



India's language policy for deaf and hard-of-hearing people

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Abstract

The aim of the paper is to investigate India's language policy for its deaf and hard-of-hearing community. Although India's language policy has been examined in great detail in existing research, policies for deaf and hard-of-hearing have received little attention by scholars. In light of the scarcity of debate and research on policies for deaf and hard-of-hearing people, the paper focuses on four key issues. First, it takes a critical view of the neglect of deaf and hard-of-hearing at various levels, including academic, social and political. Second, it discusses the negative consequences of the problematic terminology that has been used in Indian censuses to count the number of deaf people in India. Third, the paper examines policy legislation in two domains (media and education) along with certain recent initiatives and their implementation, with the purpose of analysing to what extent recent policy changes have addressed, in these two domains, the needs of deaf and hard-of-hearing people. Finally, the paper discusses the drawbacks of the oralist teaching method practised in Indian schools. The discussion of these issues is followed by certain policy recommendations, one of which is to recognise the Indian Sign Language as one of the official languages of India so that a more inclusive policy for deaf and hard-of-hearing can be devised.

Keywords Language policy · India · Deaf · Hard of hearing · Indian Sign Language · Policy legislation · Oralism

Introduction

The aim of the paper is to investigate India's language policy for its deaf and hard-of-hearing community.¹ Due to the lack of awareness about deafness and the relatively small population size of deaf and hard-of-hearing people, they have remained marginalised in India's language policy, which is especially evident in the use of

¹ See the final paragraph of this section for my observations on the terms 'deaf', 'Deaf' and 'd/Deaf'.

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Table 1 Disabled population in India by disability type (2011). The official census data employs problematic terms such as ‘mental retardation’, which I disagree with. Source: Ministry of Statistics & Planning Implementation, (2021)

	Disability type	Number of people with disability	Percentage of total population of India (%)	Percentage of disabled population (%)
			Total population in 2011 = 1,210,193,422	Total population in 2011 = 26,810,557
1	Movement	5,436,604	0.45	20.3
2	Hearing	5,071,007	0.42	18.9
3	Seeing	5,032,463	0.41	18.8
4	Any other	4,927,011	0.40	18.4
5	Multiple disability	2,116,487	0.17	7.9
6	Speech	1,998,535	0.16	7.5
7	Mental retardation	1,505,624	0.12	5.6
8	Mental illness	722,826	0.06	2.7
	Total	26,810,557	2.21	100

I want to point out here that the term ‘mental retardation’ is not mine but taken verbatim from the official report by the Ministry of Statistics and Planning Implementation cited above. The official reports by the Indian Government still tend to use outdated terms such as ‘mental retardation’ or ‘deaf and dumb’. In this paper, I have avoided such usage, and wherever they are used, it is solely for the purpose of verbatim citation. The same applies for the term ‘impairment.’

outdated terms such as ‘deaf mute’ or ‘totally dumb’ in official documents.² Further examples of such neglect can be found at varied levels including academic, social and political. The academic neglect is documented by Knoors et al. (2019) who note that ‘most research about the education of deaf and hard-of-hearing children (DHH) has been carried out (and published) in the United States, the United Kingdom, Australia, and Western Europe’ and ‘there is a dearth of academic publications about the education of DHH learners and its effects in countries in the Global South as well as in other countries “beyond the Western world”.’ Some recent works such as de Meulder, Murray & McKee (2019) have examined macro-level sign language policies from the Global North as well as the Global South; however, there is still a need for works that examine language policies for deaf and hard-of-hearing people in India.³

² According to the 2011 Census, people with hearing disability constitute 0.42% of India’s total population. See Table 1. For a discussion of problematic terminology, see Sect. ‘Problematic terminology and its impact on census data’.

³ Research on d/Deafness has witnessed debates that question whether deafness is a disability or not. Reagan (2019) says, for example, that ‘for some d/Deaf people, it makes far more sense to understand d/Deafness not as a handicapping condition, let alone as a deficit, but rather, as an essentially cultural and linguistic condition.’ Brueggeman (2009) notes, however, that ‘the problem is that by wanting to disassociate themselves from a historical relationship with disabilities these deafness advocates are overtly contemptuous of other people who would quite likely love to declare themselves no longer disabled.’ I believe that, as a hearing and able-bodied person, I am not best placed to contribute to this debate, but I am not referring to deafness as ‘disability’ (except verbatim citations).

