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COLLECTIVE IDENTITY VS MEMBERSHIP RIGHTS – TIBETANS IN INDIA IN A STATE OF LIMBO- Ambika Verma¹**ABSTRACT**

The present research paper based on the findings of the fieldwork (in- depth interviews) conducted at three Tibetan refugee settlements in Leh (Ladakh), McLeod Ganj, Dharamshala and Darjeeling, provides an insight to challenges and predicaments faced by the Tibetan exile population in India, individually and collectively, negotiating their collective desire for cultural continuity and identity maintenance vis-à-vis individual aspirations to achieve socio-economic mobility either through seeking membership rights (applying for Indian Citizenship) or migrating to Western countries. The paper attempts to contextualize certain key concepts like belongingness, identity, spirit of nationalism, citizenship through personal experiences and narratives of Tibetans in exile. This helps us understand changing trends within the Tibetan Diaspora, of choosing self over the community and Tibetan cause; traversing through the period when Tibetan refugees first came to India and established a strong community in exile with the help of Indian Government, to present day situation of a continued stalemate as regards their legal status in India, ambiguous position of the Indian government and laws which are detrimental to their survival and basic human rights. Finally, the research paper provides a perspective on the contingent nature of Tibetan national identity and the role of host nation in re-constructing their identity in exile. Majority of Tibetan refugees living in India do not seek to apply for Indian citizenship and consider this decision crucial towards the Tibetan struggle and protecting their identity in exile. However, a sizeable population especially 2nd and 3rd generation Tibetans born and living in India, aspire to live a stable life with better educational and employment opportunities either by seeking citizenship rights in

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India or migrating to the West which they believe would further their efforts towards the Tibetan cause and returning to their homeland- Tibet.

Keywords: identity, Indian citizenship, Tibetans, human rights

INTRODUCTION: PRESERVING AND RE- CREATING DIASPORIC IDENTITY

(i) *Establishing collective identity of Tibetans in Exile*

Identity is a broad notion that includes a variety of factors around which communities come together. It can be described in terms of social status, racial identity, kinship, nationality, political leanings, voluntary associations, or religious convictions. The attitudes and behaviours of individuals or a group as a whole may be impacted by identity, whether it be social, cultural, or political.²It is said that refugees are deprived of all identities other than their status as stateless people. Their stories of loss, pain, and coping techniques while in exile change the structure and meaning of their life. They are exiled from their prior social networks, cultures, places of employment etc. thereby losing part of their old identities. They are compelled to adopt new lifestyles, adjust to cultural conventions, and embrace new ideals of the host nation. Being a refugee forces individuals to constantly learn as they deal with unforeseen obstacles that deform and reconstruct their identities.³Their temporary position in the asylum state is described by the assertion that refugees are aliens. Refugee communities typically go inward within the group for support and seek reaffirmation of their lost identities in exile due to the lack of status in the nation of asylum and the intrinsic need to belong.⁴The tendency to bond over and strengthen their shared identity acts as a crucial coping mechanism through their shared experience of the pain and suffering, difficulties encountered in the host nation, culture, and customs from the past. From the standpoint of an individual or a community, the task of creating and immortalising collective experience is done through a

² In the present context the term 'identity' will be understood in relation to what is widely known as "Tibetan Identity" within the academic framework and through the narratives of the Tibetan exilic community. I will not, therefore define the origin, background or contemporary construction of the term since it has sufficiently been enumerated by several scholars in the past. I will rather focus of the discourses and narratives surrounding the Tibetan identity in exile and the factors influencing the construction and de-construction of Tibetan identity.

Hall, S. (2000) Who needs 'identity'? In: Du Gay, P., Evans, J., and Redman, A. (Eds.) *Identity: a reader*. London, Sage. Davies, B. (2006) Identity, abjection, and otherness: Creating the self, creating difference. In: Arnot, M., Mac an Ghail, M. (Eds.) *The Routledge Falmer Reader in Gender and Education*. London, Routledge. Bauman, Z. (2004) *Wasted Lives. Modernity and its outcasts*. Cambridge, Polity Press.

³Morrice, L. (2011). *Being a refugee: learning and identity: a longitudinal study of refugees in the UK*. Staffordshire; Sterling, Va: Trentham Books.

⁴Chowdhory, N. (2018). *Refugees, Citizenship and Belonging in South Asia*. [online] Singapore: Springer Singapore. doi:10.1007/978-981-13-0197-1.

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variety of institutional exercises such as sharing narratives, images, and replicating traditional and cultural practises and rituals, which would essentially reinforce social cohesion, group affinities, and evoke sentimental aspects of identification.⁵

The case of Tibetans in exile is no different, the Tibetan exile community under the guidance of HH Dalai Lama and the Central Tibetan Administration have since early on focused on preserving their culture and traditions as the main goal of their exilic identity. The community through organized refugee settlements, educational institutions, religious monastic institutions and practising rituals and traditions has been passively reproducing Tibetan identity from Tibet at the same time actively re-creating Tibetan identity in exile, that of being self-governed, self-sustained and evolving with modern times, yet protecting their heritage.⁶ The Central Tibetan Administration affirms that the goal of every Tibetan in exile is to contribute to the Tibetan struggle in two ways (1) to seek justice for their homeland and (2) to preserve their identity and language by practicing their culture and traditions.⁷ The Tibetan exile community in preserving their culture and traditions has successfully established a collective national identity which is instrumental in providing individuals both social belonging and structure to act and in ways to maintain the integrity of the exile community. Through this national identity every Tibetan in exile derives a membership in and attachment to the community which also serves informally as a validation of their status with the Central Tibetan Administration.⁸

Practicing their culture, traditions and language fosters unity, integrity, and a spirit of nationalism, as having shared the same experiences of exodus and resettlement, reliving their

⁵Malkki, L.H. (1995). Refugees and Exile: From 'Refugee Studies' to the National Order of Things. *Annual Review of Anthropology*, 24(1), pp.495–523. doi:10.1146/annurev.an.24.100195.002431. Blight, David W. (2009). The Memory Boom: Why and Why Now? In *Memory in Mind and Culture* edited by James V. Wertsch and Pascal Boyer, 238-251. New York: Cambridge University Press.

