

SIGN LANGUAGE - A HUMAN RIGHT – AN ESSAY ON THE PREVAILING STATUS AND RECOGNITION OF SIGN LANGUAGE IN INDIA

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Abstract

This paper discusses the need for recognizing Indian Sign Language (ISL) as a Human Right for the deaf community in India. It explores the history of disability rights and the changed perspective towards disability at the United Nations Convention for Rights of Persons with Disabilities (UNCRPD) and draws upon it to discuss the linguistic rights of the deaf in India. Calling upon these rights of deaf individuals, this discussion puts forth a number of historical facts as well as real-life incidents observed in the lives of deaf individuals, such as how the majority of the deaf community is still being deprived of its linguistic rights to express itself in sign language and to gain access to education at an early stage of their life. It outlines, through examples, how a number of educational institutes meant for the deaf in India remain unequipped till date with the required sign language skills for training the deaf. The lack of awareness about ISL and the consequences thereof faced by deaf individuals as well as their families are summarized too. The discussion also includes excerpts from news articles wherein the current circumstances of the deaf community in India are described. The delayed exposure of deaf individuals to ISL and the resultant lack of learning of mainstream knowledge are observed and discussed in detail. The paper also delves into the relationship between sign language and development of a deaf individual in the real sense, and offers instances in which deaf individuals have lagged behind in educational aspects along with suffering emotional frustration. The attempts made by Disability Rights Activists to bring about a positive change in the circumstances and towards recognition for ISL are also mentioned. The article also asserts on other related aspects of deaf life, apart from education and upbringing where expression through sign language plays an important part, such as the inability to express physical and emotional exploitation and the resultant trauma. It acknowledges the fact that sign language is indeed a human right for the deaf and ultimately needs its due recognition.

Keywords: disability rights, deaf, sign language, access to education

INTRODUCTION

An estimated 1.8 million deaf population in India has been struggling for equal rights since independence, for over 72 years now!

A somewhat recent development in this regard is that the Rights of Persons with Disabilities Act passed in 2016. Considered to be a major advancement in the overall perspective towards disability, this act is looked upon as a breakthrough step in moving away from a viewpoint of charity to that of a rights-based stance, with appropriate provisions for the disabled.

Emphasizing heavily on rights of the disabled, this act stresses on right to equality and opportunity, right to home and family, and the right to accessible education. In case of the deaf community, this means gaining education through the medium of Indian Sign language (ISL).

This research paper has been written taking this background into account and with the aim of providing real-life cases which have seen little or no impact of this right to barrier-free, accessible education and the right to freedom of expression in sign language.

Shift from Disability as a Medical to a Human Rights Issue

As stated earlier, in 2016, The Rights of Persons with Disabilities Bill was passed in India. A major change brought by this Act was that of inclusive education, wherein it was declared that people with benchmark disabilities will get accessible education i.e. for Deaf community education through the medium of sign language.

This step was the result of long-term advocacy by several disability associations with UN CRPD, wherein disability was looked at not just as a medical condition but as a human rights issue.

To cite:

“Adopted in 2006, the CRPD and its associated Optional Protocol is the first international convention to explicitly recognize disability as a fundamental human rights issue. The Convention thus marks a paradigm shift within UN legal drafting by recognizing that disability is not an individual medical problem but results from the interaction between persons with impairments and attitudinal and environmental barriers that hinder their full and effective participation in society on an equal basis with others.”¹

The paragraph above sums up in the best way how deafness hinders communication and creates barriers in the path of deaf individuals when it comes to equal and effective participation in the Indian society.

Hilde Haualand and Colin Allen mention in their paper 'Deaf People and Human Rights'²:

"Attitudinal and environmental barriers, not the physical impairment, prevent people with disabilities from enjoying full human rights; for Deaf people, the major barrier is lack of recognition, acceptance and use of sign language in all areas of life, and lack of respect for Deaf people's cultural and linguistic identity."³

The paper further mentions how these barriers are, in fact, a violation of human rights of the deaf community.

How is Sign Language a Human Right?

"Neither the Declaration of Human Rights nor the CRPD declare access to a specific or individual language or sign language as a human right; they state only that discrimination on the basis of language is not permitted. Herein lies a premise that all languages are equal, and all languages and their users should be respected and protected in their own right. When Deaf people, whose natural language(s) are sign language(s), are denied the use of sign language in interaction with other people or experience discrimination in various areas of life because they use sign language, the consequence is violation of their human rights. Sign language is at the core of Deaf people's lives; sign language makes accessibility for Deaf people possible; without accessibility, Deaf people will be isolated."⁴

With reference to India, the RPWD ACT 2016 mentions that it is necessary to implement the convention. In addition, Clause 2A of Article 19 of the Indian Constitution consists of the Fundamental Right that says all citizens must have the freedom of speech and expression. The passage in the same paper that asserts this right of citizenship with respect to the deaf is worth noting:

