

Education in Exile: An Indian Experience

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Abstract

The modern global refugee regime has evolved, by and large, into a “non-entre`e regime”- a large number of states have, during the closing years of the twentieth century and the beginning of the twenty-first century resorted to policies of restrictionism, blatantly blocking the entry of refugees and asylum-seekers into their sovereign territory. Contrary to this restrictive and extraterritorial control adopted by most states that are parties to the 1951 UN Convention on Refugees and its 1967 Protocol, India has had a long tradition of hosting refugees/ asylum-seekers who had been persecuted in their home states, where their life and living had become almost impossible for sheer survival. This is despite the fact that India continues to remain a non-signatory state to the Refugee Convention, nor does it have a scripted refugee protection legal framework. Refugees and asylum-seekers from several of its neighbouring states have had preferred India as a safe haven in consideration of a host of enabling conditions. India has hosted, over the years refugees and asylum seekers from Pakistan (East and West combined), broadly known as Partition refugees, Tibetan refugees from China-annexed Tibet, refugees/illegal immigrants from Bangladesh and Sri Lanka. This aside, India has offered refuge to asylum seekers from states like Afghanistan, Burma now Myanmar, Iraq, Iran, Somalia and Sudan. Two sets of players offering refuge to asylum seekers are: Government of India and the United Nations High Commissioner for Refugees (UNHCR), the United Nation’s principal refugee agency. As the perceptive analysis attempted in this paper, response patterns by both the agencies have widely varied, across refugee groups and within-state variations. Simply stated, the varying responses of GOI and UNHCR are characterised by “discrimination and delegation”. This act of discrimination and delegation could be largely attributed to India’s relations with the refugee-sending states, and India’s strategic stand to be absolved of diplomatic and political estrangements. Keeping this in view, India has delegated the responsibility of assistance and protection of asylum-seekers from the latter group of states to the UNHCR, considered as the “specialised institution” and “guardian” of refugees for providing assistance and protection to refugees.

Provision of education, in terms of access and quality constitutes a “crucial” factor in offering the refugees a much-needed autonomy and development, which is considered as their “core” right in exile. In a large measure, UNHCR’s operational wavelength remains bound by India’s strategic interventions.

This paper attempts to explore and examine the initiatives taken by both India and UNHCR in the overall framework of discrimination and delegation in a comparative perspective.

Keywords: *Non-entre`e regime; the 1951 UN Convention; the 1967 Protocol; Cuban-Haitian Syndrome; Government of India assisted refugees; UNHCR mandate refugees; Discrimination; Delegation; Right to Education; Education of Refugee children in Exile; Inclusive Educatio*

India as a Host State: An Overview

South Asia as a geographical entity has been world’s fourth largest refugee-receiving region (Bose 1997:7). Among the South Asian states, India has been hosting the largest number of

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refugees from its politically fragile and unstable neighbours: Pakistan, East Pakistan/Bangladesh, Sri Lanka, Burma/Myanmar, Afghanistan, and from Iraq, Iran, Somalia and Sudan albeit in small numbers. India remains a preferred destination for asylum-seekers and refugees largely because of its geographical proximity to the refugee-sending states, its liberal attitudes and policies, open and porous borders and its secular credentials (Dhavan 2004:7; Ghose 1998:55; Ghosh 2003:137). Five significant factors influencing India's response patterns towards different refugee groups are: first, India, along with seven other South Asian countries, has not signed the 1951 UN Convention Relating to the Status of Refugees nor its 1967 Protocol; second, India has acceded to most of the international conventions relating to Human Rights, which are reflected in the Indian Constitution and upheld by the Supreme Court of India; third, India is yet to have a national legal framework for protection of refugees (even though a Draft Model National Law on Refugee Protection prepared by the Eminent Persons Group (EPG), submitted to GOI in the year 2001, exists in a state of animated suspension; fourth, India still continues to remain as a non-signatory state despite several persuasive pressures from a number of authoritative sources - national, regional and international (Bhagawati 2003:99; Chimni 1998:20; Justice J.S.Verma 1997:39); fifth, In the absence of a regional convention for refugees in South Asia, India has *de facto* accepted the principles of 1969 Organisation of African Unity Convention on Refugees, principally because it's refugee related realities are akin to the realities of African states (Chimni 1998:19; Gorlick 1998:26); and sixth, India's approach-avoidance relations with UNHCR, which often acted against India's interests, resulting in continuing distrust between the two.

