were denied the Tibet's right to independently conclude any international agreements (Richardson, 1948). A similar policy was adopted by the first Indian prime minister towards Tibet which has been maintained without any strategic alteration.

### 3.2.1 Government Structure

Prior to 1950, the structure of the Tibetan government was dialectical in nature. The primary administrative structure was divided into an ecclesiastical and a lay wing. The Dalai Lama was the religious and political head in relation to Tibet's religious and secular affairs and exercised supreme authority. The head office of the government was occupied by the regent. The Regent was chosen by the National Assembly from among the *avatara* lamas of the four monasteries in and around the capital region of Lhasa. The Regent exercised great authority but his responsibility and accountability were limited to the Legislative Assembly only. In exchange for influencing the monastic institutions, especially the three pillar monasteries near Lhasa, in the assembly, they elect the regent in favor of the monasteries (Rahul, 1969). Next to the Dalai Lama in rank was the Chief or Prime Minister. However, the Prime Minister's powers did not include chairing the Cabinet sessions. The Council of Ministers were the principal executive body of the Tibetan government is known as *Kashag*. It consisted of three-layer ministers (Kalons). The high-ranking monk was appointed as the senior member. The ministers were appointed mostly by the Dalai Lama or the regent.

The nation's internal administration related to politics, revenue and justice was seen by The Qashang. As part of the executive, there were special administrative offices of which four Tsi-pon's (Foreign Bureaus, Military Offices, Treasuries and District Offices) were the supreme offices. In cases of utmost importance, one can appeal directly to the Dalai Lama (Michael, (1982).

The Tsongdu (National Assembly) was an incompatible body, which only gathered when summoned by the Council of Ministers, giving its opinion on specific matters. The assembly consisted of a total of seven hundred people; Both ministers and monk officers, including the monastery and representatives of the three pillar

monasteries. Tongdu played an important role in policy matters, particularly in Tibet's relations with China.

The Dalai Lama will pay more attention to Songdu's views than Qashg Chikb Khempo or Lord Chamberlain, serving as the head of the Dalai Lama and the monastic council as well as the Dalai Lama's household. He was the head of the monastery administration and had direct access to the Dalai Lama, who presented him as the most influential figure.

Tibet is formed by three traditional provinces namely, Amdo, Yu-tsang and Kham which comprise the so-called Tibet Autonomous Region (TAR), Qinghai Province, Tibetan Autonomous Province (TAP) and the current Chinese administrative regions of the Tibetan Autonomous Region. County (TAC) in Sichuan Province, TAP and TAC in Gansu Province and a TAP in Yunnan Province (Barnett, 2010). The Chinese, on the other hand, refers to an area carved out of Tibet as TAR in 1965 which excludes other areas claimed by Tibetans. The Chinese counter-claim the territories outside the TAR, which are claimed by Tibetan, as historically part of China.

Tibet was geographically and politically isolated from the rest of the world. The nations that had little knowledge were British and Chinese. These two nations refer Tibet and Tibetans to their own interests for the rest of the world. The dispute between the PRC and Tibet resides in its inability to meet each other and to the rest of the world that the two can come to a peaceful settlement without the intervention of foreign powers. On one hand, the PRC claims that Tibet should be recognized as part of China and Tibetan national defence will be taken care of by China. In addition to that Tibet's political and trade relations with foreign countries must be conducted through China and on the other hand, Tibetans are aghast with the very idea of being recognised as a

part on China, they want their country to be granted liberation independent of such false claims.

### **3.3 Various Causes of Tibetan's Migration**

In March 1959, when the People's Republic of China entered Tibet. During this time, the army of the People's Republic of China fiercely created an uproar in Tibet. Thousands of monasteries were destroyed. Tibetan was imprisoned and Lhasa was devastated. Violation of human rights happened. Apart from this, there were different reasons, forcing Tibetans to leave their country which are as follows.

#### **Mimang Tsongdu and Mass Mobilisation**

The Chinese government used the military to crush the liberation struggle of the Tibetans. It used the army to capture eastern and northern Tibet and defeat and subdue Tibet's smaller liberation army by ten thousand more advanced PLA troops. Later, the PLA troops marched towards central Tibet. Due to the lack of active support from the international community, the Dalai Lama and Kashak had no choice but were forced to send a delegation to Beijing for talks with the new Chinese leadership. Thus, "peaceful liberation of Tibet" (seventeenth point in the agreement) was born in 1951 without the confirmation from the Tibetan government (Benson, L, 2013).

Since then China has done all of this and used its power for the Tibetan people to invest in Tibet to follow Chinese culture, especially Han Chinese culture and social norms. To convert Tibet into China, the Chinese made several efforts to suppress Tibetan religion, language, and cultural identity (Tse-Tung, 2014). For example, during 1950-1953, the Chinese govt. divided the *Kham* into two Tibetan Autonomous District under a Governor and TAR district. Entire *U-Tsang* and areas of *Kham* were later placed under the administration of TAR government in 1955. Another move was

coming in 1954, with special autonomy being replaced by the TAR, for which the Dalai Lama was made a nominal head by any authority. In fact, it was another important step for these passive-aggressive attacks by the Chinese government, which caused despair and anguish among the native people and inspired the popular Chinese protest movement, which laid the foundation for the formation of the Meimang Tsaddu (People's People) Laid council) in 1954.

Mimang Tsongdu was the first organised resistance group that demanded the withdrawal of the PLA from Tibet through social mobilization and unification of the Tibetan against the Chinese. They fought against Chinese propaganda for many years in sporadic events by organizing a prayer offering ceremony for the Dalai Lama's long life and also raised anti-China slogans (Grunfield, 2015). However, the Chinese did not address their existence, instead they interpreted it as a reactionary by feudal lords to reclaim their lost lands. The most important demonstration of his rebellion was on the eve of the Dalai Lama's visit to China; MimangTsongdu applied and mobilized the public to persuade His Holiness to decline the invitation (Shakya, 2012).

The Chinese invasion intensified over time to the extent that they confiscated all weapons, possessions and also bombarded the monasteries with the insides inside it. One of the leaders named Takht Rinpoche, a lama of the Khambum monastery, left Tibet to incite the US to intervene in Tibet (Patterson, 1960). In response to the Khamba flowed in and out of India for training purpose. After a period of time, he managed more than 14,000 armed men, equipped and supported by the United States. East Tibet experienced a large scale rebellion in July 1956 due to Chinese intervention. The movement also intensified in central Tibet. According to Dava Norbu (1979), at this time, important role was played by the leaders of the business class. The Chinese had paid these merchants in silver coins called Daoyuan, but instead of earning more profit

or taking refuge in nearby countries, they invested money for a partisan war. By 1955-56, the Chinese policies in eastern Tibet created a new wave of hostility started at *Dartsedo* which was the capital of eastern Tibet, the resistance movements spread in eastern Tibet too.

The tribal chiefs organized joint efforts of resistance to defeat the Chinese and were able to chase the Chinese out of eastern Tibet province for a few months. It was around 1956, the New York Times reported, that the guerrillas wiped out 600 Chinese communists in eastern Tibet. Apparently, 1957 was the year of a rudder. However, in 1958, a full-blown battle ensued, prompting Nehru to cancel his trip to Tibet. Since Tibet is known for its harsh condition, it was impossible for the Chinese to make use of the new military road which gave access to *Lhasa* and *Khamdo*. The activities of the guerrillas were highly intensified in 1959, heavy use of artillery was made to clear down the Chinese troops and the punishment for this even more savage. The Chinese demanded the Tibetan army to fight the guerrillas and persuaded the *Kashak* to ban these guerrillas. However, the *Kashak* rejected the Chinese demand due to fear that rebellion broke out. There was an unprecedented rebellion in Lhasa, which exiled the Dalai Lama. Thus, the entire course of the struggle of *Mimang Tsangdu* in Tibetan history ended in 1959.

After 1962, there was a period of war between India and China, which shook the international focus from the struggle against Chinese rule of Tibet. The protest movement against Chinese rule continued till the end of 1969. The enormity of the insurgency in Tibet can be measured during 1959, Tibetan nationalists claimed to have established a voluntary freedom fighter in the Loka region, bringing in 23 different groups but they fell behind the Chinese army in the absence of modern communication methods. Dalai Lama as a ruler of Tibet did not have direct contact with the public and



held an ideology which did not coincide with the Mimang Tsongdu's movement nor with the PLA, but rather a blend of both (ICJ, 1966).

The Tibetan Resistance Movement and *Meimang Tsongdu* represented national sentiments against Chinese invasion and occupation. a. According to Tom Grunfeld, in early 1952, *Mimang Tsangdu* put up posters and campaigned against the Chinese presence. He took advantage of religious activities to mobilize people and on March 31, 1952, demonstrated popular resentment against Hans, shouting slogans PLA, Get out of Tibet (Gnmfeld, 1987). The system cannot change in Tibet. The Chinese stationed in Lhasa also confirmed the report that roads were not safe for geese in the early 1950s.

*Mimang Tsongdu* caused a pan-Tibetan mobilization. The women of Lhasa demanded the withdrawal of Chinese rule from Tibet. Its leaders submitted an appeal for assistance to the Indian Consulate in Lhasa. The three great monasteries Drepung, Ganden and Sera also declared their support for independence (Smith, 2008; 46). *Mimang Tsongdu's* large-scale mobilization is a major threat to China. Therefore, the Chinese urged the Tibetan government to suppress *Mimang Songdu* and termed it as a false representation of popular will.

One of the remarkable characteristics of the resistance movement leaders was that they considered themselves as an army of Buddha. Thus, throughout the revolt, their strategy was based on religion. The representatives of the monastery in Meimang who were against violence and insisted on patience also hoped that the issue could be resolved peacefully. But when the Lamas came to know that the Preparation Committee meant a death row for Tibet, they agreed that opposing the swan with violence would not be their last resort. However, this was a very important fact, as the PLA had given the original part of their lives, ie their religious sanction, nothing more to lose to these

monks, which eventually turned them into great fighters. For main source of inspiration was that it was a holy war fought against the demons to restore the sanctity of their Religion (Levi, 1954).

In 1956, when Meimang Tsangdu's activities reached their peak and began to attract international attention, China pressured the Tibetan government to arrest the main leaders. Alo Chongjes, Bumthang, Labchung and others were arrested but released sometime in the same year, Buttang died within a few years after his release. Alo Chongjes has become a victim and a controversial figure in Tibetan politics (Shakya, 1999). Many leaders were arrested and their organizations were declared illegal. The Chinese were undoubtedly more technically sound as well as strategically sound than Meimang Tsangdu. It was only a matter of time that they were abolished. According to Ginsberg and Mathos, the Chinese were able to suppress Chamdo's rebellion with modern technology and superior powers (1979, Burman).

The traditional ideology on which the rebellion was based gave enough popular appeal to melt the border of eastern Tibet and to overcome passion and violence even in Tibetan autonomous regions where the Chinese had not seen any disruption of the social system. Therefore, many Tibetans considered the rebellion to be a national uprising with a dynamic nature, as most of the Tibetan people included national sentiments.

The protest movements launched by Khamba and Amavadas formed a national movement. Organization like "voluntary army to protect Buddhism" refers to the ideological form of national protest movements (Vedic, 1996). It is surprising that there were instances in the outer farthest corner of Tibet where rebellion was not seen where the PLA did not disrupt the religious sentiments of the people. But the moment the Chinese tried to change the functioning of the sacred social system, as happened in

inner Tibet, violent rebellion ensued. The popularity of Buddhism and the power of the Buddhist "church" made it practically impossible for communism to have an ideological rivalry — at least for the time being. In those days, communism was depicted as a destroyer of Buddhism.

Chinese anti-Buddhist propaganda, which was a part and parcel of ideology or indigenization meetings, was greatly resented by all sections of the Tibetan population. There is an old Tibetan proverb: "If Buddha had an enemy, his followers would have to put on armor. And so, the monks fought with valor, they preferred to defend their religion to save their lives. The Khamba guerrillas who led the national movement of Tibet branded themselves as ten-sang i.e. defenders of the faith. Main Movement Buddhist Dh was in defense of religion, as expressed in the Dalit Lama while the Chinese were 'liberators. Tendra is said to be an enemy of the faith (Barnett, 1996). Such was the ideology that gave rise to Meimang Tsangdu, such satisfaction That the whole rebellion would not have taken, the Chinese diplomatically allowed religious sentiments to remain untouched.

There are western intellectuals who considered the protest movements an embarrassment, as it diverted from the revered peace-loving image of Tibet as a Shangri-la. However, the protest movement was the right step for Tibetans.

### **Lhasa rebellion of 1959**

Several documents of the rebellion in Tibet highlighted the role of the pillars of eastern Tibet, but the entire revolt was pan-national. The fact that it was a movement in which thousands of people from all classes and ideologies participated in political action with the common aim of protecting their value system felt threatened through communist rule against their will used to do. People from all walks of life contributed to the protest, monks, merchants, women people and farmers. However, the rebellion got an

unfortunate end with the immediate support of India or the US. Several countries showed their support but a concrete decision was not signed on paper. In 1953, a large number of activists, including the common people of the nation, collaborated with the guerrillas, and the following year the rebellion gradually spread to eastern and northeastern Tibet. The popular uprising in Tibet was not a norm until 1950.

But by 1955–56, a full-scale rebellion began in the eastern province of Kham and Amdo, known as the "Qing Rebellion". The rebellion marked a united rebellion of the Eastern Tibetans against China, ultimately leading to a mass demonstration in Lhasa (1959). The Kant revolt was conceived over ideological differences between Buddhist and communist value systems, particularly in violation of the 1951 "Seventeen Points Agreement", which explicitly stated that the Dalai Lama's traditional position and functions and powers changed Will not go and will not have freedom. Religious beliefs will be protected (Norbu, 1979). According to the Chinese Communist, democracy in Tibet had to be reinvigorated because it poses a threat and directly opposes Marxism and Leninism which China intended to pursue.

New reforms came in haste and were insensitive to the social norms and sentiments of Tibetans, the color of the reforms demonstrated the urgency and raw intent of Communist China to curb Communist China in Tibet. Even once Tibetan officials, who held important positions, felt that China would like to maintain a sense of democratic consolidation and present policies with long-term goals, the two parties would likely arrive at a consensus. Even the Dalai Lama is of the view that: "The present conditions of Tibet are still far from socialism ... Reform can be done with the consent of the Tibetan and people's leaders but not on their behalf" (Shakya), 1999).

The Chinese Communist paid no heed to the suggestions and initiated a major policy-making process, which led the villagers to violently retaliate. This is believed

because by this point the villagers understood that fighting the Chinese was the only option and they had already lost what was meaningful to them, here a strong offense was a good defense (Norbu, 1979). Thus, broke the horrors of the quarrels that had been seen before in the soil of the Tibetan abode. The villagers retaliated against the Chinese cadres with full vigor. In Changtarang, for about fifteen days, the villagers blocked the water supply at the Chinese camp. By the end of February 1956, 3,000 monks from Changtrang, thousands of Khamba refugees and others who came to protect the monastery.

The Chinese did not restrain their anger and bombed the monasteries in a mission to erase "reactionaries". They destroyed precious manuscripts to harm the transmission of Buddhist culture and killed monks to discourage young boys from joining the monkship. Looking at the history where the news of the Tibetan uprising by Meimang Tsangdu representatives was covered as a simple response to the will, the Kanting rebellion was so aggressive that perhaps for the first time the reports of the Chinese Communist press released the witness and the Chinese Communist leaders The situation openly acknowledged as the existence of rebellion in the Kham and the demand for the intervention of the Dalai Lama. The situation went out of hand. Chow En-lai officially declared that 'a mistake had been made' and so he approached the negotiations for peace (Peisse, 1972). After the Kanting rebellion, the rebellion increased and spread towards the western region, which eventually swept Lhasa in 1959 which began the Dalai Lama's deportation.

The rebellion expanded its horizon by seeking support from the Tibetans who were already in exile and fortunately they were successful in achieving this feat, guerrilla movements were so strong and active, and events led to the postponement of the visit of Jawaharlal Nehru, the Prime Minister of India, to Tibet in 1959. Even though

China was legally, technically and in many other ways sound but it seemed impossible for them to break the spirit of those determined to free Tibet.

In 1958, more than 15,000 rebel families and refugees from eastern Tibet set up their tents in Lhasa (Peisse, 1972). As Lhasa was overflowing with eastern refugees, the Chinese sent them back to China. He presented the condition that Khamba who do not have an identity card, would not be allowed to enter Lhasa. This measure stimulated the pillars to make a more nationalistic and organized movement, even unprecedented. Under the single command of Gumpo Tashi Andrutsang of "Four Rivers, Six Ranges", he departed from Loka towards Lhasa on 16 June 1958, asking him to join Central Tibet, the holy city, the Dalai Lama, the epicenter of the world. Crusade for the price for which they fought (Paisel, 1972).

The rebellion was not entirely utopian, there were many leaders who took a more violent and aggressive path, which affected the integrity of the nationalist volunteer force. Many were unhappy with the ways of rural leaders. This scenario was a bonus for the Chinese government as they were quick to differentiate between nationalists and ordinary people. They took advantage of and exploited some unemployed Tibetans and attacked the disguised countryside as freedom fighters. Political unrest led to a split among the elite in Tibet. The Dalai Lama and his group believed that the future of Tibet lies with China's cooperation. But the rebels were convinced that there were differences between China and Tibet. Such an opposite paradigm created many dilemmas for the Dalai Lama. He strongly believed that if Tibet continued to oppose and provoke Chinese authority, it could lead Tibet into a frightening series of repression and popular outrage. For her, a violent protest is not only impractical, but also immoral. He was a man of conviction of moral law.

After thoughtful analysis, he finally approved anti-Tibetan policies, and sacked his prime ministers, sending a delegation to convince Khamba to lay down arms and cooperate with Chinese policies. It is unfortunate that the Dalai Lama failed to understand China and manipulate the whole affair, misleading the entire world that their leaders were abandoning their cause for true liberation.

Michael Paisel, one of Khamba's leading experts, condemned the Dalai Lama and the ruling elite's actions and said: "A word to the Dalai Lama, a single proclamation and all Tibet will undoubtedly stand up and face the Chinese. The failure of the Dalai Lama to understand this, his failure to act, speak and lead his people to war is perhaps the greatest tragedy in Tibetan history". However, the Dalai Lama said it was like jumping off a cliff, when you have eyes to see. Thus, he was forced to approve and take anti-Tibetan measures such as dismissing his ministers and banning the Chinese anti-organization Meimang Songdu.

A more serious charge was made by the Chinese in March 1959, when they invited the Dalai Lama and his performance to a theatrical show, but without escorts. This turned out to be a serious crime for the general population, they felt insulted and were also concerned about protecting their most important legal and political character. Tibetan leaders viewed the Chinese invitation for the abduction of the Dalai Lama as a ploy, thus on March 1959, around 30,000 Tibetans surrounded the Dalai Lama's palace to fight for all those they symbolized as Tibetans. Thus symbolically they guarded the Dalai Lama's palace instead of the Chinese PLA headquarters to prevent him from entering the *Chinese camp*. Judging the range of the rebellion, PLA sent out an appeal that the Tibetan public would not help the rebels, not shelter the bandits, supply the enemy or provide the rebellious bandits with important information. But certainly, it was the opposite of the appeal that took place; the ten-sung (defender of the faith)

enjoyed the popular public support and sympathy. The fact that they were able to sustain their fight against the heaviest odds for nearly six years was a testament to the public's support. A wave of unprecedented public outrage went beyond the Dalai Lama's control, and finally, the Dalai Lama began deportation in 1959. The rebellion was, therefore, national only in the sense that the sentiments of the majority of Tibetans. In later years there were allegations of appropriation of the rebellion, claiming that the role played by the CIA was necessary to make the rebellion a success, however, the facts suggest that help from the CIA came in the form of gunpowder and some airdrops of training. Which was not independent of geo-political interest (Khala, 2003). At the time of the Cold War, the US wanted to suppress the spread of communist in Asia, and since Tibet was right in the plan, the US showed support, but Tibet needed it most when it rebelled in Kham, after which it expressed its support Took back. Enforcement of democratic reforms by the Chinese.

On 17 April 1959, the Bombay Free Press quoted an Indian correspondent in the London Daily Telegraph as saying that India was involved in the escape of the Dalai Lama. Jawaharlal Nehru said that India had nothing to do with the events of 1959. Nehru was at the forefront of world leaders who were committed to uniting newly independent nations and finding peaceful solutions to world problems. This is at least what he was doing in India; a major responsibility for the formation of a large Indian subcontinent fell on his shoulders as the British government gave up. Nehru's belief that going against China would create a hunch against the support of the world power in his nation-building, so with this view, India signed an agreement with China in 1954 as a "Panchsheel pact", where India recognised recognition of Tibet as a part of PRC.

The history and situation of Tibet would have been today if the US (CIA) and India supported Tibet in the times of need. Therefore, the Tibetan National Revolt of



1959 was designed neither by the CIA (USA) nor by India, but only by the Tibetans. The movement of national rebellion became widespread in the region over time. While the protest movement may have taken a variety of forms, there is a general enthusiasm in the approach to defending their value system.

### **Pro-independence demonstrations of 1987**

The immortality of ideology in 1987 is best demonstrated. The pro-independence protests in Lhasa are historic. This history has proved that religion does not take away from the dominance of secular societies. An institution can be destroyed or an individual can be destroyed, but not ideology.

Under the iron rule of communist Mao Tse-tung, the expressing religion was the death penalty (Cohen, 1984). But Deng Xiaoping's exit with Manas, badly influenced by Mao's paradigm of socialism, removed the "liberalization" policy towards Tibet, aimed at improving the freedom of socio-economic conditions and religious practices. The true colors of this policy soon faded away from the fact that the Chinese government wanted the development of the Tibetan people. Under his rule, the relaxation of religion was used to undercover the widespread failure of Mao Tse-tung's previous Brazen policies in Tibet. The main purpose of these policies was to distract the public from engaging in their daily prayers and rituals, but at the same time they were not allowed to practice the philosophy of Buddhism in their daily lives.

From 1987 to 1992, around 140 protests and demonstrations took place in Tibet (Arpi, 2009). The reason for the protests and protests was protests against foreign rule in Tibet. Since the pro-independence protests in 1987, Tibetans have not only demanded independence, but also democracy and human rights, as they were regarded as second-class citizens in their own country, and the Chinese had denied their rights. And repressed freedom. Tibet, once an independent country, is on occupied land today.

The post-independence demonstrations were compatible with the justifiable aspirations of the Tibetan people. The demonstrations had both religious and political elements. Despite the disintegration of Tibetan religious institutions since 1959 and especially during the so-called Cultural Revolution, Tibetan Buddhist influence was still felt and nurtured (Rama, 2000).

Major changes were brought by the PRC to spread the revolutionary potential and it put pressure on the rebels. The population transfer transformed Tibetans into a minority in their own country. This population policy divided the entire Tibetan population into fragmented units between 1959 and 1979, to be controlled directly (Zayul, 2014). Hans have favored the best jobs and the best land. When China was blacklisted because of the continued neglect of the UN resolution on human rights and Tibetan self-determination, the PRC held its first tussle. The new liber gave his blow with the 'Religious Liberation' policy. The 1982 constitution affirms the freedom of non-discrimination due to religious belief and distrust of religion against any citizen. It protects general religious activities. It then exposes certain restrictions that no one can use religion to engage in activities that disrupt public administration, impair the health of the citizen or affect the educational system of the state. Finally, it declares that no religion should be brought into affairs, which may be subject to foreign domination.

Since 1980, millions of yuans have been allocated to restore the damage caused by the leftist, the monasteries along with the monk quarters were rebuilt with government finances, Buddhist scholars were invited to teach religious texts. This superficial developmental policy was to give expression to the outer world that the PRC was taking care of the human rights issue in Tibet.

The leaders of the rebellion were quickly grasped by this cruel attitude, with the Dalai Lama saying on 10 March 1987: "The so-called religious freedom in Tibet

allowed our people to worship and practice religion only in a ritualistic and devotional manner." There are both direct and indirect restrictions on the teaching and study of Buddhist philosophy. Thus Buddhism is being reduced to blind faith which actually defines Communist Chinese attitudes and religion (Knuth, and English, 2003). On 1 October 1987, on Chinese National Day, a demonstration was held in Tibet. The protesters marched around Barkhor, carried Tibetan flags, and shouted slogans for Tibetan independence.

However, the protest suddenly escalated when the police, through force, tried to disengage thousands of protesters who had gathered there. In an unfortunate incident, the mob overturned and set the police station on fire. About eight protesters were killed in violent clashes between protesters and Chinese police. Subsequently, China deployed reinforcements equipped with automatic weapons and mounted machine guns. The army paraded through the main roads around the Tibetan section of Lhasa (Lakshmi, 2003).

On 3 October 1987, the New York Times reported that Chinese police brutally beat up the protesters and shot them in an effort to reduce the worsening outbreak of violence in the isolated nation since the 1960s Mao Tse-tung's cultural revolution started. The protest began after the police arrested twenty monks, who were marching in front of a temple and chanting: "... this is Tibet, a free and independent nation." The protesters opened fire on police vehicles and laid siege to the police station. A mob of about a thousand people stormed the police station where the monks were arrested (Gargan, 1987, October 3).

The severity of demonstrations against Chinese rule in Tibet clearly surprised the central government, as the largest violent incident of its kind since the 1959 rebellion against China in Tibet took place. The Chinese alleged that two

demonstrations in Lhasa sparked the Dalai Lama's ten-day visit to the United States, where he outlined five peace plans for Tibet, including disarming Chinese forces in Tibet as a "zone of peace," And Tibet was considered as an autonomous region of China.

According to the monks of Drepung Monastery, the protests on 1 October 1987 were caused by the Chinese police who insulted their spiritual leader. They put up posters throughout the monastery to incite the monks. Thus, the protest on Chinese National Day was the product of such a trend by the Chinese police. This incident was greatly glorified; it has certainly made headlines in dailies around the world. In Dharamshala, the Tibetans staged a protest in Delhi and advised all other Tibetans to raise their voice against Chinese occupation wherever they were and demand Tibetan sovereignty. The Tibetans of Germany demonstrated on 12 October 1987 to rebuild Tibet as an independent state (The Statesman, 1987, October, 13).

On 5 March 1988, after a long time, China planned to hold a Monalaam prayer ceremony to proclaim to the world that the political landscape in Tibet was under control and that people were given the freedom to practice their religion freely (Annals, and Chambers, 1988). This was not acceptable to the monks of Ganden Drepung and Serra; he decided to boycott the festival. Those who had been arrested earlier in order to console the monks and to avoid what happened at Canching were released in Lhasa along with other monks. However, a Yulu Dawa Tsering was not released, he was first arrested by China for speaking to foreign journalists about human rights violations of the Tibetan people. Protests by the monks led to full-scale violence and in a confrontation, a monk was shot and killed. Subsequently, the Monalam ceremony turned into a full-scale riot within Barkhor and Jokhang. To control the mass protest, the police surrounded the temple and charged it with tear gas where the monks were

trapped inside. Thus, a large number of monks were killed. It was as if violence was causing more violence, it only grew stronger and unstable.

On the 10<sup>th</sup> December 1988, when Peking was in full preparation to commemorate the fortieth anniversary of the signing of Union of Human Rights, the Tibetans took the opportunity to oppose such a myth. Despite the presence of Chinese soldiers, demonstrators marched towards Barkhor and for the first time, the Chinese security forces had opened fire without warning a Tibetan crowd.

Later that year on the 30<sup>th</sup> December 1988, the movement saw its wings spreading towards the student population, the scholars and teachers in the universities during the Chinese Youth day staged a protest and demanded that that Tibetan language should be given back its old position as the official language of the region and due respect should be paid to Tibetan religion and culture (Tibet Watch, 2009).

The level of protest and violence had steadily increased, causing the non-violent aspect of Buddhism to falter. This is perhaps a matter of dichotomy between the Dalai Lama's organization and the young revolutionary leaders. The Dalai Lama has an unwavering belief in non-violence, whatever may be the motivation of Tibetans fighting to gain independence, violence against the Chinese will be suicidal as well as against the most basic principle on which Tibet's existence was in the first place. Records from the Department of Information and International Relations (DIIR), Central Tibetan Administration, Dharamshala state that out of 130,000 Tibetans in exile, but one person does not advocate Tibet's independence, and that person is the Dalai Lama. He asserted: "I am not seeking independence, as I have said many times before. What I am seeking is for the Tibetan people to be given the opportunity to have genuine self-rule in order to preserve their civilization for the unique Tibetan culture, religion, language and way of life to grow and thrive. My main concern is to ensure the

survival of the Tibetan people with their own unique Buddhist cultural heritage (Baker, 1983)”.

The Tibetan Youth Congress openly advocated radical means against the Chinese inside Tibet until 1989; he was of the view that the Dalai Lama maintains peace not only for Tibetans, but also for the Chinese people, as individuals born of Buddhism want the whole world to be united in peace and harmony. The Tibetan Youth Congress argued that such an idea was a kind of madness and that Tibetan sovereignty could only be regained when they reacted to the violence against the PRC.

On June 1988, the Dalai Lama stated in European parliament that he wanted to “achieve a realistic resolution to my nation's plight.” This peace plan contains five basic components (Rabgey, & Sharlho, 2004). They are:

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

The Dalai Lama's proposal to convert Tibet into a "zone of peace" has been considered by many governments to be realistic and reasonable, as his proposal relates not only to the fate of Tibet but to China, India and the whole world (Norbu, 2001).

Therefore, for his unbiased effort to restore freedom through non-violence under the virtues of realism and realism, patience and vision won his Nobel Peace Prize in 1989, which served as a ray of hope and encouragement to his people. Was.

Soon after the impasse began soon after the pro-independence protests, the number of reactionaries grew far and wide, drawing attention to the outside world, after the Dalai Lama's proposal of a peace formula to deal with the problem, Beijing held a peace dialogue Proposed to the Dalai Lama and recognized the Tibetan god king and also opened the option for any place for dialogue, this Shar Of that there is no foreign will not exist and clearly stated that except for Tibetan independence negotiable everything.

After the 14-year declaration of peace, he insisted that his attitude towards Beijing failed to produce any progress and he said that the Tibetan Youth Congress, frustrated by its reconciliation stance, demanded complete independence for Tibet. Have not and they believe that there is no hope at all. But he urged the Tibetans to keep their hopes on international support and help bring out the meaningful negatives to which they are still committed. If it fails, he said: "I will no longer be able to pursue this policy with a clear conscience. I feel strongly that it would then be my responsibility, as I have stated many times in the past to consult my people on the future course of our freedom struggle. Just as the late Prime Minister Jawaharlal Nehru stated in the parliament on December 17, 1950, I too have always maintained that the final voice with regard to Tibet should be the voice of the Tibetan people. Whatever be the outcome of such consultations, it will serve as a guideline for our future dealing with China and the reorientation of the cause of freedom strategy" (Kalha, 2017. January 13).

The international Tibet issue has now become primarily an ideological conflict, which will likely continue as Chinese rule over Tibet. The ideological conflict is important in relation to the existence of a Tibetan national identity as a political conflict. Since national identity is essentially subjective or ideological, the Chinese interpretation of Tibet and all its political campaigns in Tibet are intended to eliminate or transform national identity into Tibet's past, present and future Chinese identity.

### **Role of Sangha: Monks and Nuns**

The heritage and culture of any nation is a generosity to the history and religion of that nation. Religion is an inseparable aspect of the policy and policy framework of most countries. Tibet, the "land of religion" had its own politics, ruled by its own institutions and authorities. Tibet's political system is derived from the religious system and civil government is often referred to as a mixture of religion and politics. The mixture of religion and humility is so correlated that it is difficult to separate each one separately. Only after the Greeks who brought the science of politics did people understand the difference between politics and religion, the Tibetan political network joining religion is a unique feature in world political history.

Buddhism permeated the life and thought of the Tibetans with the expression "ch'o-gyal" which came to penetrate the Tibetan ethos. "ch'o" sanctified the "gyal-po" (rgyal-po), the king, as a political authority. Thus, the title "ch'o-gyal" referred to two facts: (1) "ch'o" as the established religion and (2) "gyal-to" as the established authority (Wangyal, 1975). The non-violent approach of the religious based government of Tibet made the land an anti-war zone, and the dual characteristics of the political structure have been able to save the people from unwanted misshapes for years.

The three great monasteries, Drang, Serra and Gaden in Tibet are known as the "Three Pillars of the Kingdom". The largest monastery in the world is Drepung which



houses 7700–10,000 people and is divided into four colleges, each with its own monastery. Serra is the second largest monastery with 5500 monks, and holds the record for the maintenance of a large band of monks who talk of allegiance to Tibetan soil (Spencer, 1940). There are 33000 lamas living in Ganden. It is also considered to be the main seat of learning in a country where knowledge is considered to be the highest achievement of man, and where the human mind is credited with controlling such natural powers like weather and even death with such powers. is. Tibetans believed that the state should promote both religion and the country's spiritual development. Monasticism, therefore, was not aristocratic, but a mass phenomenon and more than one-sixth of Tibet's male population are monks.

Named as monks "holders of religion" like monks, have played a powerful role in the resistance movement (Rinpoche, 2006). Male monotheism has been predominant in the Tibetan and Buddhist tradition, marginalized in many ways. Traditionally, nuns have been less educated, have not received financial support from home; The nunneries were usually sub-branches of important male monasteries, and monks or yogis were often inhabited by nuns. At the social level, they are dedicated to saving their people and culture. At the local level, nuns are concerned with changing their status in monastic life, so that monks do not have sole authority. They want women to have more education, financial support and social prestige to join a nunnery. They became "political nuns" and, through their actions and activities, provided a powerful model of "change agent" for all women (Waller, & Rekenga, 2004).

On 12 March 1959, the first major political action by an organized body of Tibetan women took place in Lhasa to protest the Chinese forcible occupation of their country. It is known as the Tibetan Women's Rebellion "Two nuns were among the leaders of this women's rebellion in Lhasa. According to a 1995 report of the Tibetan

Women's Association, Derebu Lingka, an estimated 3,000 women in public on the ground beneath the Potala Palace And in a spontaneous movement of solidarity between Lench women and nuns, the women of Lhasa organized several peaceful protests, demanding that The Chinese leave Tibet (Lakshmi, 2003).

By 1987, the role of monks in the freedom struggle became prominent with the pro-independence movement. According to the monks, complete freedom is a spiritual and physical realm and for this reason, the non-violent movements initiated by the monks emphasized the preservation of spiritual freedom as it was the key to maintaining religion. In 1987, protests against China were nonviolently spread through peaceful signs and symbols. As reported by The China Agency News, Tibetan monks demonstrated in the streets of Lhasa to protest against Chinese rule in the area which was destroyed by police (Blanchard, 2008, 11 March).

During the pre-independence protest movement, the Khorra ritual is used, which is universally practiced around temples and holy sites. Kharora literally means the largest possible crowd as a people and community. It provides a religious practice without any status, distinction, and thus an opportunity to recognize common characteristics shared with other Tibetans from every background and every part of Tibet. In other words, Khora effectively distinguishes Tibetans from Chinese who do not practice Khora and remain visually foreign (Schwartz, 1996).

On 27 September 1987, a group of twenty-one monks of the Drapping Monastery prepared a crude version of the banned Tibetan national flag and took an oath in front of the statue of Tibet's patron deity, Palden Ledo. The monks raised slogans for the restoration of Tibet's independence, to which the Chinese National Commissioner said that "any attempt to break Tibet to remove the unity of the

motherland and sabotage" among various Chinese nationalities, including Tibet, would not succeed (Schwartz, 1994).

In 1988 the Chinese authority sponsored Tibetan monks to celebrate the Monalaam festival after two decades of ban; This was to portray the Chinese in a good light because the outside world saw him as a secular host. But the Chinese were unaware that Monala periodically acknowledged the relationship between the state and religion. When the monks were forced to observe the festival in the absence of the Dalai Lama, they protested inside the monastery which led to the trapping of several monks with two Chinese officials (Gargan, 1987). Monalaam is the ritual expression of the formula in which religion and politics are combined. The Chinese government attempted to include itself in the ritual equation by assuming the role of protector of religion, but under the terms of Chinese rule in Tibet - and the absence of the Dalai Lama - the rituals of Monalam can only create a counter-image for free. The Tibetan monks did as they could to seize the opportunity to deny legitimacy to the state of China.

According to Hanna Havnevik, about fifty percent of nuns have been arrested in demonstrations since 1987, imprisoned without trial and subjected to severe torture. Thus, deprived of their vocation, some of them have chosen to escape to India where the Dalai Lama and thousands of Tibetans live in exile. Since January 1991 over two hundred nuns have crossed the border into Nepal and northern India to join the forces with around 110,000 Tibetan refugees, struggling to free their country from Chinese rule (Gargan, 1987). Being female in this patriarchal world comes with its cons but the nuns of Tibet doubly discriminated statuses have fought with valour and continue to do so.

### **Seventeen Points Agreement**

A completely different identity that has been consistent throughout Tibet's history in terms of ethnicity, language, religion, culture, and customs, has led Tibetans to consider themselves distinct from Chinese. Those distinct identities based on non-violence reflected the weakness of the Tibetans against armed national power and the standing army of China, causing the Tibetans to lose their identity. The 1911 Chinese Revolution declared independence after political power against dynasty in the fall of the Qing dynasty. Subsequently in 1912 and 1913, the Tibetan government twice declared its independence. After a short period of exile in India, the 13th Dalia Lama (Thupaten Gyatso; 1875– 1933) expelled the Chinese Army and their officers for declaring Tibet independence. On July 1914, representatives of the governments of Tibet, UK and the Republic of China approved the announcement at a conference held in Shimla, a city in northern India. But ever since the Chinese government refused the final ratification of the convention as they claimed dominant positions on the lands of Tibet, the conference stood incomplete.

On May 23, 1951, in Qinzhengdian, Zhongnanhai, Beijing, China, representatives of the People's Republic of China and the Government of Tibet signed an agreement on measures for the liberation of Tibet, which defined relations between China and Tibet. The agreement is often abbreviated as a seventeen-point agreement (17-point agreement).

On the basis of historic grounds, China affirmed the superiority of its sovereignty on Tibetan soil as an inseparable part of Chinese Territory through the agreement. Since then, on the basis of Agreement, China has propagated that the

invasion and occupation of mainland Tibet by the People's Liberation Army of China was a "*peaceful liberation*".<sup>1</sup>

The Dalai Lama of Tibet in exile denies the agreement, stating that Tibet was an independent nation at the time of the invasion. The agreement, which was the result of tremendous persuasion from the Chinese government, and since it was not signed by the head of Tibet (Dalai Lama), the government of Tibet claims that the agreement is invalid. Therefore, according to the Tibetan state, the agreement is invalid because it did not meet the formal requirements for a valid treaty (Stoddard, 2013).

The seventeen-point agreement, which allegedly gives China the power to rule Tibet, was signed under coercion (Hyer, 1988). The Chinese do not have a valid claim to rule Tibet because the seventeen-point agreement, which China relies on, is void under international law due to its unlawful disposition (Dacache and Valeriano, 2012).

The seventeen-point agreement forced the helpless Tibetan government to co-exist with the powerful Chinese counterpart (Duchess and Valeriano, 2012). The Chinese finalized the main "agreement" and the draft of a separate, seven-point secret document. The main "agreement" was similar to the 10-point document initially proposed. It had 17 points and a lengthy prologue, claiming Chinese sovereignty over Tibet (Goldstein, 2013).

Tibetan delegates saw the preamble for the first time on the day of the conference. Although the Chinese government has not released the contents of the separate, seven-point document, some statements that Ngabo, Khem and Takla

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<sup>1</sup> Tibet consists of five regions: U-Tsang in the center, Kham in the southeast, Amdo in the northeast, Ngari in the hilly, meagrely-populated western region, and Zyang Thang in the southern desert region of the Kunlun Mountains in the northwest. The capital, Lhasa, and the second largest city, Shigatse, are located in U-Tsang, and Amdo is now Southern Qinghai Sheng. In this paper, "mainland Tibet" refers to U-Tsang

Phuntsok Tashi have referenced in their statements and books, the Tibetan government will provide for individual needs. The Dalai Lama during his exile. His powers and status will be restored to him after returning from exile after four or five years. In addition to granting the rank of deputy commander in PLA troops in Tibet, the agreement stated that approximately one June (20,000-man military division) of the PLA would be deployed along the borders of Tibet. Tibetans had no idea of the number of men in one June. From point 8 of the main agreement, the Tibetan government was allowed to maintain 500 bodyguards for the Dalai Lama and 1,000 security personnel in various regions of Tibet. From point 14 of the main agreement, it can be concluded that the foreign office of the Tibetan government will be merged with the Chinese Foreign Relations Branch Office to be established in Tibet and provide individuals with appropriate positions to the Tibetan Foreign Office Will be done. In the Chinese Foreign Relations Branch Office. On 27 May 1951, Radio Beijing broadcast the full text of the "Accord" (Kumar, 1995).