"Equal citizenship seems to be a 'paper status,' not a status Deaf people experience in practice. As outlined earlier in this chapter, the CRPD underlines that full citizenship includes "freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice". The measures to ensure this right for Deaf people are not only to accept and facilitate the use of sign

languages, but also to recognise and promote the use of sign languages. (Article 21(b and e))"⁵

Since a majority of deaf population is unable to speak (most deaf people use stuttered speech and a very less percentage is able to speak fluently), this paper demonstrates exclusively how such inaccessible auditory and spoken languages and even written communication which can only be understood by literate people (requiring sufficient education which most deaf people are not facilitated with) renders the Deaf to use sign language as that is the only natural and accessible language.

Deaf people in India, and also around the world, therefore, express themselves through the medium of sign language. In this context, the freedom of expression means the right to communicate in sign language. However, the history of deafness in India has witnessed that signing communities are often discriminated against not just by society but also by family members.

REASONS THAT NECESSITATE CLAIMING SIGN LANGUAGE AS A HUMAN RIGHT

The roots of this discrimination lie in the socio-cultural environment of the Indian community, where sign language communication is looked down upon as just a set of random gestures. Communicating in such gestures often means creating embarrassing situations for the signers. Parents have admitted to feeling ashamed about using sign language as it marks them as different from the others.

Michele Friedner, in her book, *Valuing Deaf Worlds in Urban India*, states how there is a huge gap in communication between the deaf and their families.

"Deaf young adults frequently told me about the disconnection that they felt while spending time with their families. Many of my friends strongly felt that they have little or no communication with their families. They lamented the fact that their parents did not know sign language and they told me that the only interactions they had with their families were related to biological needs such as eating, drinking, and sleeping. A common refrain was: "My mother only beckons me to come and eat and then tells me that it is time to sleep." Home for many deaf friends was a place to eat and sleep, but not much else."⁶

In addition to this, for parents of deaf kids their child acquiring sign language means the loss of speech even if it means pronouncing unclear stuttering words. They fear that their child will lose the ability to stammer or stutter whatever oral communication has been taught at an early school age.

The fact that sign language is a visual language, that it creates comprehension, and that it is useful in understanding is not made aware to them. Moreover, it has been commonly observed and noted that the tendency of such parents is towards making their deaf offspring capable of showing a so-called 'normal' development irrespective of whether there has been any real cognitive development of the deaf child. It is expected that the deaf child will have to learn oral language to survive and participate in the prevailing society in which he or she lives.

There are instances when a deaf child was judged by his or her parents for not being able to learn how to pronounce an increased number of words. Being able to stutter more words is, for them, a concrete sign that

the child has been acquiring more knowledge. The same child, if he/she knows the signs to more words, does not seem to have gained much knowledge according to these parents.

An example of this can be given from a very mundane real-life incidence that the author of this paper underwent and noted while working as a sign language instructor at an NGO.

Renu (name changed), a nine-year-old deaf girl, had been learning speech-oriented oral education at a government institution for three years. Her grandfather was dissatisfied with the result of this education, as she was unable to acquire much knowledge except for pronouncing the word 'Fan' in Hindi. However, after meeting the author, her grandfather decided to send her to the NGO where the author was working as a sign language instructor.

Renu started learning Indian Sign Language at the NGO and began identifying herself with the deaf community. Her eagerness to visit the NGO to learn more and more astonished her grandfather since she used to find excuses to avoid studying in the earlier government institution.

However, after a few months of learning, Renu's parents voiced their dissatisfaction about her learning capabilities. They said that earlier she used to stutter the names of her family members at home, for example, saying Bua (aunt), but after acquiring sign language, she started signing the same word in Indian Sign Language and stopped saying the word Bua. In addition, according to them, she had started pronouncing 60 different words during her summer vacation when she was away from the NGO. To test this claim, the author pointed at a wall clock and asked Renu to pronounce the name of the object being pointed at. The deaf child could not pronounce the correct word. When asked to sign for the same object, however, she could immediately express herself in Indian Sign Language, pointing at her own wrist, denoting the concept of time.

This example clearly indicates that, given the freedom to express in sign language, the deaf child was able to develop and demonstrate her cognitive capabilities, and that of attaining knowledge. If the right of a deaf child to sign is denied, it eventually means that the freedom to express is being denied to the deaf child - which is a violation of the Clause 2A of Article 19 of the Indian Constitution.

The barriers in language acquisition, thus, start sprouting at a very early age for the average deaf child in India. Sign language learning is hindered and even avoided due to the myths and misconceptions believed by the parents of deaf kids.