In such a situation, India enjoys enough space and freedom to construct its own "script" in dealing with refugees from its proximate states (Rolfe 2008:253). To put it differently, India's management of its diverse groups of refugees is almost totally dependent on bureaucratic understanding and interpretation of the problem, and consequent executive decision-making. Lack of specialised knowledge and experience in refugee management strategies on the part of the bureaucracy in the Ministry of External Affairs, Ministry of Home and Ministry of Law and Justice invariably leads to discriminatory treatment of refugees. In short, in order to put an end to its inconsistent, often contradictory approaches, it appears imperative, New Delhi must undertake a comprehensive review of its refugee management mechanism taking into consideration the costs of not having a refugee policy (Times of India 2023:12). In India, there are two major actors for protection of refugees: Government of India (GOI) and the United Nations High Commissioner for Refugees (UNHCR). They operate in different contexts and under varied conditions. While GOI wields its power and authority over select groups of refugees, usually massive exoduses; refugees; the other smaller segments of refugees, beyond South Asia, namely the Afghanis, the Burmese/Myanmarese and others (from Iraq, Iran, Somalia and Sudan) are acknowledged and protected by the UNHCR. India has delegated powers to UNHCR for identification of asylum-seekers through its Refugee Status Determination (RSD) mechanism. However, asylum-seekers coming individually or in small groups from the latter sets of countries are not accorded refugee status but treated as foreigners living in India for a temporary period. Delegation to UNHCR has been a key feature of many countries' refugee policies (Abdelaaty 2021:8). Despite GOI's institutional memory of its some-what strained relationship with UNHCR for latter's inconsistent approach, it works in partnership, albeit belatedly with UNHCR, shunning its "go-it-alone" approach. Recognising UNHCR's global presence, its expansive operational wavelength, its role of a "collaborative agent", UN's "most important humanitarian organisation", its



“watchdog” role in refugee protection and its “specialist competence”, GOI decided to delegate refugee-protection responsibilities to UNHCR. This differential governance system is likely to lead to differential treatment of refugees under their respective management system (Abdelaaty 2021:25-26; Loescher2003:32; Gibney 2003:87). Irrespective of the size of inflows of asylum-seekers, this paper dwells largely on major differences in respect of approaches to provision of basic services (only on education) as a potential instrument for their long-term development – ensuring durable solutions.

Women and children, the most vulnerable segment of refugee population, constitute world-wide more than 54 per cent of the refugee population (UNHCR 2014: Ganguly-Scrase and Lahiri-Dutt 2012:14). Education of refugee children, which is almost unplanned, unregulated and uncared for is of foundational importance for them in their formative years. Refugee children’s education should be right at the centre of mankind’s concern for the ‘people of concern’ as approved by the United Nation’s General Assembly. The crucial importance of rights of children, more particularly the rights of refugee children, has been emphasised in the 1959 Declaration of Rights of the Child adopted by the United Nations General Assembly (UNGA) in its first charter observes: “mankind owes to the child the best it can give” (UNGA 1959:) . Owing its “collective responsibility”, under Sustainable Development Goals 4 (SDG-4- Education) for all by 2030, Antonio Guterres, UN high Commissioner for refugees observes: “SDG 4 represents a critical window of opportunity to ensure that refugees and stateless children and youth are visible and accounted for the next fifteen years of education sector planning...advocating for refugees in national education sector planning and management to achieve the education SDG 4” (UNHCR 2015:1). It is clear that the international community, through its network of institutions and organisations is seized with the principle of best interests of the child, more significantly, the rights of these children to basic education, the building block of their future. The rights of refugee children being at the centre, it would be interesting to critically examine how India and UNHCR provide quality education which provides a pathway to their future development. A comparative analysis has been attempted between GOI provided educational opportunities to the Tibetan children in exile as a case of India-protected refugees, and education of Burmese children by UNHCR as a case of UNHCR-mandate group. Subscribing to the views of Betts and Collier (2017:10), the researcher preferred to focus on refuge as a “development issue”, not simply a “humanitarian” issue:

...The theme in their book is the idea that refuge must be understood as not only a humanitarian issue but also one of development. Put simply, it is not just about indefinitely providing food, clothing and shelter. It has to be about restoring people’s autonomy through jobs and education, particularly in the countries in the developing world that repeatedly host the overwhelming majority of refugees. If this is done will, we agree, everyone stands to gain and refugees can be empowered to help themselves and contribute their societies.