⁶Basu, S. (2018). *In diasporic lands: Tibetan refugees and their transformation since the exodus*. Hyderabad: Orient Blackswan.

⁷CTA (Central Tibetan Administration). 2013. "Ten Questions for SikyongLobsangSangay," August 24. Official Website of CTA. Accessed August 15, 2019. <http://tibet.net/2013/08/24/ten-questions-for-sikyong-dr-lobsang-sangay/#V>

⁸ Cox, J. (2019). Social Identity, Economic Interest, and the Formation of Host Attitudes Toward Refugees. *Electronic Theses and Dissertations*. [online] Available at: <https://egrove.olemiss.edu/etd/1564> [Accessed 6 Aug. 2022]. Anand, D. 2000. (Re)imagining nationalism: identity and representation in the Tibetan diaspora of South Asia. *Contemporary South Asia* 9: 271–87. Powers, J. (2004). *History as Propaganda: Tibetan exiles versus the People's Republic of China*. New York, N.Y.: Oxford University Press. Pascal Boyer and Wertsch, J.V. (2009). *Memory in mind and culture*. New York: Cambridge University Press

collective memories from the past is the only way to keep the hope of returning to their homeland alive. Personal narratives of several interview participants displayed their unwavering commitment towards preserving their Tibetan identity. For most of the interview participants protecting their identity meant, being of service to the CTA and showing loyalty to towards HH Dalai Lama. A 65-year-old Tibetan from Sonamling Tibetan settlement, Ladakh said that *“I have lived here in settlement from childhood till now. My service to my community and vision of HH Dalai Lama is to be Tibetan and living in community with my people and follow Tibetan tradition and culture. I am loyal to my community and CTA. If I be Tibetan national, I take part in small way for our Tibetan movement. I have hope of going back to Tibet.”*⁹ For him protecting his identity is synonymous to maintaining his nationality as a Tibetan, which also gives him a sense of belongingness within his community. An official at the CTA, unequivocally stated *“it is in the best interest of the Tibetan community in exile to maintain and preserve their unique identity. It is of utmost importance that every Tibetan must work towards protecting their identity for the purpose of the Tibetan movement, to stay united and loyal to their homeland and the vision of HH Dalai Lama. Also, I feel the global community must see us an organized refugee group in exile working legitimately for our cause to return to our homeland. It is our unique culture and tradition whether by practicing our rituals or language or wearing our traditional dresses that keeps the hope alive within the community to reinforce our status as Tibetan citizens.”*¹⁰

As stated earlier, ‘Tibetan identity’ essentially encompasses their unique culture, traditions, language, and rituals. However, I observed through my interactions with the Tibetan community that there is an underlying meaning attached to the term ‘Tibetan identity’, that of maintaining their exilic status as being stateless/ refugees and not seeking membership rights/ citizenship rights in India. The Central Tibetan Administration as well as majority of the exile community displays a spirit of nationalism or patriotism that is evoked through protecting their culture and traditions and refusing to apply for Indian citizenship, which according to them is an act of loyalty towards HH Dalai Lama, the CTA and their community. One of my informants candidly stated *“getting Indian citizenship would mean that I would no more be Tibetan national. It means I am not loyal to my people and all the hard work done by HH Dalai Lama and the CTA will be waste. I also want to live in my community and not become*

⁹ Personal interview conducted at Sonamling Tibetan Refugee Settlement, Choglamsar Leh Ladakh in May 2019

¹⁰ Personal Interview conducted at Central Tibetan Administration (CTA) McLeod Ganj, Dharamshala, Himachal Pradesh in January 2021

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an outsider."¹¹ Through maintaining their collective identity Tibetan community in exile intends to keep alive the hope and idea of returning to their homeland. The role of community memory plays an important part – an 'imagined homeland' is created as a common aim for all.¹²

(ii) ***Re-creating Diasporic Identity: Tibetan youth torn between aspiration and responsibility***

Collective identity which the CTA and Tibetan community have established over the years living in exile has been with the purpose of essentially overcoming the heterogeneity within the exile community or frictions along the lines of intra group marginalization, regional socio- economic inequality, group exclusion to seek citizenship rights, arbitrary policies and rules resulting from the actions or inactions of the Indian Government. Majority Tibetan exile narratives, especially 1st generation Tibetans, born in Tibet, define and contextualize individual lives through a collective and shared memory that focuses on their exile journey and suffering. However, it is not same for 2nd and 3rd generation Tibetans who were born in India and have never been to Tibet but only lived through the experiences and imagined idea of Tibet narrated by the elders of the community. For the Tibetan youth born in India, representation of Tibet as a nation and returning to their homeland does not come essentially through first hand experiences of the struggle and pain of leaving their home and surviving in exile as for the 1st generation Tibetans, but more as a way of teachings which have been passed on to them for years as well as the efforts made by HH Dalai Lama, the Central Tibetan Administration and thousands of Tibetans in their community who have established a collective identity of peacefully working for the Tibetan movement.¹³ Thus the India-born Tibetan youth are too young to be responsible for the earlier processes of building the Tibetan

¹¹ Personal Interview conducted in Tibetan Self- Help and Rehabilitation Centre, Darjeeling, West Bengal in March 2021.

¹²Anand, D. 2000. (Re)imagining nationalism: identity and representation in the Tibetan diaspora of South Asia. *Contemporary South Asia* 9: 271–87. Falcone, J. and Wangchuk, T. (2008). 'We're Not Home': Tibetan Refugees in India in the Twenty-First Century. *India Review*, 7(3), pp.164–199. doi:10.1080/14736480802261459

¹³P Christiaan Klieger and For, A. (2002). *Tibet, self, and the Tibetan diaspora: voices of difference: PIATS 2000, Tibetan studies, proceedings of the ninth seminar of the International Association for Tibetan Studies, Leiden 2000*. Leiden; Boston: Brill. Anand, D. (2002) 'A Guide to Little Lhasa in India: The Role of Symbolic Geography of Dharamsala in Constituting Tibetan Diasporic Identity'. In *Tibet, Self, and the Tibetan Diaspora: Voices of Difference*, ed. P.C. Klieger, 11–36. Proceedings of the Ninth Seminar of the International Association for Tibetan Studies. Leiden: Brill Academic Press. Chatterjee, P. (2007). *The nation and its fragments: colonial and postcolonial histories*. Princeton, Nj: Princeton Univ. Press.