When this same deaf child grows up and moves from within the family bosom to a broader social environment, such as school, the struggle to communicate, to grasp and gain cognitive development, becomes all the more intense. Early intervention professionals and schools which provide education for disabled communities focus on oral education

Many parents are, to quote Michele Friedner:

"...specifically instructed by school administrators and audiologists not to sign with their children. ... Early intervention professionals....and educators stress that their children should learn to speak and lip read, and that they should wear hearing aids. They are told that they should enroll their children in educational institutions that use the oral method of education."⁷

The deaf child's necessity of language, his or her right to use sign language, to facilitate understanding and learning, and to grasp the real meaning of the world around him/her, are thus left unaddressed and, in fact, are actually denied from the beginning of life itself. Such a language-deprived deaf child, who's unable to read and write, finds it immensely difficult to acquire knowledge and cognitive development and eventually lags behind in comparison with a hearing child of the same age.

Most education systems in India do not teach sign language and go so far as to strictly prohibit the use of sign languages within schools. The educational scenario prevailing in India is described aptly in the following paragraph by Michele Friedner:

"This is because the needs and desires of sign language using deaf people have largely been invisible to both the state and the public at large (comprising people who are not deaf and who do not use sign language).....The Rehabilitation Council of India, the government body that oversees special schools and teacher training programs, only offers a fifteen-day sign language training course for teachers and most deaf schools do not provide deaf children with literacy or general education skills. Although India signed and ratified the United Nations Convention on Rights of Persons with Disabilities (UNCRPD) which specifically mentions deaf people as a linguistic minority and the importance of sign language in deaf people's lives, there has been little or no implementation of the convention."⁸

As a result, the education progress of a deaf child is hindered, resulting in largely superficial and unproductive speech development that does not entail cognitive growth. Most school-going children between the age group of five to fifteen years of age are usually taught by hearing special educators who are ill-equipped and untrained in sign language.

A recent article published by India Today about TEACH, a non-governmental organization working towards facilitating higher education for deaf children, asserts that:

"Deaf students attending these schools don't understand much of what is taught in class. They simply copy from the board whatever is written by their teachers. They end up spending a lot of energy trying to understand what the teacher is saying and to keep up with their peers in taking notes.... they also end up tired and suffer from headaches by the time school is over for the day."⁹

Due to lack of awareness, the teachers assume that deaf kids are dull and have problems with concentration. They are looked at as being lazy and inattentive in class. Such deaf students are most often deprived of educational privileges that involve learning mainstream subjects such as Math, English, Science, and other related topics. The lack of language communication and relevant numerical skills make it extremely difficult for these deaf children to aspire for higher education, beyond class 10th or 12th, and thereby hinders their chances of landing a high-profile job.

In her book, Michele mentions that most of her deaf friends:

“formally started learning sign language after finishing class ten and attending vocational training or higher education programs where sign language is explicitly taught as well as utilized as a medium of instruction.”¹⁰

Thus, when these deaf students finish high school education, they later flock at NGOs that provide them with training to place them in jobs such as housekeeping, brewing, back-office, and so on. Special schools stress mostly on teaching vocational skills, such as jewelry designing, book binding, packaging, tailoring, beauty courses, Data Entry, and DTP. Due to late intervention of disability education, a deaf individual is far less equipped with employability skills than a hearing individual of the same age group.

Consequences of Sign Language Deprivation

The author of this paper has often come across parents of deaf youth (aged between 15 and 18 years), who became aware of sign language training only when their deaf offspring enrolled into courses offered by NGOs. These parents expressed immense regret about not being made aware of accessible education techniques that involved sign language training courses during their children’s childhood period. These parents regretted wasting both time and money in sending their deaf child to government-approved schools and institutions where neither was any concrete education imparted nor any actual, cognitive development of their deaf child occurred. In fact, many of them said that their deaf child often expressed anger and resentment to the point of throwing things at home to express frustration, due to feeling isolated in a hearing environment.

An important aspect to be noted here is the inability of parents to foresee this predicament during the early years of the deaf child, even if they are offered the option of learning in sign language. This is made evident from Renu’s example, as mentioned earlier in this research paper. The loss of time in trying to convince parents of the effectiveness of sign language is irreversible in this case and very harmful for the development of a deaf child.

This happens due to lack of awareness among parents of deaf children. Such parents need to be made aware of real-life cases of other deaf children from which they can take counsel. This would eventually lead them to taking remedial steps at the right time to bring about actual cognitive development of their deaf child.

In case of deaf individuals, as stated earlier, education in the real sense is imparted much later in life - mostly after they finish adolescence. Thus, they miss out on important cognitive learning at the right time in their life. They also miss out on peer contact and interaction which is another necessary aspect of childhood upbringing as they seldom get the opportunity to sign and communicate with other deaf friends.

