



From Refuge to Rights: Majnu ka Tilla Tibetan Colony in New Delhi

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ABSTRACT This article explores the history of collective claims made over the land in Majnu ka Tilla (MT), an informal colony of exiled Tibetans in New Delhi. Tibetans have now lived in India as stateless people for 60 years. This protracted exile has produced simultaneous narratives of refugeehood and citizen-like claims over land in MT. The article focuses on the role of the Residents Welfare Association (RWA) of MT in negotiating precarities of urban informality in Delhi. This RWA, in existence since 1965, has provided the residents of MT with an institutional form located outside of the formal process of Tibetan rehabilitation. This has allowed them to shift from the rhetoric of refuge to deploying a language of rights in safeguarding their claims over land. This language of rights is unavailable to other Tibetans in India and creates subgroups within the Tibetan exile community on the basis of material relationships with and claims over land. This is a crucial component defining exile experience and identity for Tibetans in India.

Keywords: Tibetan Refugees, RWAs, unauthorised colonies, regularisation, urban informality

Introduction

Majnu ka Tilla (MT) or New Aruna Nagar Colony as officially renamed in 2000, is an informal refugee colony² of Tibetans in New Delhi. We argue that it has a singular discourse of rights to the city that emerges as much from the protracted history of statelessness as it does from a sense of belonging in the city. In this, Majnu Ka Tilla is a unique repository of Tibetan exile experience not replicated in other Tibetan settlements in India. MT was established in 1963, on directions of the Ministry of External Affairs, to accommodate Tibetans fleeing from the erstwhile North East Frontier Agency to Delhi during the war between India and China. They were initially accommodated in Ladakh Budh Vihar, a transit point for Ladakhi pilgrims on the outskirts of Delhi. Budh Vihar was, however, not equipped to handle the inflow of Tibetans leading to overcrowding and insanitary conditions. Responding to this, the Ministry instructed local Ladakhi and Tibetan leaders to identify tracts of land along

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² The term colony is used in everyday reference to denote residential settlements of all types in urban India, without reference to colonialism. For a detailed overview on the types of settlements in Delhi, refer <https://www.cprindia.org/sites/default/files/policy-briefs/Categorisation-of-Settlement-in-Delhi.pdf>.

the banks of the Yamuna and the refugees were moved there. However, there was no formal handover of the land to the Tibetans here and the colony continues to have a precarious claim to land. This is in contrast to other settlements set up on leased land within a central rehabilitation regime governing the Tibetans in India.³

In response to the flight of the Dalai Lama in 1959, India evolved a rehabilitation regime shaped by its political and moral considerations vis-à-vis Tibet. India received the Dalai Lama as an ‘esteemed guest’ and granted him asylum as a revered religious and spiritual leader. India also assured refuge to Tibetans who followed him across the border⁴. Referring to the widespread public sympathy for the Tibetans, in a letter to Saiyid Fazl Ali, a Member of Parliament from the erstwhile Bombay state, Prime Minister Nehru stated, “The strength of public feeling in India is so tremendous on this subject that no government can ignore it” (Nehru 2013: 437). India also recognised the political importance of hosting the Dalai Lama in negotiating its border feud with China. Therefore, even as India continued to recognise Tibet as a region of China, it facilitated the establishment and functioning of the erstwhile Tibetan Government in Exile, now known as the Central Tibetan Administration (CTA) and Tibetan settlements (Shakya 1999: 330). Dharamshala is the seat of CTA that was set up in 1960 as a continuation of the Lhasa government. It has since evolved into a full-fledged refugee administration led, staffed by and responsible for all Tibetans in exile. While the CTA has no political recognition as a government, it performs the functions of one in delivering welfare to all Tibetans in exile (McConnell 2016). Key departments of the CTA are legally recognised as registered societies under India’s Societies Registration Act allowing them to function as NGOs. This includes the Central Tibetan Relief Committee (CTRC) that is effectively the CTA’s Department of Home. The committee is headed by an official referred to as the Home *Kalon* or “Home Minister” of the CTA, and works closely with India’s Ministry of Home Affairs to affect India’s Tibetan rehabilitation regime.

Since the 1960s, India has set up ‘designated’ settlements across the country under its Tibetan rehabilitation regime.⁵ In prioritising its security concerns, these settlements are spread across the country and not in proximity to one another. These settlements are typically bounded spaces with a dedicated infrastructure of Tibetan schools, monasteries, cultural institutions and facilities for healthcare and livelihoods. The CTA exercises substantive administrative powers in the settlements. It functions through a network of Settlement/Welfare Offices in each Tibetan settlement that are the local administrative bodies responsible to the CTRC. Over the decades, this rehabilitation regime has acquired an enduring presence in the bureaucratic processes of the Indian government at the Central and state levels with a firm political commitment towards Tibetan rehabilitation.

However, in the 1960s, these designated settlements, usually set up on land leased from state governments, were inadequate in accommodating the refugee influx from Tibet.