The Dalai Lama reached Lhasa on the 17<sup>th</sup> August. On the 9<sup>th</sup> September around 3,000 Chinese troops, under the command of Wang Qimei and accompanied by Ngabo and Baba Phuntsok Wangyal, arrived in Lhasa. From 24-26 September Ngabo and the four other delegates addressed the Tibetan National Assembly to give a detailed account of how the "17-point Agreement" had been signed. In the modern history of Tibet, nothing has been more important than the 17-point Agreement of 1951 (Liming, 1998). The first and most important result of the signing of the 17-point agreement was that Snow's land lost its sovereignty and became part of the "Great Motherland". For the first time in its 2000-year-old history, Tibet agreed, in an official document, to be China's "within borders" province. We have seen that the Tibetans were practically placed before a Fitrat.

### **3.4 Factors Responsible for Current Migration of the Tibetan**

Various factors behind the dynamics of population in the world are seasonal or daily movement within or outside the region. The mobility of the population may be voluntary in nature to preserve the human right and cultural value of the affected people. Factors behind migration include both push and pull factors. Push factors are the cause of forced migration while voluntary migration is the result of pull factors. The major factors contributing to the cause of migration are either to improve the economic condition of the population that migrates or the political situation in which the population no longer finds it viable for their survival in harmony. The migration factor of the Tibetan population was initiated by the Chinese in the twentieth century following the demolition of the Tibetan capital Lhasa. Tibetans are like a handicap after this incident, involving both factors and bridge (Prost; 2008). The Chinese government destroyed all the religious institutions of Tibet which were the basis of knowledge, culture and socio-economic strength. The invasion of Chinese troops in the peace-loving Tibetan region and thus conquering the sovereignty of the land has resulted in the displacement of the political structure as well as the livelihood of the major population of Tibet. The attack on the socio-economic life of the Tibetans not only destroyed their cultural sanctity but forced their government (Dalai Lama) to go into exile; for which the only option left was migration of the population from Tibet.

#### **3.4.1 Cultural Revolution and Cultural Genocide.**

The Cultural Revolution was the major crime of genocide. More than 250 million people of the twentieth century civilian population were affected by mass murders and massacres that were part of Cultural Revolutions. The twentieth century is often labeled as a century of 'genocide' (Meyerson, & Polman, 2013). During 1958–61 and 1966–76, China, East Pakistan was now known as Bangladesh in 1971, Cambodia during 1975–

79, East Timor during 1975–79, and Indonesia during 1965–66. Meyersen, & Pohlmann, 2013). Tibet was affected by the Cultural Revolution and Cultural Genocide between 1950 and 1984.

The world witnessed a massacre between the Chinese and the Tibetan people, lasting 49 years from its inception in 1966. This massacre is often referred to as the Cultural Revolution in the world. This era of Cultural Revolution was a period of brutality, starvation, mass peasant killings and systematic torture. During a period of ten years, 600,000 and 500,000 Tibetans were killed by the Chinese military. Most of the religious and cultural heritage including the monasteries were in ruins by 1976. This campaign, known as 'destroying the four sections' (old ideas, old culture, old customs and old habits) was started dynamically to eliminate traditional culture and replace it with a new atheist. Creating Communist class system. The Chinese military destroyed all traditional, socio-economic institutions and banned all Tibetan values and belief systems. They were successful in forcibly starting a communist system (Norbu, 1979).

Tibetans experienced a crisis of morality and meaning as they were forced to move away from their traditional beliefs and symbols. The Chinese essentially applied the new communist norms and values to the Tibetans, and were told that their traditional leaders were contemporary enemies of the people and that their old values and norms were immoral and exploitative, unacceptable to them. A post-Mao liberalisation allowed a revival of Tibetan religion and culture but was shortly replaced with more hard policies like colonisation. In 1991 the Sub-Commission on Prevention of Discrimination and Protection of Minorities of the UN Commission on Human Rights expressed concern “at the continuing reports of violations of fundamental human rights and freedoms which threaten the distinct cultural, religious and national identity of the Tibetan people” (ICJ, 1979).



The December 1997 ICJ report, *"Tibet: Human Rights and the Rule of Law"* documented a new growth of repression in Tibet, characterised as "re-education" campaign in the monasteries. Prominent religious figures were arrested and public display of a picture of the Dalai Lama was banned. It seems that the threat to Tibetan identity and culture was increasing through the transfer of Chinese population to Tibet. The erosion of the Tibetan language and the degradation of the cultural environment of Tibet were the result. The report also credited China with significant improvements in education and health care in Tibet. The ICJ 1997 report also found that repression in Tibet has been steadily increasing since the Third National Forum of 1994 in Tibet, a major conference in which senior officials called on the exile Dalai Lama's influence on the instability of Tibet (ICJ, 1979) identified as the origin of. The Forum supported rapid economic growth, including financial autonomy with jobs, a campaign to curb the Dalai Lama's influence and crackdown on dissent. It has resulted in heightened control on religious activity; a denunciation campaign against the Dalai Lama; an increase in political arrests; stepped up surveillance of potential dissidents; and increased repression of even non-political protests (ICJ, 1979).

Since the beginning of 1996, there has been another surge of repression in re-education campaigns in monasteries, a clampdown on information coming from Tibet, a ban on photographs of the Dalai Lama in public places. Chinese leaders have launched a campaign against certain aspects of traditional Tibetan culture, which is recognized as both a development and link to Tibetan nationalism, and in 1997 marked Buddhism as a foreign culture (ICJ, 1979).

Following the Chinese 'terrible attack on the Tibetan social and religious system, there was the Tibetan trauma that was able to drive out the nation's cultural prosperity and destroy its economy. They started migrating from Tibet to India and

other places where they could save their tradition and values. The flow of the maximum population of Tibet between the two countries to India is an unbreakable relationship.

### **3.4.2 Destruction of the Tibetan Culture**

The Chinese government destroyed the existing traditional Tibetan, secular architecture, monasteries, unique religious buildings and monuments in urban areas of Tibet and razed the houses of Tibetan as well as the Chinese language imposed in education. Chinese languages and thought were imposed in all classes of secondary and higher education. Tibetans are excluded and marginalized from effective participation.

The practice of Buddhism has not been a mere system of belief; but it includes the entirety of their culture, civilization and constitution - the essence of their lives for Tibetans. It linked the social fabric to the land of all borders, which defined Tibetans as one people and one nation. Religion was undoubtedly the strongest theory that guided Tibet as a nation (Dulaney, et al., 1998). The atrocities inflicted on them by the Chinese invasion destroyed the peace that had been going on since ages. The invasion of Tibet's sovereignty was claimed and the government was forced into exile. The land was claimed through a conference held in Shimla and through atrocities committed by the army and power. The destruction of cultural institutions and the tremendous impact of religious domination caused severe damage to the cultural heights of Tibetans.

### **3.4.3 Human Rights Violation**

Violation of human rights in Tibet was another main reason for Tibetan migration abroad. It has continued since the Lhasa demolition. The Maoist government has pursued a ruthless policy in Tibet through a manifest of agenda. Cultural revolution through genocide was able to execute the agenda of the government's insane policies to gain control over the political structure of Tibet. Who had wiped out the Tibetan

cultural, religious, ethnic personality with a political unit (Lal, 2008). As humans, Tibetans have many similar political rights and honors, which the Chinese strictly prohibit. The Tibetans' right to travel and freedom of expression, faith, belief and the right to maintain culture and heritage were demolished by the Chinese invasion. Thousands of Tibetans were sent to labor and prison camps between 1950 and 1984 and one-fifth of Tibet's population (1.2 million) were tortured and murdered. The sabotage in Tibetan monuments and religious centers violated the rights of Tibetans. For their civil and political rights (Sprachman, S., Christie, K. and Walker, M. 2013). Due to the tremendous occupation of Tibet by China, they ruined the culture and destroyed the monasteries and their fundamental human rights.

### **3.5 Reasons behind Emigration in India**

Everyone is leaving their homeland to find work or other opportunities but Tibetan migration during the twentieth century after the demolition of Lhasa is largely based on religious and political factors. Tibetan migration to India focuses on religious, political, social, educational and economic factors (Prost, 2008). On 17 March 1959, the Dalai Lama left Lhasa to seek political asylum in India.

The first group of eighty thousand Tibetans then forced into exile in India. Furthermore, Tibetans turn to India because they want to visit relatives who are living in India. The Dalai Lama and the Tibetan people have many reasons to seek asylum in India. Stephanie Roemer envisages three reasons for India providing deportation for exiled Tibetans, hosting Yossi Sheen's deportation doctrine and in the line of exile government (Romer, 2008). The traditional relationship between Tibet and India is one of the reasons why Tibetans migrated to India. India was the source of both their ancient cultural roots, the birthplace of both their script and precious religion, and a favored religion and pilgrimage place. The state of development and degree of pluralism is

another important reason in India that Tibet received Tibet as an exile (French, 1991). The different reasons for emigration make the following division.

### **3.5.1 Spiritual Education**

The majority of Tibetans are Buddhists; There are approximately 2,000 monasteries with 110,000 monks and nuns that accounted for ten percent of Tibet's total population, known for its historical traditions, culture and religious tastes (the People's Republic of China embassy in Barbados in 2000). The monasteries of Tibet not only have a religious and cultural system, but it also controls Tibet's socio-economic and political powers, art, medicine and public health. Buddhist monasteries and other heritage and religious institutions are demolished by the Chinese government in the name of modernization. Therefore, a decline in the number of qualified religious leaders and monks was observed. According to a social scientist, this is one of the most important reasons for Tibetan immigrants to India. Furthermore, another reason behind migration was the ban on access to monastic education in Tibet (Pearson, 2004).

The People's Republic of China (PRC) ratified the UN Convention on the Rights of the Child in March 1992. But the struggle for the rights of Tibetan children begins at an early stage of their lives. The birth of a Tibetan child in itself is a major obstacle, due to forced birth control procedures. Most Tibetan children are not educated.

Tibetans are more concerned about preserving and promoting their culture through their children. The sad aspect is that China's Cultural Revolution in Tibet has strongly opposed the development of Tibetan culture. The destruction of monasteries and nuns by Chinese invaders prevented the development of Tibetan Buddhism, one of the core tenets of Tibetan culture. Tibetans send their children to other countries, especially in

India, to educate their children. Parents send their children abroad to sympathetic strangers and contribute to their savings for travel expenses.

Discrimination with Tibetan children in schools run by the Chinese government begins through education which is the Chinese language, which is different from the Tibetan language; And thus, they are unable to follow the lessons. Most Tibetan children are unable to attend schools due to the high fees deposited in Chinese government-run schools. Even the curriculum of those schools does not cover the actual history of Tibet and its people. Emphasis through these actions is the complete eradication of cultural heritage, which forms future generations of Tibet (UNCRC, 2005).

As stated by the Tibetan Center for Human Rights and Democracy (TCHRD) in 1997, the number of Tibetan children studying in monasteries is limited, but in some cases bribing the authorities can get the child to enter the study center. The Tibetan government in exile built the three largest monasteries in the south of India, Drepung, Gaden, and Serra, where the Serra monastery in Bylakuppe township of south India, with residential facilities of 3000 monks, served Tibetans in India.

### **3.5.2 Secular Education**

The second major reason for the voluntary migration of Tibetan youth to India is the education system and subjects taught by PRC government schools. The PRC government added Mao Tse Tung, “great Chinese men”, and Chinese-language stories of the Chinese Revolution, which had no significance for Tibetan students (Smith, 1996). According to the Chinese, the school and education system was the ideal medium for the whitening of the Tibetan cultural heritage that was intended for the future generation. Either through education provided through their education or being illiterate because the cost of higher education in China-occupied Tibet is very expensive

and out of reach of the Tibetan student. Tibetan children were sent to India to get proper education as India is a secular country with no restrictions related to educational choice. Due to the secular education policy of the Government of India, the CTA was able to develop a secular as well as spiritual education system in India. The CTA provided appropriate spiritual education facilities and material education under the regulation of the Indian Central Board of Secondary Education (CBSE) and other Indian school systems for Tibetan students (Smith, 1996). The main attraction for Tibetan people in India is the availability of education for all people without any restrictions; For example, many older people visit India after the Cultural Revolution of Tibetans to learn Tibetan culture and philosophy.

### **3.5.3 Work Opportunities**

Work opportunities are another reason for Tibetan emigration in India, many of the Tibetans leave for India in order to find out better work. Historically, Tibetan societies are nomads and farmers and therefore they do not qualify as Chinese people. Chinese government and companies giving low salary with hard physical labour and the labour exploitation of the Tibetans continued. Tibetan is successfully engaged in sweater business, handicrafts such as for instance carpet weaving, tourism and farming new types of crop in India which are the major source of economy. Apart of these few educated Tibetan are evolved in teaching and other administrative business and Indian army (Woodcock; 1970).

### **3.5.4 Other**

Many of the older Tibetan migrates near the 60 years old Over emigration in India the Tibetans want to meet their family, relatives and with strong desire to see with his holiness the Dalai Lama as a 'last wish' are the other reason of Tibetan emigration in India.

### **3.6 GBVs among Tibetan Refugees in India**

Gender based violence is becoming a public issue worldwide and is one of the most widespread human rights abuses. Globally, one in three women are raped, beaten, forced to have sex or otherwise abused during their lifetime (Heise, L. et al., 2002). Everyone becomes a target of GBV, this abuse occurs in homes, workplaces, schools and communities worldwide (Sprechmann, 2013). It occurs as a result of poor physical, reproductive and mental health conditions. The ratio of GBV is higher than that of women. All societies have various forms of gender based violations that are usually condensed and reinforced by local customs, norms, and values (Oguli-Oumo, M. et al. 2002). According to the National Family Health Survey (NHFS-4), 27 per cent of women have suffered physical violence since the age of 15 in India, with 29 per cent in rural areas and 23 per cent among the urban women population.

GBV is a global issue that affects 30% of India's female population (Palermo et al., 2014). At present, Tibetans are living in 41 refugee camps in thirteen Indian states of Himachal Pradesh, Jammu & Kashmir, Arunachal Pradesh, Karnataka, Uttar Pradesh, Uttarakhand, Delhi, Meghalaya, Chhattisgarh, Sikkim, West Bengal, Maharashtra, and Orissa (Routray, 2007) due to Chinese invasion in Tibet in the early 1950s. The State Plan Division, Planning Commission, H.P (2005) reported that Himachal Pradesh falls in the category of high-ranking states in crime against women. Districts of Kangra, Mandi and Shimla have recorded high rates of crime against women and these districts are more populated with Tibetan refugees. Social Ecological Model asserts that every human being affects the other in different ways. In the same context the spokesperson of CTA in his interview said that "We are aliens but we are also human beings and we can't deny that GBV doesn't occur in our community".

According to the demographic survey of Tibetans in exile in 2010, the total population is 109,015 across the three countries of India, Nepal and Bhutan. In terms of sex ratio, there are 53,414 males for every 40,789 females in India, whereas in Nepal there are 6,543 males for every 6,971 females. These Tibetans are residing in India and other countries after the demolition of Lhasa. Tibetan men and women face different issues related to socio-political contexts in exile. Butler (2003) stated that Tibetan Women's Association (TWA) was established in 1984 with the objective of raising awareness about China's repressive, violent policy against Tibetan women and the preservation and promotion of distinct culture, religion and identity of the Tibetan people. With this aim and objective, TWA helps to identify and address the root causes of gender discrimination within Tibetan society. Tibetan communities are more impowered than other communities. Women in Tibetan communities are more empowered than others they are better in educational and economic aspects. Most of the Tibetan girls are graduates and enrolled in higher education. Apart from these, Tibetan women are receiving social, political, economic and educational supports for their empowerment. In spite of this, Social and Resource Development Fund (SARD) and the Women's Empowerment Desk (WED) found gender based violence in Tibetan community due to unfavorable sex ratio in 2012 as UNDP also mentions that gender inequality is also a cause for gender based violence. From the total Tibetan population, TWA (2014) reports, 3.2% of the Tibetan women experienced domestic violence during 2005 and in another study 10% of women reported having experienced sexual harassment in the workplace. Although women have substantial power and freedom in their homes and in the community but the structure of Tibetan society is patriarchal in nature. Major decisions in the family are taken by grandfathers, fathers and elder



brothers. Although “Father is the main person in the family but the foundation of the home is the mother” (Taklha, 2005).

The Women Empowerment Desk and Social and Resource Development Fund of CTA published a report entitled “Status of Tibetan in India and Nepal – 2018” focusing on Tibetan population in exile in India, Nepal and Bhutan. Initially, the report chose 3,000 participants but the number was later reduced to 2,353. This report covered 1,703 respondents and 650 participants from 69 FGDs including both male and female respondents from age 13 to 60 above for the survey. The sample covered the common Tibetans, teachers, students, monks and nuns across the selected settlement of India, Nepal and Bhutan. The report covered different issues focused on socioeconomic status, education, health, decision-making among the Tibetan community. The data shows that 66.38% male respondents and 70.94% female respondents of the total respondents are advocates of social conservatism that women should be restricted from entering religious places within and outside the home during menstruation. Gender based violence is used as a weapon during war, conflict, and extremism. It also gives control to one gender above the other at home and outside. This report tries to explore the various types of physical and psychological abuses against Tibetans. The study shows that men (42.61%) are more victims of domestic violence than women (41.32%). In the same study 76 percent of the women reported verbal abuse while 24 percent reported physical abuse due to financial reasons, alcoholism, misunderstandings and extra-marital affairs. Among 487 common Tibetan respondents, 225 (46.20%) men and 262 (53.80%) women responded in favour of violence against women. One thing revealed in this study is that most people after violence approach the Tibetan Women Association (57.40%) and only 18.34 percent respondents asked help from the police station. 11.85 percent try to resolve issues within the family and only 9.73 percent

approach the Settlement Officer. Meanwhile, 1.83 percent sue the case in the court and 0.8 percent approach friends.

Again, teasing girls is the most common violence against females in the society. It happens with any one at any place. 29.38 percent of boys and 31.86 percent of girl respondents from “Status of Tibetan Women and Girls in India and Nepal – 2018” survey feel that teasing girls is common in the society. Furthermore, 29.90 percent of boys and 26.55 percent of girl respondents stated that girls with bad characters are usually the victims of such teasing.

Today social media usage is one of the most popular online activities. In 2018, an estimated 2.65 billion people are users of social media worldwide, a number projected to increase to almost 3.1 billion in 2021. In the survey, FDG participants agreed and are aware about effects of the increasing violence against women and girls through social media. Apart from the survey of common Tibetans, this survey also focused on monks and nuns of Tibetan community in exile. 97.4 percent of monks agreed that monks and nuns are equally participating in decision-making roles but in case of political participation women are receiving less preference as compared to men. Majority of the common Tibetan respondents (55.6%) agreed that violence against female take place in Tibetan society in the forms of gender based violence, sexual abuse and eve-teasing. The survey also shows that 4.7 percent of nuns were victims of violence. However, the FGD participants disclosed cases of nuns being raped and molested such as the incident that took place at the Reception Centre for Nuns at Jogiwara Road. Table 3:1 displays that 30.2% and 17.1% of the nuns reported having experienced different types of violence like rape, molestation, physical and psychological harassment by men and monks, respectively.

Table 3.1: Perpetrators of violence against nuns

Perpetrators	Respondents	Percentage
Community men	39	30.20
Indian men	3	2.30
Not aware	61	47.30
Can't say	4	3.10
Monks	22	17.10
Total	129	100.00

Source: Status of Tibetan Women and Girls in India and Nepal- Study Report 2018

According to the report “Status of Tibetan Women and Girls in India and Nepal-2018” it can be concluded that Tibetans are facing gender based violence in different proportions, where maximum information are not reported due to the absence of knowledge about Women Help Desk in Tibetan communities.

## Chapter 4

### India's Policy and Programmes Towards Tibetan Refugees

#### 4.1 Introduction

For the human development in many nations and in the conflict-affected areas (post-war period and refugee camps), there is a threshold need for the strong policies and programmes. In order to achieve sustainable development goals and well beings of the human being along with the bringing of sociological change, there is an urgent need to have a healthy policy on protection for human rights. The world has witnessed a significant change during since past quarter-century such as people started to live longer, education become accessible at major scale, more number of children are enrolled in school and maximum people have been provided with basic social services. Every human being has right to develop with its full potential and he is entitled to participate in socio-political, economic and educational development.

In the previous chapter, it is discussed that due to genocide by the People's Liberation Army, the Tibetan's were forced to migrate from their country to neighbouring countries like India and Nepal. Approximately 85,000 Tibetans fled to India after the demolition of Lhasa in 1959. It was an intriguing situation for the Tibetans and their leaders to rebuild their society in other countries as asylum seekers and refugees. The Indian government has contributed a lot for providing the basic amenities and environment for socio-economic development. The favorable policies and cultural relations in India facilitated mass migration from Tibet region into India. Even though, India not being a signatory to the 1951 Refugee Convention or the 1967 Protocol, it has helped refugees across the world at a significant scale.

S. N. Dagpo discussed that Tibetan refugees are the most benefited refugees in the world (personal communication October 10, 2018); it happened only because of favourable policy and programmes by the Indian government. This chapter is an attempt to analyze India's Policy and Programmes formulated specifically for Tibetan Refugees who migrated to India after 1959 for giving the legal status of the Tibetan refugees, rights of their education, access to social benefits and welfare schemes, access to security, safety and justice from criminal activities, human rights etc.

The Tibetans introduced new culture of handicrafts and agriculture in their refugee settlements during the 1960s and 1970s in different states of India for their livelihood. Tibetan winter apparels and handicrafts became quite popular among the youths of India, Dharmshala, Majnu ka Tilla etc are the few tourist spots which are quite popular among youth of the country. Winter business by Tibetans i.e. selling of winter-related goods esp. apparels like sweater, shawls, caps are quite common in different parts of the country and are necessary for them to sustain their livelihood.

Tibetans enjoy more rights and privileges compared with other country's refugees like Sri-Lankan or Bangladeshi. They have Pakka shelters and are treated under Special Class Refugees by the Indian government. His Holiness Dalai Lama for the proper functioning of Tibetan Exiled government, has received various support, cooperation, facilities and legal benefits by the Indian Govt. The major concern before the India government was and still is, is to provide protection of the basic human rights of the Tibetans in exile. The Tibetan leaders and the Indian government are bound to provide the protection of the human rights and ensure their livelihoods through help of better refugee assistance. For that purpose, it was necessary to identify the standard of treatment to refugee and the elements of their livelihood. The rights to humanitarian assistance and protection activities have been identified and expressed by the different

international instruments and organisations. The primary purpose of humanitarian protection in a refugee emergency is to safeguard lives and health of the people involved, paying attention to the satisfaction of their more urgent necessities like physical security, shelter, food, water and medical assistance.

During the beginning migration phase by the Tibetan refugees in India, they were subjected to a different climatic zone, lack of adaptability into the new society, problems of livelihood and health issues. Livelihood is one of the fundamental necessities for the day to day life for the people, in refugee camps, the approach for livelihood focuses on the strategies adopted by the refugees in meeting their basic day to day needs and also in identifying the obstacles that prevent them from their livelihood activities. Livelihood's approach in conflict situations have been stressed; the refugee necessities changes over time, the resources needed to meet them and, above all, the strategies implemented to achieve livelihood security to refugees living in camps. Refugees often face food shortage and the host nation has to make a strategic decision about how to bridge their consumption deficit. It was a not only issue in India but, during 1980s a number of case studies in Africa and South Asia suggested a common pattern in the nature and sequence of coping and survival strategies adopted by refugees (Cavaglieri, 2008).

According to the United Nations High Commissioner of Refugees (UNHCR) currently, there are around 5.8 million refugees hosted in camps and centres around the world (UNHCR, 2004). To date, there is no clear definition of refugee livelihoods, illustrating the complexity of the concept. A widely accepted definition of "livelihoods" is given by Chambers and Conway: "A livelihood comprises the capabilities, assets and activities required for a means of living. A sustainable livelihood allows to cope with and to recover from stress and shocks, to maintain or enhance its capabilities and assets

to provide sustainable livelihood opportunities for the next generation. This is also contributing in the net benefits to other livelihoods and in the long and short-term at the local and global levels.” (Chambers & Conway, 1992).

Depending upon the livelihood’s activities, Tibetans are divided into the different group. Among their livelihood’s activities, agriculture and woolen textiles selling are the two most common way of living. Nearly 40% of the settlements are based on agriculture and while 36% of the settlements are focused on the industry or the manufacture and sale of handicrafts and the rest of the Tibetans are engaged in a variety of trades without any national legislation concerning refugees and legal status and their rights since 70th years of Independent India (Chambers & Conway, 1992).

#### **4.2 Recognition of Tibetan’s by the Government of India**

The protection of refugees was a complex issue when the 1951 Convention describing the status of refugees was drafted. Refugees are those individuals whose rights and life are assured by the definition of 1951 convention and UNHCR's statute. The dignity and human rights of these people are protected. But the problem is that refugees are sufferers of all forms of conflicts and different types of psychological and social stresses from their origin which has been turned as to be a conflict zone. India does not have a national refugee protection framework. However, selected groups of refugees, enjoying India's certain rights, privileges, and executive policy grants, leave the question of equality and uniformity unanswered from neighbouring States (Nair, 2007). India is one of the countries which have a prominent position in the list of selected countries of Asian region who has a humanitarian-based approach for refugees and providing facilities for their betterment since independence. Also is known for the fair handling the issues of refugees according to international standards till date even after being the second largest populated nation of the world. India has not any specific legislation

concerning refugees, therefore legal status and rights for refugees in India are treated as foreigners by the Indian government.

India has only three set of laws that deal with foreigners or Tibetan refugees. The Registration of Foreigners Act, 1939, dealing with all the foreigners, the Foreigners Act, 1946, empowering the state of regulates the entry, the presence, and departure of foreigners in India and the foreigner's order 1948 (Dhavan; 2004). Under Section 2 (a) of the Registration of Foreigners Act, the term foreigner is defined as "a person who is not a citizen of India"; thereby the definition has a wider implication which is capable of incorporating immigrants, refugees, and tourists. The Foreigners Act of 1946 and the foreigners' order of 1948 which was brought in by the central government by virtue of section 3 of the foreigner's act 1946, also has the same definition for a foreigner. All the Acts of the government of India and Passport Act are subject to domestic laws governing the entry and stay of foreigners. These are also applicable to Tibetan refugees. Since there is no refugee-specific legislation to regulate the entry and status of refugees. India has handled the refugees under political and administrative levels.

However, as per the Indian Supreme Court view the refugees as asylum seekers, they cannot be sent back to their country of origin where their life and liberty may be at risk. The judgments of the Supreme Court, as well as several other judicial orders passed by Indian courts, provide some legal security to the refugees in India. The government of India constructed the transit camps for the arrival of Tibetan refugees during 1959 for their safety, security, and protection of human rights. The Tibetan can receive the facilities of food supplies, medical facilities, travel permits and issuance of refugee identity documents as parts of their privilege. The Tibetans were also able to set up educational institutions and organizing other socially beneficiary programmes



within the specific earmarked granted land and with the consent of government to set up a government-in-exile.

The government of India provide the facilities to obtain registration certificates (RC) through the Ministry of Home Affairs through Section 3 of the Foreigners Act, 1946 (31 of 1946) and Section 3 of the Registration of Foreigners Act, 1939 (16 of 1939). The registration certificate works as an identification document for the Tibetans in India. They could obtain identity certificates from the regional passport office in order to travel international (Xavier and Sharma, 2015). The Tibetan refugees those who have arrived between the periods of 1959 to 1970 avail separate facilities as compare to the new arrival.

#### **4.3 India's Policy towards Different Waves of Tibetan**

The Indian government has legally well-established procedures to control and regulate Tibetan Refugees and foreigners. The Tibetan refugees are hosted by India with great generosity and leniency. Tibetan leaders and other Tibetans have always stated that the government of India treated them very well. They are the only group of refugees to have been officially recognized to have legal permission to stay in India in *Pakka Makan* (concrete houses) and are more advantageous with fruitful position. But India's policy toward Tibetan refugees is not fixed as it changes from time to time. The researcher came to know (by the spoke person of CTA Mr. Sonam Norbu) that there is no change in the Indian policy but only variation or modifications in handling the different situations. It also differs for present entrance and differs in the group-wise entrance. The group of the arrival of the Tibetan who arrived in India are divided into five parts i.e. (1) 1959 to 1979; (2) 1980 to 1993; (3) 1994 to 1999; (4) 2000 to 2007 and (5) 2008 to present (TJC, 2016). Therefore, an attempt has been made to discuss the policies and

programmes offered by the government of India to the Tibetan refugees in their respective time period of arrival.

#### **4.3.1 Policy and Programme During First Wave Tibetans**

The first wave of Tibetan refugees (1959-79) is known as the original group of Tibetan refugees. The first group Tibetan fled to India along with the Dalai Lama and were granted official refugee status by the India government. The then Government of India allotted two places for the new arrivals to set up transit camps for the Dalai Lama and his follower's as humanitarian assistance on April 24, 1959, one in Missamari, near the Tibetan border with Assam, and the other in Buxa Duar, near the Bhutanese border in West Bengal. In 1959 May and June, Missamari has alone housed 15,000 refugees in transit and Prime Minister Nehru conferred with the Dalai Lama on April 24, 1959 (Wiely, 2016).

The Missamari and Buxa Duar are situated at low altitude and thus experience hot weather. Tibetans received basic assistance, medical treatment, such as shelter, rations periodically, but due to low altitude and hot weather Tibetans found it hard to survive and most of them died or fall ill as the prey for the traps of nature. This forced His Holiness Dalai Lama to initiate talks with the then Prime Minister Nehru for alternative sites in cooler regions of India for the Tibetan refugees in June 1959 and received positive responses from the Indian Government. Every day new arrival of Tibetan was happening and in Missamari alone; 15,000 refugees transited in May and June of 1959. It the Central Relief Committee worked to obtain medical supplies, food and international aid for the Tibetans. Approximately 30,000 Tibetans had arrived in India in end of November 1959 (Romero, 2008) in temporary camps and was majorly dependent upon agriculture. Latter Government of India relocated the Dalai Lama and the fledgeling Tibetan Government-in-Exile (TGIE) from Mussoorie to McLeod Ganj,

Dharamsala in 1960 after consideration of Indian Government and later TGIE became known as the Central Tibetan Administration (CTA).

Tibetan received lots of humanitarian facilities form Indian Government, Prime Minister Jawahar Lal Nehru established a range of programs specially designed to help the new arrivals, which included handicraft centres, the Society for Tibetan Education within the Indian Ministry of Education, the establishment of art and craft centres, medical facilities etc. The government of India arranged the additional settlements for the 40,000 new arrivals by the October 1964. Special attention was given to children coming as refugees; the Society for Tibetan Education designee the several special programmes for Tibetan. The government of India also promotes to Non-Governmental Organizations (NGOs) for the full assistance of Tibetan refugees who arrived in this period to enrich them with economic benefits, logistic support i.e. the American Emergency Committee for Tibetan Refugees, CARE, Church World Service and Catholic Relief Services, Lutheran World Relief and the YMCA (TJC, 2011).

#### **4.3.2. Policy and Programme During Second Wave Tibetans**

Tibetan refugees were arriving in India periodically. Those who entered into India from 1980 to 1993 are considered as the Second Wave Group of Tibetans. The government of India allowed second wave Tibetan entry via Nepal. Approximately 25,000 population of Tibetan refugees arrived in India between 1986 and 1996 via Nepal through the Sino-Indian border. Due to the existence of the “Gentlemen’s Agreement” the buses of Tibetans arriving from the Tibetan Reception Centre in Kathmandu were allowed by the officials to cross the border for an “entry fee” (a de facto bribe, or form of so-called baksheesh) and travel to Dharamsala via Delhi (TJC, 2002). Tibetans, who tried to enter India by way of the Sino-India border, were sent back due to the sensitive security situation at this disputed border due to the fear of infiltration of Chinese spy’s.

Apart from the comparatively few Tibetan refugees who sought entry by way of the Sino-Indian border, Indian officials tended to turn a blind eye to Tibetans entering India via Nepal in the 1980s and early 1990s. The Indian government did not offer any form of legal status to those Tibetan who reached via Sino-India border. Therefore, Tibetans reached India post-1979 did not receive any legal documents including RC's. They were largely ignored from the common practices of providing legal status to the new arrivals were forced to obtain RCs or other documentation fraudulently and thus reside in or near the previously established "formal" Tibetan settlements, blending in with the post-1959 population (first wave) and by keeping a low profile. Other Tibetans arrived during this time managed to remain in India without an RC by initially saying that they would only be visiting India temporarily, either for a pilgrimage or to visit family but then remained in one of India's Tibetan communities discreetly. Many of them left their homeland to join their brethren and families in India, however, they lacked formal legal status, they could, enjoy much greater freedom, security and human rights in India even without proper legal re-organisation. The tolerance of the Indian government towards the Tibetan refugee rush was commendable during these periods. However, due to the unrecorded and informal management of the refugees during the beginning of the 1990s created more pressure, because of both firstly the Growth in the size of the Tibetan exile community, and second because of Periodic tension between Tibetan communities and local Indian.

Consequently, CTA and the Indian government restricted the illegal entry. The Tibetan who reached India either they got RCs to new arrivals through informal channels or CTA encourage to return to Tibet after receiving an education at one of the Tibetan schools (TJC, 2016).

### **4.3.3 Policy and Programme During Third Wave Tibetans**

The CTA and the Indian government dignified the de facto policy of “voluntary repatriation” in 1994 which was formally adopted by the CTA. As per this policy, third wave arrivals sustained to receive from the Tibetan Government in Exile with voluntarily responsibility to return back to Tibet, after about three months. These policies were differently applied to children, monks and nuns who had come to India to get any form of education and had come for religious training, for this entrance, China restricted or prohibited in Tibet. The CTA issued a set of laws for the handling of new arrivals in January 1995 to acquire RCs. As per the de facto policy of “voluntary repatriation” young Tibetan especially nuns and monks between the ages of sixteen and twenty-five were approved to remain to stay for six months. After completion, there was the necessity to appear and clear certain examinations. The Tibetan government official would be asked the candidates to return to the Tibet if they fail in the examination. But Tibetan children were allowed to remain in India in order to complete their education. If they were at the ages of six to thirteen while older children between the ages of fourteen and seventeen would be referred to one of the Tibetan Children’s Village (TCV) transit schools. In 1996, 2843 new arrivals in India, the CTA asked 1200, about half, to return to Tibet (TJC, 2016). New arrivals are under problem and an insecure environment in India due to the de facto policy. They could no longer depend on assistance from the CTA (TJC, 2011).

### **4.3.4 Tibetan’s Status in India from 2000 to 2007**

For the improvement of the political relationship between India and China, India has taken two major preventive steps regarding new arrivals and limit Tibetans’ freedom of assembly and speech of the Tibetan during 2003. The India government no longer trusted in the voluntary repatriation policy adopted by the CTA. India for the first time

recognized Tibet as “part of” China and also agreed to prevent “anti-China activities” within the country under “Declaration of Principles of Relation and Comprehensive Cooperation”. The government of India took steps to stop the flow of new arrivals have gradually led India to break down on Tibetan residents and particularly to bind their right to speak and grasp non-violent demonstrations due to some external and internal pressures in India. In February 2003, however, the CTA and the Indian government agreed to an arrangement intended to address the increasing number of Tibetans who reside in India without RCs, leading to the creation of the Special Entry Permit (SEP) program. SEPs authorize their bearers to cross from Nepal into India and then to remain in India for a designated period of time, depending on the visit’s purpose. Today, SEPs are primarily issued for education purposes, allowing the bearers to enrol in a Tibetan school or receive religious education at a monastery in India. Although SEPs allow holders to acquire an RC and stay in the country long enough to receive their education, they do not provide their bearers with a right to either citizenship or permanent residence in India.

There were signs of an increased intolerance on India’s part to the presence of Tibetans in India in this period. In 2006, the Indian government restricted Tibetans’ access to freedom of expression by announcing a ban on Tibetans protesting during Chinese President Hu Jintao’s visit to India (Human Right Watch, 2006). More than 40 Tibetans were arrested in Delhi in conjunction with his visit, many of whom were arrested pre-emptively before any protest began (BBC News, November 21, 2006). And at the end of 2006, the Indian Government restricted Tibetans from receiving international travel documents (and limited them to those present in India since 1979), although, in some instances, it approved specific requests (World Refugee Survey 2009).

#### **4.3.5 Tibetan's Status in India after 2007**

Anti-Chinese government protest aroused in the capital of Tibet (Lhasa) prior to the Beijing Olympics of 2008. People from different age groups and backgrounds of society participated in the protest. Chinese Govt responded with force to this protest. Fire Balls were thrown on the protesters, arresting the protestors, and systematically searching for and detaining suspected protestors in the months and years that followed. Over the years the Chinese government with the incorporation of Nepalese military were able to secure the borders and thereby preventing the Tibetans from escaping the captivity of them in Tibet by the Chinese army (Human Right Watch, 2014). In 2008, the number of refugees arriving in Nepal from Tibet was low: 652 compared to just fewer than 2,600 in 2006 (Reuters, 2014). In 2014, the number of refugees drops down to approximately 100.

The Gentlemen's Agreement between Nepal, India and the United Nations Refugee Agency on the safe passage of Tibetans from Nepal to India still largely functions. Tibetans who make it to the relative safety of the Tibetan Reception Centre in Kathmandu are processed, issued with Special Entry Permits (SEPs) and then allowed to journey onwards to India (Nepali Times, June 14, 2016). Indian authorities continue to arrest Tibetans who protest near the Chinese embassy in Delhi and to arrest Tibetans protesting the visits of high Chinese dignitaries.

#### **4.4 Legal Status of Tibetans in India**

Like the majority of Asian countries, India is not a party to the 1951 Convention or the 1967 Protocol, therefore, under any treaty, India is not compelled to admit the activity proposed for the International Protection of Refugees. Being a sovereign nation, India has the fundamental right to either refuse or admit an alien to its territory or to grant asylum (Chakraborty, 2001). But on the way, India, like any member of the

international family, has to respect its international obligations. It is bounded by international law to afford certain minimum standards and treatment for refugee on the basis of fundamental human rights of the asylum or refugees. Still, refugees are treated as aliens due to lack of legal obligation to provide refugee protections or services and largely a consequence of India's abstention from 1951 Convention relating to the status of refugees and the subsequent 1967 Protocol. In addition, India lacks defining a refugee term under the law, outlines certain rights and services that the host states must afford to them. In absence of proper guidelines, refugees thus fell under the purview of the legislative framework that addresses all foreigners in India. There are three sets of laws that deal with foreigners in India.

Tibetan refugees were treated as asylum seekers by the Indian Government under the Principle of non-refoulement (i.e. protection against compulsion to return to home country) has been strictly adhered as India has no special refugee's law that governs the entry, exit and stay of Tibetan or other refugees. All this procedure is controlled by the same laws which are applicable to foreigners.

Tibetans can be arrested or detained for contravening through the law applicable to foreigners. Although in general way India has not any special practice or policy to control Tibetan refugees especially. Foreigners Act, 1939, dealing with all the foreigners, the Foreigners Act, 1946, empowers the state to regulate the entry, the presence and departure of aliens in India and along with the foreigner's order 1948. Under Section 2 of the Registration of Foreigners Act, the term foreigner is defined as "a person who is not a citizen of India", which widens the scope of the definition to aliens of any kind including immigrants, refugees and tourists. The Foreigners Act of 1946 and the foreigners' order of 1948 also uses the same above definition for a foreigner (Nair, 2007).