As noted earlier, variations in the ways of treatment of two different groups are likely consequences of differential asylum policies and practices adopted by GOI and UNHCR.

Research Questions

The present paper makes a modest attempt to answer the following research questions (RQ).

RQ 1: What are the broad response patterns of GOI and UNHCR in respect of refugees and asylum-seekers under their respective governance mechanisms?

RQ 2: What are the distinctive differences between the educational provisions offered to refugee children between GOI (i.e., Tibetan refugee children) and that of UNHCR (i.e., for children of Burmese refugees)?

RQ 3: Why did India resort to discriminatory treatment – of Tibetan refugee children’s provision for basic education compared to the other groups of refugee children i.e., Sri Lankan refugees?

RQ 4: What does a critical comparative assessment/evaluation of a system of providing basic education to refugee children by GOI and the UNHCR show?

RQ 5: What are the underlying considerations that led India ‘to delegate’ the responsibility of refugee protection for a select group of states to UNHCR while shouldering refugee-management responsibility of other groups.

For seeking analytical answers to the research questions raised above, the researcher followed the following methodology/approaches:

Methodology

The researcher has chosen Survey Method (SM) with focus on “description”, gravitating heavily on “explanation” as approach to the methodology. While description limited its focus on explaining the facts leading to the ‘state of art’ – nothing beyond that, explanation helps the researcher in delving deeper into the complexities of India’s refugee – related policies and practices, both de jure and de facto. Explanation, though based on descriptive narratives, examines the complex and hidden interrelationships among several variables that has shaped India’s asylum policy. This combination of description and explanation approaches provides, in fact, for further explorative studies in the area. ‘Lived experiences’ and ethnographic insights, however, could have extended and enriched the understanding of such studies.

This paper is partly based on my doctoral dissertation: “Host State Responses to Refugees: A Case Study of India”, which encompasses a larger perspective of India’s responses to different refugee groups marked by “discrimination and delegation puzzles”. In contrast, the present exercise is limited to an analysis of a single dimension of the whole spectrum of asylum policy comprising legal framework, admission and status, protection and security, basic needs, and durable solutions (Abdelaaty 2021:18; Jacobsen 1996: 655-677). State responses to refugee protection in respect of all these dimensions are found to vary in degrees; they do not, however, constitute a binary, i.e., total inclusion or exclusion. Combining Abdelaaty and Jacobsen’s perspectives together, the researcher has developed a framework which has been represented in Table A.



Table A: Framework for Analysis of Host States' Responses to Refugees

Dimensions/Indicators	Host State Responses	
	Inclusive	Restrictive
I Legal-Bureaucratic Framework		
<u>International Treaties and Covenants</u>		
Accession to : The 1951 Refugee Convention, The 1967 Protocol Party to other International Covenants		
<u>Regional Conventions</u>		
Is the host country party to any Regional Convention influencing its policy responses?		
<u>National Legislation</u>		
Has the host country created any national legal framework for regulating refugee protection?		
<u>Governance Mechanisms</u>		
Has the host country any designated departments for management of refugee protection?		
<u>Membership in International/Regional Refugee Organisations:</u>		
Membership in UNHCR Executive Committee Membership in the Regional Consultation on Refugees and Migratory Moments in South Asia		
II Reception, Admission and Status		
<u>Entry</u>		
Conditions of entry (open entry or regulating conditions)		
<u>Screening</u>		
Existence of mechanism for refugee status determination		
<u>Reception</u>		
Nature of reception accorded to refugee groups at the border		
III Protection and Security		
<u>Movement- Placement in</u>		
refugee camps segregated settlements self-chosen settlements		
<u>Physical Safety</u>		
Are refugees subject to arbitrary detention? Experience of physical harm inflicted by the host state agents		
<u>Refoulement</u>		
Existence of provision of refoulement/non-refoulement		
<u>Repatriation/Deportation</u>		
Provision for voluntary/involuntary repatriation Deportation		
IV Basic Needs		
<u>Services</u>		
Access to: Public health services Education (Primary and Secondary)		
<u>Employment</u>		
Are refugees permitted to legally seek wage-earning employment or practical professions?		
V Durable Solutions		
Do the refugees in protracted stay have the option for local integration in the host state?		

