

## **LINGUISTIC RIGHTS OF THE DEAF: THE INDIAN CONTEXT**

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The impact of hearing impairment on an individual is multifold. It is not limited to difficulties in interpersonal communication alone, but it can affect the individual in practically all aspects of his/ her life depending on the age of onset and the conditions under which HI (hearing impairment) takes place. The total impact can be devastating in terms of cognitive and intellectual growth and development, social and cultural development. It can also have serious implications for acclimatization in the society, beginning with home and family, if HI happens early in life and immediate linguistic and cultural support is not available/ provided. Even if HI strikes at a later age, if no medical, linguistic, cultural support is forthcoming, the impact can be visible in terms of socio-cultural, academic and vocational achievements and overall development of the individual. It's not just the absence of or lack of communication with the environment as it is assumed by some, but it can seriously hamper the cognitive development of the individual. Case of Chelsea is well known. I have talked about the case of Chelsea in a number of talks and papers, and would like to refer to the same yet again in today's context. Chelsea is the name of the woman who was wrongly diagnosed as mentally retarded and lived the life of one until the age of 34, when by accident it was discovered that she was NOT mentally retarded; she was only DEAF. Study of Chelsea has opened our eyes to some simple facts, and has also raised a number of questions. The most important question in the present context is regarding the role of linguistic environment in early stages of development for proper cognitive development. We cannot say the development of one is contingent upon the other, but the fact remains that the two, the linguistic development and the cognitive development, happen simultaneously and do have a catalytic effect on each other.

Linguistic development can enhance and enrich, support the cognitive development in a number of ways just as the cognitive development does in the process of language development in little babies. In case of Chelsea who was born deaf, there was no language input in the early years, verbal language she could not hear and sign language was nonexistent in her environment. So if she appeared to show cognitive deficit like a mentally retarded person, and audio tests may not have been conducted properly, she had to stay with the MR (mentally retarded) people which worsened her condition.

The other important fact which is equally important is the fact that the language input if not through auditory channel, then through the visual medium has to be provided early in life otherwise the ability to master a system like language may be completely lost. Chelsea's hearing was partly restored and extensive language training was provided. But at the age of 34, way beyond the 'critical period' for acquisition of language, she could only master a few words or phrases as simple commands, but could not put together words to make even a simple sentence. It is important to understand that in case of the HI (hearing impaired) the clinical and the cultural, the emotional and the social always go together. Different societies have handled Hearing Impairment differently, but generally speaking a greater degree of success can be seen in societies where there is a multipronged approach to this multifold, multidimensional impact of HI. The multipronged approach would imply and necessitate full cooperation (and participation) by different stakeholders in any state or non-governmental initiative. The *UN Resolution adopted by the General Assembly [Without reference to a Main Committee (A/61/611)] 61/106 Convention on the Rights of Persons with Disabilities* that we examine today shows that if the Deaf in this country are deprived of education and consequently placed on the margins of the society in every possible way, it is the whole system which has to take the blame and the responsibility.

After *Article 1, Purpose, Article 2, Definitions and Article 3, General principles*, there is *Article 4, General obligations* which clearly states:

(a) *To adopt all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the present Convention*

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*(b) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities.*

*(c) To take into account the protection and promotion of the human rights of persons with disabilities in all policies and programmes ,...*

As we see in this paper, we as a nation fail in all the four obligations mention above in case of persons with disabilities, especially so in case of the HI.

One HI person not only qualifies, in fact scores a position in top five in the prestigious IAS examination but is denied the honor, and the job because of his hearing impairment. No legislation, no law helps him. As HI it was nearly double the effort to reach that level of education and training, and to achieve what just about five out of so many hundreds of thousands of people with no disability can achieve is really admirable. Instead of recognizing the fact that as HI he did not have easy access to education like others and yet he made it, he is denied a position that he earned by sheer hard work and determination, with linguistic support provided by the family, and is rightfully his. (a), (b), and (c) above of Article 4, all of those become meaningless when you see this kind of discrimination against persons with disabilities. Further, the same **Article 4, General Obligations** continues

saying:

*(g) To undertake or promote research and development of, and to promote the availability and use of new technologies, including information and communications technologies, mobility aids, devices and assistive technologies, suitable for persons with disabilities, giving priority to technologies at an affordable cost.*

*(f) To promote the training of professionals and staff working with persons with disabilities in the rights recognized in the present Convention so as to better provide the assistance and services guaranteed by those rights.*

In the context of HI what new technologies and aids are being developed to help the HI if I may ask? Apart from what is happening internationally in the area of audiology and cochlear implants which is neither applicable nor feasible across the spectrum, (young and old, rich and poor, prelingual and postlingual deaf, urban

and rural etc) there is hardly anything being done which can be called development of assistive technologies for the deaf. How are we helping them first acquire language, which has to be sign language and then go over to reading and writing, and then go on to development of s/w and tools and technology which can help them learn to speak without hearing.

Practically nothing is being done there. The authorities have neither the vision nor the expertise to do that, or even apply what is available in other countries.