³ Currently, Tibetan settlements can be classified into three categories on the basis of land tenure. These are a) designated settlements established on land leased from state governments b) settlements established on land purchased through Tibetan registered societies and c) spontaneous settlements established on land that is informally inhabited and used without handover. MT falls in the third category.

⁴ Since India is not a signatory to the 1951 UN Convention Relating to the Status of Refugees or its 1967 Protocol, all refugees, including Tibetans, are legally categorised as ‘foreigners’. However, in all bureaucratic and political discourse, Tibetans are referred to as refugees.

⁵ According to the records of the Central Tibetan Relief Committee, there are currently 39 Tibetan settlements in India. This includes both designated and spontaneous settlements.

This led to the growth of ‘spontaneous’ settlements outside of the formal rehabilitation framework. ‘Spontaneous’ settlements such as Majnu ka Tilla, were often established on government land with tacit knowledge of the local administrative bodies, but with no formal claim to the land. These settlements are usually self-administered through community organisations, such as the Residents Welfare Association (RWA) in MT, located outside of the bureaucratic structure of the CTA.

This article focuses on the role of the RWA, the institutional location of the history and politics of the colony, in negotiating precarities of urban informality. The structural conditions of informality relate to lack of access to land titles and resultant lack of access to municipal services. This is rendered more complex by overlapping claims of state agencies over the land occupied by MT. MT’s land is formally owned by the Central Ministry of Urban Development but is under the care of the Delhi Development Authority (DDA), a municipal agency. This arrangement is not specific to MT and is found in many other locations in Delhi. In responding to these conditions, MT has evolved associational forms and deployed strategies that energise the rhetoric of refuge and increasingly the language of rights. We argue that this trajectory is specific to MT within the Tibetan exilic experience as well as in relation to other urban informal dwellers. In analysing conditions of informality, Chatterjee argues that refugees and the urban informal dwellers are constructed as “objects of governmentality” rather than as citizens with full-fledged rights. Here, the refugees and informal urban dwellers are “populations” accessing state welfare irrespective of their membership in the civic or republican body of “true citizens” (Chatterjee 2004: 47). However, Chatterjee does not examine how refugee identity impinges on negotiations with the state in staking formal and substantive claims.

Refugee settlements, such as MT, have specific conditions of statelessness that impact upon their negotiations in claiming their right to the city. Studies on refugee urbanism have examined the link between spatiality and complex political subjectivities of residents in refugee settlements/camps. Sanyal (2012, 2014), Ramadan (2012) and Oesch (2017) have critiqued Agamben’s theorisation of camps as spaces of pure bio-politics and bare life, and explored assertions of agency by refugees. Oesch’s (2017: 111) study of Palestinian refugees in Jordan views them not as “assisted subjects and beneficiaries, but also as autonomous and productive subjects, as well as entrepreneurs and consumers”. MT, as a thriving centre for commercial, cultural and political reproduction in exile is a tangible embodiment of this agency. We focus on the agency of the residents of MT in deploying strategies of refuge and rights in Delhi.

The article builds on ethnographic research and interviews conducted with multiple field visits between May 2016 and October 2018 in Majnu ka Tilla, Delhi and Dharamshala. We interviewed a former Home *Kalon* and other high-ranking serving officials in the Central Tibetan Relief Committee (CTRC). In Delhi, the former and the incumbent *Pradhans* (chiefs) of the RWA, the Tibetan Welfare Officer in MT, the Secretary of the Bureau of His Holiness the Dalai Lama and officials of the DDA were interviewed. These interviews were supplemented by relevant documents from each office used to reconstruct the history of negotiations between MT and the municipal, state, and central ministries. Semi-structured questionnaires were administered to long term residents and owners of commercial establishments in MT to chart the trajectory of the colony and map current debates within the community regarding land titling.

The article is divided into three parts. First, it outlines MT's history as it has evolved over the last 60 years. The second section focuses on the RWA as a major institutional actor and examines its strategies in addressing the precarities of urban informality. Drawing on existing literature on urban informality, this section argues that MT's specific location as a refugee colony allows it to deploy a unique rhetoric of refuge to safeguard itself from eviction and demolition orders. It then examines MT's shift to a language of rights through the municipal process of regularisation. Here MT distanced itself from a refugee identity and engaged with the state at par with other urban residents of Delhi. The final section of the paper discusses the impact of this shift on Tibetan refugee identity and debates within the community on the issue.