The government of India follows the Foreigners Act and the Passport Act to deal with the refugees, under this Act; the refugees are treated like any other aliens, due to which the Tibetan refugees do not succeed as refugees in any legal sense. The Government of India provides two types of national status that govern the rights of undocumented Tibetans in India and its legal status; first the Foreigners Act of 1946 and second the Registration of Foreigners Act of 1939. These statutes describe the Tibetans simply as “foreigners,” and thus they fall under the similar status of all foreigners’, who are entitled to movement into India and movement within India. Under this law, Tibetan as others foreigner requires to report the Indian authorities regarding these movements. These two Acts impose fine between Rupees 10,000 and 50,000 and imprisonment, varying from two to eight years in case of any act in contravention of the above-mentioned acts. Without authorized status, undocumented Tibetans cannot hold government or other public jobs, nor attended government-funded schools, or cast the vote and not travel freely either within India or Abroad. While India has bound by the customary international legal principle of non-refoulement through which Indian government can’t force to the Tibetan refugee to return to their country or residence where his or her life or freedom would be under threat, as per the Supreme Court verdict. The Indian government issued different types of documents to the Tibetans refugees in India for a different purpose which are not applicable to any claim for the right to citizenship and must be renewed periodically, which are: Registration Certificates, Identity Certificates, NORI Stamp, Special Entry Permits, and Birth Certificates.

#### **4.4.1 Registration Certificates (RCs)**

Every country legalises their citizens and other people residing in their territory through various documents. Registration Certificate (RC) is the certificate is provided to the

Tibetan refugees residing in India because they are foreigners as per law of the land as India does not have any separate law for the refugees. Nearly 80% of Tibetans in Exile lives in settlements of India with a permit which is processed through documents called Registration certificate. The Tibetans must hold a Registration Certificate (RC) to gain legalized residence status in India. "RC" is not a refugee certificate. It is shorthand for the registration certificate for Tibetan in India. RC needs to be renewed ones in every five years. The valid RC provides an informal status and legal rights to its bearer in India. RC is a must for those refugees above the age-old 16 to avail the benefits of it and to stay further in the country. A valid RC is helpful to obtained driver's license and ration cards in India. Tibetans are entitled to ration cards and driver's licenses in Maharashtra but obtaining driver's licenses and driving cars in border state Sikkim is prohibited. In Uttarakhand, Tibetans feel easy to get driver's license where Tibetans living in the various official and informal settlements in Arunachal Pradesh and Ladakh in the state of Jammu and Kashmir, and are more restricted to obtained Aadhaar cards (unique identification cards issued by the Government of India since 2009) or four wheeler driver's licenses, even if they have RCs. Tibetan refugees are found to be working in agriculture and other sectors like in hotels and restaurants, tourist and trekking guides for their livelihoods, but can't, own or operate tourist taxis, open and run trekking and travel agencies, run internet cafes or manage large hotels. Tibetans cannot own a taxi, restaurant or hotel in Bir, Himachal Pradesh which is part of my research area.

Registration Certificate is an important document for each and every Tibetan staying in India. Acquiring the RC depends upon the time of arrival. India intended to off the policy for issuing RC to new arrival during the 1980s and 1990s. The first wave of Tibetan arrivals received RCs; it does not provide its holder with a legal right to

reside in India but an informal status to live in India. After 1979 the Indian government ceased to issue RCs to new arrivals. Without Registration Certificate, Tibetan can't enjoy their legal right and other facilities in India. Indian police have the power to stop Tibetan in the lane to verify his or her Registration Certificate. Tibetan may be arrested by Indian police in absence of updated RC. He or She could be imprisoned for a month or year as per the procedure established by the law. In 2003, the government of India initiated a new program for Tibetans to enter India via Nepal through the so-called Special Entry Permits ("SEPs"). Under the SEPs new Tibetan may arrive India via Nepal. Tibetan Reception Center at Kathmandu for India issues valid SEP, that further helps to get RCs within two weeks of crossing the Nepal-India border, and their arrival at the Refugee Reception Center in Dharamsala, Himachal Pradesh.

There are no clear procedures to renew once an RC has expired. It depends upon the nature of the state. In some state Tibetans are able to renew an RC easily, late renewal of an RC may be the condition of large fine or bribes by police or local authorities in some state. Renewal of RC is only possible in India there is no separate rule to the renewal of RC from overseas. It is a serious issue to renew RC for the student studying in the US, as he or she must be returned back to India in order to renew their RC. The total population of Tibetan refugee without RC in India has not yet been in accounts of official record because RCs were not issued by Indian government latter 2003. The RC holders have protected their rights and enjoy the benefits and welfare schemes of the Government of India. Tibetan also find difficult to secure the use of land in settlements without RC or with an expired RC. Valid RC is helpful to open a bank account, obtained lone and driver's licenses etc. in the settlements. Now online registration is necessary for a refugee. Issuing of RC can now be arranged with the help of the internet. This facility has both helped and caused trouble for Indian officials especially police. The

Internet has provided easy access to Tibetans residing outside India as with the help of internet the application filling process has become relatively easy, it saves time, hassle and most importantly money. But it has also created trouble for the police officials across the settlements of India because of the verification process requires a stable or



Figure 4.1: Old Registration Certificate for Tibetans Source: Tibetan Journal, <http://www.tibetanjournal.com/tibetan-refugees-rc-renewal-delay-could-cost-upto-500-in-penalty/>

non-gypsy style of residence. Many Tibetans who are engaged in seasonal business, education and other issues have a temporary style of residence. It has been found during the survey that police officials find it difficult to track the exact location of the Tibetans in case of sending traffic violation fine or any other petty or major crime committed by Tibetans. Some stable and innovative measures can be practices to ease out this confusion.

#### 4.4.2 Identity Certificates

The Identity Certificates (ICs) is an important document for international travel for the Tibetans settled in India. The Tibetans must be kept ICs with RCs during the international visit. ICs are same as Indian passport with the yellow cover on *Ashoka Pillar* image is engraved rather than the normal Indian passport's dark blue in lieu of a passport to travel internationally to the few countries. The validity of ICs is generally for ten years and same as RCs it cannot be renewed in foreign states. Tibetan must

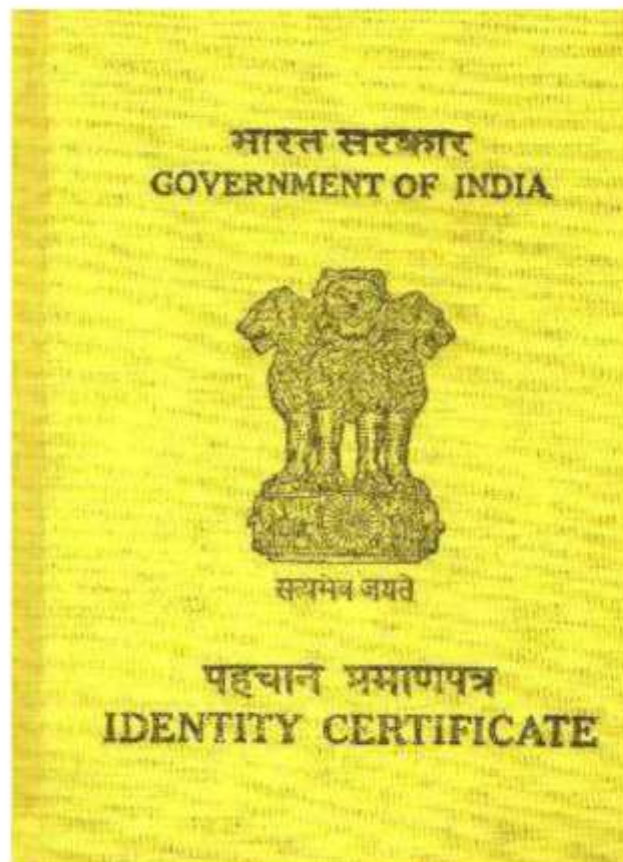


Figure 4.2: Identity certificate for Tibetan refugee for international travel

Source: Tibetan Journal, <http://www.tibetanjournal.com/tibetan-refugees-rc-renewal-delay-could-cost-upto-500-in-penalty/>

return to India in order to renew their ICs. To return to India after foreign states journey Tibetans need to obtain a visa from the local Indian consulate in the country to which they travel. The policies of international travel of the Tibetan refugees have foreclosed due to changes in recent period such as departure permits to be used for family reunification. Indian government always keeps declaration form all Tibetan who are

carrying ICs and receive declaration that all applicants for an IC must sign: “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” (Bernstorff & Hubertus 2004).

Tibetans can obtain an IC through online since 2013 after the submission of supporting documents from the Bureau of His Holiness the Dalai Lama, a valid RC, proof of address and proof of date of birth, in India. It is issued by the Passport authority of the Ministry of External Affairs, Government of India.

#### **4.4.3 NORI Stamp**

Once the Tibetan depart from India, it is necessary to obtain “No Objection to Return to India” or NORI stamp to gain re-entry into India. NORI stamp, which should be obtained from the Ministry of External Affairs and the state government’s Department of Home Affairs, must be issued before departure. The Tibetans could obtain a return visa from the Indian embassy consulate in the country that they are visiting before returning to India.

#### **4.4.4 Special Entry Permits**

It is a new and joint initiative of the CTA and the Indian government began in 2003. It is helpful to the Tibetan safe transit via Nepal to India. It also permits the Tibetan stay in India for a designated period of time after arrival. Special Entry Permits divided into four categories: “refuges” “pilgrimage,” “education,” and “other” (Romero, 2008). The Tibetan refugee can stay in India for three more months under the pilgrimage SEP; It may extend up to six months with commitments to return before the date of expiry.

Once the Tibetan received the pilgrimage SEPs are ineligible to acquire an RC or any other Indian documentation. They are eligible to obtain an RC or may remain for a longer period of time if they transit “education” or “other” SEPs. But “other” SEPs are issued on five or six times to registered date. It seems that this category is reserved for special cases, typically former political prisoners of particular significance to the CTA. The SEP policy ensures safe transit and measure of documentation and protection of the Tibetan. It provides the declaration that they agree to go back after the given time. In the same way, as China has not recognized or illegalized the SEP program, the Chinese government punished those Tibetans who depart from China to visit relatives in India, or make a religious pilgrimage or get an education for their children, as they have violated the Chinese law. The Tibetan need appropriate authorization from China to travel abroad especially to India or else they have to undergo severe punishment and are questioned intensely upon their return (Stobdan, 2009).

#### **4.4.5 Birth Certificates**

Birth certificates are very important for the government officials and other sectors for work and education purposes. Like other Indians, Tibetans were also given a birth certificate from the year 2003. The government of the administrative work of Tibetans made the provisions to provide birth certificates to the Tibetan born from the year 2003. Birth Certificate will be provided by the Government of India. Thus, Tibetans born after 2003 typically have birth certificates, whereas many Tibetans born before 2003 could not obtain one as those births were not officially registered, for example, any births which happened in either home or hospitals prior to 2003, has not been provided with birth certificate. In the past, most births occurred at home rather than at a hospital and were not registered by the government, so as they failed to obtain the birth certificates. Those births which had occurred in hospitals were automatically registered.

#### **4.5 Rehabilitation Policy of Tibetans in India**

As a sovereign country, India has been able to protect different people from many different backgrounds including refugees. Tibetan refugees were the first recognized refugees of the world by India who are sheltered after independence (Hans, 2003). The processes of rehabilitation were started after the demonization of Lhasa in 1959. Soon after 1959 as the arrivals of Tibetans increased, the Government of India provided him with the temporary settlement, as it was considered on the humanitarian grounds by the nation and the repatriation may happen soon after the Tibet gains its peaceful society that did not happen till date. On the request of His Holiness Dalai Lama to provide more facilities, the Indian government started a long-term rehabilitation programme for the resettlement of the Tibetan refugees. One of the requests of The Dalai Lama was to shift all Tibetan refugees in concentration camps close to the Tibetan frontier to the territory of India which was denied by the government of India due to security reasons. To help and accommodate the Tibetan refugees, particularly those who were coming all through the North East Frontier Area and Bhutan, the Indian Government with the support of the State Governments of West Bengal and Assam set up various transit camps at Bura in Cooch-Bihar of West Bengal and at Missamari in Assam. Tibetan received free clothing rations, cooking utensils, medical facilities in the temporary settlement. A sudden change of climate and hard journey across the Himalayas was the cause for the death of many of the refugees. For resolving these problems, the Dalai Lama approached the government of India to shift and resettle the refugees to cooler places where they can work for their livelihood without the adversities of nature. Pandit Nehru and his government ready to shift Tibetan to Himachal Pradesh, West Bengal (Kalimpong, Darjeeling), Jammu & Kashmir, Arunachal Pradesh, Sikkim, Dehradun and Mussoorie's hilly regions where most of them were engaged in road constructions.



This was the first step of the Indian Government to engage Tibetan refugees but it was not sufficient resource for strengthening them. Due to this reason, the Government of India had to follow a strategy of permanent settlement for Tibetan refugees.

Majority of Tibetan community belongs to the communities of either nomads or farmer. Tibetan Guru His Holiness the Dalai Lama and the Central Tibetan Administration jointly request to the Government of India (GOI) to resettle the Tibetans to the agriculture-based settlements. As a result, GOI approached different state governments to settle the Tibetan refugees; the response of the states was to accommodate the request made to them. There was not enough agriculture land to settle the large population of Tibetans in Himachal Pradesh, where they established agro-industrial and handicraft-based settlements. The government of Himachal Pradesh had taken all necessary actions for residences, medical help, drinking water, police, and rations. Present time the support from the Indian government, Tibetan refugee is in self-sufficient and well settled in 41 Tibetans settlements in India (Planning Commission, 2010).

Rehabilitation of Tibetan refugee community in India has been divided into three sectors in order to make them self-sufficient, namely: Land-based agricultural sector i.e. the resettlement in horticulture agriculture or animal husbandry; second Agro-industry based sector run by Tibetans, and third Handicraft based sector i.e. establishment of centres for training refugees in the production and Sale of Tibetan handicrafts and carpet weaving (J.li., 2003).

#### **4.5.1 Tibetan Settlement in India**

The Tibetan refugees living in different scattered camps are expertise in weaving and selling woollen clothes, seasonal goods, flea- market, running restaurants and petty

Table 4.1: List of Tibetan settlements based on occupation in different states of Indian

Agricultural Settlement based	Agro-Industrial based Settlement or Cluster Communities	Handicraft based Settlement
Choephelling, Miao Arunachal Pradesh	Bomdila, Andra.P.	Bir Dege, Bir
Dhargyeling, Tezu Arunachal Pradesh	Darjeeling, West Bengal	Bir Chauntra, Bir
Dhondenling, Kollegal Karnataka	Dharamsala, Kangra Distt.	Bir Tibetan Society, Bir
Dickyi Larsoe, Bylakuppe Karnataka	Dhondupling, Clementown Uttarakhand	Phuntsokling, Dalhousie Himachal Pradesh
Doeguyulgyelling, Herbertpur, Uttarakhand	Gangtok, Sikkim	Gapa Tibetan Society, Kumrao Himachal Pradesh
Doeguling, Mundgod Karnataka	Kalimpong, West Bengal	Kham Khatok, Sataun Himachal Pradesh
Kunphenling, Ravangla, Sikkim	Lingsang, Munduwala Uttarakhand	Paonta Choelsum, Paonta Himachal Pradesh
Lugsung Samdupling, B'kuppe Karnataka	Palrabling, Kullu/Manali, Himachal Pradesh	Sakya Tibetan Society, Puruwala, Himachal Pradesh
Norgyeling, Bandhara Maharashtra	Samyeling, Delhi	TashiJong, Bir, Himachal Pradesh
Phendeling, Mainpat Chattisgarh	Shilong, Meghalaya	Tashiling, Pandoh Himachal Pradesh
Phuntsokling, Odisha	Dekyiling, Dehradun	Tashiling, Sonada Himachal Pradesh
Rabgyeling, Hunsur Karnataka		Tibetan Bonpo Foundation Himachal Pradesh
Sonamling, Ladakh Jammu & Kashmir		Yangchen Gatselling, Shimla Himachal Pradesh

Tenzingang, Arunachal Pradesh		
Tuting, Arunachal Pradesh		

Source: Tibetan Refugee Settlements, published by Department of Home, CTA, HP. Available at, <http://www.centraletibetanreliefcommittee.org/doh/tibetan-settlements.html>

shops. Presently with the assistance of foreign donor agencies, State Governments, Government of India with hard work and tenacity of Tibetan refugees themselves, 41 refugee settlements have been successfully established in the states of Himachal Pradesh, Jammu and Kashmir (J&K), Uttar Pradesh (U.P.), Sikkim, West-Bengal (W.B.), Orissa, Phendeling, Mainpat (Chattisgarh), Arunachal Pradesh and Karnataka are based either on agriculture or Agro-industries or Handicrafts.

These settlements differed to the highest degree in location and circumstances. The 38.46 percent of primary employment among Tibetans in India account by agricultural production and related activities. Woollen clothes trading and account for another 28.20 percent of activity in the Tibetan community. Rest of the Tibetan population relies on the handicraft making, service industry, carpet weaving and other cottage industries and employment in the CTA for income.

#### **4.5.2 Agricultural Settlements**

In India, there are total 19 agricultural settlements of Tibetans, out of which in Karnataka state, alone, there are six such settlements, housing over 2,00,000 people. Apart from this, there are also settlements in other parts of India, three in Arunachal Pradesh at Tezu, Mao, and Bomdila and in Ladakh there are two settlements, and each at Orissa (Chandragiri), Madhya Pradesh (Manipet), Maharashtra (Bhandara), Uttar Pradesh (Herbertpur), and Sikkim (Rawangla) and in West Bengal (Darjeeling). The

government of India gives on an average one acre of land to the refugees and in addition, they received seeds and fertilizers, agricultural implements, agriculture equipment like bullocks, tractors and other agricultural tools of the trade is a subsidised rate or free of cost. The farmers used to cultivate different cash crops suitable to the local climate. The crops like maize, wheat, paddy, important crops like barley, ragi, soybeans, mustard and economically feasible agricultural products according to the topography of the land allotted to them. Most of the settlement places were connected with a co-operative society to help the market and the goods outside the refugee enclaves. These co-operative societies also at times helped the cultivators on the low yield periods.

#### **4.5.3 Agro-Based Industry**

Agro-industrial based settlements are 28.20 percent of total settlements which was created to accommodate the Tibetan refugees in India apart from agriculture-based settlements. The main aim of the Tibetan society in exile was to implement employment-oriented programmes such as setting up woollen mills, and of tea estates which help to provide employment, as well as rehabilitation to the Tibetan. The Tibetans were excellent in the skills of weaving of woollen articles and handicrafts. In addition, the society had a programme for rehabilitating refugees in industries such as hydrated lime plants, limestone quarries and fibber-glass factories in Uttar Pradesh and Himachal Pradesh. Unfortunately, few of these industries were unsuccessful due to poor management, lack of technical knowledge and limited funding.

Many of the Tibetans refugees were familiar with the traditional Tibetan handicraft such as apron making, weaving carpet, incense work, shoulder bags and costume jewellery for which ready markets are available and reachable. The cottage industry of northern India became a valuable source of income to Tibetan families.

### **4.5.3 Carpet-Weaving and Handicrafts**

The 33.33 percent of total settlements business of Tibetan exiles in India come under the third sector of rehabilitation programmes that is the carpet weaving and handicrafts, where the maximum number of Tibetan refugees are rehabilitated. Carpet weaving and handicraft have proven as the most successful industrial enterprise in comparison with the other two sectors. Many settlements focused on the production of handicrafts and carpets have prospered economically. They had set up the major market at Chandragiri, Manipet, Bylakuppe, Dalhousie, Darjeeling, and Kalimpong, where an excess of 5000 Tibetans refugees has been able to rehabilitate more than ten percent of the workforce. This sector also provides livelihood to women and children who did not have any chance for higher education due to the reasons for exile and financial or other issues.

Apart from carpet-weaving, Tibetans are also skilled in weaving textiles and wood-carving, producing cloths, metal-work, and Thangka painting. Tibetans also sell other traditional Tibetan articles such as religious icons and ethnic woollens etc.

The settlements have been successful in achieving objectives of attaining a decent means of livelihood, as envisaged when the rehabilitation programme was initially conceived. Almost all the settlements are provided with cooperative societies, primary and secondary schools, primary health care centres with monasteries, nunneries and Buddhist temples in the settlements. Thereby the Tibetans in the settlements were provided with a second chance to uplift their lost pride and passion of the culture.

However, over the years, the picture of a rehabilitation program has been changed significantly. Due to natural growth in the population and a new generation of the educated and skilled population has thrown new opportunities and challenges; the land holdings in the settlement have shrunken. It requires an in-depth assessment of the ongoing rehabilitation work in order to plan a new course for the future. The difficulty

to provide a suitable policy to the Tibetan refugees is due to the following settlements across the three-generation; one who came as refugees, second those born in India, and the third those are still young. This poses peculiar problems in regards to rehabilitation for the future.

#### **4.6 Protection of Refugee in India**

The practice of protection of refugees in India is been dealt with three main ways; firstly, during the mass influx of refugees, the Indian Government enacts certain measures to protect the socio-economic condition of refugees and also provides camps and temporary protection for their survivability. The government policy aims at providing the basic essentials for the self-sufficiency of the refugees in a new and diverse social environment. Secondly asylum seekers from South Asian parts or any other parts with which the government has a sensitive relationship, concern to the government for political asylum which is usually granted without an extensive refugee status determination subject, of course, to political exigencies lastly Citizens of other countries apply to the office of the United Nations High Commissioner for Refugees (UNHCR) for individual refugee status determination in accordance with the terms of the UNHCR statute and the Refugee Convention (Gochhayat, 2011).

The government of Indian for the refugee supervision has been able to establish a well experienced bureaucratic network. Thereby the nation has introduced three branches of its bureaucratic set up to deal with refugee issues, which are: The central home ministry deals with the formulation of policies of settlement and rehabilitation of refugees. 2<sup>nd</sup> The Ministry of External Affairs is empowered with the accountability of mutual negotiation and to deal with the issues internationally in accordance with the political and diplomatic priorities. And Local governments are empowered with all types of responsibility for the protection and maintenance of the Tibetan refugee camps

allotted or situated at their jurisdiction. Apart from this fundamental freedom and equal opportunity to all as permitted by the Constitution and other law of the land is also equally available to them.

On the other hand, Minority Commission, State Human Rights Commission and National Human Rights Commission etc are for working towards for ensuring overall human rights, fundamental freedom and equal opportunity to all, at a different level in the areas of their everyday lives.

India is home of the largest refugee populations in the world and government of India always claims that its policies match to international standards, when no Indian law refers directly to refugees. Due to these reason refugees always treated as aliens. The Indian government deals with the refugees at both the administrative and political levels.

The encounter of refugees in the Indian legal system is two ways, their entry into and stay in India. When the refugee's shell is within the Indian Territory, they are then subjected to the provisions of the Indian penal laws for various commissions and omissions under different circumstances. Indian Government having various legal and constitutional provisions with which refugees may be concerned under varying circumstances (Ananthachari, 2001).

#### **4.7 Constitutional Provisions**

The Constitution of India which often is termed as the living document by most renowned jurist and thinkers upholds the true value of the human rights time and again according to the situation. The constitutional frameworks of human rights stay in tune with the fundamental principles of rule of law for the protection of justice. The lengthiest written constitution of the world is popular around the globe for its distinctive

features and one among such feature is the separate and well-defined Fundamental Rights' Chapter (Part III of Constitution of India) of the constitution. The availability of Part III of the constitution of India to both the citizens as well as other is yet another important distinctiveness that India tells the world about its acceptance and concerns towards humanity of the people of the world beyond its own citizens. In short, the Indian Constitution provides equal protection of law and rights to every person including its citizens and also to aliens or refugees. The Constitution mandates the states that they are bound to protect the liberty and life of every human being, be he a citizen or refugees. Thus, the Indian Constitution reflects the international norms set out in the Universal Declaration of Human Rights (UDHR) and also the basic refugee rights have been recognized by the constitution. The different types of fundamental rights are dealt under Part III of Indian Constitution but these fundamental rights are invisible and suspended for aliens as well as for citizens during the emergency, due to war and external aggression excluding the right to life.

Every citizen of India having their fundamental rights, it is guaranteed under Part III of the constitution of India as mentioned in the above part. The fundamental rights of Tibetan refugees are equal to the rights of the Indian citizens as prescribed by the law in force for time being. Due to the obligations of India towards international peace and security, the constitutional framework allows refugees or aliens to enjoy certain rights and protections.

Article 253 of the Indian Constitution states that *"Parliament has the power to make any law for the whole or any part of the territory of India for implementing any treaty, agreement, or convention with any country or countries or any decision made at any international conference, association or other body."* Further, Entry 14 of the Union List of the Seventh Schedule states that *"Entering into treaties and agreements"*



*with foreign countries and implementing of treaties, agreements and conventions with foreign countries”.*<sup>1</sup> Thus Article 253 read with Entry 14 makes it clear that the power conferred by Parliament to enter into treaties carries the right to encroach on the State List to enable the Union to implement a treaty with it. The federal structure of the country enabled by virtue of the constitutional framework that any law made in accordance with this Article that gives effect to an international convention shall not be invalidated on the ground that it contains provisions relating to the state subjects.

As such Article 21 is an umbrella right and it encompasses within it various other rights viz. right against custodial violence etc, thus a refugee in present Constitutional set up has a plethora of rights and also an avenue for their redressal in case the same are abridged or abrogated. As per the Constitution of India following fundamental freedoms and fundamental human rights to refugees, lawfully admitted to India and so long as he is permitted by the government to stay in this country. The following are the detailed understanding of the different constitutional provisions for the protection of the rights of the refugees in India as per the Constitution:

#### **A. Equality Before Law and Equal Protection of the Law for Tibetans and Other Refugees**

Equality before the laws under article 14 of the Indian constitution is a universally recognized right. According to the wording from the Article 14, the Constitution guarantees “equality before the law” and “equal protection of the law” to not only its citizens but also to other persons within the territory of India. The other persons include the refugees and aliens. Since both juristic persons and individuals are entitled to the benefits of Article 14, the acceptance of the Indian laws towards the humanitarian

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<sup>1</sup>Schedule VII, List-I, Entry-14 of the Constitution of India.

considerations is evident. It provides: “*The state shall not deny to any person equality before the law or equal protection of laws within the territory of India*”. Anyone Tibetan or other refugees complain against discrimination by law will receive the equal protection of law within the territory of India by virtue of this Article.

“The equality clause enshrined in Article 14 is of wide important. It guarantees equality before the law or the equal protection of the law within the territory of India.”<sup>2</sup> The protection extended to the non-citizens due to the wide importance of the Article. The implication of the article is to be understood with the interpretation of the equal treatment benefits. “The equal treatment to unequals is nothing but inequality. To put both categories- tainted and the rest- at par is wholly unjustified, arbitrary, unconstitutional being violative of article 14 of the constitution.”<sup>3</sup> The Andhra Pradesh High Court judgement in *Vincent Ferrer v. District Revenue Officer, Anantpur*<sup>4</sup> propounded that foreign nationals are eligible to enjoy protections enunciated under article 14 regarding the right to equality but foreigners are not entitled to assert their claims under Article 19 (1) (d) and (e) of the Indian constitution.

In the case of *Hans Muller v. Supt. Presidency Jail, Calcutta*<sup>5</sup> wherein a German national was put under preventive detention by the Provincial Government of West Bengal in India under the provisions of the Preventive Detention Act, 1950 on the ground of him being a foreigner within the ambit of the Foreigners Act, 1946. It was decided by the provincial government to expel him from India and, accordingly, the Government of India was apprised of his expulsion arrangements and order of expulsion was sought from the central government. The petitioner contested the order

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<sup>2</sup>John Vallamattom v. Union of India, AIR 2003 SC 2902.

<sup>3</sup>Onkar Lal bajaj v. Union of India, AIR 2003 SC 2562.

<sup>4</sup>Vincent Ferrer v. District Revenue Officer, Anantpur, AIR 1974 AP 313.

<sup>5</sup>Hans Muller v. Supt. Presidency Jail, Calcutta, 1955 AIR SC 367

of his arrest and detention under Section 3(2)(c) of the Foreigners Act 1946 and Section 3(i) (b) of the Preventive Detention Act 1950 on the ground of them being inconsistent with Article 14 of the Constitution of India. His contentions were resisted in the wake of India's international human rights endorsements.

### **B. Right to Life and Personal Liberty etc.**

The right to life and personal liberty is guaranteed by the Indian Constitution's Article 21. It is available to all available citizens as well as noncitizen for their right to live with human dignity. Article 21 provides "*No person shall be deprived of his life or personal liberty except according to procedure established by law*". This right has been held to be the heart of the Constitution.<sup>6</sup> Article 21 secures two rights: (1) Right to life; and (2) Right to personal liberty

Article 21 is available to every person including citizen and non-citizens, even a foreigner can claim this right. One important thing with Article 21 is that it's available for only to a natural person and not applicable to legal and juristic persons. An alien can ask protection under article 21 same as an Indian citizen can't be exposed to a threat to life and personal liberty.

Article 21 covers the widest amplitude in *Menaka Gandhi case*<sup>7</sup> and it covers the difference range of rights which are provided to refugees' non-citizens and aliens in India. The Constitution of India does not have any specific provisions relating to refugee protection, but, it envisages an understanding of refugee protection that is gleaned from the Supreme Court and the High Court's by interpreting non-discrimination clauses of the Constitution of India, i.e. Article 14 (Equality before law) and Article 21 (Protection of life and personal liberty) which use the expression

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<sup>6</sup>I.R. Coelho vs. State of T.N., AIR 2007, SC 89 1

<sup>7</sup>Menaka Gandhi vs. Union of India, AIR 1978 SC 597

“person” instead of “citizen”, that are equally applicable to nationals and non-nationals in India. The Supreme Court of India observed<sup>8</sup> that the state and its instrumentalities are bound to protect the life and liberty of every human being. In the landmark case of Chakma refugees known as *NHRC v. State of Arunachal Pradesh*,<sup>9</sup> Articles 32 and 21 of the Constitution of India were resorted to by the NHRC to get refugee rights enforced. Similarly, the article 21 mandates the restrictive applicability of the deprivation of the life and liberty only through the procedure established by the law or the due process of law. Subsequent to *Maneka Gandhi* case<sup>10</sup> so many aspects of fair procedure or reasonable and just procedure in the context of Article 21 has come up before the Court. The stream is endless and the case law can be surveyed only in a fully-fledged commentary. Some important points laid down in accordance with the study are mentioned in the succeeding paragraphs.

*i. Right to Live with Human Dignity*

*“It is the fundamental right of everyone in this country to live with human dignity”* This right to live with human dignity enshrined in Article 21.

In *Francis Coralie v. Union Territory of Delhi*<sup>11</sup> observed that: *“The right to live includes the right to live with human dignity and all that goes along with it, viz., the bare necessities of life such as adequate nutrition, clothing and shelter over the head and facilities for reading writing and expressing oneself in diverse forms, freely moving about and mixing and mingling with fellow human beings and must include the right to basic necessities the basic necessities of life and also the right to carry on functions and activities as constitute the bare minimum expression of human self.”*

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<sup>8</sup> National Human Rights Commission v State of Arunachal Pradesh (1996) 1 SCC 742

<sup>9</sup> *ibid.*

<sup>10</sup> 1978 AIR SC 597

<sup>11</sup> 1982 AIR 1473, 1983 SCR (1) 456

In *Bandhua Mukti Morcha v. Union of India*<sup>12</sup>. Characterizing Art. 21 as the heart of fundamental rights, the Court gave it an expanded interpretation. Bhagwati J. observed:

*“It is the fundamental right of everyone in this country... to live with human dignity free from exploitation. This right to live with human dignity enshrined in Article 21 derives its life breath from the Directive Principles of State Policy and particularly clauses (e) and (f) of Article 39 and Articles 41 and 42 and at the least, therefore, it must include protection of the health and strength of workers, men and women, and of the tender age of children against abuse, opportunities and facilities for children to develop in a healthy manner and in conditions of freedom and dignity, educational facilities, just and humane conditions of work and maternity relief. These are the minimum requirements which must exist in order to enable a person to live with human dignity and no State neither the Central Government nor any State Government-has the right to take any action which will deprive a person of the enjoyment of these basic essentials.”*

ii. *Right to Livelihoods*

*“The right to livelihood comes under the right to life.”* If the right to livelihood is not treated under the right of life then it will deprive a person of his right. Deprive a person of his right to livelihood means the person is deprived from his life. The Court in *Board of Trustees of the Port of Bombay v. Dilipkumar Raghavendranath Nandkarni*<sup>13</sup>, came to hold that “the right to life” guaranteed by Article 21 includes “the right to livelihood”. The Supreme Court in *Olga Tellis v. Bombay Municipal Corporation*<sup>14</sup>, popularly known as the “*Pavement Dwellers Case*” a five-judge bench of the Court now implied that ‘right to livelihood’ is borne out of the ‘right to life’, as no person can live without the means of living, that is, the means of Livelihood. That the court, in this case, observed that:

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<sup>12</sup>1984 AIR 802, 1984 SCR (2) 67

<sup>13</sup>AIR 1983 SC 109; (1983) 1 SCC 124

<sup>14</sup>AIR 1986 SC 180

*“The sweep of the right to life conferred by Art.21 is wide and far-reaching. It does not mean, merely that life cannot be extinguished or taken away as, for example, by the imposition and execution of death sentence, except according to procedure established by law. That is but one aspect of the right to life. An equally important facet of the right to life is the right to livelihood because no person can live without the means of livelihood.”*

If the right to livelihood is not treated as a part and parcel of the constitutional right to life, the easiest way of depriving a person of his right to life would be to deprive him of his means of livelihood to the point of abrogation.<sup>15</sup>

### *iii. Right to Shelter*

The Tibetan, as well as each citizen of India, has right to shelter to be a fundamental right from the right to residence protected in Article 19 (1) (e) and the right to life guaranteed by Article 21. Right to shelter includes sufficient living space in civilized form and safe, clean and decent surroundings with sufficient light, water and pure air, electricity, sanitation and other civic facilities like roads, etc.

In *Chameli Singh v. State of U.P.*<sup>16</sup>, a Bench of three Judges of Supreme Court had considered and held that the right to shelter is a fundamental right available to every citizen and it was read into Article 21 of the Constitution of India as encompassing within its ambit, the right to shelter to make the right to life more meaningful.

The Court observed that:

*“Shelter for a human being, therefore, is not mere protection of his life and limb. It is however where he has opportunities to grow physically, mentally, intellectually and spiritually. Right to shelter, therefore, includes adequate living space, safe and decent structure, clean and decent surroundings,*

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<sup>15</sup>ibid.

<sup>16</sup>AIR1996 SC 1051

*sufficient light, pure air and water, electricity, sanitation and other civic amenities like roads etc. so as to have easy access to his daily avocation. The right to shelter, therefore, does not mean a mere right to a roof over one's head but the right to all the infrastructure necessary to enable them to live and develop as a human being.*

*iv. Right to Social Security and Protection of the Family*

The right to social security and protection of the family is important right for every human being it is guaranteed under Article 21 of Rights of Life. In 1965, J.K. Ramaswamy in *Calcutta Electricity Supply Corporation (India) Limited v. Subhas Chandra Bose*<sup>17</sup> proof that the right to social and economic justice was a fundamental right, it found after interpreting Article 39 (e) of the Constitution of India vis-a-vis Article 25 (2) of the Universal Declaration of the Human Right and Article 7 of the International Convention on Economic, Social and Cultural Rights, 1966. It is explained that the right to life and dignity of person and status without means, were superficial rights. *"Socio-economic rights were, therefore, basic aspirations for the meaningful right to life and that the right to social security and protection of the family were an integral part of the right to life"*.

As per the guideline of the Supreme Court of India, every state bound to protect the life and liberty of every human being be he a citizen or otherwise. The state could not permit or tolerate anybody or group of persons to threaten other group or person of state.

*v. Right to Health and Medical Assistance*

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<sup>17</sup>*Calcutta Electricity Supply Corporation (India) Limited (CESC Limited) v. Subhas Chandra Bose*, AIR 1992 SC 573.

Every human being facing different types of health problem in their life, they need to care and take medical assessment from a qualified doctor; they have the right to health and medical assistance. The Constitution of India's Article 21 guaranteed the right to health and medical care. It includes the right to enjoy all medical facilities.

In *Consumer Education and Research Centre v. Union of India*<sup>18</sup>, The Supreme Court laid down that:

*"Social justice which is a device to ensure life to be meaningful and livable with human dignity requires the State to provide to workmen facilities and opportunities to reach at least minimum standard of health, economic security and civilized living. The health and strength of the worker, the court said, was an important facet of right to life. Denial thereof denudes the workmen the finer facets of life violating Art. 21."*

In *Parmananda Katara v. Union of India*<sup>19</sup>, the Supreme Court has very specifically clarified that preservation of life is of paramount importance. The Apex Court stated that 'once life is lost, *status quo ante* cannot be restored<sup>20</sup>.' It was held that it is the professional obligation of all doctors (government or private) to extend medical aid to the injured immediately to preserve life without legal formalities to comply with the police. Article 21 casts the obligation on the State to preserve life. It is the obligation of those who are in charge of the health of the community to preserve life so that the innocent may be protected and the guilty may be punished. No law or state action can intervene to delay and discharge this paramount obligation of the members of the medical profession. The obligation being total, absolute and paramount, laws of

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<sup>18</sup>AIR 1995 SC 922, (1995) SCC (3) 42

<sup>19</sup>AIR 1989 SC 2039, (1989) SCR (3) 997

<sup>20</sup>Jain M.P. (2010) Indian Constitutional Law, Ed. 6<sup>th</sup>, p. 1616



procedure whether in statute or otherwise which would interfere with the discharge of this obligation cannot be sustained and must, therefore, give way.

*vi. Right to Privacy*

The right to privacy describes the right to move freely, personal liberty and speech could be described as contributing to them. But this, the right was not absolute and would always be subjected to practical boundaries.<sup>21</sup> The right would necessarily have to go through a process of case by case development. Tibetan refugees in India are enjoying the right to privacy to a certain extent.

*vii. Right Against Inhuman Treatment*

In several cases, the Supreme Court has taken a serious note of the inhuman treatment meted to the prisoners. Supreme Court has issued appropriate directions to police authorities for safeguarding prisoner's right, particularly in case of women and children. The Delhi High Court came to the conclusion that the inhuman treatment suffered by the deceased in the custody entitled him for the compensation that should be awarded.<sup>22</sup>

*viii. Right to Free Legal Aid and Right to Speedy Trial*

Sometimes aliens and other Indian could not afford legal services for reasons of indigence situation. The "*right to free legal aid*" has been interpreted to be a part of the fundamental right to life and personal liberty.<sup>23</sup> The cost of Court is taken care of by the state and the council for the representations are provided to the parties through the Legal Services Authorities of the state or the country.

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<sup>21</sup>R. Rajagopal v. State of Tamil Nadu, AIR 1995 SC 264; Mr. "X" v. Hospital Z, AIR 1999 SC 495

<sup>22</sup>P.V. Kapoor v. Union of India, (1992) Cr LJ 140 (Del).

<sup>23</sup>Pratap Singhv. State of Jharkhand, 2005 (3) SCC 551, Hussainara Khatoon (No. 1) v. Home Secretary, Bihar, AIR 1979 (1360); Meneka Gandhiv. Union of India AIR 1978 SC 597.

### *ix. Protection Against Arrest and Detention*

The Indian Constitution assures protection against unlawful detention and arrest in certain cases by virtue of Article 21 of the Constitution of India. It embodies bureaucratic safeguards against detention or arrest which are available in the following two cases: One, Where the arrest detention is made under the ordinary law relating to the commission of offences. Second, Where the detention is made under a law providing for preventive detention.

In *Sunil Batra v. Delhi Administration*<sup>24</sup> a postcard written by the Detenu from jail was converted into a writ petition for Habeas Corpus. The writ would lie if the power of detention has been exercised malafide or for collateral or ulterior purpose – as it was laid down in *Gopalan v. State of Madras*<sup>25</sup>. The unlawful arrest and detention are prohibited by the Constitution of India as the Constitution empowers its citizens and others with the right to life and personal liberty as enumerated in part III. An add-on to this is the right conferred by virtue of article 22<sup>26</sup> of the constitution of India.