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community in exile, but who have been made to stand for the hope and discipline that the exilic leadership anticipates.¹⁴

Through my fieldwork I observed an ideological gap between the older generation Tibetans and new generation (especially who were born in India). Spatial distribution, economic differentiation, regional backgrounds, generational gaps etc. are all forces which compound the re-construction of Tibetan identity amongst the 2nd and 3rd generation Tibetans. The construct of identity based on culture and traditions, as in the case of older Tibetans has taken the shape of political and legal identity for the Tibetan youth. For them being a Tibetan national is not limited to the feeling of commonality and connectedness towards the Tibetan community or practicing their religious and cultural traditions, but more about active engagement in politics involving the Tibetan movement globally which can be achieved through socio-economic mobility.¹⁵ During my research several 2nd and 3rd generation Tibetans repeatedly emphasised that political engagement of every Tibetan living in exile whether in India or abroad is constitutive of one's Tibetan Identity. They believed that political engagement especially of the Tibetan youth is more relatable and relevant in preserving Tibetan identity. In my observation Tibetans in Leh and Darjeeling were more passive in their actions and outlook regarding preserving their identity. It seemed for them practicing their culture and traditions through everyday lifestyle is sufficient in maintaining their Tibetan Nationality and political involvement in the Tibetan movement did not seem to be a priority. This may be because most of them were 1st generation refugees who were born in Tibet and were connected emotionally and ideologically with the roots of their Homeland and due to the remote location of these settlement from politically active Tibetan organizations like Tibetan Women's Association (TWA), the Tibetan Youth Congress (TYC) or Student for Free Tibet India (SFT India) which have their main offices in Dharamshala.

Tibetan Informants in Dharamshala especially 2nd and 3rd generation, were more politically motivated as most of them worked full - part time or as volunteers in the above-mentioned

¹⁴Chen, S.T. (2012). When 'exile' becomes sedentary: on the quotidian experiences of 'India-born' Tibetans in Dharamshala, north India. *Asian Ethnicity*, 13(3), pp.263–286. doi:10.1080/14631369.2012.630568. Lauer, T. (2015). Between Desire and Duty: On Tibetan Identity and its Effects on Second-Generation Tibetans. *Asian Ethnology*, [online] 74(1), pp.167–192. Available at: <https://www.jstor.org/stable/43610656> [Accessed 5 Aug. 2022].

¹⁵Hess, J. (2009). *Immigrant ambassadors: citizenship and belonging in the Tibetan diaspora*. Stanford, Calif.: Stanford Univ. Press.

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offices and spoke about their participation in protest marches and political rallies for Tibet.¹⁶ One of my informants (3rd generation), volunteer at the Tibetan Youth Congress (TYC) stated that “ *I feel it our duty as the youth of our community to carry forward the vision and legacy of our elder generation. But I feel we must change with times and now it is time to create awareness about our Tibetan cause and struggle in an effective manner and that is when every young Tibetan should be politically aware and active in our freedom struggle. I feel we can be more connected as a community in exile with one objective of participating in discussions, rallies and discourse on our Tibetan movement. Our ancestors did not only choose but were helpless to live marginally while protecting our culture and religion. But I believe today we can improve our socio-economic status; choose a stable life through better education and employment opportunities or apply for membership rights (citizenship in India or abroad) and still work towards our Tibetan freedom movement.* ”¹⁷

One observes heterogeneity in principles not only amongst 1st and 2nd, 3rd generation Tibetans in exile but also in different refugee settlement locations, in this case Leh, Darjeeling and Dharamshala. This is due to the articulation of Tibetan identity within the diaspora of how a Tibetan is supposed to act or behave influenced by majority demography of the refugee settlement, impact of organizations like Tibetan Youth Congress, Student for Free Tibet etc., access to education, employment, interaction with local host community, and involvement in political activism related to the Tibetan cause. The lives of old and new generation Tibetans vary drastically, for older generation living as a marginal section of the population with less or no facilities was acceptable, provided they preserved their distinct ethnic community in exile. However, the second-generation Tibetans are torn between duty and desire, while a sincere feeling of duty to commit to the preservation of Tibetan culture exists, which is driven by political fervour to keep the exilic community alive at any cost, for most of the 2nd and 3rd generation Tibetans in exile pursuing one’s individualistic dreams has become more important.

TIBETAN NATIONALITY VS INDIAN CITIZENSHIP

In analyzing membership/ citizenship rights vis-a-vis Tibetan Nationality the concept of ‘belongingness’ and ‘rootedness’ needs to be taken into consideration. Within the refugee

¹⁶ It was apparent that majority of them only join the demonstrations once a year during mandatory 10 March (Tibetan Uprising Day) demonstrations.

¹⁷ Personal Interview conducted in McLeod Ganj, Dharamshala in January 2021.