Exile and Resettlement: The Making of Majnu ka Tilla (MT)

Since 1959, more than 100,000 Tibetans followed the Dalai Lama into exile, most never to return. Tibetans now live across the globe including India, Nepal, Bhutan, Europe, US and Australia. Given this protracted exile and the global spread of the exiled Tibetans, there are complex positions on citizenship within the Tibetan community. This includes an active refusal of citizenship on the part of many Tibetans particularly in South Asia (McGranahan 2018). The Central Tibetan Administration (CTA) has an ambiguous position on taking citizenship in India. As CTA's President or Sikyong, Lobsang Sangay explains, the CTA "neither encourages nor discourages taking citizenship in India" (Sikyong [President of CTA], interview, September 14, 2016). CTA's position emerges from the political project of exile that sees return to an autonomous Tibet as its endgame. Given that the largest number of Tibetans are in India⁶, the CTA views this population as a key resource in the struggle to return. Taking formal citizenship or even staking citizen-like claims in India is therefore viewed as antithetical to this project. Even as the Tibetan Charter or the CTA's "Constitution" provides for Tibetan taking citizenship in host countries, the moral discourse of exile privileges statelessness (Gupta 2019: 338).

In material terms, this 'refusal' implies that Tibetans enjoy delimited privileges but not rights in India, including the right to property. Tibetans, as refugees, cannot buy property without the sanction of the Indian government. This process is cumbersome, effectively rendering their legal access to property moot. Tibetans have been granted temporary claims of land use within settlements on grounds of refuge, albeit in an uneven manner. Unsurprisingly, as their economic status has improved, Tibetans have used extra-legal arrangements such as *benami*⁷ and informal means to perpetuate generational land claims. Though these practices emerge in response to the anxieties of protracted exile, they are similar to those undertaken by urban informal residents in India who lack secure land titles. This facet of the exile experience and its complicated relationship with the formal rehabilitation process and Tibetan exile identities is underexplored in the existing literature on the Tibetan community in India.

⁶ According to the last Tibetan Demographic Survey of 2009, there are 94000 Tibetans in India. However, since then, the number of Tibetans in India is steadily declining and unconfirmed reports currently estimate the number of Tibetans in India to be around 85,000. <https://indianexpress.com/article/india/tibetan-refugees-down-from-1-5-lakh-to-85000-in-7-years-5349587/>

⁷ Benami transactions are those where the property is registered in the name of one person but is paid for by someone else. The property is held by the former individual for the immediate or future benefit of the person who has paid for it. This is prohibited under Indian laws.

The Tibetan community in India has generated sustained and wide-ranging academic interest, documenting identity formation, political processes and nationalism in exile (Anand 2000; Diehl 2002; Houston and Wright 2003; Yeh 2007; Falcone and Wangchuk 2008; Tarodi 2011; McConnell 2016; Basu 2018; McGranahan 2018). Within this, studies on MT range from anthropological enquiries into diasporic identity (Shih 2013; Le Houérou 2017) to political and urban geographers locating MT within politics and institutions of exile (McConnell 2016; Brox 2016). Many scholars have also highlighted MT's economic success as evidence for the resilience of the Tibetan community under conditions of protracted exile (Saklani 1984; Pulla and Kharel 2014). However, there is scant enquiry into processes of land governance that are crucial conduits for delivering CTA's and Indian state's shared regime of bio-political control. This regime entails close monitoring of the Tibetan population in settlements through a complex web of bureaucratic practices including identity documents, travel documents, land survey and lease documents. It stretches across multiple scales of government including municipal, state and central processes that effect this regime. Moving the lens to municipal processes allows us to examine the micro-politics of this engagement and link it to the broader questions of identity.

We refocus the enquiry on MT as an informal colony in Delhi to examine the interaction between the politics of refuge and rights located within an exile identity. Muku et al. (2016) explore MT within Delhi's municipal processes arguing that discriminatory planning decisions intensified the ghettoisation of MT, impeding its right to the city. In contrast, we argue that the Residents Welfare Association (RWA) has leveraged the formal municipal process of regularisation of unauthorised colonies to its advantage to lay legitimate claims to the city.

Majnu ka Tilla (MT) was not a planned Tibetan settlement and developed mainly through kinship and other affective networks. Unlike other designated settlements, people from across the Himalayan belt sharing a Tibetic/Buddhist identity are inhabitants of the colony. MT has always depended on charismatic local leaders to access benefits of rehabilitation, cultivating relations of patronage with local Indian political and bureaucratic leaders. The RWA, elected from among the residents, established in 1965, is the institutionalisation of this charismatic authority. The history of the association is intertwined with the evolution of the colony. The former *Pradhan* of the colony stated that unlike other Tibetan settlements, MT had a "unique relationship with the MCD and the NDMC" (that is, the two main municipal bodies that administer Delhi). He emphasised that MT "was able to represent issues faced by the community directly to the Indian authorities" rather than go through the CTA's channels. We demonstrate that since the RWA functions outside the hierarchy of the CTA, it has enjoyed greater manoeuvrability in its negotiations with state agencies.