### **C. Right to Education**

Education is one among the most basic need of human beings and it is most important for refugee groups those have shelter in other countries. For refugee groups to have an educated generation means, that is a source of income and livelihood and most importantly it's a weapon for empowering the generation for the mishaps that they had undergone. India has signed and ratified the Convention on the Rights of the Child and its optional protocols which entitle refugee children in the territory to have access to basic rights including the right to education. Right to education is also fundamental right under Article 21 and "*it directly flows from the right to life*". The Indian Right to

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<sup>24</sup>AIR 1980 SC 1579

<sup>25</sup>AIR 1950 SC 27

<sup>26</sup>Article 22 of the Indian constitution, 1949; "Protection against arrest and detention in certain cases".

Education Act of 2009 also stipulates that refugees and asylum seekers have access to primary education in the country. The amendment to the constitution of India in 2002<sup>27</sup> brought in the right to education under Part III (i.e., Fundamental Rights) as Article 21A of the Constitution of India.<sup>28</sup> Therefore the children between the groups of six to fourteen are entitled to free education, as it's the right conferred on them by the Constitution under Article 21A of the Constitution of India. But the saddest reality of this right when related to the refugee children is that most of them do not exercise Article 21A of the Constitution of India for various reasons. Most of the refugee children are additional financial resources for their families, while some stay back due to linguistic and cultural reasons, and few in the fear of societal discrimination or gender-based violence based on colour, race, religion, geographical position.

His Holiness the Dalai Lama had sharp vision on the education for the Tibetans son and daughter those had arrived in India after demodulation of Lahsa. His Holiness statement on the education of Tibetan children states that "Education is like a weapon. If properly utilized, it brings happiness and benefit to the individual and the whole society in which he lives, and vice-versa. So, the important things in education is training one's mind to attain a correct attitude for the best utilization of education, in order to bring happiness to oneself and the society in which one lives. This is the ultimate aim of education. Besides this, the teachers should aim at building a sound character in each and every child. Nothing is more important than a sound character in a sound body."<sup>29</sup>

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<sup>27</sup>The constitution (Eighty-sixth Amendment) Act, 2002, (w.e.f. 1.4.2010)

<sup>28</sup>"The State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine."

<sup>29</sup>The Dalai Lama, A Brochure of the Council for Tibetan Education, At a Glance-Twenty-Five Years of Education in Exile

After landing in India, the Dalai Lama discusses the educational issues of Tibetan arrival with Pandit Jawaharlal Nehru. After discussions between Pandit Jawaharlal Nehru and The Dalai Lama, the government of India set up the Tibetan Schools Society which is presently known as Central Tibetan Schools Administration (CTSA) in 1961 and Central Schools for Tibetans were all over India. The CTSA is the autonomous body under the MHRD India headed by the Joint Secretary (Secondary Education) MHRD, Government of India as a Chairman. It also has members from MHRD, the Ministry of External Affairs, Ministry of Home Affairs and CTA (CTSA, 2004). To prevent the Tibetan culture, customs, language and tradition government of India to establish a separate system of education in India but same time 78% of the literate population of Tibetan does not have a college or university level degree

Tibetan refugees are the only refugees in India who have been permitted by the government of India “to establish Tibetan schools based on Tibetan culture, Buddhism and the Tibetan language are taught” (UNHCR, 1998). They are receiving both modern subjects and traditional education in different sixty numbers of Tibetan schools in India with Indian children. There are absences of all kinds of restrictions for Tibetan students in India. At par their capabilities and interest, the higher prospect of education is available for Tibetan refugee students. Tibetans students pursue higher education in the different States and Central universities and colleges with the Indian students. Tibetan students have earned graduation, masters, professional qualification and other higher degrees in various discipline of education (Legal Rights of Refugees in India, 2015).

The students of Tibetan communities are attending three categories of school in India: (a) Tibetan Monastic Schools (b) Non-Tibetan School and (c) Tibetan Secular School. There is no restriction on education, Tibetan monks acquire a complete educational knowledge of reading, writing, mathematics, sciences, social sciences and

English, Tibetan students also attend non-Tibetan schools such as convent school in the country. There are 81 Tibetan ('secular') schools in India, Nepal and Bhutan where about 27,865 students are enrolled (CTA, 2004). Tibetan refugee community has nearly 60 Tibetan refugee schools in India divided into the following three categories:

1. School administered by the CTA's, Department of Education, headquartered in Dharamsala, 2. Schools run by the Central Tibetan Schools Administration falls within the jurisdiction of the Indian Ministry of Human Resource Development, and 3. Schools run by charitable organizations, including TCV and the Tibetan Homes Foundation. Of these total schools, 2 Tibetan Homes Foundation schools, 18 Tibetan Children's Village schools, 11 Sambhota Tibetan schools and 28 are run by the Central School for Tibetans (DeHart, 2013).<sup>30</sup> Boarding schools are also available in different States settlement camp where student are faced problem to attain regular classes in schools due to the difficult geographical condition.

The Government of India also offers scholarships to Tibetan children to pursue higher studies in Arts, Science, Engineering and Medicine in different institutions (Mallica, 2014)<sup>31</sup>. These schools are funded by either Government of India or Central Tibetan Administration (CTA), parents, non-governmental organizations (NGOs) and individual donors. The Government of India supports the education of Tibetan children by funding the CTSA school's expenditure where 33.18% of the entire student population in the Tibetan school are enrolled but the TCV, THF and the STSA schools receiving more contributions from foreign individuals and NGOs as compare to the Government of India.

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<sup>30</sup>DeHart, J., 13 May, 2013. Educating Tibet: Government in Exile to oversee all schools in India, available at <https://thediplomat.com/2013/05/educating-tibet-government-in-exile-to-oversee-all-schools-in-india/> accessed on 10, July, 2018.

<sup>31</sup>Mallica M. (2014). Tibetan Refugees in India, Orient Black Swan: New Delhi

#### **D. Protection in Respect of Conviction for Offences Double Jeopardy**

Article 20 of the Indian Constitution is available to all individuals, citizens or non-citizens. The term “individual” in Article 20 of the Constitution of India includes a firm which is accused, prosecuted, convicted or punished for an offence. Under this Article foreigners or aliens, both are entitled to the protection of the rights. So, Article 20 of the Constitution of India covered the protection of the rights of all foreigners or aliens. It protects the right against prosecution under the retrospective penal law, the right against self-incrimination, The right against double jeopardy, etc.

##### *i. Right Against Exploitation*

The Constitution of India able to protect the human rights of each and every individual who is inside the boundary of India, it also provides protection against exploitation. This right against exploitation is secured to every individual, whether citizen, non-citizen or the alien. It is available not only against the state but also against private individuals.<sup>32</sup>

##### *ii. Prohibition of 'Traffic in Human Beings' and Forced Labour*

Article 23 of the Constitution of India has a unique feature; it prohibits beggar activities and traffic in a human being or other similar forms of forced labour. Article 23 of the Constitution of India has this provision to be punishable in accordance with law. However, it does not ban to a state to impose compulsory services for public purposes which provided that in making so it shall not make any discrimination on grounds only of race, caste or class, religion or any of them. So, this right is available for all citizens and non-citizens and refugees without any discrimination. This right is helping to

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<sup>32</sup>People's Union for Democratic Rights v. Union of India, AIR 1982 SC 1473

protect human right with protection through human trafficking both at national and international level.

*iii. Prohibition of Employment of Children*

The right of the prohibition of employment of Children comes under Article 24 of the Constitution of India provides “*No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment*”. It’s come under the Directive Principles of State Policy of the Constitution of India contained in Article 39 (e) and 39 (f), provides for the safeguard for children those are under age fourteen years this Article protect their health and strength. It could be plainly and indubitably enforced against everyone, whether private or state, individual.

*iv. Right to Religious Freedom*

As a secular country, India has a sense of equal reverence for all religions and customs. It is the basic feature of our constitution which is enumerated through the preamble of the constitution. As per the Constitution of Indian, every State has a duty to protect all religion and their religious activities. It also shows that all religions are equally treated before the law and the law or the State does not discriminate against the people on the basis of their religion or belief. Constitution of India provides ‘freedom, of religion’, means every person, citizens or non-citizens or aliens or refugees should practice their religious activities without any fear. Under Article 25 of the Constitution of India secures the freedom of conscience, freedom of conscience to every person, religion and its practice. The state has an obligation to guarantee this right to all<sup>33</sup>.

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<sup>33</sup>S.R. Bommaiv. Union of India, AIR 1994 SC 1918

v. *Right to Constitutional Remedies*

The mechanism for the enforcement of the fundamental right is the distinctive feature of all constitutions that make it popular. The enforcement of the fundamental right under the Indian constitution is often termed as the vitals for the heart and soul of it and is enumerated as the 'Right to Constitutional Remedies' in the constitution. For the violation of the fundamental rights guaranteed to the citizens and others, the aggrieved has been provided with the remedy as for the enforcement of the rights through the articles 32 and 226 of the Indian constitution. The aggrieved can challenge the state action that violated the guaranteed fundamental right with the aid of Articles 32 and 226 of the Constitution of India. This is an open law for all including Tibetan and other refugees living in India. The provisions allow the aggrieved to approach directly to the High Court of the States or the Honourable Supreme Court of India for the enforceability of the rights. The enforcement is issued in the forms of the writs as mandated by Article 226 of the Constitution of India.

vi. *Directive Principles of State Policy*

The Directive Principles of State Policy enumerated under Part IV of the Indian Constitution focus on the social welfare aspect of the State. The basic aim of Directive Principles of State Policy is to uphold the principles of Welfare State, which is focused on the attainment of a substantial degree of economic, social and political equalities, of the community acting through the State. The part is also responsible to provide the minimum standard of living, economic security, and the civilized capacity to secure culture and social status and to maintain good health. Further Article 51(C) of the Constitution of India stipulates that "*the State shall endeavour to foster respect for international law and treaty obligations in the dealings of organized people with another*". Refugee or citizen or alien of India are entitled protection although being a



party to the 1951 Convention or the 1967 Protocol in India. The rights of refugees to this level are protected by the provisions written in the Constitution.<sup>34</sup>

#### **4.7.1 Indian Judiciary in the Protection of Gender Based Violence and Human Rights of Tibetan Refugees**

The Constitution of India ensures the full protection of the rights of refugees in India at par to the prescribed international standards through the doctrine of incorporation exercised by the judiciary. Justice Chinnapa Reddy observed in a case<sup>35</sup> that the doctrine of incorporation recognizes the position that rules of international law are incorporated into national law and considered to be part of the national law unless they are in conflict with an Act of Parliament. The role of the judiciary in upholding the human rights of the refugees is also commendable in matters related to refugees. Asylum seeker or refugee cannot be discriminated against because of the status of non-citizen status and in the name of caste, colour, race and so forth. A refugee of asylum or any person whose right has been violated has the right to directly approach the High Court under Article 226 and the Supreme Court under Article 32 for judicial redressal, rectification of grievances and enforcement of fundamental human rights due to their only independent and impartial structure of the judiciary.<sup>36</sup> The Central Government has also constituted legal authority named National Human Right Commission (NHRC) for the protection of the human rights and prevention of genderbased violence of the citizens and also others which include refugees. It acts as a watchdog for any type of human rights violation or gender-based violence and complaints related to it, vides protection of the Human Rights Act, 1993. The NHRC is authorized to take up matters *sue moto* for the protection of Human Rights if the situation seeks for such a remedy.

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<sup>34</sup>Fertilizer Corporation Kamgar Union v. Union of India, AIR 1981 SC 344

<sup>35</sup>Gramophone Company of India Ltd. v. Birendra Bahadur Pandey, AIR 1984 SC 667

<sup>36</sup>Subramanian, S. (1997), Human Rights: International Challenges, Vol. 1,

Since India is not a part of the 1951 Refugees Convention and has not any special law for refugees, as this condition judiciary has played a very productive role in protecting the interest of the Tibetan refugees. It has provided a humanitarian solution and filled legislative gaps to the problems of refugees in many cases. As Late Justice J.S. Verma, Chairman of the National Human Rights Commission recently observed, “*the provisions of the (1951) Refugee Convention and its Protocol can be relied on when there is no conflict with any provisions in the municipal laws*”.<sup>37</sup>

There are numbers of decisions by the Indian Courts as having detailed in the above paragraphs, where refugees have given protection by invoking Article 14 and Article 21 of the Indian constitution. While the executive branch of the government of India does not identify refugees as such the positive and humanitarian steps initiated by the Indian judiciary has bridged the gap to a significant extent. The judiciary has time and again broadened the ambit of its role. Higher Judiciary has fashioned broad strategies that have transformed it from a positivist dispute-resolution body into a catalyst for socio-economic change, and a protector of human rights and environment.<sup>38</sup>

The jurisprudence on the principle of *non-refoulement*<sup>39</sup> has evolved under Article 21 of the Constitution of India by the various High Courts and Supreme Court of India such as the Gujarat High Court wherein it did not allow the deportation of two

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<sup>37</sup>Mr. Verma made this observation at the SAARCLAW and UNHCR Seminar on Refugees in the SAARC Region held in New Delhi on 2 May 1997. This reasoning has been recognized in *Visakhav. State of Rajasthan*, AIR 13 August 1997.

<sup>38</sup>S.P. Sathe, “Judicial Activism: The Indian experience,” *Washington University Journal of Law and Policy*, vol. 29, No. 6, 2001.

<sup>39</sup>The 1951 Refugee Convention (Art. 33(1), “No Contracting State shall expel or return (“refouler”) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.”

Iraqi nationals to Iraq<sup>40</sup> In another case<sup>41</sup>, the Guwahati High Court stayed the deportation order against Burmese nationals.

The Indian courts have made marvellous advancements in promoting the rights and protection from violence of refugees. The responsibility of judiciary, particularly the Supreme Court of India, in interpreting the Indian Constitution in a manner so as to enlarge the scope of various necessities to include within their fold principles of Universal Declaration of Human Rights, 1948, and thus guarantee effective protection of score of refugees. Constitution of Indian not only guarantees some basic human rights to non-citizens, aliens, or refugees but also confers cure if violations of right takes place.<sup>42</sup> Article 32 of the Indian Constitution suggest that, whenever there is a violation of human right any person can move the Supreme Court for an appropriator cure. In the same way Article 226 permit to move a high court for the enforcement of any such right or other legal right is also available to non-citizens, a refugee with citizens. So Supreme Court has always been very helpful in giving cure against any violation of human rights of the refugees.

#### **4.8 Humanitarian Assistance to Tibetan Refugees in India**

The success of the Tibetan refugee community is to be attributed to their hard work, adaptability and spirit of independence. This has enabled the Tibetan refugees to make the best use of humanitarian assistance received from people of India, government as well as from international aid organizations. Many national and international voluntary

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<sup>40</sup>Ktaer Abbas Habib Al Qutaifi v. Union of India, 1999 Cri LJ 919 Para 3

<sup>41</sup>Khy Htoonv. State of Manipur, W.P. No. 515/1990, Guwahati HC, In N.D Pancholi v. State of Punjab, the Supreme Court stayed the deportation order against a Burmese refugee and allowed him to seek refugee status from the UNHCR office in New Delhi. In Dr. Malvika Karelkar v. Union of India, the Supreme Court stayed the deportation order issued against 21 Burmese refugees from the Andaman Islands of India and allowed them to seek refugee status from the UNHCR.

<sup>42</sup>V. Vijay Kumar, "The Need for a National Legislation on Refugees." In roundtable workshop on refugees in the SAARC region: National legislation on refugees, 30 April 1999, New Delhi. P. 30

agencies had provided and become concerned with the relief effort. These agencies assisted the government by providing vocational training schools, farm equipments and animals, clinics, help in financing self-help projects and in providing childcare.

Apart from the assets of His Holiness the Dalai Lama, the mass of the refugee assistance funds came from the Governments of India, which provided rations, land, medical assistance and other relief assistance. The major sources of funds were come from private channels and western countries, during 1959-62 non-government organizations such as the International Red Cross, CARE<sup>43</sup>, The Young Men Christian Association, Church World Service, Catholic Relief, The International Rescue Committee, and Save the Children Fund. The Swiss and American government and later on 1964-73 the United Nations High Commissioner for Refugees (UNHCR) also contributed to refugee's assistance. The American government donated US \$5,300,000 to the Tibetan refugees in exile.

There are NGOs functioning under the umbrella of under CTA for the welfare and empowerment of the women, children, and others among the Tibetan refugees. The following is the list of registered Non-Governmental Organizations based at Dharamsala, India working for Tibetans in exile: Tibetan Women Association; Gu-Chu-Sum Movement of Tibet (former Tibetan Political Prisoners' Association); Tibetan Youth Congress; Tibetan Centre for Human Rights and Democracy; National Democratic Party of Tibet

Apart from this the host, the Indian government also offers the special cure and supports to Tibetan in exile through the rehabilitation policy in the different interval.

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<sup>43</sup>CARE -is an international aid and self-help document organization responds to the need of refugees and displaced persons in emergency situation through effective delivery system to facilitate to distribution of food and other aid as cited in Manik Chakraborty. "Human Rights and refugees-problems law practices" 2001.

The Tibetan Rehabilitation Policy-2014 published by Government of India, Ministry of Home Affairs clearly mentions the rehabilitation rule and regulation and socio-economic supports to Tibetan refugees in India.<sup>44</sup> With reference to demography survey 2009 published by CTA, Government of India frame the Tibetan Rehabilitation Policy-2014. This policy covered the socio-economic supports, land elocation, distribution of central government and states government welfare schemes programmes to Tibetan which are located in 41 number of settlements spread out mainly in 10 states of India and those Tibetan who are also living in outside of the settlement.<sup>45</sup>

#### **4.8.1 Land**

The exiled Tibetans who were refugees in Indian Territory needed land for the establishment of their livelihood. The Government of India specially instructed the State Governments to provide suitable land for the Tibetan refugees for their survival and livelihood activities. The land provided for the Tibetan refugees were accounted for and documented by the concerned state governments as Lease Documents. The State government may make such change in Lease documents as per their revenue law suggested by the Indian government. It was mandated by the central government that the lease documents should not be signed with individual Tibetan, rather the Tibetans will be represented duly by the Central Tibetan Relief Committee (CTRC) and representative of the state government was the local district magistrate to sign the lease deed. The CTRC is authorized to decide the nature of use of the land as for agriculture, residential, commercial, religious activity or others activities so, that the Tibetans can follow their culture and religion and yet are capable to make an economic living out of the land. Those lands which authorized to Tibetan will become under the ownership of

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<sup>44</sup>Published by H.H. The Dalai Lama's Central Tibetan Relief Committee, (CTRC) Dharamsala; 2015

<sup>45</sup>Demographic Survey of Tibetans in Exile – 2009 published from Planning Commission Central Tibetan Administration Dharamsala

State Government, which will be taking care by CTRC and utilised by local Tibetan Refugee. All land under livelihood by the Tibetan Refugee was protected by the Government of India and was supposed not be disturbed. In the case of dispute and court order of eviction, it is the duty of the state government to re-relocate the refugees to another state-owned land of equal or more area.

#### **4.8.2 Employment and Livelihood Scheme**

Mahatma Gandhi National Rural Employment Guarantee Scheme (MNREGA) is a special programme for poverty elimination. It is ensuring for 100 days of legal jobs guarantee to those who are willing to work under this scheme. This scheme is open for all Tibetan Refugee India also (Center T.J., 2016). The employment opportunity provided refugees with a decent earning for the duration of the scheme. It has also been successful in socializing the people of exile within the locals.

#### **4.8.3 Food Security Scheme**

The national food security ACT (NFSA) 2013 or the existing target Public Distribution System (TPDS) is applicable to an Indian citizen. The Government of India can only bring flexibility to the terms of these policies, and thereby it decided that the state government may consider extending the benefit of TPDS and NFSA to the Tibetan Refugee families on basic of humanitarian principles subject to the availability of groceries.

#### **4.8.4 Housing**

It is the duty of the state is to provide its people with a safe and secure shelter, where he can live with self-esteem and dignity. The Government of India ensures the right to adequate housing of its own citizen as well as for the Tibetan to enhance the quality of healthy life through *Pradhan Mantri Awaas Yojna* (previously known as, *The Indira*

*Awaas Yojana* (IAY)). It is a unique scheme under the Ministry of Rural Development and was launched initially during 1985-86 to provide shelter to families below the poverty line (BPL). This housing programme started with the rehabilitation of refugees immediately after independence,<sup>46</sup> it is also specially extended for Tibetan Refugee.

#### **4.9 Role of the UNHCR and Other International Agencies for Tibetan and Other Refugees of India**

UNHCR was first granted permission to work in India in 1969 in order to provide vocational training to Tibet refugees and was later permitted a limited role for monitoring repatriation of Tamils to Sri Lanka. While India connected the UNHCR Executive Committee (EXCOM) in 1995, it has not ratified the 1951 Convention relating to the Status of Refugees nor its 1967 Protocol (Bartolowei, 2015).

The UNHCR's process their activities in India are based in New Delhi and have another office in Chennai. The UNHCR based on New Delhi office conducts mandate Refugee Status Determination (RSD) for individual asylum seekers from in bordering countries with the exception of Myanmar. The Chennai office of UNHCR supports the voluntary repatriation of Sri Lankan refugees to their home country. They registered 31,000 refugees and asylum seekers in India until the end of December 2014.

Apart from above the UNHCR has been involved in helping the refugees to the safe passage from Nepal to India and helps and handles the problems of Tibetan on humanitarian grounds after the escape of the Karmapa Lama from Tibet to Nepal, the refugees were facing problems in Nepal, such as non-cooperation at Tibet-Nepal border, arrest, the forceful repatriation to Tibet by the Chinese Govt.. In addition, the UNHCR works at the process of identification to facilitate refugees and operates a

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<sup>46</sup>Indira Awaas Yojana, Guidelines published by Government of India Ministry of Rural Development Department of Rural Development Krishi Bhavan June 2013

medical unit as a temporary shelter of the Tibetan. Even UNHCR did not formally establish a presence in India till 1969 but they were provided assistance to the Tibetans in India from 1964. There are many government and non-governmental agencies which watch the situation and help with aid and assistance for Tibetan. Many countries such as Israel and Japan have involved themselves in the rehabilitation of Tibetans in India.



## Chapter 5

### Gender Based Violence in Tibetan Refugee Camps of Himachal Pradesh

#### 5.1 Introduction

Gender biases have been a historical process and permeated in societies. It is one of the major causes of gender based violence. It is deeply rooted in the social structure where power imbalances and structural relationships of inequality are evident. Gender based violence adversely impacts the health, dignity, security, honour and autonomy of individual.

Considering the scenario of a lawlessness or war situation, it can be said that the victims of the GBV have to deal not only with the attackers on their land but also with the inbound gender violence too. The victims of GBV are seen suffering from issues like physical, psychological and sexual violence. A female respondent (30-45 years) and of Director, Tibetan Ability Center, Dharmshala, opined that GBV exists in almost every society and it cannot be said that Tibetan society is completely free from gender based violence.

GBV affects not only the psychological development but also affect the economic and social development of an individuals, and hampers the overall development of the society. However, Tibetan community does not discriminate between son and daughter and parents are also concerned about the safety and security of their children. As a government representative, SSP Kangra district<sup>1</sup>, interviewed on 24.09.2018, told that Tibetan society is a GBV free community.

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<sup>1</sup> SSP Dharmshala, District Kangra, during interview said that Tibetan society is totally free gender based violence. He argued that not a single case against Tibetan related to GBV is heard and reported.

Aristotle remarked that ‘Man is, by nature, a social animal’. Human behaviour changes through the process of socialization. The Tibetan society, with the interaction of Indian society, is learning how to make the differentiation between genders. A young female respondent<sup>2</sup>, between age group 30-45 from Dharmshala settlement of Tibetan communities, is working in the CTA, opined that “no one will answer directly though they face many types of GBV issues. As people do not have the awareness of gender based violence or they consider it to be part the normal practice.” It also occurs with men in the family – by partners or children; nobody is ready to believe that it can happen to him because the prevailing notion is that GBV can only happen against women. According to the social-ecological model (SEM), individuals are the sample of the social environment, in other words, social-environment largely affects the behavioural pattern of an individual. SEM portrays that the behaviour of an individual is covered by the environment around him. The present chapter focuses on understanding the various issues faced by the exiled Tibetans living in the Indian Territory with special emphasis on Gender based violence. The chapter also attempts to understand the relation between GBV and socio-economic status and awareness about different programs initiated for the welfare of the Tibetan refugees by the Government of India.

This chapter aims at understanding the complex theoretical concept of gender based violence in refugee camps by constructing primary data collected from fieldwork by the researcher. For this, the researcher selected five settlements from Himachal Pradesh namely Bir Dege, Bir Tibetan Society, Bir Chauntra Nangchen, Phuntsokling Dalhousi and Dharamshala. The settlements are located in three different districts of Himachal Pradesh. Out of which 250 samples only 70 respondents have faced different

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<sup>2</sup>Respondent is working in the CTA says about GBV issues interview, people do not have awareness of gender-based violence or as they consider it to be part of day to day life as since society is not so much aware about the definition of GBV or they afraid of social stigma, 26.09.2018, place: Dharmshala.

forms of GBV. Due to which from table no.39 the researcher has analysed data that are the victim of GBV.

## 5.2 Demographic Scenario of Tibetans in Himachal Pradesh

The general characteristics of Tibetans in Himachal Pradesh are very much mobile in nature. They frequently migrated from one district to other districts within the state and from one state to another or from India to other countries. Due to this reason number of their population is decreasing as well as fluctuating. Therefore, we found the floating variation in demographic survey data of exiled Tibetan in the year 2009 and 2018 population data collected from the field. The total population of exiled Tibetan in these five settlements were 16353 in 2018.

Table 5.1: Distribution of respondents by gender and duration of their stay in India

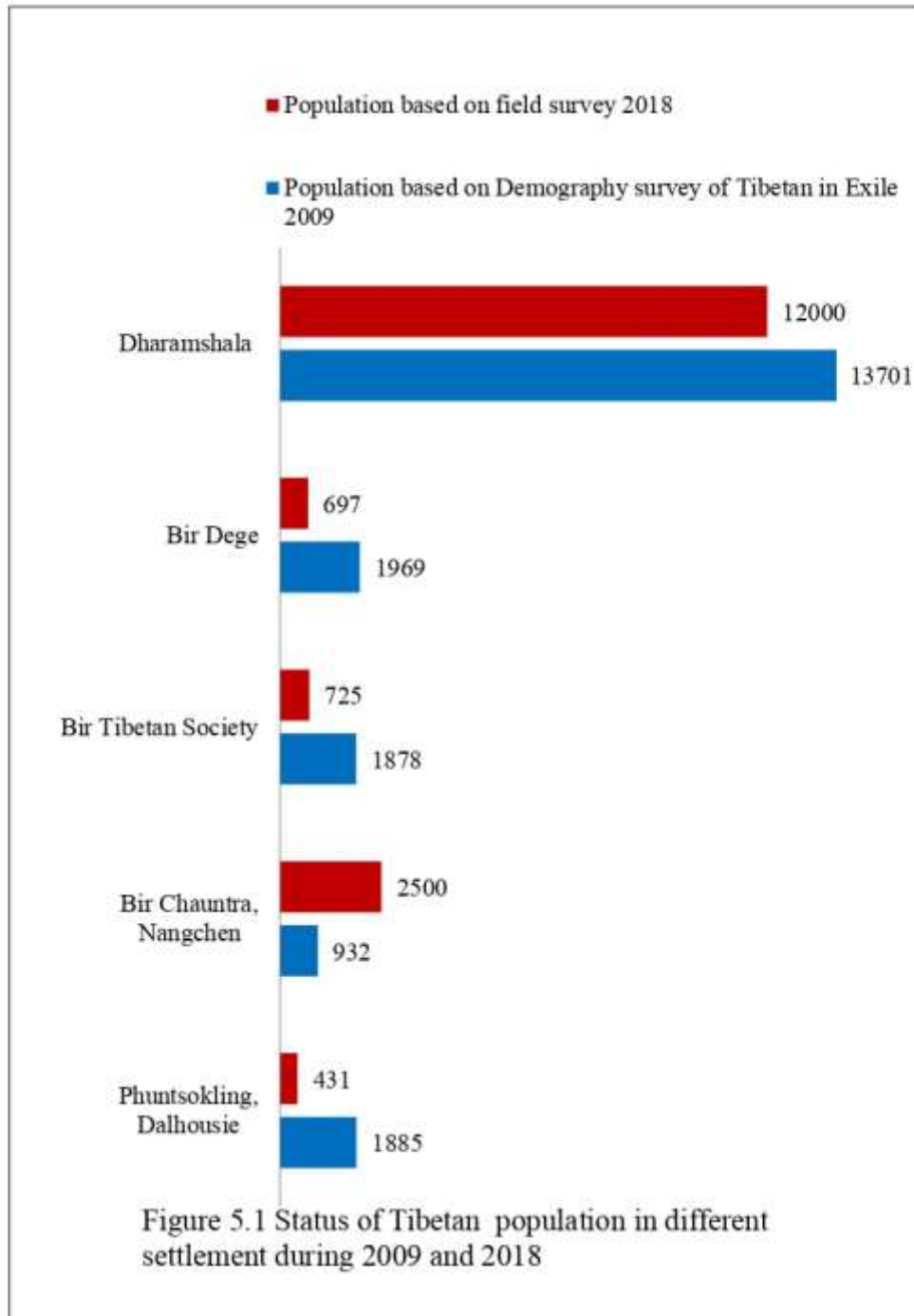
Duration in India	Gender					
	Male		Female		Total	
	N	%	N	%	N	%
By Birth	66	26.40	74	29.60	140	56.00
Last 10 Years	2	13.60	4	9.60	6	23.20
Last 20 Years	34	6.80	24	5.60	58	12.40
Last 40 Years	17	4.00	14	2.00	31	6.00
More than 40 Years	10	0.80	5	1.60	15	2.40
Total	129	51.60	121	48.40	250	100.00

Source: Field Survey<sup>3</sup>

Figure 5.1 shows the variation between the population in 2009 (Demography survey of Tibetan in exiled 2009) and 2018 (record of settlements office during the survey) and above Table 5.1 shows the distribution of 250 respondents according to the time period of their residence in India, with 51.60% males and 48.40% females. Total one hundred

<sup>3</sup> The field survey of five Tibetan Refugees settlements of Himachal Pradesh during August 25, 2018, to November 10, 2018. Here after this will be referred as field survey.

ten (44.00%) Tibetans had migrated to India (25.20% for male and 18.80% for female) while other respondents i.e. 140 (56.00%) Tibetans had been born in India to refugee parents including 26.40% male and 29.60% female.



Source: Data compiled after field survey of five Tibetan Refugees settlements of Himachal Pradesh during August 25, 2018, to November 10, 2018, and from Tibetan Demography Survey 2009.

### 5.3 Profile of the Study Area

#### 5.3.1 Dharmshala Tibetan Settlements

Dharamsala is situated in the Dhuladhar range located in Pir Panjal mountain region of Himachal Pradesh. Dharamsala is divided into three parts:

- i. Lower part of Dharmshala, that is located down the valley at 1,250 meters height above the sea level.
- ii. Middle part of Dharmshala, which is market area of Dharmshala i.e. Kotwali Bazar and surroundings.
- iii. Upper Dharamshala, which is the McLeod Ganj area and its surroundings. Upper Dharamshala is located at the height of nearly 1,800 meters above the sea level. This is the area where the main Tibetan community lives.

Dharmshala is the largest settlement of Tibetans refugees in India. It is the main headquarter of the Tibetan Dharma guru, the Dalai Lama and is also known as “*The Little Lhasa*”. Due to its high altitude and cold weather Dharmshala is almost akin to the feeling of original Tibetan environment. Further, Dharmshala also resembles with Lhasa in context of religious buildings and ritualistic practices. As a result, follower of the Buddhist religion and other Tibetans from around the world continuously arrive at Dharmshala to receive the teaching and blessing from his Holiness the Dalai Lama.

A 76 years old women respondent from Bir Tibetan Society Bir, District Kangra says that socio-economic condition of Tibetan was very pathetic during 1959, on their way to India thousands of Tibetans has died and after arrival in India many of them were died due to diseases, changing weather condition and environment. Thousands of them suffered from Tuberculosis and community diseases. The lack of suitable weather and sources of livelihood, his holiness the Dalai Lama and other Tibetan relocated from

Mussoorie to McLeod Ganj of Dharamsala during 1960 and started Central Tibetan Administration there.

During the Field study, Settlement officer of Dharmshala interviewed on 28.09.2018 informed researcher that institutional structure of settlements is based on the cluster community, it includes seven different schools for education, which are Upper Tibetan Children Village (TCV) School, Lower TCV School, Sambhota School, TCV Gopalpur School, Sahra College, TCV Day School Mcleodganj and Youngling School. Dharmshala has two hospitals, one is modern allopathic hospital and other is the Tibetan Medical and Astro Institute. There are four health institutions run by CTA in Settlement namely Delek Hospital (Gangkyi), Mentseekhang Hospital (Gangkyi), Delek Hospital Branch (Mcleodganj), and Mentseekhang Branch Hospital (Mcleodganj). Further, there are 14 monasteries in Dharamsala namely:

- i. Namgyal Monastery
- ii. Nechung Monastery
- iii. Kirti Monastery
- iv. Ghadong Monastery
- v. Chime Gatseling Monastery
- vi. Gyuto Monastery
- vii. Zilnon Kagyeling Monastery
- viii. H.H. Karmapa Labrang
- ix. Tsechokling Monastery
- x. Dolmaling Nunnery
- xi. Shugseb Nunnery
- xii. Trilokpur Nunnery
- xiii. Jamyang Choeling Nunnery and

xiv. Geden Choeling Nunnery

A total of 11 NGOs are operational in Dharamsala settlement namely:

- i. Tibetan Youth Congress
- ii. Student for Free Tibet
- iii. Tibetan Women's Association
- iv. Tibetan National Democratic Party
- v. Gu chu sum
- vi. Tibetan Charity
- vii. Lha Charity
- viii. Tibet World Education Centre
- ix. Esukhia Language Learning Centre
- x. ANEC and
- xi. Conflict Resolution Centre



Figure 5.2: A monk studying at the roof of a monastery in Dharamshala  
(Photo taken by scholar on date 25.08.2018)

There are two capacities enhancing training centre for higher education namely (1) Tibetan Career Centre (TCC) is a USAID supported, it is initiative for the economic

development of Tibetan settlements and (2) the College for Higher Tibetan Studies, Sarah is an advanced Tibetan studies college plays a vital role in providing skill training to enhance employability of Tibetan youths. The CTA also runs the *Jampaling* old People's home under the aegis of Department of Home of Tibetan Government. This old age home is sheltered to 150 elders and 13 staff members. Dharmshala is an important place for researcher due to high Tibetan population and home of His Holiness, The Dalai Lama.



Figure 5.3: Children of upper TCV in school compound Dharmshala  
(Photo taken by the scholar on date 29.08.2018)

### 5.3.2 Bir Dege, Bir Settlement

Bir Dege Tibetan Society is situated in 165 acres of land. It was established in 1966 and is known for its Handicraft industry. The Settlement is 60-70 kms away from Dharamsala and 1500 meters above from the sea level. This settlement consists of only one village. According to the settlement officer,<sup>4</sup> the settlement presently has a total population of 697 individuals out of which 370 were male and 327 were female. It has one educational institution *One Day School* up to class V and four religious institutions

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<sup>4</sup> interview on 10.10.2018



which are *Pelyul Choekhorling*, *Nyingmapa Gonpa Sherapling*, *Kagyue Dzongsar*, *Sakya*. Apart from these, there is one Modern Allopathic Hospital, one Tibetan Medical, Astro Institute for the health facility run by the CTA and Two NGO's working for the welfare of the people in the settlement.



Figure 5.4: Aerial view of the Bir Dege Tibetan Society and Indian houses in Bir  
(Photo taken by the scholar on date 10.09.2018)

### 5.3.3 Bir Tibetan Society

Bir Tibetan Society is 60-70 kms away from Dharamsala and this area is known as Industrial rehabilitation area which scattered in 78 acres of land. The place is located at the altitude of about 1400 meters above sea level. It has total population of 725 out of which 454 were male and 271 were female. This imbalance sex ratio was due to female migration from the settlement. It has only two schools *Sambhota* Bir Day School and *TCV Suja*; one Modern Allopathic Hospital; one Tibetan Medical; Astro Institute and also have two religious' institutions *Sakya Lama Monastery* and *Nyugney Lakhang Monastery*. Apart from this settlement it has two NGO *Regional Tibetan Women*

Association and Regional Tibetan Youth Congress working for women and youth development.



Figure 5.5: Dzongsar institute campus, Bir Chauntra Tibetan settlement's Monasteries. (Photo taken by scholar on date 03.10.2018)



Figure 5.6: Pakka houses of Tibetan settlement of Bir Tibetan Society (Photo taken by scholar on date 15.09.2018)

### 5.3.4 Bir Chauntra Tibetan Settlement (Nangchen)

Bir Chauntra Tibetan Settlement (Nangchen) was established in 1966 in the district of Mandi and spread in 93.56 acres of land of Himachal Pradesh. Bir Chauntra Tibetan Settlement (Nangchen) is 60-70 km away from Dharamsala. Joginder Nagar and the Baijnath are two nearest towns to the Bir Chauntra Tibetan Settlement. According to the Settlement Officer<sup>5</sup>, the settlement has total population of 2500 individuals out of which 1800 are the monks residing in three Monasteries and 700 women including children residing in settlement. The main source of earning for individuals of this settlement is handicrafts and related forms of artworks for example; carpet weaving and sweater selling etc. According to settlement officer there are four schools including one *Days School* up to class V, one Nursery & Creche, one



Figure 5.7: Pakka houses of Tibetan settlement of Bir Chauntra Tibetan Settlement (Nangchen) (Photo taken by the scholar on date 04.10.2018)

Central School for Tibetan, Chauntra (Boarding School) and one Tibetan Children Village School (Boarding School). In addition, this place has two monasteries namely *Aewam Choegarten Chog Gyur Meyling Monastery* and *Nyingma Gonpa Monastery*.

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<sup>5</sup> interview on 10.10.2018

Bir Chauntra Tibetan Settlement has two health centres, one is modern allopathic hospital and the other is the Tibetan Medical and Astro Institute. Further, this place also has one old age home called Dhonden Old Peoples' Home.

### **5.3.5 Phuntsokling Tibetan Settlement, Dalhousie**

Phuntsokling Tibetan settlement, Dalhousie is situated in Chamba district of Himachal Pradesh. It is registered as a Charitable Society working as a handicraft Centre which was established in 1973. The total population of this settlement is 431 Out of which 231 male and remaining 200 are females (*Phuntsokling* Tibetan settlement office). The settlement shows demographic imbalance in terms of sex ratio due to migration.

The settlement has one Central School of Tibetan (C.S.T) run by government of India. In addition to this, the settlement has Sambhota Tibetan Pre-Primary School also. Besides this, it has three monasteries namely Dalhor Losel Ling Dolma Lhakang Tera Temple, Nalandra Padma Retreat Center Association Bhanodi, Buddhist Temple, Chamba and Samten Choekhorling in Chamba. It has one Tibetan Primary Health Care Centre (TPHCC).



Figure 5.8: Pakka house of Tibetan in Phuntsokling, Dalhousie (Photo taken by scholar on date 06.10.2018)



Figure 5.9: 76 years old Tibetan respondent blessing to scholar, Dalhousie (Photo taken by scholar on date 07.10.2018)

Apart from above, *Phuntsokling* settlement has six NGOs namely: Local Tibetan Assembly (L.T.A), Tibetan Freedom Movement Sub-Committee/Bod Rangwang Denpai Legul (BRDL), Regional Tibetan Youth Congress (RTYC), Regional Tibetan Women's Association (RTWA), Global Tibetan People's Movement for Middle Way Approach and *Chushi Gangdrug* (Four Rivers, Six Ranges) Dalhousie working on various spheres of society.