(f) above talks about 'training of professionals and staff....' The authorities are not surprised but shocked when they are told that there is a B.Ed (Deaf) which is meant to train teachers especially for the deaf students. I think the first and the foremost requirement of such a programme should be training in Sign Language of the region. Teachers in this programme should be trained bilingually, and should also be aware of the bilingual programmes for Deaf education. But this course does not even have a basic/ elementary/ introductory course on what is Sign Language. When some of these teachers join a school for the deaf, they are not even aware that there is something called Sign Language which they should know. They expect little children to learn to lip read, understand their lessons through gestures and body language which varies from one teacher to another, and when they fail to understand, they are called stupid and often beaten up. This is what we have actually witnessed in school after school, across the country.

Close to 250 million people in the world have moderate to severe HI in the world. In India, according to 2001 Census of India report, there are at least 1.62 million HI people, the number goes up if we include moderate HI as well. As per NSSO, 58th round conducted in 2002 the numbers are higher for the rural as compared to the urban; higher for males in rural India and higher for females in urban India. Urban and Rural data in different states compares like this:

High to Low HI: Urban

*Orissa*

*Tamil Nadu*

*Andhra Pradesh*

High to low HI: Rural

*Himachal Pradesh*

*Tamil Nadu*

*Orissa*

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*Himachal Pradesh*

*Andhra Pradesh*

*Rajasthan*

*Rajasthan*

It is interesting to note that data from the five states compared shows Rajasthan having the lowest incidence of HI both in Rural and urban contexts while Tamil Nadu shows a higher incidence of HI both in rural and urban areas. In HP it appears to be a bigger problem in the rural parts of the state than the urban areas whereas in Orissa it is more of an urban problem.

A recent estimate shows that the deaf in the country who have access to Sign language and who use sign language may be less than 1.5 million, but the total number of deaf people is anywhere between 2 to 2.5 million. This is just to show the magnitude of the problem, how much is required and how little is being done. Census of India records languages spoken by 10,000 or more people in the country although even that decision is contested by linguists and speakers of minority languages. Justice Ranganath headed commission for religious and linguistic minorities also remarked that 'use of population benchmark in 1990- 1991 census to register a language was a deviation from the constitution as it did not recognize such a condition'.(TOI report, 7<sup>th</sup> March 2010) There is no reason why sign language should not be recognized as a language despite the numbers and despite the fact that this remains the only means of communication for the deaf till SL facilitates the user become bilingual using written forms of other language/s as well.

Apart from Madan Vasishtha's work on Delhi, Bangalore, Bombay and Calcutta varieties of Sign Language and Melissa's work on Shillong Sign language and deaf education, there is hardly anything worth a name on Sign Language/s and teaching and learning of sign language/s used in India, including these six states mentioned above.

Regarding the availability of the clinical and the cultural support, let's look at **Article 7: *Children with disabilities*** which says:

1. *States Parties shall take all necessary measures to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children*

2. *In all actions concerning children with disabilities, the best interests of the child shall be a primary consideration.*

3. *States Parties shall ensure that children with disabilities have the right to express their views freely on all matters affecting them, their views being given due weight in accordance with their age and maturity, on an equal basis with other children, and to be provided with disability and age-appropriate assistance to realize that right.*

Little babies have a right to have access to language spoken in their home and family environment to begin with, and larger community and peer group subsequently. Denying them access to language is actually denying them freedom of expression as individuals at par with the others in the society. Going by 3 in Article 7 above the Hearing Impaired should be '*provided with disability and age-appropriate assistance to realize that right*'.

Examining the rights of the persons with disabilities in general and HI in particular, we find that some of the major issues and concerns are regarding: Availability of clinical and cultural support, Access to language for proper cognitive and emotional development, Access to education, academic and vocational, Socio-economic rehabilitation, speech therapy programme ...

Empowerment through education and alternative means of communication....

The government bodies and the babudom is not even aware of what is in the best interest of a deaf child, or what is meant by the linguistic rights of a deaf child, how do we expect them to provide the deaf child '*with disability and age appropriate assistance to realize that right*' or even to create awareness amongst laypersons and society at large including parents and families of the deaf.

**Article 8** is on **Awareness-raising** which very explicitly states that the '*State Parties undertake to adopt immediate, effective and appropriate measures:*

(a) *To raise awareness throughout the society ...*(b) *To combat stereotypes, prejudices and harmful practices relating to persons with disabilities...*

(c) *To promote awareness of the capabilities and contributions of persons with disabilities*'.

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Further in 2, Article 8 it says that the measures to this end include campaigns, fostering at all levels of education an attitude of respect, ... involving media, organizing awareness & training programmes.

**Article 9 Accessibility** also talks about access to public signage and to provide in buildings and other facilities open to the public signage in Braille and in easy to read and understand forms;

(e) To provide forms of live assistance and intermediaries, including guides, readers and professional sign language interpreters, to facilitate accessibility to buildings and other facilities open to the public.