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community, the idea of belonging can be viewed from a variety of angles. First, a sense of belonging based on ties to one's place of origin enables refugee populations to develop unique identities that help them survive while they are in exile. The second is a sense of belonging based on the shared desire to go home, which enables the refugee population to keep its drive and ties to its nation of origin's politics. The final type of belonging is based on the notion of integration and residence in the host nation, seeking membership privileges to achieve legal and socioeconomic recognition on par with residents of the nation-state.¹⁸ Sense of belonging plays a significant part in constructing the decision of majority Tibetans in exile, whether to claim Indian Citizenship or continue being a Tibetan national and part of the Tibetan exile community.¹⁹ It can be argued that for a refugee/ non-member to forsake their identity or sense of belongingness of their community and accept citizenship of the host nation, to seek basic human rights of security, livelihood and subsistence is a contentious issue, one surrounding political and moral dilemma. A strong case can be made contextualizing the Tibetan community scenario in India, in the absence of specific national refugee legislation; that refugees ought to be granted basic rights which primarily begins with recognizing their legal status, irrespective of their accepting citizenship and forsaking their identity. In fact, in the case of Tibetan refugee community, majority still hold the position of refusing to national- formal citizenship but are desirous of a status- based position that would give basic human dignity, protect their essential interests to subsist and protection from arbitrary treatment by state officials.²⁰

In the present context, citizenship can be understood as under four categories: status, rights, social and identity. Status refers to the legal classifications, citizenship in the form of formal

¹⁸Chowdhory, N. (2018). *Refugees, Citizenship and Belonging in South Asia*. [online] Singapore: Springer Singapore. doi:10.1007/978-981-13-0197-1.

¹⁹Falcone, J. and Wangchuk, T. (2008). 'We're Not Home': Tibetan Refugees in India in the Twenty-First Century. *India Review*, 7(3), pp.164–199. doi:10.1080/14736480802261459. Bentz, A.-S. (2012). Being a Tibetan Refugee in India. *Refugee Survey Quarterly*, 31(1), pp.80–107. doi:10.1093/rsq/hdr016. Frilund, R. (2019). Tibetan Refugee Journeys: Representations of Escape and Transit. *Refugee Survey Quarterly*, 38(3), pp.290–313. doi:10.1093/rsq/hdz007. Bhatia, S., Dranyi, T. and Rowley, D. (2002). A social and demographic study of Tibetan refugees in India. *Social Science & Medicine*, 54(3), pp.411–422. doi:10.1016/s0277-9536(01)00040-5. Yamamoto, T. (2018). Citizenship In-between: A Case Study of Tibetan Refugees in India. *Law and Democracy in Contemporary India*, pp.85–112. doi:10.1007/978-3-319-95837-8_4. Gupta, S. (2019). Enduring liminality: voting rights and Tibetan exiles in India. *Asian Ethnicity*, 20(3), pp.330–347. doi:10.1080/14631369.2019.1579635. Gupta, S. (2019). Enduring liminality: voting rights and Tibetan exiles in India. *Asian Ethnicity*, 20(3), pp.330–347. doi:10.1080/14631369.2019.1579635. Hess, J.M. (2006). Statelessness and the State: Tibetans, Citizenship, and Nationalist Activism in a Transnational World. *International Migration*, 44(1), pp.79–103. doi:10.1111/j.1468-2435.2006.00356.x.

²⁰Chowdhory, N. (2018). *Refugees, Citizenship and Belonging in South Asia*. [online] Singapore: Springer Singapore. doi:10.1007/978-981-13-0197-1.

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legal status. Second type is the concept of citizenship as enjoyment of rights and privileges. Social citizenship is the idea of collective self-governance- citizens who engage politically and lastly citizenship as a form of identity and social membership²¹. Scholars have tackled a variety of issues related to citizenship, particularly the sensitive subject of including refugees into the framework of citizenship rights. In the literature on citizenship, academics have discussed the value of belonging and the capacity to adapt to the changes that globalization has brought about in understanding nationality-based membership. While academics who support traditional views of citizenship have restricted the discussion to official national membership and neglected to address the rights of stateless people, non-citizens, foreigners, and refugees, they tend to favour the rights of members over those of non-members.²²

Recent literature on citizenship rights, has expanded the scope of conceptualizing citizenship beyond nationality and argues that citizenship as identity should take precedence over citizenship as a legal status of membership.²³The rights of immigrants and non-citizens should be taken into account based on recognition of identity and length of residence in the host nation rather than their nationality, ethnicity, language, etc., several scholars post-globalization agree that previous theories of citizenship that ignore immigrants, aliens, and refugees should give way to a more pluralistic, inclusive concept of citizenship. Finding out a refugee's rights after entering a foreign country is crucial. They are essentially devoid of all rights but those outlined in international law, more specifically in the international law governing refugees. The issues of substantive rights pertaining to non-nationals, refugees, and

²¹Bosniak, L. (2008). *The citizen and the alien: dilemmas of contemporary membership*. Princeton: Princeton University Press.

²²Shachar, A., Bauboeck, R., Bloemraad, I., & Vink, M. (Eds.). (2017). *The oxford handbook of citizenship*. Oxford: Oxford University Press. Bosniak, L. (2008). *The citizen and the alien: dilemmas of contemporary membership*. Princeton: Princeton University Press. Chung, E. A. (2017). Citizenship in non-western contexts. In A. Shachar, R. Baubock, I. Blomemraad, & M. Vink (Eds.), *The oxford handbook of citizenship*. Oxford: Oxford University Press. Bosniak, L. (2000). Citizenship denationalized (the state of citizenship symposium). *Indiana Journal of Global Legal Studies*, 7(2), 447–508. Benhabib, S. (2004). *The rights of others: Aliens, residents and citizens*. Cambridge: Cambridge University Press. Lori, N. A. (2017). Statelessness ‘in-between’ statuses, and precarious citizenship. In A. Shachar, R. Baubock, I. Blomemraad, & M. Vink (Eds.), *Oxford handbook of citizenship* (pp. 743–767). Oxford: Oxford University Press. Soysal, Y. N. (1994). *Limits of citizenship: Migrants and postnationalist membership in Europe*. Chicago: University of Chicago Press. Tilly, C. (Ed.). (1996). *Citizenship, identity and social history*. Cambridge: Cambridge University Press. Sassen, S. (1999). *Guest and aliens*. New York: The New Press. Sassen, S. (2000). *Democracy, citizenship and the global city*. New York: Routledge