#### **5.4 Social Profile of Respondents**

In the present study social profile of respondents belong to Bir Nangchen; Bir Dege, Bir; Bir Tibetan Society; Dharamsala and Phunksokling, Dalhousie settlements which can be understood through the gender of the respondents, age of the respondents, marital status, type of the educational attainment etc. It is very important to understand respondent's nature. These social parameters are methodically investigated through field survey.

##### **5.4.1 Gender-wise Distribution of Respondents in Settlements**

Table 5.2 shows that the overall sample constitutes of 51.60% male and 48.40% female population. The Table also shows that 32 respondents which comprise 12.80% of

Table 5.2: Gender-wise distribution of respondents from the settlements

Settlements	Male		Female		Total	
	N	%	N	%	N	%
Bir Nangchen	16	6.40	22	8.80	38	15.20
Bir Dege, Bir	20	8.00	18	7.20	38	15.20
Bir Tibetan Society	23	9.20	24	9.60	47	18.80
Dharamsala	53	21.20	42	16.80	95	38.00
Phunksokling, Dalhosie	17	6.80	15	6.00	32	12.80
Total	129	51.6	121	48.40	250	100.00

Source: Field Survey

the sample from Phunksokling Dalhosie settlement which has the lowest sample size as compared to other settlements. Majority of the respondents (95 respondents) belongs to Dharamsala settlement which accounts for the 38.00% of the sample under study. The researcher has tried to touch an equal portion of male and female because GBV is common for both and it can happen to any gender at any time and at any place in any stage of the lifespan.

#### 5.4.2 Settlement-wise Distribution of Age Group

The above Table 5.3 is focused on the age group-wise distribution of the respondent, which is divided into four categories namely 15-29 (with reference to NYP; 2014),<sup>6</sup> 30-45, 46-60 and 60 above. Majority of respondents belong to Dharamsala which are 39.60% of within the age group of youth category sample and minimum percentage of youth's respondents are 11.10% from Bir Dege, Bir. Total percentages of youth respondents are 57.60% (%<sup>2</sup>) of selected sample. The second highest respondents of

<sup>6</sup> According to 'World Population Prospects: The 2015 revision' Population Database of United Nations Population Division, India has the world's highest number of 10 to 24-year-olds, with 242 million—despite having a smaller population than Page 13 3 China, which has 185 million young people. Tibetan youth are the part of India population due to their productive work for this country. Due to this reason researcher categorized to respondent in different age group including youth.

age interval 21.60% belong to 30-45 age intervals and old age respondent constitute only 6.00% of the sample.

Table 5.3: Age group distribution of the sample in respective settlements

Settlements		Age group				Total
		15-29	30-45	46-60	60 Above	
Bir Nangchen	N	26	5	5	2	38
	% <sup>1</sup>	18.10	9.30	13.50	13.30	15.20
	% <sup>2</sup>	10.40	2.000	2.00	0.80	15.20
Bir Dege, Bir	N	16	12	7	3	38
	% <sup>1</sup>	11.10	22.20	18.90	20.00	15.20
	% <sup>2</sup>	6.40	4.80	2.80	1.20	15.20
Bir Tibetan Society	N	19	19	6	3	47
	% <sup>1</sup>	13.20	35.20	16.20	20.00	18.80
	% <sup>2</sup>	7.60	7.60	2.40	1.200	18.80
Dharamsala	N	57	16	16	6	95
	% <sup>1</sup>	39.60	29.60	43.20	40.00	38.00
	% <sup>2</sup>	22.80	6.40	6.40	2.40	38.00
Phunksokling, Dalhosie	N	26	2	3	1	32
	% <sup>1</sup>	18.10	3.70	8.1	6.70	12.80
	% <sup>2</sup>	10.40	0.80	1.2	0.40	12.80
Total	N	144	54	37	15	250
	% <sup>1</sup>	100.0	100.0	100.0	100.0	100.00
	% <sup>2</sup>	57.60	21.60	14.80	6.00	100.00

%<sup>1</sup> within the age interval & %<sup>2</sup> is the total percent within the sample population,  
Source: Field Survey

#### 5.4.3 Age Group-wise Distribution of Gender

Table 5.4 shows that the proportion of female is more in the younger age group (31.20% for female and 26.40% for male). However, the proportion of male is twice in the age group 30-45 compared to their female counterparts (14.40% for male and 7.20% for female).

Table 5.4: Age group wise gender distribution of respondents

Age group	Gender				Total	
	Male		Female			
	N	%	N	%	N	%
15-29	66	26.40	78	31.20	144	57.60
30-45	36	14.40	18	7.20	54	21.60

46-60	17	6.80	20	8.00	37	14.80
60 Above	10	4.00	5	2.00	15	6.00
Total	129	51.6	121	48.4	250	100.0

#### 5.4.4 Education Status of Respondents

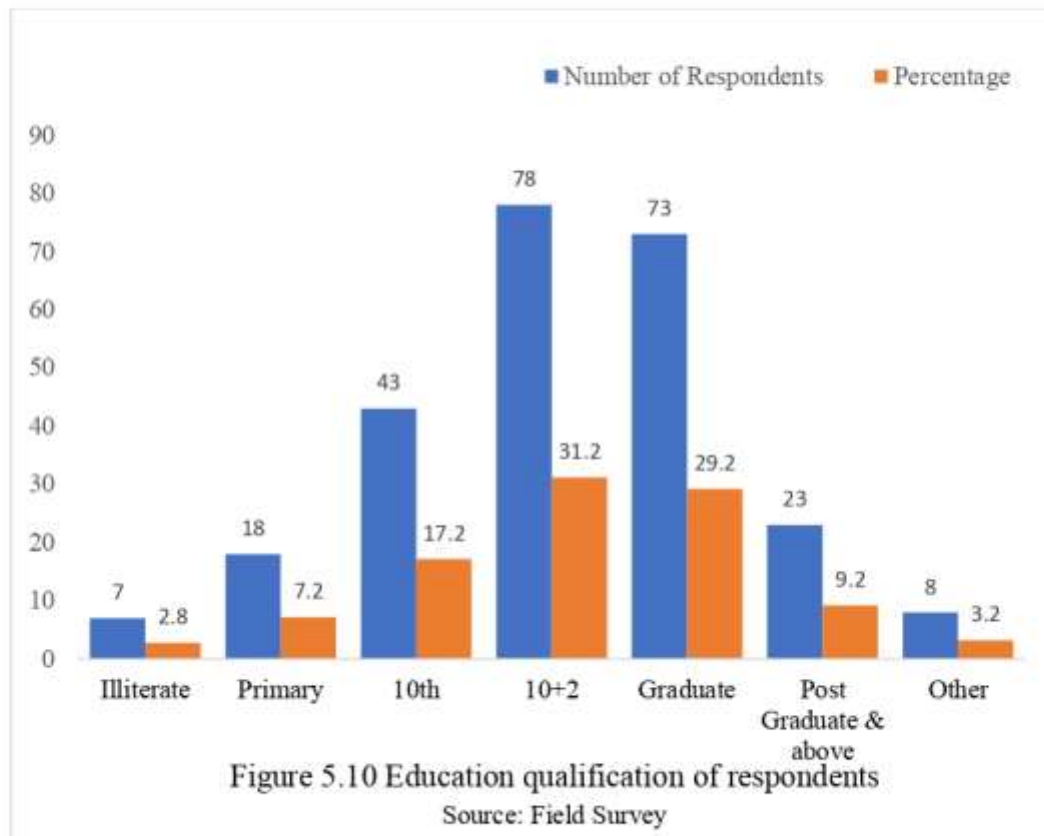
In Table 5.5, educational level attained by the respondent has been categorised as i. Illiterate; ii. primary; iii. secondary levels (class 10<sup>th</sup>); iv senior secondary (class 12<sup>th</sup>); v. Bachelor's degree or graduation (all bachelor's degree); vi. Post Graduate and above (all master's degree or higher qualification including additional professional or other courses) and vii. others including certificate courses/ diploma/ vocational training in addition. Table 5.5 shows that 29.20% of the sample population are graduate, whereas only 9.20% of the sample population had postgraduate. Most of the respondents had senior secondary as educational attainment (31.20%) and only 17.20% of the respondent had a secondary level educational qualification. About 10.00% of the respondents had either primary education or no education. From the Table 5.5, it is evident that the proportion of educated respondents is much higher compared to the illiterate sample which constitutes only 2.80%.

Table 5.5: Education qualification of respondents

Education Qualification	Number of Respondents	Percentage
Illiterate	7	2.80
Primary	18	7.20
10 <sup>th</sup>	43	17.20
10+2	78	31.20
Graduate	73	29.20
Post Graduate & above	23	9.20
Other	8	3.20
Total	250	100.00

Source: Field Survey





Education is an important part of policy and programme for all countries and it is equally distributed with the right to education in India including all citizen and aliens of India.

From Table 5.6 and figure 5.11 shows that, out of the total respondents 51.60% of male and 48.40% are females, only 15.60% male and female respondents are qualified to senior secondary. 16.40% of male respondents and 16.40% of female respondents are graduate. Only 4.40% of male and 4.80% of females had PG qualification in the sample populations. Out of the total respondents, only 9.60% male and 7.60 % female had educational attainment at the secondary level and only 4.00% male had with primary education, while 3.20% of female had primary education. There are 0.40% of male respondents who have attained certificate/diploma/vocational training while 2.80% is the females qualified with other educational qualifications. The

male illiterates account for 1.20% while female accounts for only 1.6 (Table 5.6 and Figure 5.11).

Table 5.6: Gender-wise education level of respondents

Qualification	Gender		Total
	Male	Female	
Illiterate	3	4	7
Primary	10	8	18
10 <sup>th</sup>	24	19	43
10+2	39	39	78
Graduate	41	32	73
Post Graduate	11	12	23
Other	1	7	8
Total	129	121	250

Source: Field Survey

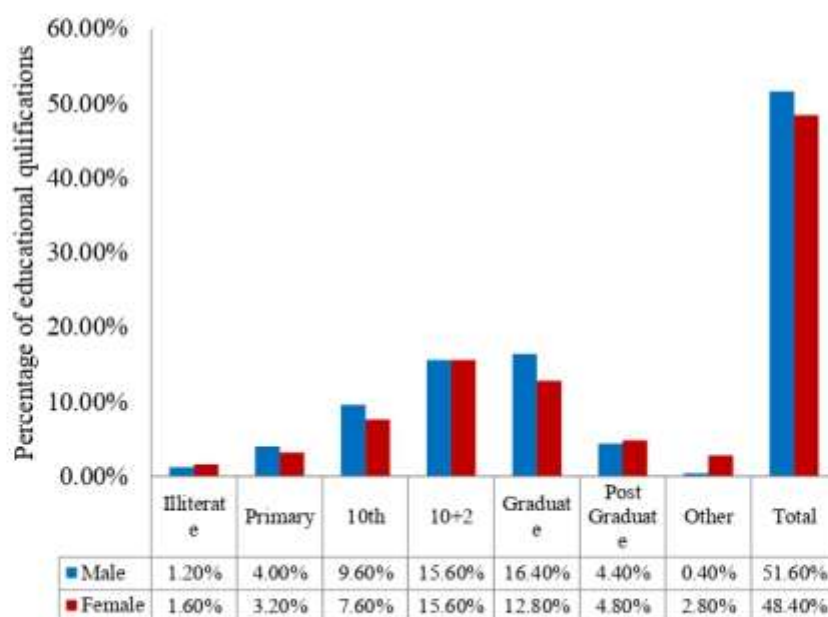


Figure 5.11: Gender-wise education level of respondents (percent)  
Source: Field Survey

#### 5.4.5 Marital Status of the Respondents

The research was carried out among the sample which is tabulated suffice the fact that in the Tibetan society and the culture there is no scope and existence of child marriage (Table 5.8). A single respondent below the age of 18 has been found to be living with the partner. Across the classification of the ages as in Table 5.7, the married respondents

account for 61.60% out of which 36.00% are in the age group between 18-35 and 25.60% are in the age group between 35-60. Table 5.7 portrays that, out of the total married respondents 36.40% is male and 25.20% is female. Divorced respondents (a male) contributes to only 0.40% in the age group of 35-60 and widow respondents account for 1.20% of the total population. The respondents living with a partner is 2.40%, out of which 1.20% is in the age group 18-35 and 0.80% is in the age group 35-45. Among the respondent living with their partners, 0.40% are male and 2.00% are female.

Table 5.7: Marital status of respondents by gender

Marital Status	Gender				Total	
	Male		Female		N	%
	N	%	N	%		
Single	36	14.40	50	20.00	86	34.40
Married	91	36.40	63	25.20	154	61.60
Divorced	1	0.40	0	0.00	1	0.40
Widow	0	0.00	3	1.20	3	1.20
Living with a Partner	1	0.40	5	2.00	6	2.40
Total	129	51.60	121	48.40	250	100.00

Source: Field Survey

Table 5.8: Marital status of respondents by age group

Marital Status	Age group								Total	
	Below 18		18-35		35-60		Not Applicable		N	%
	N	%	N	%	N	%	N	%		
Single	0	0.00	0	0.00	0	0.00	86	34.40	86	34.40
Married	0	0.00	90	36.00	64	25.60	0	0.00	154	61.60
Divorced	0	0.00	0	0.00	1	0.40	0	0.00	1	0.40
Widow	0	0.00	2	0.80	1	0.40	0	0.00	3	1.20
Living with a Partner	1	0.40	3	1.20	2	0.80	0	0.00	6	2.40
Total	1	0.40	95	38.00	68	27.20	86	34.40	250	100.00

Source: Field Survey

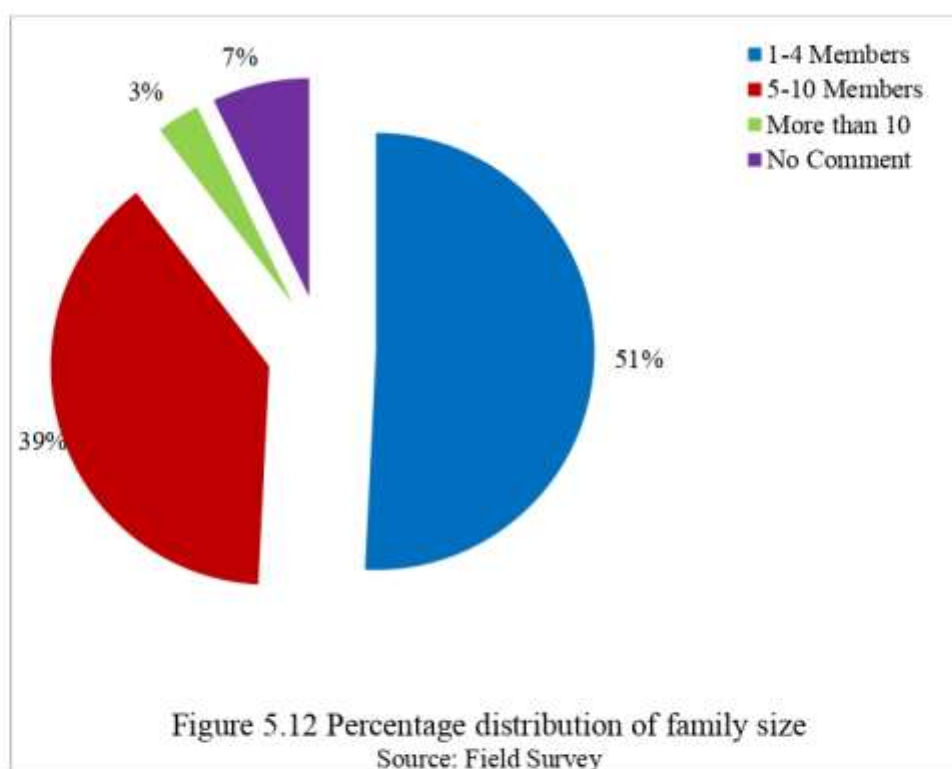
#### 5.4.6 Family Size

The family structure of the Tibetan settlement is described in Table 5.9. It shows that the family structures of the settlements are more oriented towards the nuclear or small family in terms of its size. About half (50.8%) of the respondent belongs to the small family (1-4 members), whereas only 3.2% of the respondents belong to the large family (More than 10). It is also evident from the Table 5.9 that 38.8% of the total respondents belong to a family having 5-10 members, which is a moderate size family.

Table 5.9: Distribution of respondent's family size

Family Size	Respondents	Percentage
1-4 Members	127	50.8
5-10 Members	97	38.8
More than 10	8	3.2
No Comment	18	7.2
Total	250	100.0

Source: Field Survey



#### 5.4.7 Literacy Level and Knowledge of Languages Spoken by Sample

Adopting languages proficiency among Tibetan is higher as compared to their Indian counterparts. At the time of the interview, one of the male respondents from Phuntsokling, Dalhousie settlement said that “few years before in a government-sponsored school in the settlement area, two teachers were appointed one of them was Indian and other was Tibetan. After few months of appointment, the Tibetan teacher was very fluent in Hindi however, the Indian teacher failed to speak the Tibetan language even after 4-5 years of appointment (Settlement Officer of Phuntsokling, Dalhousie settlement; interviewed on 15.10.2018). During the survey, two separate questions has been asked to the respondents to know their reading and writing skills about different languages (level of literacy). Table 5.10 reveals that only 2.80% of the respondents are illiterate which comprise 1.20% of male and 1.60% of female. Also, 97.20% of respondents are literate in terms of reading and writing for the selected languages (Table 5.10 & 5.11).

Table 5.10 shows that about 45.60% of the total respondents can speak more than one language including Tibetan, English and Hindi. The Table 5.10 also shows that only 26.40% of the respondents can speak only Tibetan and Hindi language. Likewise, 12.40% of the respondents can speak Tibetan and English, and only 3.60% of the total respondents can't speak other languages except Tibetan. A total of 1.60% of the respondents had speaking ability in languages including Tibetan, English, Hindi, Chinese and other.

Table 5.10: Gender-wise speaking skill of different languages among respondents

Languages	Gender					
	Male		Female		Total	
	N	%	N	%	N	%
Tibetan	6	2.40	3	1.20	9	3.60
Tibetan & English	17	6.80	14	5.60	31	12.40

Tibetan & Hindi	33	13.20	33	13.20	66	26.40
Tibetan, English & Hindi	56	22.40	58	23.20	114	45.60
Tibetan, English, Hindi & Chinese	7	2.80	4	1.60	11	4.40
Tibetan, English, Hindi Chinese & other	10	4.00	9	3.60	19	7.60
Total	129	51.60	121	48.40	250	100.00

Source: Field Survey

Table 5.11: Gender-wise writing skill of different languages among respondents

Languages	Gender				Total	
	Male		Female			
	N	%	N	%	N	%
Tibetan	20	8.00	18	7.20	38	15.20
Tibetan & English	56	22.40	56	22.40	112	44.80
Tibetan & Hindi	15	6.00	13	5.20	28	11.20
Tibetan, English & Hindi	30	12.00	28	11.20	58	23.20
Tibetan, English, Hindi & Chinese	2	0.80	1	0.40	3	1.20
Tibetan, English, Hindi Chinese other	3	1.20	1	0.40	4	1.60
Illiterate	3	1.20	4	1.60	7	2.80
Total	129	51.6	121	48.4	250	100.0

Source: Field Survey

## 5.5 Economical Profile of Respondents

This part of the chapter, therefore, provides an insight into the economic profile of Tibetan respondents in the study area of Himachal Pradesh. The analysis of economic profile aims at exploring the role and significance of the social determinants and aids in understanding the relationship between social determinants, source of income and level of satisfaction.

### 5.5.1 Occupation

Tibetan refugees are not like other refugees of the world, they are engaged in different livelihood profession. Government of India and many state governments provided land and infrastructure for their economic development. As a government representative, MLA of Dharmshala and Minister of food and supply, Government of Himachal

Pradesh said in the interview (01.10.2018) that, the Indian government provides space for marketing Tibetan handicraft products. The government have different policies for the economic development of the Tibetan in India. Many countries of the world providing fund for the development of Tibetan. Many other international agencies, offering stipends and scholarships for the brilliant Tibetan students who are economically backward for their education and academic programs.

Table 5.12 shows that majority (32.00%) of the respondents have trading and business as the main source of income. 13.60% of the respondents engaged in manufacturing of different kind of goods including handicrafts. The income generated from the service sector is only 8.40%, however, 28.40% of the respondents earn from other kinds of small occupation. Similarly, 5.60% of the total respondents are dependent on their parents and 12.00% respondents benefited by stipends provided by CTA.

Monthly Income is an important parameter which needs to be considered in order to define the economic status of the respondents. It depends upon occupations of the respondents such as trading/business, manufacturing, service sector and other sources of income. Table 5.13 shows the distribution of monthly income according to the occupation. Among the respondent out them 32.00% of the income generated from trading or business, 16.00% of the respondents earns up to Rs 5000 and 9.60% of the respondents earn between Rs 5000 and Rs 10000. Although, 6.40% of the sample do not respond to their monthly income. Likewise, from the manufacturing sector, out of 13.60% of the respondent, 7.60% of them have monthly income below Rs 5000, 2.00% of them have monthly income between Rs 5000 and Rs 10000, and only 0.80% earns more than Rs 10000 monthly. Result also shows that out of the 8.40% of the income generated from the service sector, only 4.40% of the respondents earn between Rs 5000 and Rs 10000 whereas only 3.60% and 0.40% of the respondents earn below Rs 5000

and above Rs 10000 respectively. From the other source of income, out of the 28.40% of the respondent, only 6.40% of them has an income above Rs 10000. Similarly, 12.40% and 8.40% of the respondents earn between Rs 5000 and Rs 10000, and below Rs 5000 respectively.

Table 5.12: Occupation of the respondents

Occupation	Respondents	Percentage
Dependent/No occupation	14	5.60
Trading / Business	80	32.00
Manufacturing	34	13.60
Service Sector	21	8.40
Others	71	28.40
Stipends (Provided by Welfare office of CTA)	30	12.00
Total	250	100.00

Source: Field Survey

Table 5.13: Occupations-wise monthly income of respondents

		Monthly income					Total
		No Comment	Below 5000	5000 to 10000	Above 10000	Scholarship	
Dependent	N	12	0	0	0	2	14
	%	4.80	0.00	0.00	0.00	0.80	5.60
Trading / Business	N	16	40	24	0	0	80
	%	6.40	16.00	9.60	0.00	0.00	32.00
Manufacturing	N	8	19	5	2	0	34
	%	3.20	7.60	2.00	0.80	0.00	13.60
Service Sector	N	0	9	11	1	0	21
	%	0.0	3.60	4.40	0.40	0.00	8.40
Others	N	3	21	31	16	0	71
	%	1.20	8.40	12.40	6.40	0.00	28.40
Stipends (Provided by CTA)	N	10	0	1	0	19	30
	%	4.00	0.00	0.40	0.00	7.60	12.00
Total	N	49	89	72	19	21	250
	%	19.6	35.60	28.80	7.60	8.40	100.00

Source: Field Survey



### 5.5.2 Income Sufficient to Fulfil Needs

With the present scenario being fully materialistic, everyone is fierce competition in terms of making money, with many people doing good earnings as well. Satisfaction for Tibetans is of utmost importance as they are living in exile and facing many conflicts in their life. Tibetan refugees in the study area are engaged in the various occupation for their livelihood. During the survey, the researcher has attempted to understand whether respondents are satisfied with their income or not.

Table 5.14: Respondent satisfaction by monthly income

Responses	Respondents	Percentage
Yes	151	60.40
No	50	20.00
No Comment	49	19.60
Total	250	100.00

Source: Field Survey

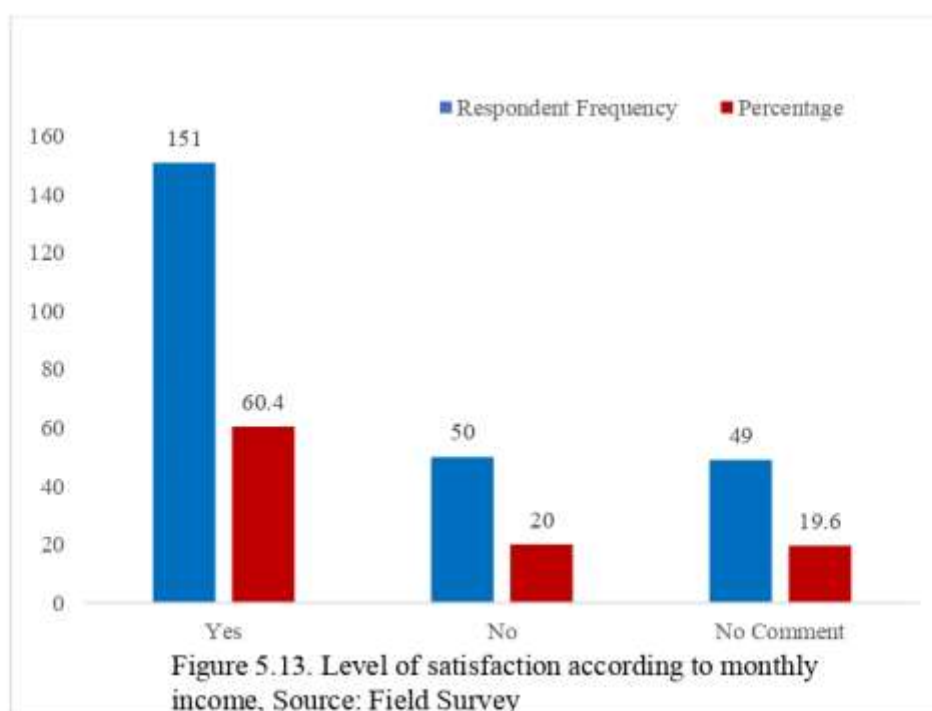


Table 5.14 presents the satisfaction of the respondent by monthly income to fulfil their basic needs. It also depicts that 60.40% of the respondents consider that their monthly income is sufficient to fulfil their needs, however, 20.00% of the respondents encounter financial difficulties due to low income to meet their needs. About 19.60% of the

sample do not comment on this question. It can be said that majority of the respondent are satisfied with their income to fulfil their basic needs.

### 5.5.3 Utilizations of Bank Facilities

The economic status and use of bank facilities are linked to each other. The researcher is attempting to analyse the relation between the gender and occupation-wise bank account holders. A total of 84.00% of the respondents which includes 45.20% male and 38.80% female are holders of bank accounts; while 10.80% (Male- 4.80%; Female- 6.00%) of the total respondents do not have their own bank account. Due to personal reasons, 5.20% of the total respondent population did not respond to this question (Table 5.15).

Table 5.15: Gender-wise utilizations of bank facilities

Responses	Gender				Total	
	Male		Female		N	%
	N	%	N	%		
Yes	113	45.20	97	38.80	210	84.00
No	12	4.80	15	6.00	27	10.80
No Comment	4	1.60	9	3.60	13	5.20
Total	129	51.60	121	48.40	250	100.00

Source: Field Survey

Table 5.16 illustrates the distribution of respondents who had a bank account according to their occupation. 84.00% of respondent who had an account in the bank, 27.60% and 27.20% had an occupation of trading/ business and other occupation respectively, while 12.40% of the respondents are involved in manufacturing and 8.40% are from service sectors. Only 1.60% of the respondents who had bank account are dependents and 6.80% of the population are under the group of Stipends. 5.60% of the respondents of the groups under trading/business and dependents have no bank accounts. 4.00% of the stipend's category do not have any bank account holdings.

Table 5.16: Utilizations of bank facilities by different occupation

Occupation	Utilizations of Bank facilities						Total	
	Yes		No		No Comment			
	N	%	N	%	N	%	N	%
Dependent/No occupation	4	1.60	7	2.8	3	1.2	14	5.6
Trading/Business	68	27.20	7	2.80	5	2.00	80	32.00
Manufacturing	31	12.40	2	0.80	1	0.40	34	13.60
Service Sector	21	8.40	0	0.00	0	0.00	21	8.40
Others	69	27.60	1	0.40	1	0.40	71	28.40
Stipends (Provided by Welfare office of CTA)	17	6.80	10	4.00	3	1.20	30	12.00
Total	210	84.00	27	10.80	13	5.20	250	100.0

Source: Field Survey

#### 5.5.4 Loan Facilities Availled from Indian Banks

Loan facilities from the banks are of great financial aid for the people since it enables them to resolve the financial difficulties and the responsibility to repay the principal amount of loan with the fixed interest which makes them careful investors on the different areas of their financial utilisations. One of the male respondents of age group 46-60 years (retired Indian army personnel) from Bir Tibetan society was interviewed on 06.11.2018. His retirement life was stabilised by the successful establishment of a small enterprise of Tibetan Flag making and other cultural artworks of Tibet in which he invested 2 Lac Rupees granted as a loan by the State Bank of India in 2014. He has four business sites, where more than 12 workers are employed including Indian women. He stated that “if the facility of the Loan by the banks are utilised properly, it can not only be profitable but also provides great employment opportunity for the people around the enterprise”.

Table 5.17 explains the utilization of loan facilities according to the gender of the respondents. A total of 76.40% of the total sample population which includes 42.00% of female and 34.40% of male do not utilize the loan facility. However, a total of 3.20% of female respondents and 10.00% of the male respondents together

contributing for 13.20% of the total respondent has utilized loan facilities provided by the Indian banks.

Table 5.17: Gender-wise utilization of loan facility

Gender	Utilizations of the loan facility						Total	
	Yes		No		No Comment		N	%
	N	%	N	%	N	%		
Male	25	10.00	86	34.40	18	7.20	129	51.60
Female	8	3.20	105	42.00	8	3.20	121	48.40
Total	33	13.20	191	76.40	26	10.40	250	100.00

Source: Field Survey

Table 5.18 describes the utilization of loan facility provided by the bank according to the occupation of the respondent. Results show that the maximum of loan facility has been utilized by the respondent belonging to the economic group of Trading/Business which accounts for 13.20% and only 3.20% of the respondents engaged in other kinds of occupation have utilized loan facilities. Respondents from the manufacturing sector account for 2.00% of loan facility and only 0.40% of the loan facility has been utilized by the respondent under the service sector.

Table 5.18: Utilization of loan facility according to occupation

Occupation	Utilization of loan facility						Total	
	Yes		No		No Comment		N	%
	N	%	N	%	N	%		
Dependent/No Occupation	0	0.00	14	5.60	0	0.00	14	5.60
Trading / Business	33	13.20	36	14.40	11	4.40	80	32.00
Manufacturing	5	2.00	25	10.00	4	1.60	34	13.60
Service Sector	1	0.40	19	7.60	1	0.40	21	8.40
Others	8	3.20	54	21.60	9	3.60	71	28.40
Stipends (Provided by Welfare office of CTA)	0	0.00	29	11.60	1	0.40	30	12.00
Total	47	18.80	177	70.80	26	10.40	250	100.00

Source: Field Survey

## **5.6 Political and Policies Awareness of Respondents**

The study of the political awareness of respondents is an important factor in analysing the prevailing situation. It is also helpful to know the laws and policies of aliens and citizens. Good politics has always played a key role in the development of individuals and institutions during the peaceful and difficulties times. Apart from this, the good political situation of the country attracts citizens of other countries for business, travel, educational grants, and in addition to securing protection and shelter at the time of human rights abuse in their country. It determines the personal to professional growth, protection and preservation of the human right of the citizens and people. Tibetans are provided with the status of refugees in India as they have migrated from Tibet since Lhasa demolition to present. During the survey, question-related to the reason of migration of Tibetan communities in India is asked and the different response has been obtained by respondents. In the present study, political awareness of respondents is assessed on the basis of migration from Tibet to India, duration of staying in India, opinion on the status of Tibetan refugees in India, level of satisfaction with the educational facilities provided by government and private agencies of India, level of satisfaction for Human Rights of Refugees in India etc.

### **5.6.1 Duration of Stay in India**

Table 5.19 show that 9.20% of the respondents who born in India acknowledge more than one reason behind the Tibetan migration in India and 46.80% of them do not comment on the reason for Tibetan migration. The socio-economic, demographic and religious condition of India is very much favourable to Tibetan migration. In this regard's researcher try to find out the main causes of Tibetan migration in India. From the total sample the study eludes that, the respondent whose duration of stay in India is less than 10 years, only 1.20% of them believes that education is the major cause of

migration. Likewise, the respondents whose duration of stay in India is less than 20 years, 8.00% and 6.00% of them believe that politics and religion respectively are major causes of the migration of Tibetans to India. From the total sample, social and educational reasons account for 2.40% and 3.20% of the Tibetan migration in India respectively. However, the proportion of Tibetan migration in India is lesser due to the economic factor (0.80%).

Table 5.19: Duration of stay in India

Reason for Migration		By Birth	Since 10 Years	Since 20 Years	Since 40 Years	More than 40 Years	Total
	No comment	N	117	0	1	0	1
%		46.80	0.00	0.40	0.00	0.40	47.60
Political	N	0	1.0	20	5	4	30
	%	0.00	0.40	8.00	2.00	1.60	12.00
Social	N	0	1	3	2	0	6
	%	0.00	0.40	1.20	0.80	0.00	2.40
Religious	N	0	0	15	17	9	41
	%	0.00	0.00	6.00	6.80	3.60	16.40
Economic	N	0	0	2	0	0	2
	%	0.00	0.00	0.80	0.00	0.00	0.80
Educational	N	0	3	5	0	0	8
	%	0.00	1.20	2.00	0.00	0.00	3.20
Any other reason, please specify	N	0	0	10	6	1	17
	%	0.00	0.00	4.00	2.40	0.40	6.80
More than One	N	23.0	1	2	1	0	27
	%	9.20	0.40	0.80	0.40	0.00	10.80
Total	N	140	6	58	31	15	250
	%	56.00	2.40	23.20	12.40	6.00	100.00

Source: Field Survey

### 5.6.2 Gender-Wise Reason for Migration

Table 5.20 shows gender-wise response of reason of Tibetan migration in India. Results shows that 22.00% of male and 25.00% of female do not comment on the reason for migration. An equal percentage of male (6.00%) and female (6.00%)

Table 5.20: Gender-wise response of reasons for migration among the respondent's migrants in India

Reason of Migration	Gender				Total	
	Male		Female			
	N	%	N	%	N	%
No comment	56	22.40	63	25.20	106	47.60
Political	15	6.00	15	6.00	41	12.00
Social	3	1.20	3	1.20	6	2.40
Religious	25	10.00	16	6.40	41	16.40
Economic	0	0.00	2	0.80	3	0.80
Educational	5	2.00	3	1.20	8	3.20
Other specify	11	4.40	6	2.40	18	6.80
More than One	14	5.60	13	5.20	27	10.80
Total	129	51.6	121	48.4	250	100.00

Source: Field Survey

considers politics as main reason of migration. Table 5.20 also shows that 5.60% of male respondent and 5.20% of female respondents favouring more than one reason for migration.

### 5.6.3 Age Group-Wise Reasons for Migration

Table 5.21 presents the response of the reason of migration in India according to age group which shows that 43.20% and 3.20% of respondent who does not comment on the reason migration of are in the age group 15-29 and 30-45. Result also shows that 5.60% and 3.60% of the respondent in the age group 30-45 and 46-60 respectively, consider those politics as the main reason for their migration in India. Respondent in the middle age group (5.20% for the 30-45 age group and 7.20% for 46-60 age group) migrated in India due to political reasons. Similarly, 9.60% of the respondent in the age group 15-29, favouring more than one reason for migration.

Table 5.21: Age Group-wise reasons for migration among the respondent's migrants in India

Reason of Migration	Age Group								Total	
	15-29		30-45		46-60		60 Above			
	N	%	N	%	N	%	N	%	N	%

No comment	108	43.20	8	3.20	1	0.40	2	0.80	119	47.60
Political	3	1.20	14	5.60	9	3.60	4	1.60	30	12.00
Social	1	0.40	3	1.20	2	0.80	0	0.40	6	2.40
Religious	2	0.80	13	5.20	18	7.20	8	3.20	41	16.40
Economic	0	0.00	2	0.80	0	0.00	0	0.00	2	0.80
Educational	5	2.00	3	1.20	0	0.00	0	0.00	8	3.20
Any other reason, please specify	1	0.40	8	3.20	7	2.80	1	0.40	17	6.80
More than One	24	9.60	3	1.20	0	0.00	0	0.00	27	10.80
Total	144	57.60	54	21.60	37	14.80	15	6.00	250	100.00

Source: Field Survey

#### 5.6.4 Level of Satisfaction of Respondent to Their Status in India

Table 5.22 presents the level of satisfaction of the respondents to their status in India. The result shows that 48.00% of the respondents have an opinion of excellent satisfaction and 46.8% are satisfied on their status, it is due to only good policy and Programme of India. However, only 1.60% is dissatisfied with their status which is very less.

Table 5.22: Level of satisfaction of respondents to Tibetan status in India

Level of Satisfaction	Respondents	Percentage
Excellent	120	48.00
Satisfied	117	46.80
Dissatisfied	4	1.60
No Response	9	3.60
Total	250	100.00

Source: Field Survey

#### 5.6.5 Awareness About Educational Institutions Being Run by the Tibetan Government in Exile

According to Table 5.23, 95.60% of the total respondents are aware of the educational institutions run by the Tibetan government in exile while 1.60% are unaware of the same.



Table 5.23: Awareness about educational institutions run by the Tibetan government in exile

Responses	Respondents	Percentage
Yes	239	95.60
No	4	1.60
No Comment	7	2.80
Total	250	100.00

Source: Field Survey

### 5.6.6 Satisfaction with the Educational Facilities Provided by the Government of India/ Private Agencies

Table 5.24 explains the satisfaction of the respondent on educational facilities provided by the government of India or the Private agencies. Accordingly, a majority of 92.80% of the respondents is satisfied and are aware of the educational facilities, while only 2.40% are not satisfied because they are not getting education as per their choice.

Table 5.24: Satisfaction of respondents on educational facilities provided by the government of India/ private agencies

Responses	Respondents	Percentage
Yes	232	92.80
No	6	2.40
No Comment	12	4.80
Total	250	100.00

Source: Field Survey

### 5.6.7 Satisfaction with the Medical Facilities Provided by Indian Government

According to Table 5.25, about 88.40% of the total respondents including 44.00% of male and 44.40% female are satisfied with medical facilities provide by the Indian government while only 4.80% of respondents (3.20% male and 1.60% female) are not satisfied with the medical facilities and 6.80% of respondents do not answered the question which is very less. The result shows that the majority of respondent are aware to utilise the medical facilities provided by the Government of India.

Table 5.25: Gender-wise level of satisfaction of the respondent's medical facilities provided by the government of India

Gender	Responses							
	Yes		No		No Comments		Total	
	N	%	N	%	N	%	N	%
Male	110	44.00	8	3.20	11	4.40	129	51.60
Female	111	44.40	4	1.60	6	2.40	121	48.40
Total	221	88.40	12	4.80	17	6.80	250	100.00

Source: Field Survey

### 5.6.8 Human Rights Awareness Among the Respondents

There are in total thirty human rights, including freedom from slavery; political and civil rights such as the freedom of speech and association; and economic, social and cultural rights such as the right to education and adequate housing. Human Right awareness is an integral part of the protection against the gender based violence. Thus, the research aims at understanding the human right awareness of the sample respondents from the field to conclude the awareness of the people against the violation of human rights. Table 5.26 shows the result of cross-tabulation of gender-wise awareness of respondent according to human right. The result shows that 84.00% of the respondents which includes 44.40% of the male and 39.60% of female respondents are aware of the human rights whereas only 6.00% of the total respondents (2.40% of males and 3.60% of the female respondent) do not have the knowledge of human right. Interestingly, 10.00% of the respondents of both gender (4.80% of male and 5.20% of female) did not comment about awareness of human rights.

Table 5.26: Gender-wise awareness among respondent according to human rights

Gender	Responses						Total	
	Yes		No		No Comments			
	N	%	N	%	N	%	N	%
Male	111	44.40	6	2.40	12	4.80	129	51.80
Female	99	39.60	9	3.60	13	5.20	121	48.40
Total	210	84.00	15	6.00	25	10.00	250	100.00

Source: Field Survey

### 5.6.9 Gender-Wise Awareness of Refugee's Right Under the Constitution of India

Table 5.27 explains the gender-wise awareness of refugee's right under the constitution of India. The result portrays that 77.20% of respondent in which 40.40% are male and 36.80% are female are aware of refugee's rights under the constitution of India. Whereas, only 16.80% of the respondent (7.60% of male and 9.20% of the female) are unaware of the same and 6.00% of the respondent did not respond to this question.