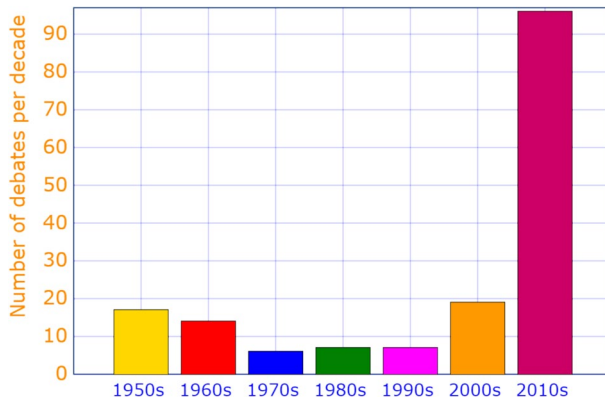


Figure 1 Decade-wise breakdown of the debates held in the Rajya Sabha on the topic ‘deaf’ (Data extracted from Rajya Sabha debate online repository. I looked for debates that carried the word ‘deaf’ in their subject titles. See Rajya Sabha Debates (2021).)

Social neglect is reported by Verma (1999: 111f.) whose survey of deaf people in Delhi shows that 82 per cent of deaf respondents expressed dissatisfaction with the attitude of their family members towards them, whereas 93 per cent felt dissatisfied with the attitude of their friends, relatives and neighbours. One can find similar trends at the level of political discourse, a telling example of which is the number of (decade-wise) debates that took place in the Rajya Sabha (Upper House of the Indian Parliament) on these issues. Records from Rajya Sabha’s online portal show that, in the 1950s, 17 debates occurred on the issues related to India’s deaf population and their welfare (Fig. 1). This number went through a steady decline in the 1960s, 1970s, 1980s and 1990s in which 14, 6, 7 and 7 debates took place respectively (ibid.). It was only with the start of the new millennium that policymaking has once again started to focus on deaf and hard-of-hearing people. For example, in the 2000s, 19 debates took place on this matter, and this number increased to 96 in the 2010s (ibid.). These numbers indicate that the needs of the deaf and hard-of-hearing were ignored for decades before they experienced a revival in the last decade.⁴

Taking this neglect as the point of departure, I aim to investigate India’s language policy for its deaf and hard-of-hearing population and outline the challenges in policymaking as well as their implementation. I focus primarily on legislation because of its legally binding nature, but also look at recent initiatives such as the Accessible India campaign or the National Education Policy 2020 that are based on such legislation. Moreover, I discuss the usage of problematic terminology that has resulted in

⁴ There is little consensus as to how many DHH people there are in India. The official census data from 2011 report that there ca. 5 million deaf and hard-of-hearing people in India. However, according to a World Health Organisation news report, there are 63 million people with ‘significant auditory impairment’ (WHO, 2024); Varshney (2016) also states that there 63 million people with ‘significant auditory loss’. However, they do not explain the source of their estimates/numbers. According to the National Association of the Deaf’s annual report published in 2016, there are 18 million deaf people in India (NAD, 2016: 15). It should be noted the NAD (2016) report only uses the term ‘deaf’ and not ‘hard-of-hearing’. Finally, it should also be kept in mind that none of these data are up to date, as there was no census in 2021 due to the COVID-19 pandemic.

the numbers of deaf and hard-of-hearing people being undercounted in census data, which in turn has resulted in them being ignored in policies. Whilst discussing the implementation of legal provisions in the educational domain, I focus on the oralist teaching approach that has resulted in poor school attainment for deaf children. Finally, an important issue whilst examining policies will be the status of the Indian Sign Language (ISL), given the recent demands to declare it an official language of India (Bar & Bench, 2018; Zeshan et al., 2005). As covering all policy domains is beyond the remit of this paper, I focus only on two policy domains, namely media and education. The investigation and critique of policies and their implementation is followed by certain policy recommendations.

Prior to discussing the research overview on this topic, I want to add a brief note on some key terms. A key element of research on deafness is that a number of scholars distinguish between the terms 'deaf' (with a lowercase d) and 'Deaf' (with uppercase D) and, depending on their conviction, use 'deaf' (Calton, 2020), 'Deaf' (Ladd, 2003) or 'd/Deaf' (Senghas & Monaghan, 2002). Kusters, de Meulder & O'Brien (2017: 13) argue that 'there are multiple problems with the capitalisation of "deaf" because "small d" (deaf) has come to mean "deaf people who do not sign and who affirm medicalised deafness and wear hearing aids" rather than just biologically deaf (as in not being able to hear).' They posit that the d/Deaf distinction creates or perpetuates a dichotomy between deaf and Deaf people even when trying to be inclusive by writing 'd/Deaf' (ibid.). Woodward and Horejes (2016) write in this context that a rigid taxonomy of deaf/Deaf is 'dangerous, ethnocentric, colonising and reinforces tautological and spiral debates with no positive constructions to the understanding of what it means to be deaf/Deaf.' According to Woodward & Horejes (ibid.), the original concept of 'deaf' was not meant as a binary opposite of 'Deaf' and that one can be 'deaf' and 'Deaf' at the same time.