Over the years, MT like other spontaneous settlements, was brought under the CTA's governmental gaze through the establishment of a Tibetan Welfare Office in 1984. Prior to this arrangement, the RWA was exclusively responsible for administering the settlement and therefore it continues to command greater political capital within the colony. This is in contrast to designated settlements where the role of the TSO has been increasingly strengthened over time. The association is, however, not necessarily in a hierarchical relationship with the Welfare Office. We establish how both actors often seek and co-opt the legitimacy of the other to strengthen MT's negotiating position in engagements with state authorities. Therefore, in contrast to other unauthorised colonies, MT's nested administrative structure provided an additional channel in its negotiations of urban informality. This institutional

history forms an integral part of MT's narrative of self-reliance foregrounding its commercial and financial success while being outside of the formal rehabilitation process.

Unlike other designated settlements that provide livelihood through agriculture or handicrafts, MT's residents have had to depend on their entrepreneurial skills to survive. Today, MT is the commercial capital of the exile community and a transit point for Tibetans in India travelling to and from other parts of the country (Samphel 2006). The colony is bustling with entrepreneurial activity. There are large shopping complexes housing travel agencies and shops selling designer *chubas*, smaller makeshift shops selling clothes, bags, shoes and incense. Alongside, there are a large number of upscale cafes, restaurants, guesthouses apart from food stalls selling Tibetan fast food. The buildings, décor and products sold here are intended to affectively produce the space as dominantly Tibetan and are also consumed similarly by non-Tibetans who frequent the colony.

It was, however, not always a desirable location for Tibetans to live in. Older residents of the colony recalled that in the first two decades of its existence, the colony lacked basic amenities like water and toilets. It had a disreputable air and they characterised it variously as a "graveyard", as a "dumping place", a "shanty town". Its main economic activity was selling *chhang*, homebrewed Tibetan barley liquor.

At that time, very few families were there. And it was all selling *chhang* on the road. There was not much traffic also at that time. Once you reached there, you could smell the *chhang*... Even to travel to Majnu ka Tilla, we were too scared to travel at night because it was so dark and quiet...So it was a small place, never expected it to be so big. (Older resident of Majnu ka Tilla).

Up to the 1970s, Tibetans believed that exile would be a temporary phenomenon and they would soon return to Tibet. As a result, people did not build permanent structures and continued to live in makeshift housing. However, as the possibility of return to Tibet began to look distant, residents here sought to perpetuate their claims over land and construct concrete structures. As this happened, the RWA codified norms for exchange and leasing of these structures. These norms prohibited the residents from renting/selling residential or commercial space to non-Tibetans. From the 1980s onwards, MT incrementally entrenched itself resembling any other unauthorised colony in Delhi. New buildings were constructed as and when local bureaucratic and planning processes provided windows of opportunities. For example, in 1981 Delhi undertook a slum clearance drive in preparation for the Delhi Asian Games. As part of this process, the Delhi Development Authority (DDA) identified 33 houses in MT to be demolished, offering them an alternate site for resettlement. A new camp on an adjacent tract of land was set up increasing the extent of the colony by 1.1 acres (Tibetan Welfare Office⁸ n.d.: 1). This handover did not grant ownership rights to these 33 families and merely granted them the right to possess and use the land without "prejudice to the rights of the DDA" (Tibetan Welfare Office n.d.: 1). However, this provided a sense of security among the residents and spurred the first round of permanent constructions in the colony. Former Home *Kalon* in the CTA recalled,

Mentally people felt that they were in a stronger position now. By this time, our people had also saved some money and they started building their houses. This is how our first constructions in the real sense began. (former Home *Kalon*)

⁸ This document is an informal timeline maintained by the Tibetan Settlement Office of MT. It maps the evolution of the settlement and all negotiations between the settlement and government authorities.

The nature and extent of these early constructions depended on financial resources at the disposal of the residents. For example, a popular restaurant which operates from the ground floor of a residential unit was the first *pucca* structure in MT. The proprietor of the restaurant shared:

When my parents moved to the new camp and built their house, they didn't have enough money to build pillars to support the house. Even now there are no load-bearing pillars here. As and when they saved some money, they added floors to the original house. (Resident of Majnu ka Tilla)

Negotiating Informality

As the colony expanded, the residents faced quotidian challenges of lack of access to municipal services arising from the colony's inherent informality. While MT had limited access to municipal water and electricity connections since the 1960s, in the 1980s, the RWA led the efforts to improve access to these services throughout the colony (Tibetan Welfare Office n.d.: 2-3). Through the process of pursuing these claims, the community consolidated and reinforced their claims to live on the land.