Table 5.27: Gender-wise awareness of refugee's right under the constitution of India

Gender	Awareness of refugee's right						Total	
	Yes		No		No Response			
	N	%	N	%	N	%	N	%
Male	101	40.40	19	7.60	9	3.60	129	51.60
Female	92	36.80	23	9.20	6	2.40	121	48.40
Total	193	77.20	42	16.80	15	6.00	250	100.00

Source: Field Survey

### 5.6.10 Awareness About Rights of the Refugees Under the 1951 Convention

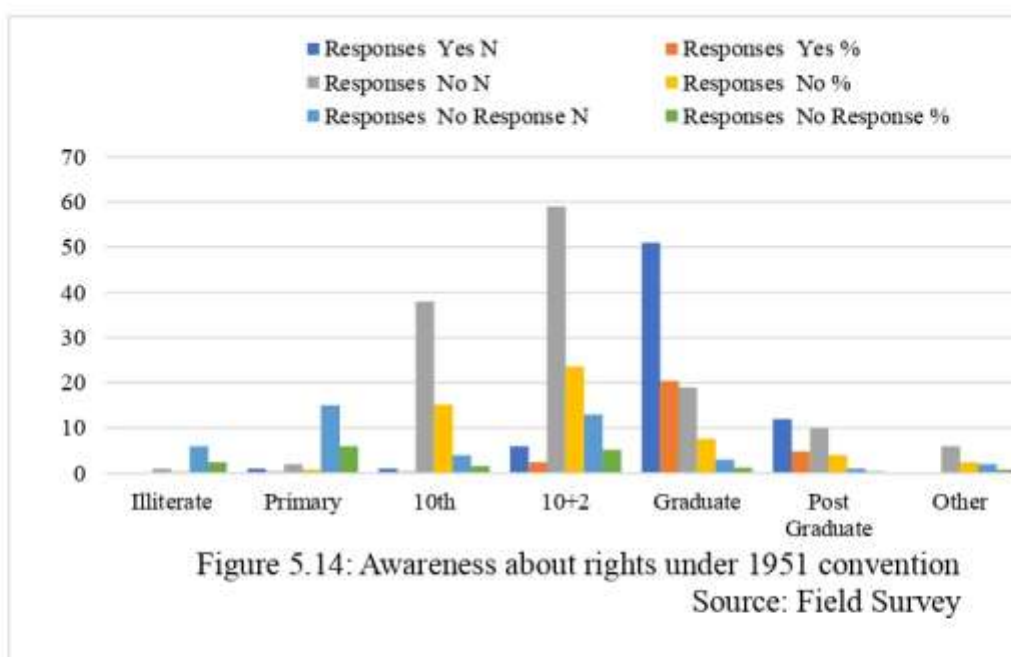
Table 5.28 is grouped on the basis of the educational qualification of the respondents since the researcher finds it more viable to classify the awareness of the respondents on the rights of the refugees under the 1951 Convention on the Status of Refugees as the document is an international instrument.

Table 5.28: Awareness about rights under the 1951 convention on the status of refugees according to educational qualification

Education Level	Responses						Total	
	Yes		No		No Response			
	N	%	N	%	N	%	N	%
Illiterate	0	0.00	1	0.40	6	2.40	7	2.80
Primary	1	0.40	2	0.80	15	6.00	18	7.20
10th	1	0.40	38	15.20	4	1.60	43	17.20
10+2	6	2.40	59	23.60	13	5.20	78	31.20
Graduate	51	20.40	19	7.60	3	1.20	73	29.20
Post Graduate	12	4.80	10	4.00	1	0.40	23	9.20
Other	0	0.00	6	2.40	2	0.80	8	3.20
Total	71	28.40	28.4	54.00	54.0	17.60	250	100.00

Source: Field Survey

The Table 5.28 shows that 20.40% of the graduate respondents are aware of their rights. Whereas, illiterate and other category respondents are unaware about the 1951 Convention of refugees right. 0.40% of the respondent who has primary and metric level educational attainment are aware of the rights. Interestingly 15.20% and 23.60% of the respondents having 10<sup>th</sup> and 12<sup>th</sup> level of education qualification are unaware of the rights of refugees under the 1951 convention respectively.



### 5.6.11 Violation of Human Rights at the Place of Domicile (In Exile)

In the study area of Himachal Pradesh, there are very few cases registered against Tibetans. Whatever the case found during the researcher's visit, it was only related to breaking either traffic law or cutting the trees. In addition to this, research scholar finds a case an Indian who commits a crime against a Tibetan girl. The FIR (First Information Report) No. 60/10 registered on date 31.10.2015 in McLeod Ganj.

Table 5.29: Violation of human rights at the place of domicile (in exile)

Responses	Respondents	Percentage
Yes	44	17.60
No	184	73.60
Don't Know	22	8.80
Total	250	100.00

Source: Field Survey

Table 5.29 explains about the respondents who either experience or observe the human rights violation against Tibetan in exile. Results show that 73.60% of the respondents did not experience/ observe any human right violation. And only 17.60% of the respondent has either experienced or observed the violation of human rights at their place of domicile.

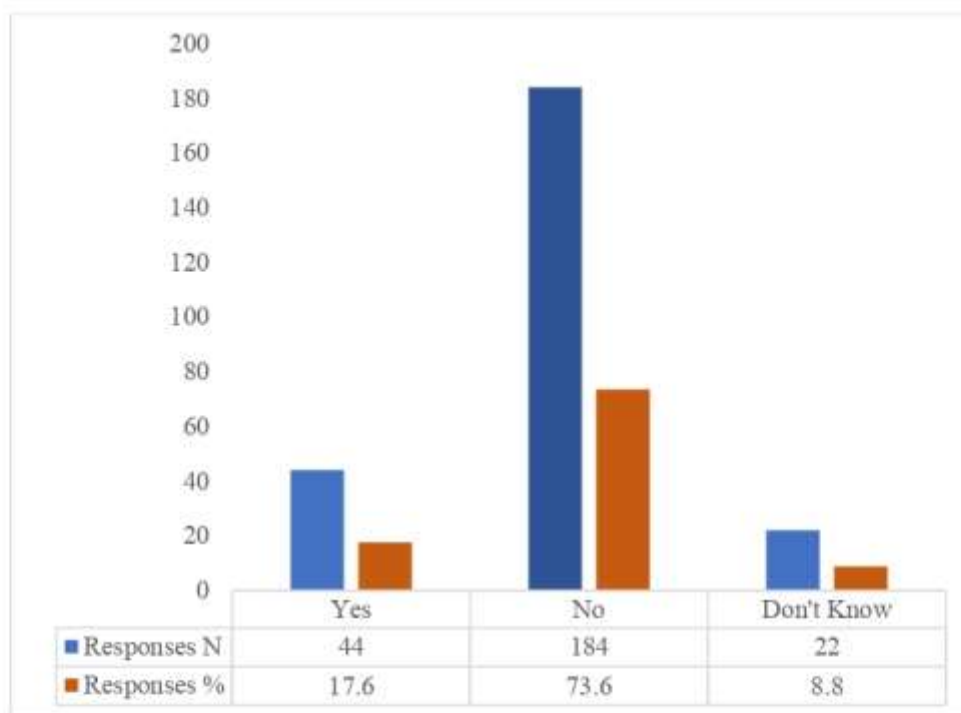


Figure 5.15. Responses on human rights violations in exile  
Source: Field Survey

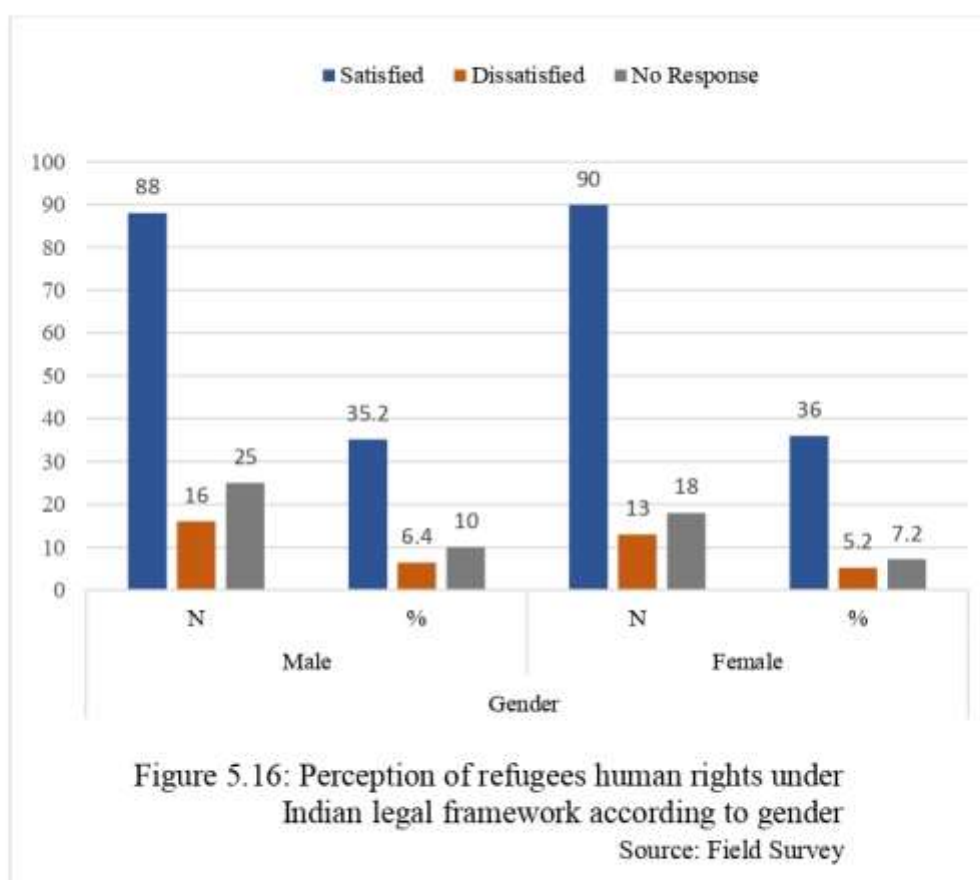
#### 5.6.12 Evaluation of Existing Legal Framework Governing the Human Rights of Refugees in India

Table 5.30 shows the Respondents perception about Refugees Human Rights under Indian Legal Framework. Out of the total sample population, 71.20% of respondent including 35.20% male and 36.00% of females are satisfied, while 6.40% of male and 5.20% of female sample population combining to 11.60% are dissatisfied. 17.20% of the total sample population have no response to the Refugees Human Rights under Indian Legal Framework.

Table 5.30: Perception about refugees' human rights under Indian legal framework

Satisfaction Level	Gender				Total	
	Male		Female		N	%
	N	%	N	%		
Satisfied	88	35.20	90	36.00	178	71.20
Dissatisfied	16	6.40	13	5.20	29	11.60
No Response	25	10.00	18	7.20	43	17.20
Total	129	51.60	121	48.40	250	100.00

Source: Field Survey



## 5.7 Types of Gender Based Violence and Awareness

According to the United Nations, gender based violence is defined as an act of violence that results in physical, sexual, or psychological harm against any gender, as well as threats of such acts, coercion, or the arbitrary deprivation of liberty. It has been recognized worldwide as a violation of human rights. This research has highlighted the different perspectives of GBV and awareness, causes, approaches and post GBV

behaviour of respondents on the basis of gender, education level, occupational perspective and decision making of the role of respondents and their family.

### 5.7.1 Role of Decision Making

Decision-making the capacity of every human distinguishes him from another. The humans are social animals are to be attributed towards the individual and group decision making the role of the members of the society. The capacity of the decision-making role is, therefore, a tool for the measurement of empowerment of the individuals in the social structure. The right decision at the right time is the weapon to prevent gender based violence.

Table 5.31 shows the gender-wise decision-making role among the respondents. The result shows that 51.20% of the total population including 29.20% of male and 22.00% of female take the decision jointly. While 27.20% of the sample take their decision individually out of which 17.20% are male and 10.00% are female. 17.60% of the respondents (4.40% males and 13.20% female) depended on parents (father or mother) for their decision making in the family. 4.00% of respondents including 0.80% male and 3.20% female accept that their life partner has been taken the decision in the family. It is also shown that females are more dependent on their partners.

Table 5.31: Gender-wise decision-making role

Decision Makers	Gender				Total	
	Male		Female		N	%
	N	%	N	%		
Self	43	17.20	25	10.00	68	27.20
Life partner	2	0.80	8	3.20	10	4.00
Joint	73	29.20	55	22.00	128	51.20
Father/Mother	11	4.40	33	13.20	44	17.60
Total	129	51.60	121	48.40	250	100.00

Source: Field Survey

Table 5.32 shows the decision-making autonomy of the sample is based on their marital status. Out of the 61.60% of the total married sample, 44.00% of the sample takes their decision jointly, 13.20% of the sample make their decision individually and only 4.00%

follow the decision of their partners. While 0.40% of the divorced and 1.20% of the widowed samples take their decision individually. Out of the total 2.40% of sample living with a partner, only 0.40% of the respondents takes decision individually and 1.2% of the respondents take decision jointly. The Table 5.32 also shows that out of the 34.40% single sample, 12.00% of them take their own decision and for 16.40% of them are dependent on their parents, whereas only 6.00% of them takes decision jointly with the consent of their parents.

Table 5.32: Marital status wise decision-making role

Marital status	Nature of Decision Making								Total	
	Self		Life partner		Joint		Father/ Mother			
	N	%	N	%	N	%	N	%	N	%
Single	30	12.00	0	0.00	15	6.00	41	16.40	86	34.40
Married	33	13.20	10	4.00	110	44.00	1	0.40	154	61.60
Divorced	1	0.40	0	0.00	0	0.00	0	0.00	1	0.40
Widow	3	1.20	0	0.00	0	0.00	0	0.00	3	1.20
Living with a Partner	1	0.40	0	0.00	3	1.20	2	0.80	6	2.40
Total	68	27.20	10	4.00	128	51.20	44	17.60	250	100.00

Source: Field Survey

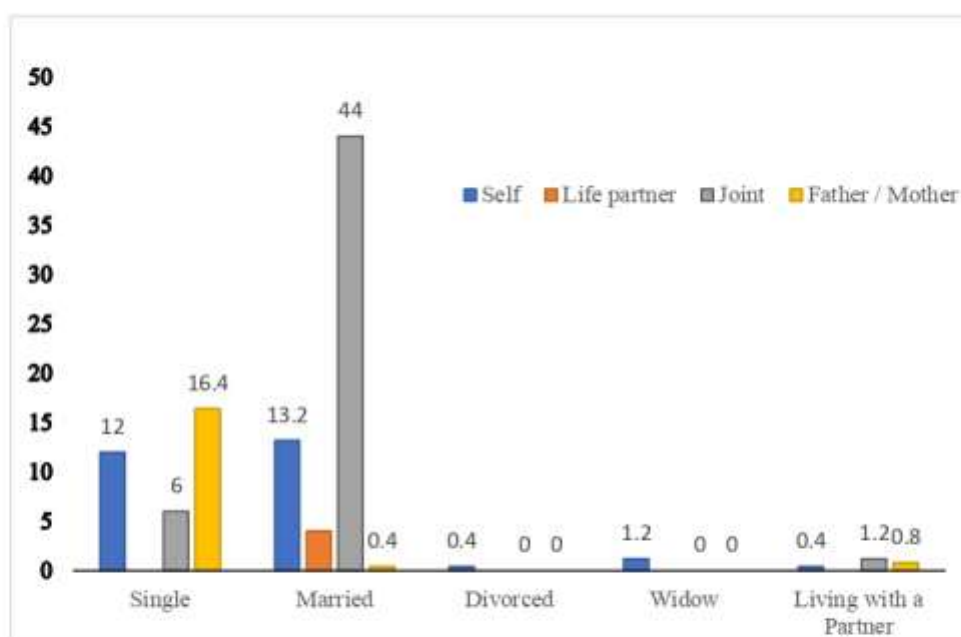


Figure 5.17: Marital Status Wise Decision-Making Role

Source: Field Survey



### 5.7.2 Assessment of Gender Based Violence

Table 5.33 is the distribution of response of respondents about their assessment towards GBV based on relation of gender and educational qualification. A total of 81.20% of the respondents including 42.80% of male and 38.40% of female are witness to GBV whereas only 12.40% of the respondents including 4.80% male and 7.60% of females are not aware of GBV. Also, 4.00% of male and 2.40% of females accounting for 6.40% of the total sample did not make any response on GBV.

Table 5.33: Responses of gender based violence

		Response							
		Yes		No		No Response		Total	
		N	%	N	%	N	%	N	%
Gender	Male	107	42.80	12	4.80	10	4.00	129	51.60
	Female	96	38.40	19	7.60	6	2.40	121	48.40
	Total	203	81.20	31	12.40	16	6.40	250	100.00
Education	Illiterate	1	0.40	5	2.00	1	0.40	7	2.80
	Primary	0	0.00	13	5.20	5	2.00	18	7.20
	10 <sup>th</sup>	35	14.00	7	2.80	1	0.40	43	17.20
	10+2	69	27.60	5	2.00	4	1.60	78	31.20
	Graduate	69	27.60	1	0.40	3	1.20	73	29.20
	Post Graduate	23	9.20	0	0.00	0	0.00	23	9.20
	Other	6	2.40	0	0.00	2	0.80	8	3.20
	Total	203	81.20	31	12.40	16	6.40	250	100.00

Source: Field Survey

The Table 5.33 also explains that 36.80% of both graduate and postgraduate respondent are aware of GBV. Out of total of 81.20% about 12.40% are not aware of GBV and 10.00% of the total respondents those who have primary, 10<sup>th</sup> and 12<sup>th</sup> level education is not aware of GBV. Out of the 2.80% illiterate respondents, only 0.4% of them are aware and 2.00% of them are not aware of GBV. 14.00% of respondents are of 10<sup>th</sup> qualification, 9.20% and 2.40% respectively with post-graduation and other kinds of educational qualification. While none of with primary education knows about GBV and 12.40% of respondents have no response to GBV. Apart from this, none of the

respondents is from post-graduation and other forms of education. 5.20% of the respondents with primary education tops the list followed by 2.80% of them with 10<sup>th</sup> qualification, illiterate and 10+2 respondents equals to 2.00% respectively while only 0.4.00% of the respondents with graduation are unaware of GBV.

### 5.7.3 Experience and Attitude Formation in Relation to Gender Based Violence

The researcher has found that only 211 respondents replied to GBV which is 84.40% of the sample size. Accordingly, 11.60% males and 16.40% females accounting for 28.00% of the total sample have experienced GBV. 56.40% including 29.60% males and 26.80% females from the total sample did not experience any kind of GBV. Only 15.60% of the total sample did not respond to the question (Table 5.34).

Table 5.34: Experiences of gender based violence

Response on GBV	Gender				Total	
	Male		Female		N	%
	N	%	N	%		
Yes	29	11.60	41	16.40	70	28.00
No	74	29.60	67	26.80	141	56.40
Can't Say	9	3.60	8	3.20	17	6.80
No Comment	17	6.80	5	2.00	22	8.80
Total	129	51.6	121	48.4	250	100.0

Source: Field Survey

One of the 38-year-old female respondents from Dharmshala on 25.09.2018 says in her interview GBV occurred in every society in different proportion whether it is noticed or not. In this context researcher calculated the relationship of GBV with a different variable.

### 5.7.4 Prevalence of Different Types of Gender Based Violence

Oladejo et al., (2011) stated that the gender based violence was defined by different variables such as verbal beating, torturing, scolding, repeatedly insult, sexual abuse, suspecting character, repeated quarrels, mantel harassment, rude behaviour and other. In further study to assess GBV, the study will analyze only 70 responses to GBV among the 250-sample because the researcher has found that only 70 (28.00%) respondents are

victim of different types of GBV (Table 39). Among the victim respondents psychological violence has the highest prevalence (55.71%) followed by 15.71% Scolding (7.14% Male and 8.57% Female), 11.43 % mantel harassment (2.86% male and 8.57% female), 11.43% rude behaviour (2.86% male and 8.57% female). Among the victim respondents, sexual violence has the second-highest prevalence (35.72%), 10.00% directly focus on sexual violence (2.86% Male and 7.14% Female), 22.86%. Similarly, 22.86% (14.29% Male and 8.57% Female) of respondent reported they had either sexual abuse or more than one and any others types of violence are close to sexual violence are 2.86%. While 8.57% respondents mentioned physical violence included 7.14% beating (7.14% female), 1.43% torturing (1.43% male).

Table 5.35: Types of gender based violence

If Yes	Gender				Total	
	Male		Female		N	%
	N	%	N	%		
<b>Physical Violence</b>						
Beating	0	0.00	5	7.14	5	7.14
Torturing	1	1.43	0	0.00	1	1.43
Total responses against physical violence					6	8.57
<b>Psychological Violence</b>						
Scolding	5	7.14	6	8.57	11	15.71
Insulting Repeatedly	0	0.00	2	2.86	2	2.86
Suspecting Character	2	2.86	2	2.86	4	5.71
Repeated Quarrels	3	4.29	3	4.29	6	8.57
Mantel Harassment	2	2.86	6	8.57	8	11.43
Rude Behaviour	2	2.86	6	8.57	8	11.43
Total responses against psychological violence					39	55.71
<b>Sexual Violence</b>					25	35.72
Sexual Abuse	2	2.86	5	7.14	7	10.00
Any Others	2	2.86	0	0.00	2	2.86
More than one	10	14.29	6	8.57	16	22.86
Total responses against sexual violence					25	35.72
<b>Total</b>	<b>29</b>	<b>41.43</b>	<b>41</b>	<b>58.57</b>	<b>70</b>	<b>100.00</b>

Source: Field Survey

GBV has no particular place. It can happen anywhere so Table 5.36 is classified according to the locations of GBV events. Accordingly, 25.71% of the respondents faced GBV at other city and 20.00% of the respondents faced at the market place while 20.00% are experienced GBV at Neighbourhood. 8.57% of the GBV happened at family, while 1.43% faced GBV at institutions. 5.71% of the respondents faced GBV from more than one place.

Table 5.36: Places of gender based violence in exile

Violence Place	Respondents	Percentage
Family	6	8.57
Neighbourhood	14	20.00
Market	14	20.00
Others city	18	25.71
No Response	13	18.57
Institution	1	1.43
More Than One	4	5.71
Total	70	100.00

Source: Field Survey

In the above Table 5.36, respondents faced GBV in various places, besides Table 5.37 shows what kind of perpetrators for GBV. According to Table 5.37, 31.43% of GBV has been committed by unknown persons. 17.14% of the perpetrators of GBV are neighbours of the victims, while 11.43% are the family members and customers respectively. 2.86% are friends or institutional individuals who are the perpetrators for GBV. A total of 5.71% of respondents say the perpetrators are more than one person.

Table 5.37: Perpetrators of gender based violence in exile

Perpetrator of violence	Respondents	Percentage
Family Member	8	11.43
Neighbours	12	17.14
Unknown Person	22	31.43
Customer	8	11.43
Friend/ Institutional Person	2	2.86
More than one	4	5.71
No Response	14	20.00
Total	70	100.00

Source: Field Survey

Table 5.38 is the response from the samples on the different factor for GBV 18.57% and 20.00% of the GBV against the respondents is focused on their race and refugee status respectively; 11.43% of the GBV is focused on other factors while 14.29% is focused on more than one factors. GBV focused on the basis of colour and religion stands to 5.71% and 4.29% each.

Table 5.38: Other factors associated with gender based violence in exile

Dependent factors	Respondents	Percentage
Colour	4	5.71
Race	13	18.57
Religion	3	4.29
Refugee	14	20.00
Other	8	11.43
More than one	10	14.29
No Response	18	25.71
Total	70	100.00

Source: Field Survey

Table 5.39: Frequency of gender based violence in exile

Frequency of GBV	Respondents	Percentage
Once a time	9	12.86
Daily	6	8.57
One a weak	25	35.71
Every two weak	9	12.86
No Response	21	30.00
Total	70	100.00

Source: Field Survey

The frequency of GBV that victimises the respondents is detailed through Table 43. 35.71% of the sample faces GBV once a week and 12.86% had only encountered GBV only once. 12.86% of the respondents are frequent victims of GBV in every two weak, while only 8.57% of them are victims on a daily basis.

As per Table 5.40, only 38.57% of the respondents sought help against GBV, while 27.14% have categorically refused to seek help against GBV. The adjacent Table 5.41 is the details of the aid provided by different institutions and stakeholders of the

society to the respondents when they were approached. Most of the respondents had approached the social organisation and other specific means like psychological counselling or approaching guardians or elders of the society which stand to 12.86% each. A total of 7.14% of the victims has approached police for aid against GBV while only 1.43% has opted for legal advises and aid from CTA officials each. A total 35.72% of the respondents have approached different organisations for help against GVB.

Table 5.40: Responses of seeking help against gender based violence

Response	Respondents	Percentage
Yes	27	38.57
No	19	27.14
No Response	24	34.29
Total	70	100.00

Source: Field Survey

Table 5.41: Sources from where help was sought against gender based violence

Source for help	Respondents	Percentage
Police	5	7.14
Legal Advisor	1	1.43
Social Organization	9	12.86
CTA Officials	1	1.43
Other Specific	9	12.86
No Response	45	64.28
Total	70	100.00

Source: Field Survey

According to Table 5.42, 28.57% (out of 35.72% of respondents who had to seek for aid as per table 5.41) of the total respondents have received aid from different institutions and stakeholders of society. The adjacent Table 5.43 is the details of a different kind of aid provided to the respondents. Out of the total 35.72% respondents who have approached for aid as per Table 5.41, 30.00% of them have received different types of assistance and protection. In Table 5.43, 10.00% were provided with psychological counselling, 8.57% received social and moral support, while other specific remedies like legal aid and other law-related proceedings included 7.14%. Only

2.86% of the respondents were provided with physical protection and 1.43% of them were provided with more than one type of aid to fight against GBV.

Table 5.42: Response for help-given by the agency against gender based violence

Response	Respondents	Percentage
Yes	20	28.57
No	1	1.43
No Response	49	70.00
Total	70	100.00

Source: Field Survey

Table 5.43: Response for different help given by agency against gender based violence

Nature of Help	Respondents	Percentage
Physical protection	2	2.86
Social & moral support	6	8.57
Psychological counselling	7	10.00
Others (specify	5	7.14
More than one	1	1.43
Not applicable	49	70.00
Total	70	100.00

Source: Field Survey

### 5.7.5 Association between Gender Based Violence and Decision Making in a Family

Table 5.44 shows the cross-tabulation association between GBV and in decision making role in the family. Chi-square test is performed to find an association between decision-making role and gender based violence. Here,  $\chi^2 (3, n =211) =14.099$ ,  $P =0.003$ , since  $P < 0.05$ . The result indicates that there is a significant association between decision making role and gender based violence. About 54.8% respondents were subjected to GBV when the decision taken by father/ mother. But this figure is only 26.1% when a decision is taken jointly. So, it can be concluded that when the decision is taken by life partner or jointly then there are fewer chances of GBV.

Table 5.44: Cross tabulation for testing  $\chi^2$  test between GBV and decision making

Response on GBV		Decision Making in a family				Total
		Self	Life partner	Joint	Father/Mother	
Yes	N	20	1	29	23	73
	%	40.8	11.10	26.1	54.8	34.6
No	N	29	8	82	19	138
	%	59.2	88.9	73.9	45.20	65.4
Total	N	49	9	111	42	211
	Total	100.0	100.0	100.0	100.0	100.0
Chi-Square						14.099
P-value						0.003

Source: Field Survey

### 5.7.6 Association between Gender Based Violence and Marital Status

Table 5.45 shows the cross-tabulation of GBV according to marital status. Chi-square test is performed to find an association between marital status and gender based violence. Here  $\chi^2(2, n=211) = 25.944$ ,  $P = 0.000$ , since  $P < 0.05$ . The result indicates that there is a significant association between marital status and gender based violence. Results show that about 53.90% respondents were subjected to GBV when they are single. But this figure is only 20.80% when they are married.

Table 5.45: Cross-tabulation for testing  $\chi^2$  test between GBV and marital status

Response on GBV		Marital Status			Total
		Single	Married	Other	
Yes	N	41	26.0	6	73
	% within marital status	53.9	20.8	60.0	34.6
No	N	35	99	4	138
	% within marital status	46.1	79.2	40.0	65.4
Total	N	76	125	10	211
	% within marital status	100.0	100.0	100.0	100.0
Chi-Square					25.944
P-value					0.000

Source: Field Survey



### 5.7.7 Association between Gender Based Violence and Family Size

Chi-square test is performed to find the association between family size and gender based violence. Here  $\chi^2(1, n=211) = 0.084$ ,  $P = 0.771$ , since  $P > 0.5$ . Therefore, the result indicates that there is no significant association between family size and gender based violence. Table 5.46 shows the cross-tabulation of GBV according to family size. It means that GBV is not depending upon the size of the family. Results show that 33.80% of the respondents belonging to small families are subjected to GBV and 35.80% of the respondents belonging to large families are subjected to GBV.

Table 5.46: Cross-tabulation for testing  $\chi^2$  test between gender based violence and family size

Response on GBV		Family Size		Total
		1-4 Members	5 or More Members	
Yes	N	44	29	73
	%	33.8	35.8	34.6
No	N	86	52	138
	%	66.2	64.2	65.4
Total	N	130	81	211
	%	100.00	100.00	100.00
Chi-Square				0.084
P-value				0.771

Source: Field Survey

### 5.7.8 Association between Gender Based Violence and Occupation

There is gender based violence in different workplace. The researcher wants to see the association between workplace/occupation and GBV. Chi-square test is performed to find an association between occupation and gender based violence. Here  $\chi^2(5, n=211) = 22.577$ ,  $P = 0.000$ , since  $P < 0.5$ . The result indicates that there is a significant association between occupation and gender based violence. Table 5.47 shows the cross-tabulation of GBV according to the occupation. About 10.0% respondents were subjected to GBV when they are engaged in the service sector. And 68.0% of the respondents who received a stipend are subject to GBV.

Table 5.47: Cross-tabulation for testing  $\chi^2$  test between GBV and occupation

Response on GBV		Types of Occupation						Total
		Dependent	Trading / Business	Manufacturing	Service sector	others	Stipends (provided by welfare office of CTA)	
Yes	N	6	18	6	2	24	17	73
	%	42.9	27.7	21.4	10.0	40.7	68.0	34.6
No	N	8	47	22	18	35	8	138
	%	57.1	72.3	78.6	90.0	59.3	32.0	65.4
Total	N	14	65	28	20	59	25	211
	%	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Chi-Square								22.577
P-value								0.000

Source: Field Survey

### 5.7.9 Association between Gender Based Violence and Awareness about Human Rights

Chi-square test is performed to find an association between awareness about human rights and gender based violence. Here  $\chi^2(1, n=211) = 1.211$ ,  $P = 0.546$ ,  $P > 0.5$ . The result indicates that there is no significant association between awareness about human rights and gender based violence. Table 52 shows the cross-tabulation of GBV according to awareness about human rights. Results show that 35.2% of the respondents who aware of the human right subject to the GBV whereas 23.5% of the respondents do not comments are subject to GBV.

Table 5.48: Cross tabulation for testing  $\chi^2$  test between GBV and Awareness about human rights

Response on GBV	Awareness about Human Rights							Total	%
	Yes	%	No	%	No Comments	%			
Yes	64	35.2	5	41.7	4	23.5	73	34.6	
No	118	64.8	7	58.3	13	76.5	138	65.4	
Total	182	100.0	12	100.0	17	100.0	211	100.0	
Chi-Square								1.211	
P-value								0.546	

Source: Field Survey

## 5.8 Experiencing and Witnessing Gender Based Violence and Attitude

### Formation in Relation to Gender Based Violence

In Table 5.49 to Table 5.55, the researcher has approached the 211 respondents with certain statements related to experiencing and witnessing gender based violence and attitude formation in relation to gender based violence. For that 5-point Likert scale method was adopted where 1=Strongly Disagree, 2=Disagree, 3=Neutral, 4=Agree and 5= Strongly Agree.

**Statements 1: Gender violence happens because one gender wants to establish control over another gender in the family or society.**

Table 5.49: Gender based violence happens because one gender wants to establish control over another gender in the family or society

		Responses on the statement					
Gender		Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Total
Male	N	1	4	15	23	60	103
	%	0.47	1.90	7.11	10.90	28.44	48.82
Female	N	3	1	10	24	70	108
	%	1.42	0.47	4.74	11.37	33.18	51.18
Total	N	4	5	25	47	130	211
	%	1.90	2.37	11.85	22.27	61.61	100.00

Source: Field Survey

Table 5.49 shows the responds opinion with the statement gender violence happens because one gender wants to establish control over another gender in the family or society. A majority of respondents are strongly agreed with this statement are 61.61% (28.44% male and 33.18 female) and 22.27% (10.90% male and 11.37% female) agrees, while 2.37% (1.90% male and 0.47% female) and 1.90% (0.47% male and 1.42% female) disagree and strongly disagree respectively to the statement. Only 25.00% (7.11% and 4.74% female) has a neutral view of the statement. Thereby from the Table 5.49, it is evident that a majority of the respondents is in favour of the given statement are 83.88%.

**Statements 2: Primary causes for gender inequality gives rise to gender based violence**

Primary causes for gender inequality give rise to gender based violence is marked in the Table 5.50. Accordingly, 64.93% (30.81% male and 34.12% female) strongly agree and 15.64% (6.64% male and 9.00% female) agree to the statement. While 14.69% (9.00% male and 5.69% female) have a neutral opinion on the statement, 2.84% (1.90% male and 0.95% female) and 4.00% (0.47% male and 1.42% female) disagree and strongly disagree respectively. The table suffix with evidence that the majority of the 84.57% respondents agree with the statement.

Table 5.50: Primary causes for inequality give rise to gender based violence

		Responses on the statement					
Gender		Strong Disagree	Disagree	Neutral	Agree	Strongly Agree	Total
Male	N	1	4	19	14	65	103
	%	0.47	1.90	9.00	6.64	30.81	48.82
Female	N	3	2	12	19	72	108
	%	1.42	0.95	5.69	9.00	34.12	51.18
Total	N	4	6	31	33	137	211
	%	1.90	2.84	14.69	15.64	64.93	100.00

Source: Field Survey

**Statements 3: Males violence against women varies in degree and intensity according to the specific circumstances**

Table 5.51 shows that majority of the respondents strongly agrees to the statements as their percentage is 52.61% (24.17% male and 28.44% female) while those agree are 27.49% (12.80% male and 14.69% female). A total of 15.64% (9.48% male and 6.16% female) are of neutral opinion, while 3.32% (2.37% male and 0.95% female) disagree and only 0.95% of female totally opined strongly disagree.

Table 5.51: Male violence against women varies in degree and intensity according to the specific circumstances

		Responses on the statement					
Gender		Strong Disagree	Disagree	Neutral	Agree	Strongly Agree	Total
Male	N	0	5	20	27	51	103
	%	0.00	2.37	9.48	12.80	24.17	48.82
Female	N	2	2	13	31	60	108
	%	.95	0.95	6.16	14.69	28.44	51.18
Total	N	2	7	33	58	111	211
	%	.95	3.32	15.64	27.49	52.61	100.00

Source: Field Survey

**Statements 4: Women face violence as a way to ensure their own survival and security**

The majority of respondents are 65.35% (29.38% male and 36.97% female) have strongly agreed, 12.32% (7.11% male and 5.21% female) agrees to the statement women face violence as a way to ensure their own survival and security. While 14.22% (8.53% male and 5.69% female) are of neutral opinion, only 4.74% (2.37% male and female each) and 2.37% (1.42% male and 0.95% female) respectively disagree and strongly disagree to the statement. Respondents' response to the statement state that women tolerate violence to ensure their survival and safety in given Table 5.52.

Table 5.52: Women tolerate violence to ensure own survival and safety

		Responses on the statement					
Gender		Strong Disagree	Disagree	Neutral	Agree	Strongly Agree	Total
Male	N	3	5	18	15	62	103
	%	1.42	2.37	8.53	7.11	29.38	48.82
Female	N	2	5	12	11	78	108
	%	0.95	2.37	5.69	5.21	36.97	51.18
Total	N	5	10	30	26	140	211
	%	2.37	4.74	14.22	12.32	66.35	100.0

Source: Field Survey

**Statements 5: Gender based violence is not exclusively limited to anyone’s concern**

Table 5.53 is the details of the response of the sample to the statement, gender based violence is not exclusively limited to anyone’s concern. A majority of 66.35% (31.75% male and 34.60% female) and 17.06% (7.58% male and 9.48% female) respectively strongly agree and agree with the statement. 14.22% (7.58% male and 6.64% female) have a neutral opinion on this statement. Only 1.42% (1.42% male-only and 0.0% female) and 0.95% (0.47% male and 0.47% female) respectively disagree and strongly disagree to the statement.

Table 5.53: Gender based violence is not exclusively limited to anyone’s concern

		Responses on the statement					
Gender		Strong Disagree	Disagree	Neutral	Agree	Strongly Agree	Total
Male	N	1	3	16	16	67	103
	%	0.47	1.42	7.58	7.58	31.75	48.82
Female	N	1	0	14	20	73	108
	%	0.47	0.00	6.64	9.48	34.60	51.18
Total	N	2	3	30	36	140	211
	%	0.95	1.42	14.22	17.06	66.35	100.00

Source: Field Survey

**Statements 6: Lack of awareness is the main causes of GBV**

The response to limited education as a cause for GBV is in Table 5.54. Majority of 36.97% sample population has a neutral opinion to lack of awareness as a cause for GBV. 29.38% (14.22% male and 15.17% female) agree and 25.29% (11.37% male and 14.22% female) strongly agree respectively. Only 2.84% (0.95% male and 1.90% female) strongly disagree and 5.21% (1.42% male and 3.79% female) disagree to the lack of awareness for being a cause of GBV.

Table 5.54: Gender based violence is due to a lack of awareness

Responses on the Statement							
Gender		Strong Disagree	Disagree	Neutral	Agree	Strongly Agree	Total
Male	N	2	3	44	30	24	103
	%	0.95	1.42	20.85	14.22	11.37	48.82
Female	N	4	8	34	32	30	108
	%	1.90	3.79	16.11	15.17	14.22	51.18
Total	N	6	11	78	62	54	211
	%	2.84	5.21	36.97	29.38	25.59	100.00

Source: Field Survey

### 5.9 Impacts of Gender Based Violence

Past researches on Indian society and western society have shown that when a person is subjected to violence, a feeling of revenge generates within him/her and she/he mostly resorts to drug addiction to overcome the effects of violence. The level of agreement of the victim or the person on statements instigating gender based violence such as gang membership, harmful or illicit use of alcohol or drugs etc. (See table 5.55 to 5.57)

#### Statements 1: Level of the agreement for gang membership after GBV incident

Table 5.55: Gender-wise level of agreement for gang membership after GBV

Responses on the statement							
Gender		Strong Disagree	Disagree	Neutral	Agree	Strongly Agree	Total
Male	N	6	78	8	9	2	103
	%	2.84	36.97	3.79	4.27	0.95	48.82
Female	N	4	74	9	14	7	108
	%	1.90	35.07	4.27	6.64	3.32	51.18
Total	N	10	152	17	23	9	211
	%	4.74	72.04	8.06	10.90	4.27	100.00

Source: Field Survey

#### Statements 2: Level of the agreement for the consumption of alcohol or drugs after GBV

Table 5.55 is the degree of agreement of respondents to gang membership as the cause for GBV. A majority of 71.04% (36.97% male and 35.07% female) disagrees with 4.74% (2.84% male and 1.90% female) strongly disagreeing to gang membership as a

cause for GBV. 8.06% (3.79% male and 4.27% female) have a neutral opinion while 10.90% (4.27% male and 6.64% female) and 4.27% (0.95% male and 3.32% female) respectively agree and strongly agrees to the opinion that gang membership is a cause of GBV.