Kusters, de Meulder and O'Brien (2017) also point out that although capitalising groups and nationalities (such as 'Italian') is customary in the English language, the capital 'D' makes little sense in many other languages. In this vein, I want to distance myself from the lowercase/uppercase distinction because conceptual categories should not be premised upon graphemic differentiation, as it renders them untranslatable. The graphemic differentiation of 'Deaf vs. deaf' is hard to translate in languages in which the script does not distinguish between lowercase and uppercase. So, if one were to translate into Hindi a research paper that relies on deaf/Deaf distinction, one would struggle to do so: this would be disadvantageous for parents not familiar with English, as they might miss out on information necessary for offering better care for their deaf children. Hence, in this paper, I refrain from using such graphemic shorthand and use 'deaf' in an audiological sense. I have not discussed deaf culture or identity anywhere in this paper, but I believe the descriptors 'deafness as a sociocultural identity' or 'deaf culture' can be used to describe what is conveyed through the uppercase 'Deaf' as used by Padden and Humphries (1988). Finally, some scholars such as Mandke and Chandekar (2019) also use the abbreviation DHH for 'deaf and hard-of-hearing'. In this paper, I use both 'deaf and hard-of-hearing' and DHH as equivalents.

Overview of research and theoretical issues

Although India's language policy has been examined in great detail in existing research that encompasses a multitude of disciplines, including political science and theory, linguistics and education, there are only a few articles that focus on the specific area of language policy for deaf and hard-of-hearing.⁵ One of the first papers to discuss legislation for deaf people was Seetharam (1981). The drawback of this paper is that it aims at offering a rather broad overview of disability instead of having a precise focus on DHH. In 2010, Bhattacharya published a brief piece on inclusive policies in education for children with disabilities (Bhattacharya, 2010). It is a useful contribution to research on policies, but—in common with Seetharam (1981)—it focuses on disability in general instead of adopting a precise focus on policies for DHH. Bhattacharya and Randhawa (2014) focus precisely on policies with respect to sign language and sign language rights in India and offer a good overview of such legislation. However, the discussions initiated through this paper need to be updated because it was published before the enactment of the *Rights of Persons with Disabilities Act 2016*, a crucial piece of legislation that introduced important changes in policies for people with disabilities. Moreover, Bhattacharya and Randhawa (2014) are largely concerned with the issue of education for DHH. In order to analyse this topic in a more comprehensive manner, researchers need to examine more policy domains.⁶ In view of this gap, I take a more policy domain based approach (previously developed in Sharma, 2019 and Sharma, 2022) and—in addition to education—also examine the policy domain of media to assess the representation of DHH in official policies.

As briefly alluded to in the previous section, some research has been done on macro-level language policies for DHH (also termed 'sign language policies' by de Meulder 2015a). Although the case studies analysed in these works do not include India, some of the theoretical approaches they take can be useful for this paper. The first key idea discussed in these works concerns 'recognition' of sign languages. One of the focal points of research on sign language rights is the need to get sign languages recognised as languages in their own right (de Meulder, Murray & McKee 2019) because the existing concept of 'recognition' is rooted in language ideologies about the normativity of spoken modality (Hill, 2013; Senghas & Monaghan, 2002). De Meulder (2015a, 2015b) and de Meulder and Murray (2017) divide the forms of recognition into two categories: implicit recognition and explicit recognition. Explicit recognition means that there is legislation that recognises sign languages as languages in their own rights, whereas implicit recognition indirectly refers to sign

⁵ There are a number of works that have researched on sign languages and Indian Sign Language. Two pioneers of research on ISL are Madan Vasishtha and James Woodward who co-authored works on different varieties of ISL (see Vasishtha, Woodward & Wilson 1978 and Vasishtha, Woodward & DeSantis 1980, 1985, 1986, 1987). Recent works on ISL grammar include Zeshan (2000) and Sinha (2018). For research on sign language ideologies, see Kusters & Sahasrabudhe (2018) and Kusters et al. (2020). It should be pointed out here that although these works are highly valuable contributions to the study of Indian Sign Language, they do not focus on macro-level language policies.