Source: (i) Jacobsen, Karen (1996), "Factors Influencing the Policy Responses of Host Governments to Mass Refugee Influxes", *International Migration Review*, xxx(3):655-677; (ii) Abdelaaty, Lamis Elmya (2021), *Discrimination and Delegation: Explaining State Responses to Refugees*, London: OUP.

The researcher's exclusive concern in this respect is, however, services - provision of education in respect of two distinct clusters of asylum-seekers: Tibetan refugees as a 'case' of GOI-protected refugees and Burmese refugees as a 'case' of UNHCR's mandate refugees in a comparative perspective. For this purpose, the researcher has been critically engaged in "desk analysis" that is deconstructing a whole range of literature and archival materials. Differently put, it has been an exercise based on available secondary data-sources. In this paper, education of children from the above two broad groups of refugees, has been discussed under the lens of discrimination and delegation (UNHCR Education Brief: SDG 4).

UNHCR: A Brief Background

A few words about the UNHCR, the principal UN refugee organisation in charge of protection and assistance of refugees and asylum-seekers would be appropriate to help us understand its evolving role as mentioned in its Statute. Para 1 of the UNHCR Statute clearly specifies its functions as 'providing international protection' and 'seeking permanent solutions' to the problems of refugees in the form of voluntary repatriation or assimilation in new national communities (Betts and Collier 2017:37; Gonzaga 2003:244; Goodwin-Gil 1996:212; Helton 2003:20). According to paragraph 2 of the Statute, the work of the UNHCR "(s)hall be an entirely non-political character; it shall be humanitarian and social and shall relate, as a rule, to groups and categories of refugees". Paragraph 8(a) of the UNHCR Statute, in conjunction with Article 35 of the 1951 Convention, comprehensively deals with protection functions of the UN's principal refugee organisation.

The UNHCR was established on 1 January 1951 in accordance with the UN General Assembly (GA) Resolutions 319 (iv) of 3 December 1949 and 428 (v) of 14 December 1950. Though a product of the Cold War, UNHCR has not been static since its creation. Its entire history has been one of adoption and change – from a temporary organisation with no funding it has grown, over the years into an international institution with field presence in almost all countries of the world, from its being a mainly legal organisation focussed just on the protection of refugees to becoming an operational one engaged in the protection of refugees, stateless persons, internally displaced persons and victims of disaster (Betts and Collier 2017:46). Despite its built-in leanings towards its founders with significant funding, it has progressively moved itself towards an international refugee agency functioning with extraordinary credibility, variously described as international "watchdog" of the asylum-system, "guardian" and "teacher" of international refugee norms, "monitor" and "gatekeepers" in determining which governments are worthy of membership in the international society and the principal 'expert agent' (Loescher 2003:5-17; Abdelaaty 2021:127). The work of the UNHCR, according to paragraph 2 of the Statute of the Office, is to be entirely non-political in character. Its basic functions are the durable solutions for refugees and seeking both core solutions to their problems (Chimni 1998:20).

India's working relationship with UNHCR has largely been marked by what Psychologists would prefer to describe "approach-avoidance" (acceptance-rejection) syndrome. Simply stated, the relationship has never been a win-win one. This bitter-sweet relationship has progressively improved over the past few decades. India's initial reservation about UNHCR's field presence and involvement in its refugee protection system was bolstered by complex historical and political compulsions. Oberoi (2006:27) highlights this relational distance between GOI and UNHCR in the following words:



Following its disillusionment with this regime in the early 1950s, India remained highly critical of the refugee agency. Despite UNHCR's attempts to persuade India to ratify the convention, India maintained its distance from that agency, abstained during a Soviet-sponsored vote in the Fifth Committee to halt funding to UNHCR, and insisted that this was a problem of no direct concern to it (India), and therefore one in which it was not interested.