²³Soysal, Y. N. (1994). *Limits of citizenship: Migrants and postnationalist membership in Europe*. Chicago: University of Chicago Press. Soysal, Y. N. (2000). Citizenship and identity in post war Europe. *Ethnic and Racial Studies*, 23(1), 1–15. Bosniak, L. (2000). Citizenship denationalized (the state of citizenship symposium). *Indiana Journal of Global Legal Studies*, 7(2), 447–508 Bosniak, L. (2000). Universal citizenship and the problem of alienage. *Northwestern University Law Review*, 94(3), 963–98

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foreigners have not been taken into account by a rights-based understanding of citizenship for citizens of a nation-state. Refugees, aliens, and immigrants living on the margins of society lack de jure, de facto civil, political, and socioeconomic rights because a state-centric approach still views citizenship as a tool to exclude rather than include who are to be recognised and who can make claims to significant rights and to participate in the polity. Making use of modern citizenship literature, a case is made for extending rights to non-citizens, particularly to refugees, who are urgently in need of recognition or status.²⁴

In the present context, claims of Tibetans in exile to Indian citizenship is engulfed in a complex web of exile community politics, preserving their identity and sense of belongingness. Tibetans in exile consider themselves in-between laws, policies and institutions concerning citizenship as they are governed by dual legal system: first the Charter established by the Central Tibetan Administration (CTA) and second, the Indian legal system set by the Government of India (GOI).²⁵

(i) ***Eligibility and Obstacles to Exercise Citizenship Rights in India***

Under the Indian Constitution,²⁶ Parliament is empowered to regulate citizenship and naturalization. Parliament passed the Citizenship Act of 1955, as amended in 1986 and 2003, states how citizenship can be acquired after the effective date of the Constitution. Section 3 regulates citizenship by birth and provides, inter alia, that everyone born in India "shall be a citizen of India by birth"²⁷, if they meet the following criteria:

- Born between January 26, 1950, and July 1, 1987; or
- Born between July 1, 1987, and the commencement of the Citizenship (Amendment) Act, 2003 with at least one parent who is a citizen of India at the time of his/ her birth

²⁴Chowdhory, N. (2018). *Refugees, Citizenship and Belonging in South Asia*. [online] Singapore: Springer Singapore. doi:10.1007/978-981-13-0197-1.Jayal, N.G. (2013). *Citizenship and Its Discontents*. Harvard University Press.

²⁵ Yamamoto, T. (2018). Citizenship In-between: A Case Study of Tibetan Refugees in India. *Law and Democracy in Contemporary India*, pp.85–112. doi:10.1007/978-3-319-95837-8_4.

²⁶ Article 11 of The Constitution of India, 1950.

²⁷ The Citizenship Act, No. 57 of 1955

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- Born on or after the commencement of the Citizenship (Amendment) Act, 2003 with both parents being citizens of India or one parent a citizen of India and the other not an illegal migrant.²⁸

The provision under section 3 of the Citizenship Act of 1955 offers at least a selective category of Tibetans in India to access citizenship. However, Tibetans born between those years are routinely denied Indian passport and citizenship claims and are viewed as outcasts subject to the Foreigners Act of 1946 and the Registration of Foreigners Act of 1939. The powerlessness of Tibetans, even those born somewhere around 1950 and 1987, to secure citizenship has not changed despite various High Court rulings entitling them to citizenship. Few of the most prominent high court decisions include *Namgyal Dolkar v. Government of India Ministry of External Affairs*, *Tenzin Choephag Ling Rinpoche v. Union of India*, *Phuntsok Topden v. Union of India*, and *Lobsang Wangyal v. Union of India*²⁹

The first Tibetan who claimed Indian Citizenship was Ms. Namgyal Dolkar, ethnic Tibetan born in India, belonging to a Tibetan lineage, now a member of the Tibetan Parliament-in-Exile and President of the Gu Chu Sum (political Prisoners of Tibet Movement). In my interview with Ms. Dolkar, she stated that she fought to obtain Indian citizenship, because as a foreigner according to the Indian Laws, she was denied many job opportunities including a position as an English lecturer at a university. She was not eligible to take the recruitment exam for the job without being an Indian citizen. Upon applying for an India passport as per section 3 (1) (a) of the Indian Citizenship Act 1955 of being an Indian citizen by birth, her application was rejected by the Ministry of External Affairs, Government of India on the grounds that she was a Tibetan National and the GOI did not allow dual citizenship. In response to this rejection, Ms. Dolkar filed a case in the Delhi High Court to prove the legal validity of her claim to Indian citizenship by birth. Ms. Dolkar mentioned that even though she won the case the procedure was particularly laborious. The Delhi High Court reasoned that everyone born in India from January 25, 1950, to July 1, 1987, must be recognized as an Indian citizen according to the Citizenship Act 1955. A notable case of an influential Tibetan is that of Mr. Lobsang Wangyal, a journalist, activist, and organizer of the Miss Tibet Pageant.

²⁸ The Citizenship (Amended) Act, No 5 of 1986, 2003

²⁹ *Namgyal Dolkar v. Government of India Ministry of External Affairs*, W.P. (C) 12179/2009 (High Court of Delhi), *Tenzin Choephag Ling Rinpoche v. Union of India*, 15437/2013 (High Court of Karnataka), *Phuntsok Topden v. Union of India*, W.P.(C) 1890/2013 (High Court of Delhi), and *Lobsang Wangyal v. Union of India*, W.P.(C) 3539/2016 (High Court of Delhi).

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He filed a Public Interest Litigation case to get an Indian passport against the Union of India in 2016 and won the case. In my interview with Mr. Wangyal, he asserted that *“there have been many highlighted cases of Tibetans trying to get Indian passport. But the procedure is still very difficult and costly. For an ordinary Tibetan national with low income even if he or she is eligible to get Indian passport it is financially draining. I try and help as many people in my community as I can who want to apply for Indian passport.”*³⁰

While according to the verdict given in the case of LobsangWangyal³¹ by the Delhi High Court in 2016, Ministry of External Affairs, GOI decided to issue Indian Passports to Tibetan refugees meeting the requirements as stipulated under the Citizenship Act 1955 from March 2017 onwards. However, ground reality for Tibetans seeking Indian citizenship rights has not changed. Tibetans are subjected to arbitrary procedural rulings, for instance, in June 2017 the Regional Passport Office (RPO) in Bangalore released a ruling stating that Tibetans who apply for Indian citizenship must abide by the following four criteria: 1) Tibetans must surrender their RC and IC cards, 2) Tibetans will be prohibited from returning to their original refugee settlements, 3) Tibetans must present a written paper stating renouncement of CTA benefits, 4) Tibetans must also present a written paper stating renouncements of benefits received from the RC and IC cards.³² With such arbitrary and discriminatory rules and procedures many eligible Tibetans are discouraged from seeking Indian citizenship. the fear of being ousted from their community with no support from family- friends or the CTA.