⁶ The policy domain of media is also discussed by Mishra (1994) who focuses on the representation of DHH in this domain. However, this piece cannot be deemed thorough, as it is only two-page long.

languages or signers and is more focused on interpretation services for deaf people, the use of sign languages in judicial situations or its use in education.

The second key concept is that of a ‘dual category frame’, which is a novel and interesting perspective for analysing language policies for DHH. In order to understand the dual category frame, one needs to understand the ‘deficit frame’ first. De Meulder and Murray (2017) use the term ‘deficit frame’ to describe legislation that is situated within the disability framework. The example they use to describe it is the Americans with Disabilities Act (USA), which for them is an example of ‘implicit recognition’ of sign languages and their users. De Meulder & Murray (2017) argue that sign languages and sign language peoples should have a dual category i.e. they should be seen both as a linguistic minority and as a people with a disability. They argue that sign language peoples ‘need and want something that goes beyond the mere recognition of sign languages as languages’ and ‘there should be a continued focus on according the full range of rights to these languages and their signers as are found for other majority and minority languages and their speakers’ (p. 150). They argue further that this requires policymakers to see beyond a deficit frame, ‘perhaps adopting a dual category frame’ in order to protect existing rights related to access (de Meulder & Murray 2017: 150).

The concept of ‘dual category frame’ is developed further in de Meulder, Murray & McKee (2019) who use the term ‘intersectional rights’ for ‘dual category frame’. They discuss both benefits and drawbacks of the disability framework and observe that ‘strategic gains for sign language recognition can also often materialise under a disability rights framework’, which is an interesting perspective because it tells us how in certain cases such as Turkey’s disability rights can lead to greater recognition of sign languages (de Meulder, Murray & McKee, 2019). Drawing on the concepts outlined here, I aim to take a closer look at India’s legislation for deaf and hard-of-hearing people. First, I will assess whether the recognition of DHH in India’s legislation is explicit or implicit. Second, I aim to analyse India’s language policies for DHH from the viewpoint of ‘dual category frame’ or intersectional rights. Finally, de Meulder & Murray (2017) note that deaf communities’ aims for sign language recognition have been threefold: status recognition, accordance of instrumental rights, often via interpreting services and linguistic rights in education. This set of aims is slightly expanded in this paper, as I take a policy domain based approach as noted above and also consider the policy domain of media to examine what kind of policies exist for DHH in the domain of media.

Problematic terminology and its impact on census data

As far as the terminology of official reports is concerned, it can be said that for a substantial time period policymaking did little to counteract biases against deaf people and people with disabilities. This is evident from use of offensive terms such as ‘crippled’ or ‘mental retardation’ in official reports. Moreover, in the past, the Census did not define precisely what the terms ‘hearing disability’ or ‘speech disability’ meant, as a result of which their numbers remained undercounted. The drawback of

undercounting is that policymaking might not be too proactive towards a group if that group is numerically not strong enough to impact the political process.

The first set of examples that I discuss is taken from the 1981 Census. In this Census, only three broad categories of physical disability were employed, namely 'totally blind', 'totally dumb' and 'totally crippled' (Ministry of Statistics and Programme Implementation, 2021: 10). These terms are problematic in three aspects. First, the terms 'dumb' and 'crippled' would be considered offensive from today's perspective. Second, although the category 'totally dumb' includes deaf, it excludes hard-of-hearing people.⁷ Moreover, there is no acknowledgment of sign language in the 1981 Census: it says that 'in the case of deaf mutes, the language usually spoken by the mother should be recorded' (Office of the Registrar General & Census Commissioner, 1981: 4). Third, these terms led to the number of disabled being undercounted because the parameters used by these terms were rigid: one had to be 'totally disabled' in order to be counted as 'disabled' (Ministry of Statistics and Programme Implementation, 2021: 10).⁸ The consequence of the definition problem was that the information on disability was not included in the 1991 Census (*ibid.*). Moreover, the Census also notes that the population had 'inherent reservations' to share information on disability with the government officials, an attitude that can be ascribed to the stigma associated with disabilities (*ibid.*).