Article 21 *Freedom of expression and opinion, and access to information* is absolutely clear, unambiguous, and in no uncertain terms emphasizes the use of Sign Language for the deaf. Also recognizing and promoting the use of SL, says:

(b) *Accepting and facilitating the use of sign languages, Braille, augmentative and alternative communication, and all other accessible means, modes and formats of communication of their choice by persons with disabilities in official interactions;*

(c) *Urging private entities that provide services to the general public, including through the Internet, to provide information and services in accessible and usable formats for persons with disabilities*

d) *Encouraging the mass media, including providers of information through the Internet, to make their services accessible to persons with disabilities*

(e) *Recognizing and promoting the use of sign languages.*

Various associations of the deaf in India, NGO's and different stakeholders have been demanding recognition of SL ( Sign Language), and setting up SL Academy for the development and promotion of the language, promoting the use of SL in primary education till the child is ready for bilingual education and inclusive educational institutions. All these demands have fallen on deaf ears. The Government does not know, perhaps does not even care to know that a number of SL's across the world have been recognized by their respective governments, BSL, ASL, Dutch SL, Swedish SL and African SL... to name a few.

In the end, coming to Article 24, the most important in the present context, I would like to reproduce the following:

### *Article 24 Education*

1. *Right to Education. With a view to realizing this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an inclusive education system at all levels and directed to.*

(a) *the full dev of human potential and sense of dignity and self worth...*

2. *In realizing this right, States Parties shall ensure that:*

(d) *Persons with disabilities receive that support required, within the general education system, to facilitate their effective education;*

(e) *Effective individualized support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion.*

3.(a) *Facilitating the learning of Braille, alternative script, augmentative and alternative modes, means and formats of communication and orientation and mobility skills, and facilitating peer support and mentoring*

(b) *Facilitating the learning of sign language and the promotion of the linguistic identity of the deaf community;*

(c) *Ensuring that the education of persons, and in particular children, who are blind, deaf or deafblind is delivered in the most appropriate languages and modes and means of communication for the individual, and in environments which maximize academic and social development.*

(4) *In order to help ensure the realization of this right, States Parties shall take appropriate measures to employ teachers, including teachers with disabilities, who are qualified in sign language and /or Braille, and to train professionals and staff who work at all levels of education. Such training shall incorporate disability awareness and the use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques and materials to support persons with disabilities.*



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*(5) States Parties shall ensure that persons with disabilities are able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others. To this end, States Parties shall ensure that reasonable accommodation is provided to persons with disabilities.*

It is unfortunate that we as a nation fail miserably in all those 1 to 5 of Article 24. Education is a basic human rights issue world over, and yet little that's done, a miniscule of the effort done is actually fruitful. It is not surprising at all that barely 1% of deaf population are actually able to reach secondary education, and only about 0.002% are able to go for higher education.

There is no clear understanding in the babudom as to what is the best course for a deaf child. (inclusive – customized, monolingual – bilingual, bimodal, speech therapies, rehabilitation, etc...) As I said earlier in this paper; some of the major issues and concerns are:

Availability of clinical and cultural support,

Access to language for proper cognitive and emotional development

Access to education, academic and vocational,

Socio-economic rehabilitation, speech therapy programmes ...

Empowerment through education and alternative means of communication....

Education is recognized as the basic human rights issue the world over; why should the HI be deprived of education and knowledge, and consequently a life of dignity and comfort. By denying appropriate forms of language, we are also denying the deaf access to education. A number of countries have given recognition to SL, where it is accepted as the first language/ native language of the deaf, and also as language of their identity and self respect, as a means of emotional and cognitive development.

As one step leads to another, SL serves as a means to education, at least primary education, and then as a means to bilingual, bimodal education, development of teaching and training materials for SL, dev of multimedia lexicons, grammars,

and text books etc follows subsequently. As the needs and requirements of deaf education become more visible, use of popular media for information and entertainment, societal support, gradually dissolving prejudices and discriminatory practices, etc follows naturally. In India if we don't even take the first step, i.e. ensuring access to language, ensuring proper linguistic- cognitive- emotional development,

How do we propose to prepare the child for education , how do we expect a child who is way behind the others of his age to cope when it comes to formal education which is all imparted through speech/ language that they cannot hear.

This document continues on issues as significant as education but as we can see language, access to language and education is the first step, what follows in Articles 26, 27, 28, 29...on rehabilitation, work and employment, participation in public and political life, participation in social and cultural life etc can only follow afterwards.

I would like to conclude this paper reiterating my point that in case of the HI it is a multidimensional problem. Different societies have handled Hearing Impairment differently, but generally speaking a greater degree of success can be seen in societies where there is a multipronged approach to this multifold, multidimensional impact of HI. The multipronged approach would imply and necessitate full cooperation (and participation) by different stakeholders in any state or non-governmental initiative. The fact that the document we examine today, the resolution adopted by the Convention does take into account a number of different aspects of rights of the persons with disabilities, we need to impress upon the government to take the initiative, bring together the different stakeholders so as to ensure effective implementation.

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