Being an unauthorised settlement, MT was subject to periodic eviction and demolition notices. In the early 1990s, the Ministry of External Affairs considered disbanding MT to resettle the residents in designated Tibetan settlements outside Delhi. Majority of MT's residents were not in favour of this. The CTA, bound by its location as refugee administration politically dependant on the Indian state, advised that Tibetan refugees must comply with the order of resettlement. Recalling the event, one of the key Tibetan negotiators shared that since it was a direct order from the Ministry of External Affairs, the CTA demurred from any formal participation in negotiations, allowing the RWA to exercise other strategies. The association, being outside the formal rehabilitation process, was not bound by the same concerns as the CTA. It mobilised popular support and began to approach different central ministries requesting them to take a sympathetic view of the matter. It set up a committee formed of the *Pradhan*, members of prominent NGOs, and two members of the Tibetan Parliament in Exile and approached the Ministry of Urban Development. Through 1993-1994, this committee primarily employed the strategies of petitioning political and bureaucratic leadership at the central, state and municipal levels. In response, the Ministry of Urban Development requested the Welfare Office at MT to submit information on land use within the colony. Again, it was the RWA that put together the requested information from their own property records and forwarded it to the Ministry through the Welfare Office. Finally, the matter was resolved in keeping with the enduring political commitment to Tibetan rehabilitation. The Ministry opined that since Tibetans were refugees in India, they should not be displaced yet again. While the Ministry did not grant the residents of MT legal title to the land, it gave an assurance that the existing colony would not be disturbed (Tibetan Welfare Office n.d.: 2).

Similarly, in June 2006, two notices were issued by the Public Works Department and the Delhi High Court respectively that challenged the existence and geographical extent of the colony. To widen a national highway running adjacent to MT, the Public Works Department issued a notice of demolition to the RWA to remove certain structures within 150 meters from the median of the road. In the second case, the Delhi High Court order directed the Delhi Development Authority to remove all structures that fell within 300 meters from the edge Yamuna's riverbank (Tibetan Welfare Office n.d.: 3). Under this, MT

like other informal colonies on the banks of the Yamuna was earmarked for demolition. These notices heightened the precarity experienced by residents. In the words of a restaurant owner:

There was a lot of fear and anxiety among the people. People were scared. We had built up our houses and businesses over time. If we are evicted, where would we go? There was also a financial concern. (Resident of Majnu ka Tilla)

The RWA approached the Delhi government for resolution of these issues and successfully deployed the narrative of seeking refuge to combat these eviction/demolition orders. In the case of the demolition notice issued by the PWD, Delhi's former Chief Minister, Sheila Dixit referenced popular tropes of Tibetan identity as the grounds for staying the proposed demolitions. She stated: "Having the Tibetans in Delhi will have a peaceful influence on the city and we will not let anyone destroy the colony" (Phayul.com 2006). Mr Parlad Singh Sawhney, a member of the Delhi Legislative Assembly, argued that: "he will not let any action that would make the Tibetans, refugees for the second time" (Phayul.com 2006).

Presenting its case against eviction from the banks of the Yamuna in the Delhi High Court, the RWA referred to the earlier assurance given by the Ministry of Urban Development, strengthening their claim to continued residence on the grounds of refugee identity (former Home *Kalon*, interview, September 23, 2018). The Delhi Government recognised that the demolition of MT, a refugee colony, was a sensitive issue and would contravene India's long-standing public commitment to Tibetan rehabilitation. The Ministry of External Affairs, which was also named as a party in this dispute by the High Court, took the same view and argued that MT deserved special consideration as it was a refugee colony (Tibetan Welfare Office n.d.: 6). While many other similar settlements along the banks of the Yamuna were demolished and people resettled (Dupont 2008), MT escaped this fate. Here, the enduring Indian political commitment to Tibetan rehabilitation overrode the municipal orders of demolition.

As evident above, the RWA deployed formal strategies of negotiating urban informality whilst being an informal actor, unrecognised by state processes. This locates the association across the binaries of civil and political society that are investigated as reified categories within the literature on urban informality.

RWAs as Political Actors

Conceptual frameworks of participatory politics in the Global South, mainly informed by the binary notions of civic action and politics (Chatterjee 2004; Harriss 2007), have often over-emphasised the distinction between the two. Here RWAs, as civic associational actors, are seen as operating within an invited participatory space opened up legitimately by the state or donors (Kundu 2011). On the other hand, confrontational strategies often deployed by the urban poor and grassroots organisations remain outside of this invited space. These mobilisations carve out an 'invented space' to engage with and resist the state (Harriss 2005; Harriss 2007). In their study on RWAs in Delhi, Lemanski and Lama-Rewal (2013) draw on Miraftab (2004) and other critical analyses of negotiating strategies of urban dwellers (Coelho and Venkat 2009)⁹ to challenge the binary categorisation of political constructs of

⁹ This analysis is informed by Roy's critique of urban informality as a separate sector located in the cities of the global south, populated by urban poor and characterised by poverty, criminality and disruptive political mobilisation (Roy 2005, 2011). Roy and AlSayyad (2004) reconceptualise informality as a mode that functions as an "organising logic, system of norms that governs the process of urban transformation itself" (Roy 2005: 148).

‘invited space’ and ‘invented space’. They argue that urban politics demonstrates a fluidity between invented and invited spaces. Here RWAs are the key associational actors located across the invited and invented spaces of participation, drawing on strategies of both.