Regarding citizenship rights for anyone born after July 1, 1987, the Citizenship Act of 1955 is silent. In actuality, a sizable portion of second and third generation Tibetans are prohibited from claiming citizenship rights, even if they are born in India. Additionally, it appears that Tibetans cannot become citizens through the naturalization process, and there is no precedent for this. Tibetans in India experience prejudice on several levels, including high legal fees, delays in passport issuance, and changes to laws and regulations. One of my interview participants from Darjeeling candidly stated, *“I do not want to apply for Indian passport I am Tibetan national, and I will support the CTA. But my son and his friends talk about getting Indian passport. I hear from them it is very difficult process and lot of money is*

³⁰ Personal Interview conducted in McLeod Ganj, Dharamshala in January 2021

³¹LobsangWangyal vs Union of India &ors W.P. (C) 7983/ 2016

³²TamdingDorjee v. Govt of India Ministry of External Affairs, W.P. (C) 7577/2017 (High Court of Delhi) (India), November 7, 2017. This RPO ruling was challenged in the above-mentioned case and the High Court upheld three out of the four provisions and declared the provision prohibiting Tibetans from returning to their original refugee settlements, unconstitutional.

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needed.”³³ Several informants like her expressed their concern, even though most of them did not openly show their intention to claim Indian citizenship but they certainly seemed to be discouraged by the laborious process, subjective regulations and expenses involved in applying for Indian passport and thus obtaining Indian citizenship.

(ii) *Tibetan citizenship under Charter of the Tibetans-in-Exile and Position of Central Tibetan Administration*

It is important to deliberate the position of Central Tibetan Administration on Tibetans acquiring Indian citizenship in view of citizenship provision prescribed under the Charter of the Tibetan-in-Exile.³⁴ Article 8 of the Tibetan Charter provides that:

- (1) All Tibetans born within the territory of Tibet and those born in other countries shall be eligible to be citizens of Tibet. Any person whose biological mother or biological father is of Tibetan descent has the right to become a citizen of Tibet; or
- (2) Any Tibetan refugee who has had to adopt citizenship of another country under compelling circumstances may retain Tibetan citizenship provided he or she fulfils the provisions prescribed in Article 13 of this Charter;³⁵ or
- (3) Any person, although formally a citizen of another country, who has been legally married to a Tibetan national for more than three years, who desires to become a citizen of Tibet, may do so in accordance with the laws passed by the Tibetan Assembly. 2
- (4) The Tibetan Assembly shall formulate laws of citizenship to enforce the above Articles.

The CTA has a neutral position towards Tibetans obtaining Indian citizenship, even though the Charter of Tibetans-in-Exile advocates dual citizenship for Tibetan persons. Officials at the CTA have repeatedly said in public that they have no opinion about Tibetans applying for Indian citizenship; they view this as a personal decision. Some CTA members, however,

³³ Personal Interview conducted in Darjeeling Settlement in March 2021

³⁴ Charter of Tibetans-in-Exile 1991. Available at: <https://tibet.net/wp-content/uploads/2011/06/Charter1.pdf>

³⁵ Article 13 of the Charter of Tibetans-in-Exile 1991 mentions the Obligations of Tibetan Citizens: All Tibetan citizens shall fulfil the following obligations (a) bear true allegiance to Tibet; (b) faithfully comply and observe the Charter and the laws enshrined therein; (c) endeavour to achieve the common goal of Tibet; (d) pay taxes imposed in accordance with the laws; and (e) perform such obligations as may be imposed by law in the event of a threat to the interest of Tibet or other public catastrophe.

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believe that the Tibetan movement towards return to Tibet will suffer if an increasing number of Tibetan people become citizens of India. Majority of CTA officials believe that the Tibetans in exile should keep their refugee/ stateless status because it will assist them win support for the Tibetan struggle both home and abroad. The CTA seems to be applying double standards to this issue. On one hand it favours Tibetan living abroad adopting citizenship of their respective host countries, especially in the case of Western countries (United States, Germany, Switzerland, United Kingdom etc.).³⁶ On the other hand the CTA does not give its outright support to Tibetans applying for Indian citizenship. The above-mentioned view was confirmed by one of my interview participants, an official of the CTA and resident of Dharamshala since birth, stated that *“India has been our second homeland since decades for pursuing our Tibetan movement. The very purpose of coming to India and taking refuge was to make the world aware of the wrongs that have been done with us as a community. If we take Indian citizenship, then we will lose our Tibetan identity and our Tibetan movement will become weak. We need maximum Tibetans living in exile to make our voices and demands heard across the globe and for that we must maintain our stateless status, our nationality and identity.”*³⁷

Additionally, the CTA’s reaction to getting Indian citizenship under the Citizenship Act 1955 has caused a problem related to returning the Registration Certificate (RC) and Identity certificate (IC) issued by the GoI as a prerequisite to applying for Indian citizenship. According to Article 8 of the 1991 Tibetan Charter, the CTA allows Tibetans to hold dual citizenship i.e., a Tibetan national can be an Indian Citizen as well as Tibetan citizen till the time he or she maintains their Tibetan citizenship by holding his or her Green Book and paying annual tax as stated under it. However, according to the GoI Tibetan refugees holding Indian Citizenship must return their RC to GoI and this is conflicting with issues concerning Tibetan citizenship as the CTA issues Green Book only to those Tibetan refugees who are legitimate holders of the Registration certificate (RC).³⁸ The CTA also insists that every

³⁶Choedon Y. (2018) The Unintended Consequences of India’s Policy on Citizenship for Tibetan Refugees. (2022). *Indian Defence Review*. [online] 9 Mar. Available at: <http://www.indiandefencereview.com/theunintended-consequences-of-indias-policy-on-citizenship-for-tibetan-refugees/> [Accessed 23 Apr. 2022]. Seetharaman A. (2020) Tibetan Refugees in India: The Challenges of Applying for Indian Citizenship, *Revue d’Etudes Tibétaines*, no. 54, pp. 95-113. Yamamoto, T. (2018). Citizenship In-between: A Case Study of Tibetan Refugees in India. *Law and Democracy in Contemporary India*, pp.85–112. doi:10.1007/978-3-319-95837-8_4.