Information on disability was re-included into the next Census (2001).⁹ But this change occurred only after the enactment of the *Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act 1995* that made room for inclusion of different kinds of disabilities within ambit. The 2001 Census, as indicated above, gathered data on disability using five disability types: seeing, movement, mental, speech and hearing (Table 2). The number of disability types increased to eight in the 2011 Census (disability in seeing, hearing, speech, movement, 'mental retardation', mental illness, any other, and multiple disability; see Table 1). If one compares the data on hearing disability in these two Censuses, one finds that the number of those with 'hearing disability' significantly increased from 1.02 million in 2001 to 5.07 million in 2011. The fivefold increase in the number of people with 'hearing disability' could be a result of the changes in the definition of how this term was defined in these two Censuses, as outlined in the following.

These definitions show that the increase in the number of people with 'hearing disability' was due to two factors. First,—as opposed to the 2001 Census—the 2011 Census describes the use of hearing aids as a criterion for 'hearing disability' (Table 3). Second, the 2011 Census also includes 'hard-of-hearing' within its definition of 'hearing disability' which was not the case before: whilst 'hard-of-hearing'

⁷ The 1981 Census defines the term 'deaf' as follows: 'The deaf are those in whom the sense of hearing is non-functional for ordinary purposes of life. Generally a loss of hearing at 70 decibels or above at 500, 1000, 2000 frequencies will make residual hearing non-functional' (Census 1981, Part VII-B).

⁸ One can compare this rule with the Rights of Persons with Disabilities Act 2016 that stipulates that one needs to have 40 per cent disability in order to count as having a 'benchmark disability'.

⁹ Prior to the 2001 Census, there was a lack of clarity as to how many deaf people there were in the country. In 1960, the Parliamentarian Savitry Devi said that there were 1.6 million deaf people in India (Rajya Sabha Debates, 1960), whereas in 1972 the Ministry of Education said the number of deaf people was between 1.5 to 2.0 million (Rajya Sabha Debates, 1972).

Table 2 Disabled population in India by disability type

	Disability type	Number of people with disability	Percentage of the total population of India (%)	Percentage of disabled population (%)
			Total population in 2001 = 1,028,610,328	Total population in 2001 = 21,906,769
1	Seeing	10,634,881	1.03	48.5
2	Movement	6,105,477	0.59	27.9
3	Mental	2,263,821	0.22	10.3
4	Speech	1,640,868	0.16	7.5
5	Hearing	1,261,722	0.12	5.8
	Total	21,906,769	2.13	100

(source: Office of the Registrar General & Census Commissioner, 2001)

Table 3 Definitions of 'hearing disability' in the 2001 and 2011 Censuses (source: Banthia, 2004; Ministry of Statistics & Planning Implementation, 2021)

	Census 2001	Census 2011
Disability	<ol style="list-style-type: none"> 1. One cannot hear at all (deaf) or can hear only loud sounds 2. Hearing problems in one ear 	<ol style="list-style-type: none"> 1. One cannot hear at all 2. One has difficulty in hearing day-to-day conversational speech (hard of hearing) 3. One is using a hearing aid
No disability	<ol style="list-style-type: none"> 1. One can hear using hearing-aid 	<ol style="list-style-type: none"> 1. Hearing problems in one ear

were not even included in the 1981 Census and both deaf and hard-of-hearing were excluded from the 1991 Census, their numbers grew significantly in the 2011 Census. The change in definitions and its impact on census data inform us that policies and census data are correlated and interact with each other, as depending on how policies are defined, the number of people with disabilities can increase or decrease. A better legislative framework leads to an increase in the number of deaf and hard-of-hearing, and an increased number of DHH can result in better policies in turn.

Policies for deaf and hard-of-hearing

Legislation on language use for deaf and hard-of-hearing

Legislation on language use for deaf and hard-of-hearing in India consists of two kinds of statutes: Acts and Rules. Acts tend to offer a broader framework on a certain issue, whilst Rules are more specific guidelines that are drawn on the basis of these Acts. Drawing on the taxonomy proposed by de Meulder (2015a, 2015b) and de Meulder & Murray (2017), it can be said that recognition of sign languages in

India is more implicit, and the legislation in India is largely situated within a disability framework. There is no separate statute called 'The Sign Language Act' in India, and policies for DHH are covered through legislation for people with disabilities. Having said that, it is still useful to examine such policies. The statutes that indirectly or directly address the linguistic needs of DHH in India are: the *Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act 1995* (henceforth 'the 1995 Act') and the *Rights of Persons with Disabilities Act 2016* (henceforth 'the 2016 Act'). The Rules are as follows: the *Rights of Persons with Disabilities Rules 2017*, the *Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021* and the *Rights of Persons with Disabilities (Amendment) Rules 2023*.