This aligns with MT’s negotiating strategies through the decades. Through its RWA, MT was able to leverage bureaucratic processes within which they had no legitimate membership. In 1993-94, during the negotiations on eviction, the CTA deliberately disengaged from the negotiations, strategically allowing the RWA to take the lead as the representative body of MT in presenting a case for refuge. Again, in the court case regarding removal of encroachments from the banks of the Yamuna, even as the association had no formal representation in the matter, it piggy-backed on the central ministries who were recognised as legitimate parties to the dispute in order to request for special consideration.

In each of these negotiations, MT’s RWA drew on the rhetoric of refuge that demands a non-confrontational engagement with the state to energise its sympathetic consideration. They primarily used instruments of civic action like forming associations and committees, petitioning and letter writing. At the same time, the rhetoric of refuge allowed the Tibetans to access and appeal to higher levels of the central bureaucracy that are often not available to citizens struggling against similar precarities.

It is apparent from the multiple strategies identified above that the RWA resourcefully used available opportunities to entrench their claims to residence. These strategies were considerably successful in staving off threats of eviction/demolition. However, they were limited in their scope as they concerned themselves with the effects of informality but had no recourse to address the legal status of the colony. MT’s lack of formal recognition as an authorised colony meant that their claim to the city remained precarious. This changed when the Delhi government announced a new regularisation drive for unauthorised colonies in 2002. The RWA saw an opportunity here for formally entering into negotiations with the municipal government to alter the legal status of the colony. The following section encapsulates this process.

From Refuge to Rights: Regularisation of Majnu ka Tilla (MT)

Unauthorised colonies are a structural feature of Delhi’s urbanisation as the government has failed to provide adequate housing to the city’s ever-increasing population¹⁰. An unauthorised colony is defined as a “development comprising of contiguous area where no permission of concerned agency has been obtained for Layout Plan and/or building plan” (Delhi Development Authority 2008: 7). Currently, there are two kinds of unauthorised colonies categorised by the Delhi Government; those that occupy private land and those that occupy government land like MT. Both types of colonies violate zoning norms according to the current Delhi Master Plan. In addition to flouting zoning norms, the colonies located on government land, also lack formal title to land, placing them in additional precarity. The regularisation process rationalises zoning violations and grants individuals ownership rights over their built structures. Once the regularisation process is complete, the DDA intends to begin examining the land titles of those colonies that are currently informally established on government land (Delhi Development Authority 2008: 9).

There have been four waves of regularisation of unauthorised colonies in Delhi in 1961, 1969 and 1977 and 2002 each coinciding with elections promising regularisation of these

¹⁰ According to the estimates of the Delhi Government about 25% of its population lives in unauthorised colonies.

colonies. In each of these, the state has incrementally legitimised collective action channelled through RWAs as the preferred form of engagement. Under the current regularisation drive, RWAs are the *sole* representatives of unauthorised colonies in municipal processes (Lemanski and Lama-Rewal 2013). This allowed MT's RWA to transition to a legally recognised actor, capable of engaging with municipal processes independent of central government intervention. Significantly, this opens up the possibility to seek permanent rights over land rather than temporary accommodations on grounds of refuge.

Given that Majnu ka Tilla (MT) satisfied the formal criteria of the Delhi Development Authority for regularisation¹¹, the local Member of Delhi's Legislative Assembly, Mr Sawhney, encouraged the RWA to submit an application in 2004. He argued that the government would sooner or later regularise all colonies in Delhi and it would be to MT's advantage to participate in the initial drive of regularisation to pursue and entrench their claims over the land. His support for the RWA's application for regularisation can be explained with reference to vote-bank politics. While other unauthorised colonies have employed 'competitive electoral mobilisation' as a key strategy for claims-making, (Chatterjee 2004: 139), the availability and efficacy of this strategy for MT are constrained by Tibetans' legally liminal status as voters in India. (Gupta 2019). Given this, residents of MT have participated unevenly in the Indian political process. This participation has yet to gain legitimacy within the exile community and has a controversial relationship with the CTA's discourse of statelessness. While this has prevented Tibetans from exercising their voting rights as a pathway to press their claims, they continue to be cultivated by political parties as a potential vote-bank. This has provided the RWA with opportunities to tap into local electoral politics to court support for their claims, though without positive guarantees of inclusion.

To participate in the regularisation process, the RWA registered itself as a society under the legal provisions of the Societies Act in 2004. This converted its status from an informal actor located outside governmental processes to a legal entity, formalising its role as a representative of MT in municipal negotiations. MT, which was essentially a colony of refugees, could now legitimately stake claims similar to Indian citizens even as its residents did not possess formal citizenship. The RWA has since 2004 consciously constructed a narrative of citizen-like claims as evident from the following statement of the former *Pradhan*.

Who is regularised? Only citizens are regularised. Now they are regularising us too. Our colony, it was a refugee colony earlier. Now it has become New Aruna Nagar Colony.
(Former *Pradhan*)

Similarly, in a letter to the Department of Urban Development, MT's local Member of Delhi's Legislative Assembly argued that, "Majnu ka Tilla is one of the old colony in Delhi which remained unnoticed and never listed in the earlier list of unauthorised colony" (Delhi Development Authority, n.d.: 46).