³⁷ Personal Interview conducted at CTA in Dharamshala in January 2021.

³⁸ The CTA does not require Tibetans holding citizenship of western countries to surrender their RC and hence continue to hold on to their Green Book and remain Tibetan Citizens and get social welfare from the CTA. This
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Tibetan who obtains Indian citizenship must renounce their RC and IC and fulfil all requirements imposed by the GOI. In addition, the CTA is of the opinion that once a Tibetan refugee acquires Indian citizenship, they are no longer eligible to apply for benefits from the CTA based on their refugee status and should forfeit all their privileges and resources, including residence in the designated CTA area.³⁹

It can be argued that CTA's position on Tibetans in exile seeking Indian citizenship is as ambiguous as GOI regulations for them. An ordinary Tibetan youth living in exile without any support from the CTA or clarity on laws and regulation of GOI remains in a state of limbo. While The Citizenship Act 1955 has created a gap among Tibetan refugees seeking Indian citizenship, by virtue of being born in India pre and post 1st July 1987. At the same time the CTA has also not been of much support to Tibetan youth who are eligible and desirous of seeking Indian citizenship, to have a better standard of living with basic subsistence rights. Though there has been significant transformation, especially after 2010 Ms. Namgyal Dolkar case, in legal discourses, legal system, implementation of policies and awareness both within the Indian government and the Tibetan government in exile regarding citizenship related matter for Tibetans. However, the decision of Tibetan community to claim citizenship/ membership rights is continuously affected not just by arbitrary laws, rules and policies but from within the members of their Tibetan community - traditional ideologies, their identity, roots and international image.

CONCLUSION: TIBETAN REFUGEES IN INDIA IN A STATE OF LIMBO

It is important to situate the voice of an ordinary Tibetan refugees living in designated settlements across India within the context of citizenship and the issues surrounding it. In this section I would highlight a few excerpts from my interviews with Tibetan refugees in Leh, Dharamshala and Darjeeling to understand their willingness, refusal, and dilemma towards citizenship rights. India perceives all Tibetan exiles as foreigners and administers them under the Foreigners Act of 1946 and the Citizenship Act of 1955. Tibetans in exile face multiple levels of exclusion from the Indian Government. Even though under the Indian Citizenship

clearly shows a discriminatory stance of the CTA towards Tibetans seeking citizenship of western countries over Tibetans seeking Indian citizenship. Yamamoto, T. (2018). Citizenship In-between: A Case Study of Tibetan Refugees in India. *Law and Democracy in Contemporary India*, pp.85–112. doi:10.1007/978-3-319-95837-8_4.

³⁹Reporter, S. (2017). *CTA President Iterates Kashag's Position on Tibetans Applying for Indian Citizenship*. [online] Central Tibetan Administration. Available at: <https://tibet.net/cta-president-iterates-kashags-position-on-tibetans-applying-for-indian-citizenship/> [Accessed 30 June. 2021].

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Act of 1955 (Amendment 1986), Tibetans born in India could obtain Indian Citizenship, however that very clause has restrictions as to who is eligible to apply or not and it excludes majority 2nd and 3rd generation Tibetan refugees born in India.

In my interviews Dharmashala, one of the respondents, a 3rd generation Tibetan, who is desirous to apply for Indian citizenship but is not within the age criteria according to the Citizenship Act 1955 said *“There are few people known to me and you also must have read about famous Tibetan citizenship cases. They have become Indian citizens and elders of the community as well as members of the CTA have not been happy. But youth like me are happy that more Tibetans are opening doors for young people in the community to take citizenship and get benefit of permanent jobs and ease to study abroad. Elders of the Tibetan exile community as well as members of the CTA openly discourage people in the community to take up Indian Citizenship.”*⁴⁰Few of them, especially the younger Tibetan population were candid enough to mention the lack of support whether moral or procedural from the CTA and GOI. Most of them also expressed their discontentment towards inescapable bureaucratic web of procedures by both governments and unclear rules and legislations. 26-year-old Tibetan a volunteer at Student for Free Tibet, mentioned about various factors influencing the decision of young Tibetans in seeking Indian citizenship, she said, *“First there is lack of knowledge and awareness about the laws, rules, and procedures in claiming Indian citizenship. Second, people like me are excluded prima facie because of the exclusionary clause of the Citizenship Act 1955. Third, even if few of us are within the eligibility criteria to claim Indian citizenship there is no concrete help from CTA dealing with regulations made by the GoI regarding surrendering RC, IC and additional privileges related to refugee status. Fourth, majority members of the Tibetan community especially from the CTA and 1st generation Tibetans are not in favour of Tibetans taking Indian citizenship as it will dilute our identity and Tibetan nationality and our chances of returning to Tibet as we will no more be Tibetans in the true sense.”*⁴¹

Additionally, according to my interview's majority 1st generation and few 2nd generation Tibetans, are of the opinion that taking up Indian citizenship will dilute the Tibetan cause and freedom movement. Therefore, most of the Tibetan exiles in India have embraced their marginalized position to further Tibetan Nationalism and Tibetan cultural-religious