A recent article, “Hearing Impaired Learning Deprived” published by Hindustan Times, dated Aug 25, 2019, mentions how a deaf boy aged 16 years, hailing from Ghaziabad, has been unable to grasp any practically useful knowledge even after passing class 10. The article also puts forth similar cases of two other deaf boys, one from Patna and another from Pune.

“My school in Patna did not have any special facilities for the hearing impaired. We were expected to read lips and speak; every day in class was a struggle,” he said. Tiwari and Negi are now among the 50 others attending remedial classes in Maths and English at the Noida Deaf Society, an NGO, which works for the education of deaf children.”¹¹

The article further goes on to give an approximate estimate of such learning deprived deaf children:

“There are about 2 million deaf children in the country — a vast majority of who attend only primary schools before dropping out, as oralism, and not the sign language, dominates classroom lessons in most schools for the deaf.”¹²

The overall scenario in India regarding sign language acquisition and using it as a medium for learning is thus very bleak. On the one hand, regular schools are not equipped with the requisite sign language trained teachers.

“Most regular schools do not have the staff and infrastructure tuned to the needs of the hearing impaired, say disability rights activists. To meet the statutory requirements, they hire special educators, most of who specialise in visual impairment or mental retardation, and not trained to impart education in sign language.”¹³ On the other hand, there are special schools where oralism is adhered to while teaching deaf students.

ATTEMPTS AT GIVING RECOGNITION TO INDIAN SIGN LANGUAGE

Disability rights activists along with the deaf community have been trying hard for a long time to change this situation. As a result of this struggle, the Indian Sign language Research and Training Centre (ISLRTC), an autonomous body under the central government's Department of Empowerment of Persons with Disabilities, was set up in September, 2015, for the development and promotion of ISL.

"It runs outreach programs and short and long-term courses in ISL. Earlier this year, it launched the second edition of the Indian sign language dictionary which lists 6,000 words in Hindi and English along with their corresponding graphic representations. The dictionary has everyday terms, and also legal, medical, and technical terms."¹⁴

In spite of this, the struggle for sign language recognition continues. A PIL had been filed in the Delhi High Court in December, 2019, by Disability Activist, Nipun Malhotra, along with Dr. Alim Chandani and the National Association of the Deaf as co-petitioners. This PIL was filed for the recognition of ISL as the 23rd official language to be included in the VIII Schedule of the Indian Constitution.

The Delhi High Court dismissed the plea in July, 2019, saying that since the Indian Sign Language Research and Training Centre has been established by the Government to promote sign language, it did not see any reason in directing the government to take any other steps. It also referred to the affidavit filed by the central government to highlight that there are adequate provisions already in place under various sections of Rights of Persons with Disabilities Act of 2016, such as Section 16 and Section 42. As stated earlier, in the news article citations, these provisions are only on paper and remain to be implemented in actuality.

So far as proper and appropriate upbringing and education are concerned, the situation of the deaf community needs immense improvement. The right to use sign language as a medium of expression and gaining accessible education are not confined to just these two aspects of life of deaf individuals. Many deaf youth, male and female alike, have suffered piteously in situations where physical and emotional abuse is involved. Cases of discrimination, rape, domestic violence, and sexual exploitation against deaf women are rampant in India. Unable to express their torment, such deaf sufferers have to wait interminably for justice and face the resultant trauma. A distressing evidence of such exploitation is the Chennai Rape Case, in which an eleven-year-old deaf girl was gang raped by 22 men for over seven months. In a very recent mob lynching incident that happened in August 2019, a deaf woman, who was unable to communicate well, was suspected to be a child lifter and beaten by two men in Delhi (as shown in a viral video). The Delhi Commission for Women held the two men for assault and it was reported in a leading daily, the Hindustan Times, that the commission would ensure the woman's rehabilitation. However, considering the lack of language skills, it is still questionable if she will be able to clearly express what her situation is and whether she will truly get an actual opportunity and assistance for rehabilitation. These and many other cases of exploitation go unheard or unnoticed due to lack of communication and missing access to language.

This paper attempts to acknowledge the necessity to recognize sign language as a human right, by putting forth how various aspects of life of deaf individuals are essentially related to signing. It stresses on the fact that the deaf community in India is being deprived of its linguistic rights, and how sign language should be seen a human right. Even though the UNCRPD emphasizes on the role of governments, the paper status of this issue needs to change. Real empowerment will occur only when actual implementation is done. The experiences of NGOs working with deaf community are very important resources in this regard. The knowledge and understanding derived from them can help in ensuring human rights for Deaf people. This can result in much better quality of life for deaf people.

The government also needs to understand and respect the opinions and knowledge of Deaf people and take their counsel while strategizing for their needs. To plan and implement any program services or legislation, understanding the perspective of the deaf community is imperative because such endeavors will ultimately affect their lives. It is time that Deaf community attain their rights and help the future generations of deaf people to break free from a disempowered and accessibility deprived life and enjoy their human rights to the fullest.

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