Here MT is presented as similar to other unauthorised colonies, rather than as a refugee colony. To support the claim of long-term occupation, MT's application for regularisation provided details of municipal services like water and electricity connections that had been made available to the residents over the decades, pictures of the 2000 ceremony where the

¹¹ According to the DDA's gazette notification of 24 March 2008 guidelines for regularisation required that over 50% of the plots within the colony be built up as of March 31st 2002, the colonies should not pose a hindrance to the provision of infrastructural services, should not disturb existing railway lines, roads, sewerage and water supply lines.

former Delhi Chief Minister Sheila Dixit renamed the settlement as New Aruna Nagar Colony, blueprints, layout maps of the colony and the registration papers of the RWA as a society under the Societies Act of India.

Like other unauthorised colonies, MT also drew on specific rhetorical strategies to strengthen its claim. It employed the neo-liberal rationality of paying for municipal service provision (Ranganathan 2014) in making its claims visible to the state. In addition, the RWA in MT used the ‘discourse of respectability’ (Lemanski and Lawa-Rewal 2013) by adopting a voluntary ban on the brewing of *chhang* liquor in 2004. This was done specifically to reconstruct MT’s image as a safe residential space to counter popular and bureaucratic imaginaries of the colony as dominated by motifs of criminality, poverty and illegality.

It is, however, important to note that the regularisation process of the Delhi government does not concern itself with the formal citizenship status of the residents and only addresses the issue of planning violations. A highly placed official within the DDA when asked about the relevance of refugee identity in the regularisation process explained:

The regularisation policy was open to everyone. There was no bar for any community to apply. The fact that Majnu ka Tilla was a refugee colony did not matter. There were no special difficulties they faced on account of being a refugee community and they did not receive any special considerations either. (Official at Delhi Development Authority)

In 2008, a provisional regularisation certificate was issued to the Residents Welfare Association including MT in the list of unauthorised colonies currently awaiting regularisation. This was indeed quite a coup for the association but complicated its relationship with the formal rehabilitation process for Tibetans.

Refuge or Rights: The Dilemma

Claiming and providing refuge has been the preferred institutional strategy of both the CTA and the Indian government when it comes to settling land issues faced by Tibetans in India. Until 2004, MT consistently reiterated that it is different from other colonies that have encroached on government land. It presented itself as a refugee colony, established with the tacit approval of the Ministry of External Affairs, therefore deserving of special consideration. The municipal government, usually directed by Central or state governments, accommodated this claim and made exceptions for the Tibetans in Delhi.

With regularisation, it is apparent that the RWA has transitioned from deploying claims of refuge to staking citizen-like claims to the city. This transition alters the relationship between the residents of MT and the state. Here, the site of formal negotiation shifts from the Central government to the municipal government that does not concern itself with the refugee status of the Tibetans. While the process of regularisation holds the potential promise of formal inclusion within Delhi’s planning processes, this is at this point only a possibility. As of the writing of this paper, the process of regularisation had not moved beyond the 2008 issuing of provisional certificates to unauthorised colonies, including MT. It appears that the issue of unauthorised colonies is brought up routinely during election periods with little change on the ground in between election cycles (Sheikh and Banda 2014). In the 2019 Delhi state election too, the issue resurfaced as a tussle between main opposing political parties promising regularisation without however providing a road map to it. The association, in its assessment of its claim, remains confident that MT will eventually

be recognised as an authorised colony, much like all other similar informal colonies in Delhi. Meanwhile, there is a debate within the Tibetan exile community about the possible outcomes of regularisation.

Given that MT's land title will continue to be in question even after regularisation, any resolution of precarities would require engagement with the question of individual land ownership. The leadership of the RWA is of the view that conferring individual titles of land in MT would not be a difficult exercise, as the regularisation processes will only formalise ownership practices already in place. The association maintains detailed blueprints, records of property tax and its records of property transfer amongst residents as material evidence of ownership practices within the colony. In addition, the RWA actively encourages new and existing constructions within MT to be in compliance with building norms. While this functions fairly unevenly subject to internal politics, there exists an understanding that being in compliance with municipal laws will facilitate greater security of land tenure.

In contrast, some CTA officials argue that regularisation has limits in terms of granting tenure security. Referring to the demolition order of June 2006, one CTA official pointed out that the only reason MT was not demolished was because of its identity as a refugee colony. Bracketing away this identity to align more closely with other urban residents is likely to make the colony more vulnerable to future demolition drives of the municipal authorities. However, the RWA is of the view that being part of the regularisation process actually provides more security as MT cannot be singled out for demolition. The current *Pradhan* argues, "It is difficult to move thousand plus colonies. Where would you relocate?" (*Pradhan*, interview, October 1, 2018).