⁴⁰Personal Interview conducted in Dharmashala, January 2021

⁴¹Personal Interview conducted in Dharmashala, January 2021

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practices.⁴² A senior official from the CTA in his interview said, “*The main goal at CTA is to help preserve Tibetan nationality and identity in exile, welfare of the Tibetans in exile and to contribute to the Tibetan movement of Middle Way Approach envisioned by HH Dalai Lama. In this context Tibetans taking Indian citizenship will not help us maintain a strong sense of community and all the efforts of our older generation to fight for our return to Tibet will go to waste. The CTA has no problem if an individual Tibetan chose to become Indian citizen, there are laws and regulations that they must follow and we at CTA must follow. But then they will no longer remain Tibetan refugees as they must surrender their RC and IC. Tibetans born and living in India should consider all these factors and work towards the greater cause of the community i.e., the Tibetan movement.*”⁴³

Through my interviews I gathered that there were primarily two reasons for Tibetan refugees in exile to refuse or show their unwillingness to obtain Indian Citizenship. One, majority of them were satisfied with the services provided by the Tibetan Government in Exile, second, in addition to that, most of the Tibetans in exile also expressed their passion about the Tibetan nationalist cause which for them is a principal driving force to go back to Tibet. While the older Tibetans feel that preserving their identity and maintaining their refugee status would assert their commitment towards the Tibetan freedom movement and hence outrightly refuse to obtain Indian citizenship. However, the Tibetan youth seems to believe that their Tibetan identity cannot be diminished just by acquiring Indian citizenship or citizenship of any other country. They feel that by having a stable life and not having to worry about their socio-legal or political status would give them more time and opportunity to commit to the Tibetan cause. Carole McGranahan⁴⁴ in her work on citizenship and Tibetan refugees, has theorized the term ‘refusal’ stating that refusal may not only mean to cut social relations, declaration of war or refusal to association, but may in different circumstances it also means element of group morality, a generative act, a rearrangement of relations rather than ending them.

I contend that for Tibetan refugees in India, refusal to citizenship rights is primarily influenced by their desire and need to protect their identity, roots, and sense of belonging

⁴²Thapa, S. (2019). FLEXIBLE LIMINALITY AMONG THE TIBETAN DIASPORA: TIBETAN EXILES ADJUSTING CULTURAL PRACTICES IN DHARAMSALA, INDIA AND THE UNITED STATES. *Theses and Dissertations--Anthropology*. [online] doi:10.13023/etd.2019.023.

⁴³ Interview with an official of the Central Tibetan Administration, Dharamshala, Jan 15, 2021.

⁴⁴ McGRANAHAN, C. (2018). Refusal as political practice: *American Ethnologist*, 45(3), pp.367–379. doi:10.1111/amet.12671.

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within the community; connection to a goal, possibilities and hope of going back home- to Tibet. During my fieldwork in several of my casual conversations within the Tibetan community, many 2nd and 3rd generation Tibetan youth believed in creating a stable life with better education and employment opportunities whether in India or abroad and for that they were willing to take up Indian citizenship or citizenship of any other country they migrate to. In fact, most of them argued that by having a stable and comfortable lifestyle, they would be able to dedicate more time and effort to the Tibetan cause and would not have to worry about their legal status, updating validity of their documents, other procedural requirement, or everyday living. However, some of them also expressed their consternation over arbitrary and discriminatory legislation, especially in the Indian context (exclusionary provisions under the Indian Citizenship Act 1955 (Amendment 1986), wherein Tibetans born in India until 1986 are eligible to apply for Indian citizenship but has no provision for Indian born Tibetans post 1986, that leaves a major group of 3rd generation Tibetans in a state of limbo.

Through this paper I argue that while, citizenship for members of a nation-state is an entitlement within the scope of their political, social, and civic identity, however to refugees and non-members it is a gift, which confers privileges and entitlements such as housing, education, health care etc. and majority Tibetan refugees exhibiting their reservations or strict refusal to accept this gift is a non-negotiable political claim to protect their identity, Tibetan nationality, belongingness. There are other significant factors also upon which the Tibetan refugee community's desire, dilemma or refusal to accept citizenship rights is contingent; first, the extent to which Tibetan refugees in India have informally integrated with the local population is a determining feature for their formal integration;⁴⁵ second, legal provisions, eligibility and procedural requirements, rights, obligations and restrictions associated with applying for citizenship as stated under the Citizenship Act 1955 (Amendment 1986) and by GOI; third, institutional setup, assistance and support from CTA and lastly, reactions and fear of being ousted from the Tibetan community, for taking up Indian citizenship and forsaking

⁴⁵ A policy providing sufficient social welfare for Tibetan refugees with an RC was implemented by the Ministry of Home Affairs in October 2014. It is the Tibetan Rehabilitation Policy and is an achievement of the CTA's negotiation with the GoI. This policy recommends that state governments provide Tibetan refugees with rights and social welfare, such as rights to lease land and freedom of employment, in a uniform standard set by the GoI. So far, each state has different standards for Tibetan refugees' treatment, but this policy sets up a uniform standard and some states have accepted to abide by it. However, this policy is not a law but only an executive policy, some states are reluctant to implement it. The CTA and people in the Tibetan community are doubtful about the actual realization of this policy which formally includes the Tibetan refugees within the Indian socio-economic system.

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the Tibetan identity. One cannot ignore that the Tibetans in exile living in India are socially, culturally, and economically informally integrated. However, they have no clarity on their legal status and lack support from either government for seeking legal membership rights. This ambiguity has been identified by majority Tibetans living in exile, as the primary reason for a diasporic shift of common Tibetan refugees, especially the youth, to migrate to western countries, thereby posing a threat to the Tibetan cause of freedom.⁴⁶ The Tibetan community in exile is disputed over the issue of citizenship and its bearings on getting access to socio-economic rights and benefits and thus exists a state of limbo. Whether to protect their identity and roots or to secure a stable present for themselves and future for the coming generations. As much as taking up citizenship would lead to better opportunities for them, it may also lead to another exclusion, from 'home'.⁴⁷

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