Table 5.56: Gender-wise level of agreement and consumption for alcohol or drugs after GBV

		Responses on the Statement					
Gender		Strong Disagree	Disagree	Neutral	Agree	Strongly Agree	Total
Male	N	5	82	6	8	2	103
	%	2.37	38.86	2.84	3.79	0.95	48.82
Female	N	5	76	7	15	5	108
	%	2.37%	36.02	3.32	7.11	2.37	51.18
Total	N	10	158	13	23	7	211
	%	4.74	74.88	6.16	10.90	3.32	100.00

Source: Field Survey

The response of the samples on the consumption of alcohol or drugs is in Table 5.56. 74.88% (38.86% male and 36.02% female) disagree, with 4.74% strongly disagreeing. 10.90% (3.79% male and 7.11% female) and 3.32% (0.95% male and 2.37% female) agree and strongly agree respectively, while 6.16% (2.84% male and 3.32% female) have a neutral opinion.

Table 5.57 is the response of the sample to antisocial personality as a cause for GBV. Majority of 71.56% (33.65% male and 37.91% female) disagree while 6.16% (2.84% male and 3.32% female) strongly disagree with the antisocial personality as the cause for GBV. 11.85% (6.16% male and 5.69% female) and 4.74% (2.37% male and 2.37% female) respectively agree and strongly agree to antisocial personality as a cause for GBV, while only 5.69% (3.79% male and 1.90% female) have a neutral opinion.

Table 5.57: Gender-wise level of agreement for antisocial personality after GBV incident

		Responses on the statement					
Gender		Strong Disagree	Disagree	Neutral	Agree	Strongly Agree	Total
Male	N	6	71	8	13	5	103



	%	2.84	33.65	3.79	6.16	2.37	48.82
Female	N	7	80	4	12	5	108
	%	3.32	37.91	1.90	5.69	2.37	51.18
Total	N	13	151	12	25	10	211
	%	6.16	71.56	5.69	11.85	4.74	100.00

Source: Field Survey

### 5.10 Strategies to Reduce and Prevent Gender Based Violence

GBV differ from other forms of interpersonal violence since the pattern of violence against women are different from those experienced by man. Women are more likely to experience violence at the hands of men or members of the family, and often the violence extends over a long period of time (Baccini, F., Pallotta, N., Calabrese, E., Pezzotti, P., & Corazziari, E., 2003). Economic and educational inequality is an important factor to be considered in gender based violence against women. Gender based violence against women can be reduced by giving economic and educational equality.

The response to the statement, “increasing women and girl access to income and productive resources help in combating GBV” is detailed in Table 62. 66.35% (31.75% male and 34.60% female) strongly agree with the statement while 17.06% only agree (7.58% male and 9.48% female). A total of 14.22% (7.58% male and 6.64% female) have a neutral opinion to the statement, while only 2% (1.42% male and 1.42% female) and 0.95% (0.47 each male and female) respectively disagree and strongly disagree to the given statement.

Table 5.58: Involvement of women and girl in income and productive resources activities

		Responses on the Statement					
Gender		Strong Disagree	Disagree	Neutral	Agree	Strongly Agree	Total
Male	N	1	3	16	16	67	103
	%	0.47	1.42	7.58	7.58	31.75	48.82
Female	N	1	0	14	20	73	108
	%	0.47	0.00	6.64	9.48	34.60	51.18
Total	N	2	3	30	36	140	211

	%	0.95	1.42	14.22	17.06	66.35	100.00
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Source: Field Survey

Table 5.59 shows the response of the sample population to the statement, “engaging men and boys to awareness on social norms and behaviours can prevent GBV.” A total of 66.35% (31.28% male and 35.07% female) of the respondents strongly agree to the statement, while 16.59% (7.58% male and 9.00% female) agree. 14.69% (8.53% males and 6.16% females) are of neutral opinion, only 1.42% with 0.95% of male and 0.47% of females are of disagree. 0.95% with 0.47% male and 0.47% female are strongly disagreed to the statement.

Table 5.59: Prevention of GBV through engaging men and boys to awareness on social norms and behaviour

		Responses on the Statement					
Gender		Strong Disagree	Disagree	Neutral	Agree	Strongly Agree	Total
Male	N	1	2	18	16	66	103
	%	0.47	0.95	8.53	7.58	31.28	48.82
Female	N	1	1	13	19	74	108
	%	0.47	0.47	6.16	9.00	35.07	51.18
Total	N	2	3	31	35	140	211
	%	0.9	1.42	14.69	16.59	66.35	100.00

Source: Field Survey

### 5.11 In-depth Qualitative Research

Gender based violence occurs in all refugee camps with all the age group in life and time. It can even happen before a girl is born (through sex-selective abortion), during childhood, young age and menace of women and men throughout their old age. Some types of GBV such as sexual violence and psychological violence occurring in all refugee camps or settlements and to assess this, focus group discussions and in-depth interviews were conducted. Two focus group discussions (each comprising of eight women and four men) were conducted to better understand community observations of GBV. Respondents were stratified by age (15-19, 30-45, 46-and-above) and marital

status (single, married, and other). Due to resource limitations, only two focus group discussions were conducted out of five settlements at Dharamsala and Bir Tibetan Society to explore men and women’s knowledge and attitudes regarding GBV and its awareness, policies, services, programmes for Tibetan refugees.

Focus group discussions for both men and women were conducted in the same clusters where the survey was carried out. The respondents of the focus group discussions were recruited with the help of settlement officers. The settlement officers were asked to convene a meeting at a convenient place in the settlements to introduce the study and invited 8-10 participants randomly for each group discussion.

Table 5.60: Settlement-wise sample performance

Settlement	Cross-sectional Survey participants	FGD	In-depth interviews with the respondent who had capable to talk about GBV & policies	Semi-structured interviews with officials
Bir Nangchen	38	--	--	1
Bir Dege, Bir	38	--	--	1
Bir Tibetan Society, Bir	47	1	2	1
Dharamsala	95	1	3	7
Phuntsokling, Dalhousie	32	--	--	2
Total	250	--	5	12

Source: Field Survey

In addition, 18 in-depth interviews were conducted with men and women respondents, settlement officers and other CTA officials and also those who came forward randomly to share their views on GBV and policy and programmes of India. Selection for these interviews was purposive with CTA Officials, Settlement Officer, Representative of Tibetan Prime Minister’ Women Desk, Senior Superintendent of Police, Station House Officer from the Settlement Police Station, Minister of Himachal Pradesh, President of

Municipal Corporation of Dalhousie, Vice-chancellor of the Central University of Himachal Pradesh and other respondents.

### **Characteristics of In-Depth Interview (IDIs) and Focus Group Discussion**

Among the 17 respondent participants in the IDIs, one was from Bir Nangchen and Bir Tibetan Society, Two from Phuntsokling, Dalhousie, Three from Bir Tibetan Society, Bir and Ten from Dharamsala. The ages of these respondents ranged from 15 to 60 years and above along with a difference in their level of education. Some of them were students, others Trading/ Business, Manufacturing and Service Sectors, and some of them Stipends receiver or other fields. Apart from the above respondents, a total of 24 respondents in the age group of 15 and 60 participated in the FGD. These respondents were divided by 15–29 years, 30–45 years, 46–60 years and 60 or more age interval. The FGD participants were from different educational and occupational groups. During the FGDs, many of the respondents said they were unaware of any GBV against them. A few female respondents between the age group 30-45 years from Dharmshala stated that there were few conflicts and GBV occurred among the Tibetans in Dharmshala (for eg. Murder of a Tibetan female). One female respondent from the same settlement (40-60 years) heard about most of the GBVs occurring with Tibetans in other cities of India. Other respondents of FGD was not aware of any GBV in Tibetan settlements but she was aware of human rights, women's rights, refugee rights under the Indian Constitution. They stated,

“According to the crime of the criminal in the Indian Constitution, punishment is meted out. For example, An Indian was found guilty of the crime against Tibetan girl and he was imprisoned under IPC Acts.”

*---30-45 years old female, unmarried FGD respondent, Dharmshala  
(Date of FGD, 26.09.2018)*

During the Second FGDs, family behaviour towards respondents and vice-versa and policy and different programmes of Government of India was assessed in detail. The

FDG data suggests that respondents are enjoying bank loan facilities. A male respondent from Bir Tibetan Society, Bir (46-60 years) joined 22 Para Unit of Indian Force, later he established his business with the financial help from the Bank. Another male respondent (60 above) from the same settlement completed Indian Army training in 1966. After his resignation from the army, he engaged in sweater business. He has 4 children of which 3 were daughters and 1 is son. Being a father, the respondent is always concerned about the safety of his daughters. Some respondents from the same settlement and other age groups stated that Government of India has done a lot for Tibetans by constructing *Pakka* houses in different schemes, providing health facilities, land for educational institutes, reservation in government jobs and the market for business. Apart from this, they are also allowed to practice their own religion and also can travel around the whole India.

“I have completed class three in Ladakh. I have also completed the Indian Army training in 1966. I submitted my resignation from the army and engaged in the sweater business. During business, I moved to different parts of India. I have 4 children; 3 daughters and one son. Out of four children, one daughter is in France, one is working in the sweater weaving centre, one is a nurse in the camp health centre and the son is a teacher. My eldest daughter who is living in France is married to a Nepali man. I have given the freedom to their children to choose their life partners, irrespective of community obligations.”

----60 Above old, male, married, FGD respondents, Bir Tibetan Society, Bir (Date of FGD, 23.10.18)

“I was born and brought up in India and now currently living in Bir Tibetan Society settlement. After completion of class VIII, I joined 22 Para Unit of Indian force which was especially for Tibetans. My wife is a school teacher but previously she was in the force. I got involved with an entrepreneurial journey with the support of the Govt. of India. I borrowed Rs. 2 lakhs as a loan from SBI and started a small business of making Buddhist Flags. Now I have employed 5 *Himachali* women. I am aware of gender based violence. Sometimes I have faced it from the neighbours and even unknown people.”

----46-60 years old, male, married, FGD respondents, Bir Tibetan Society, Bir. (Date of FGD, 23.10.18)

The in-depth interviews revealed that most of the offices of CTA, women are allowed to take charge and position. They are actively participating in indoor and outdoor responsibilities.

“Tibetan government passed a resolution for reservation of women in the Parliament of the Tibetan Government in Exile. They reserved two among ten seats of the Parliament for women to encourage gender equality. Tibetans in the settlements face various negative comments about race, religion and refugee status but most of the times we innocently ignore it and other times we don't even know the meaning of the comments passed.”

---46-60 years old, female, unmarried respondent, Dharmshala.  
(Date of IDIs, 26.09.2018)

The Settlements are scattered throughout India. Settlement officers are responsible for the resolution of all types of problems including gender based violence, domestic violence and divorce cases. The CTA having “women empowerment desk”, is working on the collection of relevant information related to GBV cases and other related issues of Tibetan settlements. The main aim of these settlements is to take care of Tibetan livelihood activities, resolution of conflict among the families and building friendly relation with local Indians through Indo-Tibetan friendship members. The CTA also works to implement the Indian government's policies, for example, “menstrual health of women”. Under this policy, awareness among adolescent girls and training on leadership are included. Thus, the CTA is trying to bridge the gender gap.

“I think most women face racial discrimination. I faced racial discrimination during graduation.”

---30-45 years old, female, unmarried respondent, Dharmshala.  
(Date of IDIs, 04.09.2019)

Indian government, for the promotion of Tibetan refugee settlement's livelihood, has allocated lands for shop or small-scale business. Commenting on this provision, President of Municipal Council has praised the Indian government for helping Tibetan refugees in dire need but has also criticized about the lack of administration to maintain the ownership of those lands or shops. He further highlights the problems of selling

those provided shops by Indians to Indians at a higher rate in the longer run. He further added that India and Tibet are ancestral allies. Many of Indian traditions and cultures are similar to Tibet. Buddhism is one of the major bridges between India and Tibet creating a singular entity among the two nations.

“During the annexation of Tibet by China, His Holiness the Dalai Lama was offered exile location by USA but he refused and chose to come to India where he was and is still welcomed and respected. Indian democracy, which facilitates freedom of religion and speech, attracted and helped His Holiness to choose India. India and Tibet cannot live without each other, their relationship is like *guru-chela*”.

--- *Vice-Chancellor of Himachal Pradesh University, Dharamshala*

(Date of interview 03.10.2019)

Central Tibetan Administration is responsible for all types of welfare schemes such as education, preservation and development of Tibetan culture and other welfare schemes in exile. Since India is not a part of the 1951 Refugee's Convention, UNHCR has no office to provide support for refugees in India. The Indian government issues Refugee Certificate which needs to be renewed every year. If a refugee is in India for the last 20 years then he/ she can renew his/ her RC in every 5 years of gap. Apart from these, Tibetans need to hold an identity certificate during a foreign visit. As per the history of Indian Constitution, anyone could get citizenship if he or she lived in India for five years but later the Constitution was amended after the India-Bangladesh war that led to Bangladeshi refugee's occupation of Assam and its adjoining states. Although, the Indian Government faces different international pressures about Tibetan refugees the policies are same since 1959 to the present day.

“We came to India as refugees. At that time, the only livelihood option for our parents was labour work in the road construction sites. In those days, I was eight years old. I studied in Tibetan refugee's school till class eleven which is now known as Central Tibetan School, Darjeeling. I was the topper of my class that gave me the opportunity to get Indian Govt. Scholarship for further studies. I joined Delhi University where I completed BA and MA in History. After that, I moved to Jamia Milia Islamia for B.Ed. I was a trained teacher. During my college days, I was President of the Tibetan Youth Congress. We

run so many activities for the freedom of the Tibetans. All these things are possible only due to India's good policies and programmes. During school days, everything was free for us in the school. I have been living in India for a long time but I am not a citizen of India. Only those are eligible for citizenship who are born during 26th January 1950 to 1st July 1987 so neither I nor my son and daughter are qualified for the citizenship. It is another reason for not getting an Indian Passport. He added, like other communities, Tibetans are facing domestic violence, gender based violence and other family problems which are solved with the help of the elders. When it is beyond our reach at that condition our settlement officials will try to resolve the issues. Again, when the problem is still not resolved or become violent in nature then we have to approach the police and the Indian court."

--- *Official Spokesperson cum Secretary, International Relation of Tibetan Government* (Date of Interview 12.10.2018)

### **5.12 Thematic Analysis**

As per the objectives of the research, the researcher calculated the quantitative and qualitative data of information collected from the study area of Himachal Pradesh. Gender based violence may happen to anyone. The researcher tried to select an equal proportion of the gender population (male-female). Apart from an equal proportion of gender sample, the researcher also categorised into different age groups including 13-29 which is the age of youth under the National Youth Policy of India, 2014. The researcher also analysed the socio, economic, religious, political and other causes of migration due to the ancient relationship between India and Tibet. One of the respondents of this research – Honourable Vice-chancellor of Himachal Pradesh Central University and also the Spokesperson cum Secretary to the International Relations of Tibetan Government-in-Exile in India, accepted about this ancient relationship.

The researcher is critically analysing the theoretical concepts of gender based violence in refugee camps. A 38 years old female respondent (25.09.2018) living in the refugee settlement of Dharamshala, Himachal Pradesh, responded in her interview that gender based violence is common in every community. Very few people come out for



sharing information about GBV. As per social-ecological models, individuals are always affected by other individuals and the community, and this affects the organization and policy implementation accordingly. GBV is like an umbrella term. We cannot see its effect from outside. To know about the causes and effects, we should involve inclusively. The second objective of the research was to analyse through the calculation of Chi-square test between GBV and level of education, profession, gender and size of the family. The researcher found the correlation between the level of education and gender based violence after calculation of  $\chi^2$  tests (table 5.34). The result indicates that there is a significant association between the level of education and gender based violence. It is clear that primary educated people are subjected to a low level of GBV. 29.4% of respondents faced GBV who were primary educated or less. But this figure is 46.8% for those respondents who are university educated. But in another chi-square test between family size and GBV, the result indicates that there is no significant association between family size and gender based violence  $\chi^2(1, n = 211) = 0.084, P = 0.771$ . Table 50 shows the cross-tabulation of GBV according to family size. It means GBV does not depend upon the size of family. It may occur within any size of the family.

Again, the Chi-square test has been performed to find the relation between occupation and gender based violence. The result indicates that there is significant association between occupation and gender based violence  $\chi^2(5, n = 211) = 22.577, P = 0.000$ . It means GBV also occur in different professional and semi-professional institutions. A 38 years old respondent from Dharamshala settlement working as a tourist guide responded that “we face different types of responses from our tourists and as per your questioner some responses can be categorized into GBV. He added that we can’t ask for help from our Settlement Officers, legal or social institutions every time.”

He said that sometimes it occurs due to lack of awareness. Another female respondent from Dharamshala who worked as Deputy Secretary to Women Empowerment Desk on special recommendation of the President of Central Tibetan Administration, Dharamshala, said that women empowerment desk began during 14<sup>th</sup> *Kashag*. She further added, “Tibetan government in exile passed a resolution for reservation of women in parliament. We reserve two among ten seats of parliament for women to encourage gender equality. Apart from this women empowerment desk encourages different awareness programmes among the Tibetan settlements and schools”. She strongly views that awareness can stop GBV.

A maximum number of respondents were in favour of the government of India’s good policies and programmes. President of Municipal Council, Dalhousie and Food and Supply Minister of State Government of Himachal Pradesh also jointly focused on Indian policy and programmes in favour of Tibetan refugees. Both said in different interviews that Tibetans have mostly similar rights to Indians except certain rights due to security reasons. They are equally protected by Indian law and enjoy the right to education and are benefited by policies like “Beti Padao Beti Bachao”. Tibetans are eligible for State and Central Government jobs. Most of the Tibetans are working in Indian Army and others are allocated lands for Tibetan Lhasa market in different cities of India for livelihood purposes. The researcher also cross-checked their statements through quantitative and qualitative data analysis and found that 94.8% respondents are satisfied on Tibetan Status, 95.6% respondents are aware of Indian educational institutions, 92.8% respondents are satisfied with the educational facilities and 88.4% respondents are satisfied with the medical facilities provided by the Government of India. 84.0% have their bank account in Indian Banks and 13.2% respondents are availing loan facilities from different Indian Banks. As a whole, the survey found that the Tibetan respondents are favoured and enjoying a good status in India.

## Chapter 6

### Conclusion and Finding

Conflicts are parts of human life. It is a part of daily routine and varies in different proportions or various aspects of human existence. There are many reasons for social, cultural, economic and religious conflicts which are handled by human beings in various ways. Sometimes, it becomes unbearable when these conflicts affect the physical, mental and psychological growth and development of an individual. Any nature of conflict leads to loss of ideas, cultures, values, business and human life, consequently in some of the cases it instigates escapement or migration so that one can avoid the continuous impacts of these causes on human race or civilization. Every section of society has to suffer this loss and that is equally applicable in the case of the 14th Dalai Lama, Jetson Jemfel Ngawang Lobsang Yeshe Tenzin Gyatso (Tenzin Gyatso) migrated to India with his followers after the *demolition of Lhasa* by Chinese in 1959. The loss of cultural, spiritual and religious destruction in the shadow of genocide coerced a larger number of people to migrate as an exile in Indian subcontinents.

Tibet was untouched by the outside politics and social agenda until the 1940s. It was untouched by modernity and was totally unaffected by the violence due to the influence of Mahayana Buddhism. Prior to 1950, the structure of the Tibetan Government was dualistic in nature. The Dalai Lama was the religious and political head and exercised supreme authority in connection with religious and the secular affairs of Tibet. Next to the Dalai Lama in rank was the Chief or Prime Minister. However, the Prime Minister's powers did not include chairing the Cabinet sessions.

Tibet was affected by the Cultural Revolution and Cultural Genocide between 1950 and 1984. The world witnessed the genocide of Tibetan people which lasted for 49 years from its beginning in 1966. This genocide is often referred as the Cultural Revolution in China. This era of Cultural Revolution was a period of brutality, starvation, mass peasant killings and systematic torture. During this period of ten years about 600,000 Tibetans were killed by the Chinese Army. Most of the religious and cultural heritage, including monasteries were brought down to ruins by 1976.

The Chinese annexation of Tibet and the subsequent genocide led to a mass exodus of the ethnic Tibetans in 1950. The People's Liberation Army (PLA) was continuously violating the human rights of Tibetans, due to which the Tibetan people decided to seek asylum in India. Tibetans have been living in India for more than a century but they have come as exiles after the *demolition* of Lhasa by Chinese in 1959. After forceful Chinese occupation of Tibet, Tibetans have been scattered throughout the globe. Majority of Tibetans selected India as their second home. The journey of the establishment of new life has been tough, but they have managed to overcome most difficulties. Presently, Tibetans have engaged themselves into the sustainable development of socio-economic, cultural and religious activities in India. According to the Demographic Survey of Tibetans in Exile- 2009 population census published by the planning commission, CTA, 109,015 Tibetans lives in outside of Tibet, including 94,203 who live in India followed by 53,414 male and 40,789 females in forty-one different settlements, and are divided into 70 communities in Himachal Pradesh, Jammu & Kashmir, Arunachal Pradesh, Karnataka, Uttar Pradesh, Uttarakhand, Delhi, Meghalaya, Chhattisgarh, Sikkim, West Bengal, Maharashtra, and Orissa. The Tibetans are continuously arriving in India and other countries of the world. The group

of the arrival of the Tibetan who arrived in India is divided into five parts i.e. (1) 1959 to 1979; (2) 1980 to 1993; (3) 1994 to 1999; (4) 2000 to 2007 and (5) 2008 to present

In this background, a study focused on “Gender Based Violence in Tibetan Refugee Camps in India: A Study of Himachal Pradesh” was taken up. The study provides an introduction about the concept of Gender Based Violence, Concept of Refugees and Status of Tibetan Refugees in India existence of Tibetans in India. Along with this, it deals with the Review of Literature of Gender Based Violence: A Theoretical Understanding, Gender Based Violence in the global perspective and GBV in Refugee Camps in India. It engages with important theories: Patriarchy Theory, Feminist Theory, Social Learning Theory, Ecological Theory and Cycle of Violence Theory. These theories provide the framework of gender based violence and sites of gender based violence in the second chapter. The finding of this chapter is empirical focusing on various kind of violence majorly; psychical and psychological which effected realm of Tibetan immigrant display. These impressions not only developed in them inferiority but it also disintegrated their realization of self-leading to the identity and existential crisis particularly wounding their idea of self and nation. The gender based violence narrowed down the spaces for free play of genders roles in formulation of their sense of liberation and its association with an idea of nationalism.

The third chapter provides information about the root causes of the migration of Tibetans abroad which includes details of historical causes of migration, factors responsible for current migration of Tibetans and reasons for emigration in India which includes Lhasa Rebellion of 1959, Pro-independence Demonstrations of 1987, Seventeen Points Agreement and factor responsible for Current Migration of Tibetan are like cultural revolution and cultural genocide, destruction of the Tibetan culture, human rights violation. Later the fourth chapter deals with the “India’s Policy and

Programmes towards Tibetan Refugees”. Later the fifth chapter deals with the Profile of the Study Area from different dimensions of settlements of Dharamshala, Bir Dege, Bir, Bir Tibetan Society, Bir Chauntra and Phuntsokling Tibetan Settlement. This chapter is focused on the social, economical and political profile, awareness about gender based violence and policies and programmes and different aspects of gender based violence in Tibetan camps. An appropriate descriptive and inferential statistical technique like Cross Tab, Chi-square test, Frequency test has been employed for analysing the data. In descriptive statistical technique frequency table, cross tables, and figure have been constructed for the inferential statistical, the chi-square test has been used for analysing the data.

### **Summary of the Findings**

Gender based violence represents serious issues and violations of human rights during the war, post-war and peaceful society. It is violation of the basic rights of each people in the home country and exile who because of the race, gender, age, religion, caste and status are most vulnerable to abuse. It is ideological stereotypes of gender roles that denigrates the human dignity of individual and stymies the possibility of human development and killing or physical and sexual assault. GBV often remains visible and invisible issues for common communities and refugee camps. Gender based violence undermines the health, dignity, security and autonomy of its victims, yet it remains shrouded in a culture of silence. The victims of violence can suffer sexual and reproductive health consequences, including forced and unwanted pregnancies, unsafe abortions, traumatic fistula, sexually transmitted infections including HIV, and even death (UNFPA).

We have undertaken a comprehensive survey of the context, of GBV against Tibetan refugees in five settlement of Himachal Pradesh. The results highlight the all-

pervasive nature of GVB in the Tibetan settlement of Himachal Pradesh. Study's analysis of the policy and programmatic responses to helping and promoting good education and livelihood among the Tibetan refugee since the first arrival to till date. Study's cross-sectional survey of 250 respondent followed by 129 male (51.6%) and 121 females (48.4%), randomly selected across five settlements Dharamsala (95), Bir Tibetan Society (47), Bir Dege, Bir (38), Bir Nangchen (38) and Phunksokling, Dalhousie (32) in Himachal Pradesh found that 81% of respondent followed by 42.8% male and 38.4% female aware about GBV only 12.4% of the respondents do not aware about GBV. Only 211 respondents replied to GBV which is 84.4% of the sample size followed by 12.4% males and 16.8% females, accounting for 29.2% of the total sample has experienced GBV. These percentages reflect the broad range of physical violence (beating torturing), psychological violence (insulting repeatedly, mantel harassment, rude behaviour, suspecting character, repeated quarrels and scolding) and sexual violence (sexual abuse, more than one and others types).

Among 211 respondents of the study, psychological violence has the highest prevalence (15.6%), followed by 0.8% repeated insult (0.8female), 3.2 mantel harassment (0.8% male and 2.4% female), 0.8% rude behaviour (0.8% male and 2.4% female), 0.8% suspecting character (0.8% male and 2.4% female), 2.4% repeated quarrels (1.2% male and 1.2% female) and 4.4% scolding by someone. While 11.2% respondents mentioned physical violence included 2.0% beating (0.0% male and 2.0% female), 0.4% torturing (0.4% male and 0.4% female). Similarly, 10.0% of respondent reported they had either sexual abuse or more than one and any others types of violence are 2.8% (0.8 male and 2.0% female), 6.4% (4.0 male and 2.4% female) and 0.8% (0.8 male) respectively. These results are matched to report "Status of Tibetan Women and

Girls in India and Nepal – 2018” jointly published by Women Empowerment Desk and Social and Resource Development Fund, Department of Finance, CTA.

### **Instigators and Places of Gender Based Violence in Exile**

This study has collected data from both women and men at the grassroots level to top level of Tibetan community. In focus group discussions and in-depth interview explore the instigator and place of GBV. 7.2% of respondents experienced GBV out of settlement and 15.6% experienced GBV in settlements followed by 2.4% of the family, 5.6% of the neighbourhood, 5.6% victimised in market, 0.4% in institution and only 1.6% of the respondent are witnesses of more than one place. The respondents responses that maximum instigators of GBV are either unknown person of customer 12.0% and 8.8% instigators belong to family member (3.2%), neighbours (4.8%) and 0.8% were either friends or institutional person. Only 1.6% of the respondents are witnesses of more than one types of instigators.

### **Factors and Frequency Associated With GBV**

The total GBV focused by the instigators equals to 20.8% followed by 5.2% and 5.6% of the GBV against the respondents is focused on their race and refugee status respectively; 3.2% of the GBV is focused on other factors while 4% is focused on more than one factors. GBV focused on the basis of colour and religion stands to 1.6% and 1.2% each.

A total of 16.4% of respondents have positively attributed frequency of GBV at different heads followed by 10% of the sample faces GBV once a week and 0.4% had only encountered GBV only once. 3.6% of the respondents are frequent victims of GBV at anywhere / anytime, while only 2.4% of them are victims on daily basis.



### **Responses of Seeking Help and against GBV**

Seeking help against gender based violence are the major part of GBV, which are very less due to multiple reason, same thing study find that only 12.7 %of responded seeking help against gender based violence where 11.8% of responded were received help by different legal, public and social organisation.

Researcher cross checked quantitative and qualitative data via field survey and interview found that Tibetan are facing different proportions of GBV in India, there was one registered FIR against Indian who killed a Tibetan girl which is the major incident of GBV. These findings are consistent to report “Status of Tibetan Women and Girls in India and Nepal – 2018” were nuns reported being victims of violence themselves. Participants of the focus group discussion revealed that the nun was raped and molested at the reception center on Jogiwara Road in Dharamshala.

### **The Policy and Program Response**

Indian Government faces different types of international pressures in supports of Tibetan refugees but the policies are same since 1959 to the present day. Tibetan refugees are enjoying different policies and programmes provide by central as well as state government in different part of India. They are treated as a foreigner but they have right to education and other human right in India. 94.8% of respondents have an opinion either in favour of excellent satisfaction or satisfied with their status in India due to good policy and programme. Majority of 92.8% of the respondents are satisfied and are aware of the educational facilities provide by Indian government or private agencies of India. Apart from this majority of respondents are happy with medical facilities and protection of human rights under Indian constitution.

## **Recommendations**

- Tibetan should be given a permanent enrolment number apart from RC. That would help to address the different issues related to gender, and socio-economic problems.
- For protection of human rights and safeguard against gender based violence, the Tibetan resident should be fully determined to particular residence. It would give them stability and development.
- The Tibetans should be given full facilities for their overall development.
- Documentation of all types of gender based incidents should be registered in settlements office, that would help to conduct further research.

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<b>Part B: Awareness about Policy and Programmes</b>	
14.	Duration of staying in India 01. By birth                      02. Since 10 yrs                      03. Since 20 yrs 04. Since 40 yrs                      05. more than 40 yrs
15.	Reasons for Migration from Tibet to India 01. Political                      02. Social                      03. Religious 04. Economic                      05. Educational                      06. Any other reason, please specify 07. More than One                      08. No Comment
16.	Your opinion on the status of Tibetan refugees in India 01. Excellent                      02. Satisfied 03. Dissatisfied                      04. No Response
17.	Awareness about Educational Institutions being run by Tibetan Government in Exile. 01. Yes                      02. No                      03. No Comment
18.	Satisfaction with the educational facilities provided by Government of India/ Private Agencies 01. Yes                      02. No                      03. No Comment
19.	Satisfaction with the Medical facilities Provided by Indian Government 01. Yes                      02. No                      03. No Comment
20.	Are you an account holder in Indian banks? 01. Yes                      02. No                      03. No Comment
21.	Have you availed any loan facilities from Indian banks? 01. Yes                      02. No                      03. No Comment
22.	Are you aware about Human Rights? 01. Yes                      02. No                      03. No Comment
23.	Are you aware about Refugees Rights Under the Indian Constitution? 01. Yes                      02. No                      03. No Comment
24.	Awareness about human rights for refugees under 1951 Convention on the Status of Refugees. 01. Yes                      02. No                      03. No Comment
25.	Are you known to any violation of Human Rights at the place of domicile (in exile) 01. Yes                      02. No                      03. No Comment
26.	Your opinion after evaluation of existing Legal framework Governing the Human Rights of Refugees in India 01. Satisfied                      03.                      02. Dissatisfied                      03. No Response
27.	Are you aware about women's right under the Indian Constitution? 01. Yes                      02. No                      03. No Comment
28.	Are you willing to go back to Tibet? 01. Willing to return to Tibet                      02. Unwilling to return to Tibet 03. Not sure about their return                      04. No Response
<b>Part C: Awareness about Gender Based Violence</b>	
29.	Who takes decision in your family? 01. Self                      02. Life partner 03. Joint                      04. Father/Mother



42.	Family behaviour towards you 01. Helpful 03. Neutral	02. Normal 04. Tense					
43.	Kindly indicate your level of agreement with the following statements on issues that relate to gender violence. (Use scale of 1-5 where 1=Strongly Disagree, 2=Disagree, 3=Neutral, 4=Agree and 5 Strongly Agree)						
	<b>Statements</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	
	Gender violence happens because one gender wants to establish control over another gender in the family or society.						
	Primary causes for inequality give rise to gender-based violence						
	Male violence against women varies in degree and intensity according to the specific circumstances.						
	Women commit violence as a way to ensure their own survival and security.						
	Gender based violence is not exclusively limited to anyone's concern						
44.	Kindly indicate your level of agreement with the following statements on opportunity to address Gender Based Violence. Use scale of 1-5 where 1=Strongly Disagree, 2=Disagree, 3=Neutral, 4=Agree and 5 Strongly Agree						
	<b>Statements</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	
	Increasing women and girls' access to income and productive resources help in combating GBV						
	Engaging men and boys to awareness on social norms and behaviors can prevent GBV						
45.	Kindly indicate your level of agreement with the following causes that instigates Gender Based Violence. Use scale of 1-5 where 1=Strongly Disagree, 2=Disagree, 3=Neutral, 4=Agree and 5 Strongly Agree						
	<b>Statements</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	
	Gang membership						
	Harmful or illicit use of alcohol or drugs						
	Antisocial personality						
	Limited education						
	Gender-inequitable views						

Thanking you

Signature of the Respondent



**Annexure: 2. Interview Schedule for Official/ Representative of CTA**

**Interview - Tibetan Settlement Officer**

Name and address of the Settlement:.....

Name:.....

Gender:.....

Contact No.....

Email id...

1. What are the main functions of your office?  
.....  
.....
2. What is the total present population of Dharamshala Settlement?  
.....
3. What are the main reasons of migration of Tibetan refugees in recent years?  
.....
4. Do you feel that the Tibetan Settlements in India are overcrowded with new arrivals and birth in the Tibetan Community in India? Yes / No
5. How are Tibetans viewed and treated by local people in the Settlement and Government of India?  
.....  
.....
6. Do you think that gender-based violence happening in Tibetan settlements? Yes / No
7. Do you think that human rights of Tibetan refugees are protected in India? Yes / No
8. Are you satisfied with the present policies made by the Government of India for Tibetan refugees? Yes / No
9. Do you think that the Government of India should sign the International Convention on the Status of Refugees? Yes / No  
Why  
.....
10. Whether Government of India need to legislate a separate Law for refugees (Tibetans)?  
Yes / No; Why.  
.....  
.....
11. What is your say on the Socio-economic status of Tibetan refugees in India?  
 Excellent  
 Satisfactory  
 Deprived

**Annexure: 3. List of Respondents (officials)**

<b>S. No</b>	<b>Respondent</b>	<b>Interview Location/ Settlement</b>	<b>Age group</b>	<b>Gender</b>	<b>Occupation/Details</b>	<b>Other Details</b>	<b>Date of interview</b>
1.	Sonam Norbu	Dharmshala	60 Above	Male	Spokes Person / Dept. of Information & IR, CTA	Married	12.10.2018
2.	Tshering	Dharmshala	30-45	Female	Service	Single	05.09.2018
3.	Kishan Kapoor	Dharmshala	46-60	Male	MLA Dharmshala and Minister of Food and Supply, Government of HP	Married	01.10.2018
4.	Dawa Rinchen	Dharmshala	46-60	Male	Settlement Officer	Married	28.09.2011
5.	Kunga Choedon	Dharmshala	30-45	Female	Service	Married	26.09.2018
6.	Santosh Patial	Dharmshala	46-60	Male	SSP, Dharmshala	Married	24.09.2018
7.	Dachung Tsering	Dharmshala	30-45	Male	Service Sector (Tourist Guide)	Single	21.10.2018
8.	Delek Wangmo	Dharmshala	30-45	Female	Director, Tibetan Ability Center	Single	25.09.2018
9.	Lekshey Nyima	Dharmshala	46-60	Male	Principal, Sambhota Tibetan School	Married	10.10.2018
10.	Thuptha	Dharmshala	60 Above	Male	Monk	Single	08.09.2018
11.	Kuldeep Chand Agnihotri	Dharmshala	46-60	Male	Vice-Chancellor	Married	03.10.2019
12.	Pema Jinpa	Bir Dege, Bir	30-45	Male	Settlement In-charge	Married	10.10.2018
13.	Kalsang Lhakpa	Bir Tibetan Society	46-60	Male	Trading/ Business (Retired from Indian army)	Married	06.11.2018
14.	Dolma Tsering	Bir Tibetan Society	46-60	Female	Settlement Officer	Single	06.10.2018
15.	Samju Doma	Bir Tibetan Society	60 Above	Female	Trading/ Business	Married	06.10.2018
16.	Rapten Tsering	Phuntsokling, Dalhousie	30-45	Male	Settlement Officer	Married	15.10.2018
17.	MannoJ Chadha	Phuntsokling, Dalhousie	46-60	Male	President, Municipal Council,	Married	16.10.2018
18.	Dhenmastang Sonam Wangdu	Nangchen Division, Chauntra	46-60	Male	Settlement Officer	Married	08.10.2018

Source: Compiled by Scholar, Year 2018, Five Tibetan Refugees Settlements Bir Dege, Bir (Dist. Kangra), Bir Tibetan Society (Dist. Kangra), Bir, Dharamsala (Dist. Kangra), Bir Chauntra Nangchen Division (Mandi), and Phuntsokling, Dalhousie (Dist. Chamba), Sate: Himachal Pradesh.