Alluding the number of refugees currently in India (owing to absence of consistent and reliable statistics on refugees and asylum-seekers) it would, however, be safe to say that the Tibetans constitute the oldest and the largest refugee exodus, followed by Sri Lankan Tamils, Chakmas from Bangladesh, and others (Afghans, Burmese/Myanmarese, and other nationalities mainly from Iraq, Iran, Somalia, Sudan and Ethiopia). While the GOI recognises Tibetans, Chakmas and Sri Lankan Tamils as refugees, other groups are not recognised and considered foreign nationals temporarily residing in India (Gorlick 1998:26). Given the hybrid relationship between GOI and UNHCR, UNHCR's management of its mandate refugees/foreign nationals are likely to be different from that of India-protected refugees, more particularly the Tibetan refugees considered model refugees (Dhavan 2004:137). In this context, the provision of education service provided by GOI and that by UNHCR would be interesting to explore and examine.

Addressing the “Basic Needs” of Refugee Children: A Critical Reflection on the Role of GOI and the UNHCR

A state's asylum policy consists of five broad categories of components: from reception and admission to durable solution of their problems in exile as indicated in Table A. These five interdependent components constitute a spectrum. The component of basic needs contains: (i) access of refugees to public health services and educational opportunities; (ii) opportunities to seek wage earning employment. Education and health in general, more particularly that of refugee children, one of the most vulnerable segments of refugee population provides a long-term pathway for their development. Provision of basic education, during the early years of education of children is of foundational importance for ensuring autonomy and long-term development. “Development”, as Jean Dreze and Amartya Sen (1995:32), refer to, “expansion of human freedoms” of an individual to take advantage of a range of opportunities. Access to education is a basic human right enshrined in the 1989 Convention on the Rights of the Child and the 1951 Refugee Convention. Even though, the 1989 Convention on the Rights of the Child is universally acknowledged, the extent and intensity of concern of the nation states that have ratified this Convention does not match their commitment to education of refugee children and youth in the countries of the first asylum. A number of disheartening disparities are found to exist between the access of refugee children and youth and that of children of host countries' studying in mainstream schools. Two tangible indicators of access of children to education are: first, the proportion of children accessing educational opportunities, conventionally expressed as Gross Enrolment Ratio (GER) and Net Enrolment Ratio (NER); and second, progression of children from basic education to secondary education. In this connection, the UNHCR Report on Education 2016:5) reveals that only 61 per cent of refugee children worldwide attended primary schools compared with a global average of 91 per cent. Similarly, the progression rates from primary to secondary and tertiary level of education were found to be significantly low - whereas, an insignificant 23 per

cent refugee adolescents were enrolled in secondary schools, the global average stands at 84 per cent. These disparities, living aside quality of education offered, could be attributed to several barriers and challenges faced by refugee children and their parents in the countries of their first asylum. Some of these barriers and challenges include: (i) refugee policies and practices of the host state ensuring priority to education of refugee children, which varies across refugee groups; (ii) incompatibility of the language of refugees with that of the host state, putting the refugee children at a learning disadvantage; (iii) non-availability of adequate resources to help parents refugee children, who are constrained to bear the expenses of quality education preferably offered in private schools; (iv) non-availability of role-model teachers from the refugee communities; (v) and finally, the non-implementation of Right to Education Act wherever exist.

In the context of education of refugee children, sustainable Development Goal (SDG) 4 states that, “... providing accredited quality education services for refugees, stateless and displaced children and youth remains a significant challenge across conflict-affected settings...” Achieving SDG 4 by 2030 is an important target to which the world community is committed to, developing more inclusive, responsive and resilient education systems to meet the needs of refugee children and displaced persons. To put it straight, SDG 4 for Education for All by 2030 “represents a critical window of opportunity to ensure that refugees and stateless children and youth are visible and accounted for in the next fifteen years of education sector planning, development and monitoring at national and sub-national levels” (UNHCR 2015:i). Added to this, in the Indian context five significant developments significantly contribute, directly or indirectly, to the rights of refugees. They in brief are: first, international influence stemming from the 1951 Convention and its 1967 Protocol relating to “Protection” of refugees; second, India’s ratification of a large number of international Covenants based on Human Rights principles; third, Constitutional provisions contained in Part III of the Indian Constitution, more specifically article 14 (Right to *Equality before law for all persons*) and Article 21 (Right to Life and Liberty) of *all* – citizens and non-citizens; fourth, India’s judicial interventions upholding rights of refugees through a number of its landmark judgments; and fifth, creation of the National Human Rights Commission in 1993. Ironically, India’s historical legislation: “right of children to free and compulsory education” does not have a reference to education of refugee children in India.