MT's specific history as an informal colony also does not align with current Indian policy on centralisation of land tenure of Tibetan settlements. In 2014, the Government of India, in consultation with the CTA, codified a new Tibetan Rehabilitation Policy (TRP) mainly to address land-related issues in Tibetan settlements. The main recommendation of this policy is to standardised land tenure in Tibetan settlements in India by leasing the land to the CTA's Central Tibetan Relief Committee. While the TRP primarily applies to designated settlements, there is also a discussion between CTA and state authorities to use the TRP as a template to resolve *all* land disputes/issues involving Tibetans. For example, there is an ongoing dispute in Dharamshala involving 218 families who informally settled on forest land and have been served notices of eviction. In resolving this issue, the CTA has yet again deployed the narrative of refuge asking for special consideration for these families. It is possible that any eventual resolution of this matter will involve the leasing of the disputed land to the Central Tibetan Relief Committee rather than providing titles to individual residents.

There is a difference of opinion on whether MT would gain from the TRP, with the RWA arguing that MT has been and should continue to be an exception to the formal process of rehabilitation with regard to land. On the other hand, some officials in CTA argue that MT's claims to land are best safeguarded under the TRP which is an enabling policy of the Central government formally sanctioned for Tibetans to address issues of land tenure. However, any implementation of the TRP in MT will require ascertaining who among the residents are included in the category of de-facto Tibetan refugees. Given its history, MT is home to Tibetan refugees, Indian and Nepali citizens sharing a broad Tibetan Buddhist identity, hailing from the Himalayan belt. More importantly, having asserted citizen-like claims to land, most residents of MT do not wish to retreat to a narrative of refugeehood that precludes individual claims of property ownership.

Beyond formal processes, the issue of property ownership also complicates the politics of exile identities. The moral discourse of exile has consistently privileged a narrative of return to Tibet. Exile is, therefore, a temporary condition, despite its protracted nature. This narrative valorises hardships of exile and promotes foregoing material benefits of citizenship, such as property ownership. Here return and refusal of citizenship are framed as moral choices affirming political commitment to the Tibetan struggle. Consequently, many view acquisition of property in exile as having an inverse relationship to the political commitment to the struggle for Tibetan independence/autonomy. A casual worker in a clothes shop in MT says, “People who want to live in India build houses. I want to return to Tibet so I didn’t” (Casual worker, interview, May 19, 2016). Elaborating this further another CTA official says, “While individuals might benefit from buying property, it will be at the cost of the country. The movement will weaken” (CTA official, interview, October 1, 2018).

On the other hand, for many others, property ownership does not necessarily preclude participation in the Tibetan struggle or the desire to return. Rather, it serves as a crucial material resource to further the struggle. A resident in MT argues,

Without money and without land, there is no struggle... Owning property in India doesn't mean you won't want to return (Resident at Majnu ka Tilla)

Others, who envision returning to Tibet, believe that permanent ownership rights over land will enable them to preserve the legacy of Tibetans who lived in exile and Tibetan spaces in exile. The former *Pradhan* asserts,

If I take ownership here, people won't tear the buildings down. The Tibetan colony will still be alive even after I return to Tibet in the future. (former *Pradhan*)

The prospect of return also brings up specific anxieties of having to make a fresh start yet again for people living as a displaced population. Some Tibetans see themselves as continuing to live in India, the country of their birth, rather than moving to a country they have only heard about and imagined but never seen. For example, a shop owner in MT argues,

If Tibet becomes free, I will go back for a short visit. But we need to be realistic about this. We cannot leave behind the lives we have here. Also, there is uncertainty about resettlement. How will it play out?

This multiplicity of voices points to the complexities of lived realities of protracted exile. The RWA's attempts to categorise these voices to evolve strategies have met with contentions from within and outside. These contentions emerge both from individual as well as political positions on the issue of property ownership. The RWA drawing on its legitimacy as an elected body has successfully evolved a dominant view in favour of the language of rights. This creates an enclave of Tibetans unmediated by the authority of the CTA, specifically in addressing land tenure.

Conclusion

Being an urban unauthorised colony that has remained outside India's formal Tibetan rehabilitation processes, MT has an atypical trajectory of claims within the exile experience. MT's history is one of fluid negotiations between formal/informal spaces, helmed by its RWA. With the regularisation process, it is now accommodated within formal municipal processes and its fate aligned with residents of other unauthorised colonies in Delhi. In doing this, it has recast its claims as rights rather than appeals for refuge. While the regularisation

process has not yet legalised its claims, the RWA remains confident that this strategy will eventually provide greater security of tenure. On the other hand, alignment with Delhi's urban residents contradicts the dominant Tibetan refugee identity that is the basis of MT's genesis and survival over the decades. Further, the regularisation process will eventually necessitate engaging with the issue of individual land ownership. This runs counter to the standardising logic of the current Tibetan rehabilitation regime, creating groups within the Tibetan community with different relationships with land. This contradiction and fracturing are outcomes of protracted exile that produce a multiplicity of identities of refugee and resident that seek overlapping structures of legitimacy to negotiate everyday precarities.

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