**Annexure: 4. List of Respondents**

<b>S. No</b>	<b>Respondent Name</b>	<b>Settlement</b>	<b>Age Group</b>	<b>Gender</b>	<b>Occupation</b>	<b>Material Status</b>	<b>Date</b>
1.	Tenzin Choden	Bir Dege, Bir	15-29	Female	Others	Living with a Partner	06.10.18
2.	Abu	Bir Dege, Bir	30-45	Male	Trading / Business	Married	07.10.18
3.	Chozin Sonam	Bir Dege, Bir	60 Above	Female	Manufacturing	Widow	10.10.18
4.	Chwana	Bir Dege, Bir	15-29	Female	Trading / Business	Single	09.10.18
5.	Dondup Tashi	Bir Dege, Bir	60 Above	Male	Trading / Business	Married	06.10.18
6.	Go Go	Bir Dege, Bir	46-60	Male	Others	Married	08.10.18
7.	Gyemp Kvenphen	Bir Dege, Bir	15-29	Male	Trading / Business	Single	09.10.18
8.	Jigme	Bir Dege, Bir	15-29	Male	Dependent	Single	10.10.18
9.	K Tashi	Bir Dege, Bir	30-45	Male	Service Sector	Married	06.10.18
10.	Karma Chokey	Bir Dege, Bir	30-45	Female	Manufacturing	Married	07.10.18
11.	Khenpo Sonam	Bir Dege, Bir	60 Above	Male	Trading / Business	Married	09.10.18
12.	Lobsang Yangtso	Bir Dege, Bir	15-29	Female	Trading / Business	Single	09.10.18
13.	Ngawang Dorji	Bir Dege, Bir	46-60	Male	Trading / Business	Married	09.10.18
14.	Nywang Lobsang	Bir Dege, Bir	30-45	Male	Others	Married	07.10.18
15.	Pema Yangki	Bir Dege, Bir	46-60	Female	Manufacturing	Married	06.10.18
16.	Sonam Choden	Bir Dege, Bir	46-60	Female	Trading / Business	Married	06.10.18
17.	Sonam Dondup	Bir Dege, Bir	15-29	Male	Manufacturing	Single	10.10.18
18.	Sonam Yeshey	Bir Dege, Bir	30-45	Male	Trading / Business	Married	08.10.18
19.	T Palden	Bir Dege, Bir	30-45	Female	Trading / Business	Married	07.10.18
20.	Tashi Chama	Bir Dege, Bir	15-29	Female	Others	Married	07.10.18

21.	Tashi Dawa Chura	Bir Dege, Bir	30-45	Female	Others	Married	07.10.18
22.	Tashi Dema	Bir Dege, Bir	30-45	Female	Manufacturing	Married	06.10.18
23.	Tashi Palyang	Bir Dege, Bir	15-29	Male	Dependent	Single	09.10.18
24.	Ten Palmo	Bir Dege, Bir	15-29	Female	Others	Married	06.10.18
25.	Tenzin Ngalp	Bir Dege, Bir	15-29	Male	Stipends (Provided by Welfare office of CTA)	Married	06.10.18
26.	Tenzin Norbu	Bir Dege, Bir	15-29	Male	Trading / Business	Single	09.10.18
27.	Tenzin Y	Bir Dege, Bir	46-60	Male	Trading / Business	Married	09.10.18
28.	Tenzin Yonken	Bir Dege, Bir	15-29	Female	Others	Single	09.10.18
29.	Tsering	Bir Dege, Bir	15-29	Female	Manufacturing	Single	08.10.18
30.	Tsering Gellek	Bir Dege, Bir	46-60	Female	Trading / Business	Married	07.10.18
31.	Tsering Yangzom	Bir Dege, Bir	15-29	Female	Dependent	Single	08.10.18
32.	Tsewang C	Bir Dege, Bir	30-45	Male	Others	Married	07.10.18
33.	Tsultrim Sonam	Bir Dege, Bir	30-45	Male	Others	Married	07.10.18
34.	Ugyen	Bir Dege, Bir	30-45	Male	Trading / Business	Married	08.10.18
35.	Ugyen Namdrol	Bir Dege, Bir	46-60	Male	Others	Married	09.10.18
36.	V Lhamo	Bir Dege, Bir	30-45	Female	Manufacturing	Married	06.10.18
37.	Yang	Bir Dege, Bir	15-29	Male	Stipends (Provided by Welfare office of CTA)	Single	09.10.18
38.	Pelden	Bir Dege, Bir	15-29	Female	Trading / Business	Single	09.10.18
39.	Samten Wangmo	Bir Nangchen	15-29	Female	Others	Married	11.10.18
40.	Bumpa Wangmo	Bir Nangchen	15-29	Female	Dependent	Single	13.10.18
41.	Chime	Bir Nangchen	15-29	Female	Trading / Business	Married	11.10.18
42.	Choden Tenzin	Bir Nangchen	30-45	Female	Trading / Business	Married	11.10.18

43.	Dawa	Bir Nangchen	15-29	Female	Trading / Business	Married	11.10.18
44.	Dawa	Bir Nangchen	15-29	Male	Trading / Business	Married	12.10.18
45.	Dechen Pema	Bir Nangchen	15-29	Female	Others	Single	13.10.18
46.	Dhardon	Bir Nangchen	15-29	Female	Trading / Business	Married	11.10.18
47.	Dorge	Bir Nangchen	15-29	Male	Others	Single	13.10.18
48.	G Tashi	Bir Nangchen	30-45	Male	Manufacturing	Married	11.10.18
49.	Karma Gyaphel	Bir Nangchen	15-29	Male	Trading / Business	Married	12.10.18
50.	Karma Loday	Bir Nangchen	15-29	Female	Trading / Business	Married	11.10.19
51.	Karma T Yangs	Bir Nangchen	15-29	Female	Others	Single	13.10.18
52.	Khenpo Tsering	Bir Nangchen	30-45	Male	Others	Married	12.10.18
53.	Konchok Tsering	Bir Nangchen	15-29	Male	Trading / Business	Single	12.10.18
54.	L Tenzin	Bir Nangchen	15-29	Male	Stipends (Provided by Welfare office of CTA)	Single	13.10.18
55.	Lahmo	Bir Nangchen	15-29	Female	Others	Married	11.10.18
56.	Lamo	Bir Nangchen	15-29	Female	Others	Single	12.10.18
57.	Lobsang Wangmo	Bir Nangchen	15-29	Male	Stipends (Provided by Welfare office of CTA)	Single	13.10.18
58.	Lobsang	Bir Nangchen	15-29	Male	Trading / Business	Married	13.10.18
59.	M Rinpoche	Bir Nangchen	15-29	Male	Stipends (Provided by Welfare office of CTA)	Single	13.10.18
60.	Nymgtsang	Bir Nangchen	15-29	Female	Stipends (Provided by Welfare office of CTA)	Single	13.10.18
61.	Nymgtsang Tsephel	Bir Nangchen	15-29	Female	Stipends (Provided by Welfare office of CTA)	Single	13.10.18
62.	Pema Dorje	Bir Nangchen	46-60	Male	Manufacturing	Married	13.10.18
63.	Rigzin	Bir Nangchen	15-29	Female	Trading / Business	Married	11.10.18

64.	Rinchen Phondup	Bir Nangchen	46-60	Male	Trading / Business	Married	12.10.18
65.	Riwache Lama	Bir Nangchen	30-45	Male	Trading / Business	Married	12.10.18
66.	Sonam	Bir Nangchen	15-29	Male	Others	Married	12.10.18
67.	Sonam Pelden	Bir Nangchen	30-45	Female	Trading / Business	Married	12.10.18
68.	Sonam Wangchuk	Bir Nangchen	15-29	Male	Others	Married	13.10.18
69.	Tenzin Dolma	Bir Nangchen	15-29	Female	Others	Married	11.10.18
70.	Thupten	Bir Nangchen	46-60	Female	Manufacturing	Married	11.10.18
71.	Tsering Dolma	Bir Nangchen	15-29	Female	Others	Single	12.10.18
72.	Tsering Yangho	Bir Nangchen	60 Above	Female	Trading / Business	Married	13.10.18
73.	Yangtso	Bir Nangchen	15-29	Female	Trading / Business	Married	13.10.18
74.	Yonten Yontsho	Bir Nangchen	46-60	Female	Trading / Business	Married	12.10.18
75.	Tashi Wangchu	Bir Tibetan Society	60 Above	Male	Manufacturing	Married	23.10.18
76.	Bhutil	Bir Tibetan Society	30-45	Male	Others	Married	23.10.18
77.	Buchung Tashi	Bir Tibetan Society	46-60	Male	Manufacturing	Married	22.10.18
78.	C Sonam	Bir Tibetan Society	30-45	Male	Others	Married	22.10.18
79.	Chimat	Bir Tibetan Society	30-45	Male	Service Sector	Married	22.10.18
80.	Chuskit Angmo	Bir Tibetan Society	30-45	Female	Manufacturing	Married	24.10.18
81.	Dawa Dhamo	Bir Tibetan Society	30-45	Female	Manufacturing	Married	25.10.18
82.	Dawa Tashi	Bir Tibetan Society	15-29	Male	Trading / Business	Single	26.10.18
83.	Dechen Choden	Bir Tibetan Society	46-60	Female	Manufacturing	Married	26.10.18
84.	Karma Tsewang	Bir Tibetan Society	46-60	Male	Others	Married	25.10.18
85.	Khando Wangmo	Bir Tibetan Society	15-29	Female	Trading / Business	Single	26.10.18
86.	Lhumlso Tsumo	Bir Tibetan Society	15-29	Female	Stipends (Provided by Welfare office of CTA)	Single	23.10.18
87.	M Dorjee	Bir Tibetan Society	30-45	Male	Others	Married	22.10.18

88.	Ngawang Gyasto	Bir Tibetan Society	30-45	Male	Others	Married	22.10.18
89.	Ongchu Dolma	Bir Tibetan Society	15-29	Female	Others	Married	25.10.18
90.	Pema Dechan	Bir Tibetan Society	15-29	Female	Others	Married	25.10.18
91.	Pema Guldsen	Bir Tibetan Society	30-45	Male	Others	Married	23.10.18
92.	Ringzin Wangmo	Bir Tibetan Society	15-29	Female	Dependent	Single	25.10.18
93.	Sangyal Chima	Bir Tibetan Society	30-45	Male	Manufacturing	Married	26.10.18
94.	Sherab Tsering	Bir Tibetan Society	30-45	Female	Manufacturing	Married	24.10.18
95.	Slenzin Namgyal	Bir Tibetan Society	15-29	Male	Stipends (Provided by Welfare office of CTA)	Single	23.10.18
96.	Sonam	Bir Tibetan Society	60 Above	Male	Manufacturing	Married	22.10.18
97.	T Choden	Bir Tibetan Society	60 Above	Female	Manufacturing	Married	23.10.18
98.	Tasi Tsomo	Bir Tibetan Society	46-60	Female	Manufacturing	Married	23.10.18
99.	Tenzin Chadon	Bir Tibetan Society	30-45	Female	Manufacturing	Married	24.10.18
100.	Tenzin Choying	Bir Tibetan Society	46-60	Male	Manufacturing	Married	22.10.18
101.	Tenzin Dickey	Bir Tibetan Society	15-29	Female	Others	Married	24.10.18
102.	Tenzin Gyaphel	Bir Tibetan Society	30-45	Male	Trading / Business	Divorced	22.10.18
103.	Tenzin Lekshay	Bir Tibetan Society	30-45	Male	Others	Married	23.10.18
104.	Tenzin Passang	Bir Tibetan Society	15-29	Male	Trading / Business	Single	26.10.18
105.	Tenzin Yangkpi	Bir Tibetan Society	15-29	Female	Manufacturing	Single	23.10.18
106.	Tenzin Yangky	Bir Tibetan Society	15-29	Female	Trading / Business	Single	26.10.18
107.	Thiney Nosbo	Bir Tibetan Society	30-45	Male	Others	Married	22.10.18
108.	Tsering Chokui	Bir Tibetan Society	15-29	Female	Stipends (Provided by Welfare office of CTA)	Single	25.10.18
109.	Tsering Palkey	Bir Tibetan Society	15-29	Female	Stipends (Provided by Welfare office of CTA)	Single	25.10.18

110.	Tsering Phurba	Bir Tibetan Society	30-45	Male	Others	Married	22.10.18
111.	Tsering Wang Chu	Bir Tibetan Society	15-29	Male	Trading / Business	Single	24.10.18
112.	Tserng Phuntsok	Bir Tibetan Society	15-29	Male	Stipends (Provided by Welfare office of CTA)	Single	22.10.18
113.	Tsetu Ljamo	Bir Tibetan Society	15-29	Female	Trading / Business	Single	26.10.18
114.	Tsewang Dolma	Bir Tibetan Society	30-45	Female	Manufacturing	Married	24.10.18
115.	Tsomo	Bir Tibetan Society	30-45	Female	Manufacturing	Married	24.10.18
116.	Uangchen Tsering	Bir Tibetan Society	30-45	Female	Manufacturing	Married	22.10.18
117.	Woeser Knedup	Bir Tibetan Society	30-45	Female	Others	Married	23.10.18
118.	Yang Chen	Bir Tibetan Society	46-60	Male	Trading / Business	Married	22.10.18
119.	Yega Resha	Bir Tibetan Society	15-29	Female	Trading / Business	Single	26.10.18
120.	Yeshi	Bir Tibetan Society	15-29	Male	Trading / Business	Single	24.10.18
121.	Zena	Bir Tibetan Society	15-29	Female	Manufacturing	Married	26.10.18
122.	Tenzn Kulden	Dharamsala	60 Above	Male	Trading / Business	Married	25.08.18
123.	Samyeling	Dharamsala	15-29	Female	Trading / Business	Married	03.09.18
124.	Apache Jchung	Dharamsala	15-29	Male	Dependent	Single	30.08.18
125.	Ashi Wangchuk	Dharamsala	15-29	Male	Service Sector	Single	28.08.18
126.	Bawa Lobsang	Dharamsala	30-45	Male	Stipends (Provided by Welfare office of CTA)	Married	04.09.19
127.	Chu Mik	Dharamsala	30-45	Male	Service Sector	Married	26.08.18
128.	Dechem Wangmo	Dharamsala	46-60	Female	Manufacturing	Married	01.09.18
129.	Dechen	Dharamsala	46-60	Female	Service Sector	Married	02.09.18
130.	Dechen Dolma	Dharamsala	15-29	Female	Dependent	Single	31.08.18
131.	Dolma	Dharamsala	46-60	Female	Trading / Business	Married	28.08.18
132.	Dorjee Tsundue	Dharamsala	30-45	Male	Trading / Business	Married	26.08.18



133.	Dorjey	Dharamsala	15-29	Male	Stipends (Provided by Welfare office of CTA)	Single	27.08.18
134.	Doshel	Dharamsala	15-29	Male	Others	Married	28.08.18
135.	Gazalstsen	Dharamsala	15-29	Male	Others	Married	28.08.18
136.	Gelek Kunsel	Dharamsala	15-29	Female	Others	Single	03.09.18
137.	Gelek Wangual	Dharamsala	30-45	Male	Others	Married	27.08.18
138.	Geshe Lobsang Chosphe	Dharamsala	30-45	Male	Trading / Business	Married	26.08.18
139.	Gyaltzen Tsering	Dharamsala	30-45	Male	Others	Married	03.09.18
140.	Gyaw Lamsang	Dharamsala	15-29	Male	Service sector	Married	31.08.18
141.	Jam Yang	Dharamsala	30-45	Male	Others	Single	03.09.18
142.	Jigmey Suzy	Dharamsala	15-29	Female	Trading / Business	Living with a Partner	29.08.18
143.	Kalsang	Dharamsala	15-29	Female	Others	Married	02.09.18
144.	Kalsang Dolkar	Dharamsala	15-29	Female	Service Sector	Single	03.09.18
145.	Kangpo Pasang	Dharamsala	60 Above	Male	Trading / Business	Married	25.08.18
146.	Karma Tsering Nomgyel	Dharamsala	15-29	Male	Others	Married	29.08.18
147.	Khanelo Dechen	Dharamsala	46-60	Female	Trading / Business	Married	02.09.18
148.	Koey Dolma	Dharamsala	15-29	Female	Trading / Business	Living with a Partner	26.08.18
149.	Kunchor	Dharamsala	15-29	Male	Stipends (Provided by Welfare office of CTA)	Single	27.08.18
150.	Kunga Tenzin	Dharamsala	46-60	Male	Trading / Business	Married	25.08.18
151.	Kunsang	Dharamsala	15-29	Male	Others	Married	27.08.18
152.	Lobsang Tharchin	Dharamsala	30-45	Male	Service Sector	Married	26.08.18
153.	Lobsang Tsering	Dharamsala	15-29	Male	Trading / Business	Married	30.08.18
154.	Mighmal hungdak	Dharamsala	15-29	Male	Others	Married	25.08.18

155.	Nema	Dharamsala	60 Above	Male	Trading / Business	Married	25.08.18
156.	Ngawwang Lekdhen	Dharamsala	15-29	Male	Others	Married	30.08.18
157.	P Tamding	Dharamsala	46-60	Male	Service Sector	Married	25.08.18
158.	Pasang	Dharamsala	15-29	Female	Others	Single	29.08.18
159.	Pema Tswang	Dharamsala	46-60	Male	Trading / Business	Married	25.08.18
160.	Pema Urasei	Dharamsala	15-29	Male	Stipends (Provided by Welfare office of CTA)	Single	30.08.18
161.	Sherab Tharchen	Dharamsala	30-45	Male	Trading / Business	Married	31.08.18
162.	Sonam	Dharamsala	46-60	Female	Others	Married	02.09.18
163.	Sonam	Dharamsala	46-60	Male	Service sector	Married	01.09.18
164.	Sonam Wandue	Dharamsala	15-29	Male	Service sector	Married	30.08.18
165.	Stanzin	Dharamsala	15-29	Female	Others	Living with a Partner	04.09.19
166.	Stanzin Angmo	Dharamsala	30-45	Female	Others	Married	04.09.19
167.	Stenzin	Dharamsala	15-29	Male	Trading / Business	Single	04.09.19
168.	T Wangdue	Dharamsala	30-45	Male	Others	Single	04.09.19
169.	Tanzin Tsangypa	Dharamsala	15-29	Male	Stipends (Provided by Welfare office of CTA)	Single	29.08.18
170.	Tashi Dorjee	Dharamsala	15-29	Male	Others	Married	29.08.18
171.	Tashi Njima	Dharamsala	15-29	Male	Stipends (Provided by Welfare office of CTA)	Single	27.08.18
172.	Tashi Wangdue	Dharamsala	15-29	Male	Service sector	Married	31.08.18
173.	Tasis Paltor	Dharamsala	15-29	Male	Service Sector	Married	28.08.18
174.	Tendolnamdol Celdon	Dharamsala	15-29	Female	Service Sector	Single	26.08.18
175.	Tenzin	Dharamsala	15-29	Female	Trading / Business	Married	02.09.18
176.	Tenzin	Dharamsala	15-29	Male	Service Sector	Married	28.08.18

177.	Tenzin Choekey	Dharamsala	15-29	Female	Others	Single	04.09.19
178.	Tenzin Choeyang	Dharamsala	15-29	Female	Others	Married	31.08.18
179.	Tenzin Dasel	Dharamsala	30-45	Male	Others	Married	28.08.18
180.	Tenzin Dechen	Dharamsala	15-29	Female	Dependent	Single	31.08.18
181.	Tenzin Dhadow	Dharamsala	46-60	Female	Trading / Business	Married	28.08.18
182.	Tenzin Dhasel	Dharamsala	46-60	Female	Others	Single	02.09.18
183.	Tenzin Dolma	Dharamsala	30-45	Male	Service Sector	Married	26.08.18
184.	Tenzin Dolma	Dharamsala	15-29	Female	Trading / Business	Single	04.09.19
185.	Tenzin Jamchen	Dharamsala	30-45	Male	Service Sector	Married	27.08.18
186.	Tenzin Jangchup	Dharamsala	15-29	Female	Trading / Business	Married	31.08.18
187.	Tenzin Khedup	Dharamsala	15-29	Male	Trading / Business	Married	31.08.18
188.	Tenzin Kunchok	Dharamsala	15-29	Male	Others	Married	30.08.18
189.	Tenzin Kunsang	Dharamsala	15-29	Female	Trading / Business	Living with a Partner	02.09.18
190.	Tenzin Lhamo	Dharamsala	15-29	Female	Others	Single	02.09.18
191.	Tenzin Loeden	Dharamsala	15-29	Male	Others	Married	30.08.18
192.	Tenzin Norgyal	Dharamsala	15-29	Male	Others	Married	27.08.18
193.	Tenzin Segma	Dharamsala	15-29	Male	Others	Married	29.08.18
194.	Tenzin Sherap	Dharamsala	15-29	Male	Service Sector	Married	29.08.18
195.	Tenzin Sherap	Dharamsala	60 Above	Female	Manufacturing	Widow	30.08.18
196.	Tenzin Wangchuk	Dharamsala	15-29	Female	Trading / Business	Single	03.09.18
197.	Tenzin Wangdue	Dharamsala	15-29	Female	Stipends (Provided by Welfare office of CTA)	Single	03.09.18
198.	Tenzin Wangdue	Dharamsala	15-29	Male	Stipends (Provided by Welfare office of CTA)	Single	04.09.19
199.	Tenzin Wargyal	Dharamsala	15-29	Male	Trading / Business	Married	30.08.18

200.	Tenzin Zesey	Dharamsala	46-60	Female	Others	Married	02.09.18
201.	Tenzn Kulden	Dharamsala	60 Above	Male	Trading / Business	Married	31.08.18
202.	Tse Wang	Dharamsala	46-60	Male	Trading / Business	Married	27.08.18
203.	Tselkyi	Dharamsala	60 Above	Female	Manufacturing	Widow	01.09.18
204.	Tsering	Dharamsala	46-60	Female	Manufacturing	Married	25.08.18
205.	Tsering	Dharamsala	15-29	Male	Stipends (Provided by Welfare office of CTA)	Single	04.09.19
206.	Tenzin Choekey	Dharamsala	15-29	Female	Others	Single	04.09.19
207.	Tsering Angheo	Dharamsala	15-29	Female	Trading / Business	Married	31.08.18
208.	Tsering Dhonden	Dharamsala	46-60	Female	Manufacturing	Married	01.09.18
209.	Tsering Dolkar	Dharamsala	46-60	Female	Trading / Business	Married	30.08.18
210.	Tsering Wangmo	Dharamsala	15-29	Female	Trading / Business	Single	31.08.18
211.	Tsetan Dolkar	Dharamsala	15-29	Female	Dependent	Single	31.08.18
212.	Tsewang D Lodoe	Dharamsala	15-29	Female	Service Sector	Single	25.08.18
213.	Wangdue	Dharamsala	15-29	Female	Service Sector	Married	03.09.18
214.	Wangmo Sonam	Dharamsala	60 Above	Male	Trading / Business	Married	01.09.18
215.	Yeshi Dolma	Dharamsala	30-45	Female	Stipends (Provided by Welfare office of CTA)	Single	04.09.19
216.	Yeshi Gyaltzen	Dharamsala	30-45	Male	Trading / Business	Married	25.08.18
217.	Yeshi Lhamo	Dharamsala	15-29	Female	Stipends (Provided by Welfare office of CTA)	Single	03.09.18
218.	Karma Dorjee	Phunksokling, Dalhosie	15-29	Male	Service sector	Single	16.10.2018
219.	Choden	Phunksokling, Dalhosie	46-60	Female	Trading / Business	Married	17.10.2018
220.	Dechen Wangchuk	Phunksokling, Dalhosie	30-45	Male	Trading / Business	Married	19.10.18
221.	Dhondup	Phunksokling, Dalhosie	15-29	Male	Stipends (Provided by Welfare office of CTA)	Single	19.10.18

222.	Goupo Shondup	Phunksokling, Dalhosie	15-29	Male	Others	Married	16.10.2018
223.	K Sang Tashi	Phunksokling, Dalhosie	15-29	Male	Others	Married	19.10.18
224.	Kunchok	Phunksokling, Dalhosie	46-60	Male	Trading / Business	Married	16.10.2018
225.	Lobzong Gamboo	Phunksokling, Dalhosie	15-29	Male	Others	Living with a Partner	18.10.2018
226.	Norbu	Phunksokling, Dalhosie	15-29	Male	Stipends (Provided by Welfare office of CTA)	Single	19.10.18
227.	Nyima Dolma	Phunksokling, Dalhosie	15-29	Female	Others	Married	16.10.2018
228.	Palden	Phunksokling, Dalhosie	15-29	Male	Trading / Business	Single	17.10.2018
229.	Pema Yangzom	Phunksokling, Dalhosie	15-29	Female	Dependent	Single	19.10.18
230.	Shrap	Phunksokling, Dalhosie	15-29	Male	Others	Married	17.10.2018
231.	Sonam Wangmo	Phunksokling, Dalhosie	15-29	Female	Others	Married	18.10.2018
232.	Stanzin Deldan	Phunksokling, Dalhosie	46-60	Male	Trading / Business	Married	18.10.2018
233.	Stanzin Lakpa	Phunksokling, Dalhosie	15-29	Male	Trading / Business	Married	16.10.2018
234.	Stanzin Tashi	Phunksokling, Dalhosie	15-29	Female	Dependent	Single	16.10.2018
235.	Tashi Dorge	Phunksokling, Dalhosie	15-29	Male	Others	Single	17.10.2018
236.	Tashi Lhao	Phunksokling, Dalhosie	15-29	Female	Stipends (Provided by Welfare office of CTA)	Single	18.10.2018
237.	Tenriu Lhemi	Phunksokling, Dalhosie	15-29	Female	Stipends (Provided by Welfare office of CTA)	Single	19.10.18
238.	Tenzin	Phunksokling, Dalhosie	15-29	Female	Others	Married	18.10.2018
239.	Tenzin Tsering	Phunksokling, Dalhosie	60 Above	Male	Manufacturing	Married	16.10.2018
240.	Tenzin Tseten	Phunksokling, Dalhosie	15-29	Female	Stipends (Provided by Welfare office of CTA)	Single	19.10.18
241.	Tenzin Wangdue	Phunksokling, Dalhosie	15-29	Male	Others	Married	17.10.2018
242.	Tenzin Yangky	Phunksokling, Dalhosie	30-45	Female	Trading / Business	Married	17.10.2018
243.	Tenzin Youdon	Phunksokling, Dalhosie	15-29	Female	Dependent	Single	18.10.2018

244.	Tenzing Passang	Phunksokling, Dalhosie	15-29	Female	Dependent	Single	18.10.2018
245.	Tesrgin Whangdal	Phunksokling, Dalhosie	15-29	Male	Others	Married	17.10.2018
246.	Tsering Khampa	Phunksokling, Dalhosie	15-29	Female	Trading / Business	Single	17.10.2018
247.	Tsering Lamo	Phunksokling, Dalhosie	15-29	Female	Others	Married	16.10.2018
248.	Tsewang	Phunksokling, Dalhosie	15-29	Male	Stipends (Provided by Welfare office of CTA)	Single	19.10.18
249.	Ugyeu Lamo	Phunksokling, Dalhosie	15-29	Female	Stipends (Provided by Welfare office of CTA)	Single	18.10.2018
250.	Yeshi Lhamo	Phunksokling, Dalhosie	15-29	Female	Dependent	Single	18.10.2018

Source: Compiled by Scholar, Year 2018, Five Tibetan Refugees Settlements Bir Dege, Bir (Dist. Kangra), Bir Tibetan Society (Dist. Kangra), Bir, Dharamsala (Dist. Kangra), Bir Chauntra Nangchen Division (Mandi), and Phuntsokling, Dalhousie (Dist. Chamba), Sate: Himachal Pradesh.

### **Annexure: 5. Photo Clippings from the Study Area**

(a) Interactive sessions with Indian government officials and public representatives



Researcher attending interactive meeting with Mr. Kishan Kapoor  
Hon. Minister Food and Supply, Government of Himachal Pradesh



Researcher attending interactive meeting with Professor Kuldeep Chand Agnihotri  
Vice-Chancellor, Central University of Himachal Pradesh



Researcher attending interactive meeting with Mr. MannoJ Chadha President, Municipal Council, Dalhousie, Dist. Chamba, Himachal Pradesh

Researcher attending Interactive meeting with Mr. Santosh Patial, SSP, Dharmshala



Researcher attending interactive meeting with Dharmshala Police Station officials



(b). Interactive session with Central Tibetan Administration and settlements official of Tibetan in Exile



Researcher attending meeting with Hon. Mr. Lobsang Sangay, Prime Minister, Tibetan Central Administration, Tibetan government-in-exile



Researcher attending meeting with Mr. Khenpo Sonam Tenphel, Speaker of Tibetan Parliament in Exile



Interactive meeting with representative of Tibetan Prime Minister' Women Desk



Interactive meeting with Mr. Sonam Norbu Official Spokesperson cum Secretary, International Relation of Tibetan Government



Interactive meeting with Dhenmastang Sonam Wangdu, Settlement Officer, Nangchen Division, Chauntra.



Interactive meeting with Ms Dolma Tsering Settlement Officer, Bir Tibetan Society.



Interactive meeting with Mr. Dawa Rinchen Settlement Officer, Dharmshala.



Interactive meeting with Mr. Raptan Tsering, Settlement Officer

(c). Religious and other activities



(d). Tibetan markets and business activities



(e). Photos of Tibetan institutions and architectures



Upper Tibetan Children Village Dharamsala



Central Tibetan Administration entrance gate



Picture of Tibetan Pakka Houses



Norbulingka Institute, Dharamsala



Dzongsar Khyentse Chokyi Lodro Institute, Chauntra



Central School for Tibetans Dalhousie



Tibetan Monastery

(f). Selective photos of study area









**Annexure: 6. List of settlements details**

 <p><b>Dawa Rinchen (Mr.)</b> Settlement Officer Mob.: +91 98053 00607</p>	<p><b>TIBETAN SETTLEMENT OFFICE</b> Central Tibetan Relief Committee Central Tibetan Administration P.O. Meleod Gm. 176219 Dharmshala, Distt. Kangra (H.P.) India</p> <p>Off: +91-98050-02476 +91-98579-90002 Email: tsodhasa@tibet.net repdasa@tibet.net rinchen111@gmail.com Web: www.tsodhasa.org</p>
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Name and address

Name: Dawa  
Gender: M  
Contact No: 98

*...tsodhasa@tibet.net*

01. What are the main functions of your office?  
*It is a unit of Dept of Home CIA. To look after the old age, destitute, student education liaison with local Indian administration and CIA. Maintain harmony and develop friendship in local area.*
02. What is the total present population of your Settlement?  
*Approximate 250*
03. What are the main reasons of migration of Tibetan refugees in recent years?  
*Housing problem, unemployment. From Tibet is due to strict restriction in border by Chinese govt since 2008*
04. Do you feel that the Tibetan Settlements in India are overcrowded with new arrivals and birth in the Tibetan Community in India?  
*Yes/No*
05. How are Tibetans viewed and treated by local people in the Settlement and Government of India?  
*Indian Govt is kind and supportive/ also locals.*
06. Do you think that gender-based violence happening in Tibetan settlements? *Yes/No* ✓
07. Do you think that human rights of Tibetan refugees are protected in India? *Yes/No* ✓
08. Are you satisfied with the present policies made by the Government of India for Tibetan refugees? *Yes/No* ✓
09. Do you think that the Government of India should sign the International Convention on the Status of Refugees?  
*Yes/No: India being a multicultural nation invited many refugees in the country already exist. Therefore, convention should be signed.*
10. Whether Government of India need to legislate a separate Law for refugees (Tibetans)? *Yes/No; Why.*  
*since we have long history of cum/Cheta relation and cultural ties.*
11. What is your say on the Socio-economic status of Tibetan refugees in India?  
 Excellent  
 Satisfactory  
 Deprived

⑧ *Not properly implemented in grassroot level administrative offices.*

Dharmshala Settlements

Name and address

Name: *RAPTE*  
Gender: *MA*  
Contact No.: *82*



*rapten@gmail.com*

01. What are the main functions of your office?  
*To look after the welfare of Tibetan people of Dalhousie, Day to Day Office Administrative all work. Fund raiser, Monitoring & implementing various projects.*
02. What is the total present population of Phuntsokling, Dalhousie Settlement?  
*431*
03. What are the main reasons of migration of Tibetan refugees in recent years?  
*No human rights in China Tibet Under Chinese govt.*
04. Do you feel that the Tibetan Settlements in India are overcrowded with new arrivals and birth in the Tibetan Community in India? Yes / No  Yes /  No
05. How are Tibetans viewed and treated by local people in the Settlement and Government of India?  
*So far the relations between Tibetan & local people of Dalhousie good. We are having cordial relationship. & the Govt. of India is extending necessary assistance to our people.*
06. Do you think that gender-based violence happening in Tibetan settlements? Yes / No  Yes /  No
07. Do you think that human rights of Tibetan refugees are protected in India? Yes / No  Yes /  No
08. Are you satisfied with the present policies made by the Government of India for Tibetan refugees?  Yes /  No
09. Do you think that the Government of India should sign the International Convention on the Status of Refugees? Yes / No;  Yes /  No  
*Why*  
*To protect the basic rights & to solve the problems related to refugees.*
10. Whether Government of India need to legislate a separate Law for refugees (Tibetans)? Yes / No; Why.  Yes /  No  
*Although the Govt. of India has framed a separate policy for the Tibetans called Tibetan Rehabilitation policy 2014 in addition to legislate a separate Law for refugees.*
11. What is your say on the Socio-economic status of Tibetan refugees in India?  
 Excellent  
 Satisfactory  
 Deprived

Phuntsokling Settlement



Dolma Tsering  
Settlement Officer

Name and address  
Name: Sou  
Gender: FE  
Contact No.:

**BIR TIBETAN SOCIETY**  
(A Unit of His Holiness the Dalai Lama's Central Tibetan Relief Committee)

Chowgan, P.O. Bir, Office : 01894-268572  
Teh. Baijnath, Mobile : 8894015605, 7018248696  
District Kangra email : inboxbotsok@tibet.net  
Himachal Pradesh  
INDIA - 176077

inboxbotsok@tibet.net

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01. What are the main functions of your office?  
*Our office is unit under CTA, under jurisdiction of Dept of Home, CTA at Dharamshala. We look after welfare of Tibetan settlement people as old aged, disabled and meritan law of order.*
02. What is the total present population of Bir Tibetan Society, Bir Settlement?  
*500 Approximate*
03. What are the main reasons of migration of Tibetan refugees in recent years?  
*In India, tibetans have full freedom of equality, religion & liberty.*
04. Do you feel that the Tibetan Settlements in India are overcrowded with new arrivals and birth in the Tibetan Community in India? Yes / No  
*for better admision.*
05. How are Tibetans viewed and treated by local people in the Settlement and Government of India?  
*are tibetan in India over beheld by well treated in India. And it's been 60 years in India, this year one CTA, organised a year as thank you festival for their contribution.*
06. Do you think that gender-based violence happening in Tibetan settlements? Yes / No
07. Do you think that human rights of Tibetan refugees are protected in India? Yes / No  
*for people and Govt of India.*
08. Are you satisfied with the present policies made by the Government of India for Tibetan refugees? Yes / No
09. Do you think that the Government of India should sign the International Convention on the Status of Refugees? Yes / No;  
*Why Since, India Govt & peoples help us in so many ways info. And it will benefit for well of Indian & Tibetan peoples*
10. Whether Government of India need to legislate a separate Law for refugees (Tibetans)? Yes / No; Why.
11. What is your say on the Socio-economic status of Tibetan refugees in India?  
 Excellent  
 Satisfactory  
 Deprived

Bir Tibetan Society

Interview - Tibetan Settlement Officer

Name and address of the Settlement: Bir Dege, Bir

Name: Pema Tshupa  
Gender: Male  
Contact No: 9882889133

Email id... birdege@tibet.net

01. What are the main functions of your office?

Public welfare

02. What is the total present population of Bir Dege, Bir Settlement?

527

03. What are the main reasons of migration of Tibetan refugees in recent years?

Political refugee

04. Do you feel that the Tibetan Settlements in India are overcrowded with new arrivals and birth in the Tibetan Community in India? No Yes / No

05. How are Tibetans viewed and treated by local people in the Settlement and Government of India?

We Tibetan and local Indians have been cordial relation and we Tibetans are highly grateful of Indian Govt.

06. Do you think that gender-based violence happening in Tibetan settlements? Yes / No

07. Do you think that human rights of Tibetan refugees are protected in India? Yes / No

08. Are you satisfied with the present policies made by the Government of India for Tibetan refugees? Yes / No

09. Do you think that the Government of India should sign the International Convention on the Status of Refugees? Yes / No;

Why  
We Tibetans are exposed as refugee but in paper it's foreigners

10. Whether Government of India need to legislate a separate Law for refugees (Tibetans)? Yes / No; Why.

A fraction of Tibetan's has obtained Indian Visa. It is proper but they cannot avail all other facilities which they are entitled for.

11. What is your say on the Socio-economic status of Tibetan refugees in India?

- Excellent
- Satisfactory
- Deprived



Bir Dege, Bir



Mob.: 94186-16886

NANGCHEN SETTLEMENT.

Name and address

**Dhenmatsang Sonam Wangdu**  
Tibetan Settlement Officer

Name: *Sheu*

Gender: *M*

Contact No: *9*

(Central Tibetan Administration of H.H. The Dalai Lama)

Nangchen Division, P.O. Chauutra, District Mandi  
H.P.-175032, INDIA, Tele fax : 01908-252230/251718 Email : tsechauutra@tibet.net

d.dhenmatsang@gmail.com

01. What are the main functions of your office?

*To oversee the welfare of Tibetan*

02. What is the total present population of Bir Daga, Bir Settlement?

*1000*

03. What are the main reasons of migration of Tibetan refugees in recent years?

*due to harsh and unhuman life in Tibet.*

04. Do you feel that the Tibetan Settlements in India are overcrowded with new arrivals and birth in the Tibetan Community in India? Yes / No

05. How are Tibetans viewed and treated by local people in the Settlement and Government of India?

*Nice.*

06. Do you think that gender-based violence happening in Tibetan settlements? Yes / No

07. Do you think that human rights of Tibetan refugees are protected in India? Yes / ~~No~~

08. Are you satisfied with the present policies made by the Government of India for Tibetan refugees?  Yes / No

09. Do you think that the Government of India should sign the International Convention on the Status of Refugees?  Yes / No;

Why *As the determinative Nation is Tibet.*

10. Whether Government of India need to legislate a separate Law for refugees (Tibetans)? Yes / No; Why.

*Not since*

11. What is your say on the Socio-economic status of Tibetan refugees in India?

- Excellent
- Satisfactory
- Deprived

Nangchen Division

**Annexure: 7. Letter of Appreciations**  
**Hon. Vice-Chancellor of Central University of Himachal Pradesh**

हिमाचल प्रदेश केन्द्रीय विश्वविद्यालय  
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डॉ. कुलदीप चंद अग्निहोत्री  
कुलपति

दिनांक: 17.10.2018

श्री हेमन्त कुमार यादव के शोध कार्य के संबंध में

मुझे यह जानकर प्रसन्नता हुई कि श्री हेमन्त कुमार यादव, शोधार्थी, शान्ति एवं द्वंद्व अध्ययन एवं प्रबंधन विभाग, सिक्किम विश्वविद्यालय, गंगटोक, सिक्किम वर्तमान में "Gender-Based Violence in Tibetan Refugee Camps in India: A Study of Himachal Pradesh" विषय पर कार्य कर रहे हैं। इनके द्वारा किया जा रहा कार्य प्रशंसा योग्य है जो पूर्ण रूप से मात्रात्मक और गुणात्मक आंकड़ों के विश्लेषण तथा केस अध्ययन विधि पर आधारित है। मैं अपेक्षा करता हूँ कि शोधार्थी हेमन्त द्वारा किया जा रहा कार्य इनके महत्वपूर्ण उपलब्धियों में सम्मिलित होगा, साथ में यह वर्तमान और भविष्य के शोधकर्ताओं का मार्गदर्शन करेगा। इसके साथ ही इनका शोध कार्य भारत सरकार द्वारा तिब्बती शरणार्थियों के लिए बनाई जा रही नीतियों के संबंध में भी सहायक होगा।

मैं, श्री हेमन्त को उनके शोधकार्य हेतु शुभकामनाएं देता हूँ और इनके उज्ज्वल भविष्य की कामना करता हूँ।

(प्रो. कुलदीप चंद अग्निहोत्री)



## Letter of Appreciations from SSP, Kangra, H.P.



**Mr. Santosh Patial, IPS**  
**Superintendent of Police**

D.O. No.: 17

**"TO WHOM IT MAY CONCERNED"**

(Off) 01892 222244, (Res) 222991  
(Fax) 224905, Mob: 94180-03007  
Dharamshala District Kangra,  
Himachal Pradesh, Pin: 176215

Dated.: 18-10-2018

It is a matter of immense pleasure that Shree Hemant Kumar Yadav Ph.D. Scholar, Department of Peace and Conflict Studies and Management, Sikkim University is working on the topic "Gender-Based Violence in Tibetan Refugee Camps: A Study of Himachal Pradesh". His work is focused on Dharamshala which is also the part of the jurisdiction of District Kangra.

Gender-based violence is similar to the violation of human right. It has existed in different proportion in global society. It affects the social, psychological, economic development of Individual and society. Presently, International and National level institutions are working on the elimination of gender-based violence through gender education, gender equality and gender awareness, and some time by giving legal aid to the victims. In this regards, the Constitution of India also dedicated provisions for elimination of gender based violence. Due to this reason, Mr. Hemant's research will be mile stone for other researcher and help to build knowledge to understand the root causes of gender-based violence, gender discrimination existing in Tibetan in exile. His research is also helpful for peace building processes.

I am sure; Mr. Hemant's research work is helpful to understand the different dimensions of India's policies and programmes for Tibetan and present fruitful status of Tibetan on the base of humanitarian activities. I also wish a great success to his research.

With best wishes

  
(Santosh Patial) IPS,  
Sr. Superintendent of Police,  
District Kangra at Dharamshala

**Hemant Kumar Yadav**  
PhD Scholar, Department of Peace and Conflict  
Studies and Management, 7th Mile, Sikkim University,  
P. O.: Tadong-737102 Gangtok, State: Sikkim

Letter of Appreciations from President, Municipal Council, Dalhousie, Chamba

**Manoj Chadha**  
President

**MUNICIPAL COUNCIL**  
Government of Himachal Pradesh  
Dalhousie, District: Chamba  
Himachal Pradesh, India

Date:.....

**Dear Hemant,**

It is a matter of immense pleasure that you are working on the topic "Gender-Based Violence in Tibetan Refugee Camps: A Study of Himachal Pradesh" which are focused on Tibetan refugees settlements of Himachal Pradesh including Dalhousie, District Chamba which belongs to my Municipal Council.

Gender inequality is the major issues of global society but we can reduce it through education, equality, awareness and implementation of policies and programmes. In this regards, our Central Government devoted to social justice and gender equality. In same, Honourable Prime Minister Shree Narendra Modi Ji initiated the scheme to promote gender equality through "Beti Padhao-Beti Bachao" and other programmes.

I am sure; your research work is helpful to understand the different aspect of Gender-policy and programmes for Tibetan refugee in India base of humanitarian activities. My best wishes

With Best Wishes,

*Manoj Chadha*  
(MANNOJ CHADHA)  
16/10/18  
President  
Municipal Council,  
Dalhousie

**Hemant Kumar Yadav**  
PhD Scholar, Department of Peace and Conflict  
Studies and Management, 7th Mile,  
Sikkim University,  
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Gangtok, Sikkim

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