In this context, it would be revealing to discuss the range and quality of educational provisions offered by GOI to the Tibetan refugee children and youth, and the UNHCR’s initiatives towards education of the Burmese refugee children in the urban setting in New Delhi. The exodus of Tibetan refugees fleeing the aggressive assault of China’s People’s Liberation Army (PLA) in 1959, did not face “enclosure” at the borders restricting their entry into the Indian territory. In the context of India’s mix of ‘inclusive’ and ‘restrictive’ asylum policy and principles, the warm reception extended to the 14th Dalai Lama and his followers by the GOI has been, by all standards extraordinary and exceptional. The Dalai Lama was received as an “honoured guest”, not as a refugee seeking asylum in India. While other exoduses from its neighbourhoods in turmoil did encounter bouts of ‘enclosure’ (restriction of movement) at the borders and relative ‘openness’ in their admission and reception, in striking contrast the Tibetan refugees considered welcome guests. Compared to the influx of the Burmese students, political activists and political leaders fleeing aggressive assault on pro-democracy movement had to face conflicting tensions of GOI – the statements (respectively stated) of



two political heavyweights who mattered most in India's governance system - P.V.Narasimha Rao and Pranab Mukherji, once India's External Affairs Ministers . P.V.Narasimha Rao told a parliamentary panel on 25 October 1989 that 'strict instructions have been issued not to turn back any genuine Burmese refugee seeking shelter in India' and Pranab Mukherjee said, India cannot 'export democracy' to neighbouring countries but to deal with governments 'as they exist' (Routray 2011:301-321). India's strategic stance as a friendly neighbour of Burma (now Myanmar) not to hurt the feelings of the military junta dispensation was dictated by its Look East compulsion for trade and commerce with South east Asia. A comparative assessment of India's responses to the Tibetan refugees in 1959 and afterwards establishes the fact that the Tibetan refugees enjoyed expansive freedoms, while the Burmese refugees in New Delhi were subject to a host of restrictive measures bereft of many of refugee rights. In order to avoid the conflicting interests of GOI and the Burmese military Junta, GOI delegated the responsibility of protecting the Burmese refugees to the UN - UNHCR, its principal refugee agency. The delegation of responsibility for refugee status determination (RSD) and protection of the Burmese refugees was in part, an outgrowth of India's somewhat "not so good" relationship with the UNHCR. In this context, the theory of foreign policy and compatibility or otherwise of ethnic identity hold good to explain the discriminatory approach of GOI to protection of refugees (Abdelaaty 2021:23). This is a textbook example of the Cuban-Haitian syndrome (Abdelaaty 2021:7; Chimni 1994: 378; Ghosh 2003:139).

Coming straight to provision of education for refugee children and youth, significant differences in the nature, content and quality of education are found to exist between the role of GOI in respect of Tibetan refugees and that of UNHCR's role protecting the rights of Burmese refugee children. Stripped down to its core, the range of educational opportunities offered to the Burmese refugee children in New Delhi by UNHCR, the initiatives of UNHCR are almost exclusively humanitarian rather than developmental. To quote Betts and Collier (2017:136):

A system (for refugees) designed for the emergency phase – to offer an immediate lifeline – ends of enduring year after year, sometimes decade after decade. External provision of food, clothing and shelter is absolutely essential in the aftermath of having to run for your life. But overtime, if it is provided as a substitute for access to jobs, education and other opportunities, humanitarian aid soon undermines human dignity and autonomy.

As an example of India's exceptionalism in providing education to the Tibetan refugee children and youth, GOI acceded to the Dalai Lama's "vision" of education for Tibetan refugees in exile in India. After coming into exile in 1959, His Holiness the XIV Dalai Lama had given top priority to education and requested the then Indian Prime Minister Pandit Jawaharlal Nehru for establishing separate schools for Tibetan refugee children. The sole purpose of establishing separate schools for Tibetans in India is twofold: first, to provide quality modern education in order to acquire competitive advancement in the contemporary world; and second, to preserve the Tibetan language and culture so as to keep alive the refugees' desire to return to their homeland. This vision is commonly referred to as the twin-object of the Tibetan schools in exile and became the heart and soul of the Tibetan education policy.

The Dalai Lama nurtured a dream, despite GOI's rider against running a government-in-exile, to put in place a robust education system for Tibetan refugees – Department of Education is one of the seven main departments of the executive organ of the Central Tibetan Administration (CTA) based in Dharmshala. It is quite natural that a sense of dissatisfaction and discomfort arise when an established system fails to be in sync with the emerging developments. As a long-term measure against the emerging challenges, the CTA framed a 'basic education policy' in 2004 for implementation by the Department of Education and different school bodies. The Dalai Lama and His executive did not, however, prefer the 'integration', not 'assimilation', with that of the host state – India. This non-assimilatory intent and approach was within the comfort zone of GOI, which is a rare phenomenon worldwide. It is widely believed that the term integration conveys the meaning better than assimilation, for it is a mutual than a one-way process (Ghosh 2016:xxxii). GOI provided substantial financial support to the CTA for ensuring the functioning of schools, segregated from the mainstream Indian schools. GOI retained, however, its authority over supervision and monitoring of the functioning of Tibetan schools under the Department of Education. One significant feature of the Tibetan education system in exile was its development orientation ensuring autonomy and self-sufficiency for Tibetan refugees. In stark contrast to this, the education of the Burmese refugee children in New Delhi was confronted with acute shortage of financial support provided for the education of the Burmese children. As a partner to UNHCR, GOI allowed the Burmese refugee children to be enrolled in government-managed schools in addition to pursuing education in expensive private schools. Contrary to creation of permanent settlement sites with compatible climate for Tibetan refugees, the Burmese refugees, with women and children, were housed in rented accommodation in west Delhi with all their discomforts. To put it in short, there exist significant differences in a system of education provided to the Tibetan refugee children and youth and that of the education of the Burmese refugee children. This could be attributed to: 'who these refugees are', 'where do they come from', 'what for they left their homeland in search of refuge in India'?

Conclusion

Historically, India has always provided refuge to desperate refugees and asylum-seekers from its proximate neighbour-states. Looked back, the Tibetans constitute the oldest and the largest refugee exodus to India. Though the forms and causes of flight are divergent, the refugees' lived-in experiences share a great deal of commonalities – life and living of refugees stands apart from those of citizens of a sovereign state. Though by and large India is a friendly refugee-receiving state, its responses to different refugee groups widely vary – its pattern of responses range from extreme restrictiveness (e.g. Rohingya Muslim asylum-seekers from Myanmar) to extreme 'openness' (e.g. towards refugees from China-annexed Tibet), constituting two extremes of a asylum policy continuum. Two distinct patterns of 'discrimination' are found to coexist, e.g., India's responses vary across refugee groups as well as within the same group over a period of time. As part of 'delegation', India has strategically delegated the responsibility of protection of its refugees to UN's specialised agency – the UNHCR. The management of refugee protection and assistance varies therefore, between the protection of refugees by two different agencies - GOI and UNHCR. Till now, India is neither a party to the UN refugee system nor does it have a national legislation managing refugee protection and assistance. Refugees are refugees vulnerable in many respects. Though known for its generous and hospitable disposition towards asylum-seekers, India has not signed the



1951 Convention and its 1967 Protocol appears to be despite arguments and counter-arguments, an anachronism of the highest order. Ironically, the word ‘refugee’ does not figure in the Indian Constitution, nor do the Right to Education Act (2009) and the National Education Policy 2020 explicitly cover the rights of refugee children to education. This reality is, however, further reinforced by India’s frontline leadership in a number of global initiatives – global climate change regime, global biodiversity, recent assumption of the Presidency of the G20 and many other bilateral and multilateral agreements binding nations together for creating a global community committed to collective welfare. In this context, discrimination, in any form, in treatment of different refugee groups is clearly unacceptable and leads to further erosion of India’s standing as an emerging global power. Time has come for India to re-examine and re-evaluate its stand on refugee protection as a collective responsibility. In a globalised unified world, if India has to retain its global leadership, India needs to subscribe to the agenda of “one earth, one family one and future”.

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