The 1995 Act aims at guaranteeing equal opportunity in jobs and access to free and need-based education for people with disabilities, including DHH. It makes three important provisions for this purpose. First, it decrees that the 'appropriate governments shall identify posts, in the establishments, which can be reserved for the persons with disability' (Art. 32). The proportion of such reserved positions is three per cent, out of which one per cent is reserved each for those with '(i) Blindness or low vision, (ii) Hearing impairment and (iii) Locomotor disability or cerebral palsy' (Art. 33). Second, the Act stipulates that the appropriate Governments and the local authorities 'shall ensure that every child with a disability has access to free education in an appropriate environment till he attains the age of eighteen years' (Art. 26.a). Third, the Act focuses on creating need-based education: Article 29.d of the 1995 Act decrees that 'appropriate governments shall by notification prepare a comprehensive education scheme which shall make provision for [...] [the] restructuring the curriculum for [the] benefit of students with hearing impairment to facilitate them to take only one language as part of their curriculum.'

In order to gain a better understanding of the second provision, it is important to know that India's language policy requires pupils to learn three languages at the secondary stage of schooling. This policy is also known as the 'three-language formula.' This formula recommends that pupils from Hindi-speaking states should learn—at the secondary stage—Hindi, English and a modern Indian language, whilst those from non-Hindi-speaking states should learn their regional language, Hindi and English (National Policy on Education 1968; National Policy on Education 1986; National Education Policy 2020). Given the problematic nature of the three-language formula for deaf students, the 1995 Act rescinds this requirement for these learners and decrees that they should learn only one language. The drawback of the 1995 Act, however, is that it does not mention the use of sign language and does not specify how language learning for such learners will be realised.

The second key statute to address the needs of deaf people is the *Rights of Persons with Disabilities Act 2016*. Its first key contribution to remedy the issue of (sign) language underlying the 1995 Act: Article 16 of the 2016 Act decrees that state-funded educational institutions offer inclusive education to the children with disabilities by ensuring that 'the education to persons who are blind or deaf or both is imparted in the most appropriate languages and modes and means of communication.' In addition to specifying the duty of educational institutions towards deaf children, the 2016 Act also decrees that the Government and the local authorities

shall take measures to train and employ teachers, including teachers with disability who are qualified in sign language (Art. 17.c) and to promote the use of sign language (Art. 17.f). These clauses indicate that the 2016 Act is a significant improvement over the 1995 Act because it makes provisions for the use of sign language and teachers' training. However, 'explicit recognition' as described by de Meulder & Murray (2017) is not present in this statute.

Another key contribution of the 2016 Act is to introduce and define the term 'hard-of-hearing' within the legal context, which was not done in the 1995 Act discussed above. The term used in the 1995 Act is 'hearing impairment', which is defined as the 'loss of 60 decibels or more in the better ear in the conversational range of frequencies.' The 2016 Act defines 'deaf' as 'persons having 70 decibels hearing loss in speech frequencies in both ears' and 'hard of hearing' as 'persons having 60 to 70 decibels hearing loss in speech frequencies in both ears' (Schedule I, Art. 1.c).

In common with the 1995 Disability Act, the 2016 Act also decrees that one per cent of vacancies should be reserved for candidates who are deaf and hard-of-hearing (Art. 34.b). Finally, it also addresses recreational and sign language needs of those who are deaf and hard-of-hearing. Article 29.h of the 2016 Act stipulates that 'the appropriate Government and the local authorities shall take measures to promote and protect the rights of all persons with disabilities to have a cultural life and to participate in recreational activities equally with others which include [...] ensuring that persons with hearing impairment can have access to television programmes with sign language interpretation or sub-titles' (Art. 29.h). Although there was already a minor place accorded in television programming to deaf people, this Act was one of the first legal provisions to accommodate the recreational needs of deaf and hard-of-hearing.¹⁰

The provisions for subtitling and closed captioning laid out in the 2016 Act were further extended to digital media through the *Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021*. These Rules stipulate that 'every publisher of online curated content shall, to the extent feasible, take reasonable efforts to improve the accessibility of online curated content transmitted by it to persons with disabilities through the implementation of appropriate access services.' These Rules define the term 'access service' as 'any measure, including technical measure such as closed captioning, subtitles and audio descriptions, through which the accessibility of online curated content may be improved for persons with disabilities'.¹¹

Drawing on the 2016 Act discussed above, two more statutes were introduced that accord more provisions for accessibility for DHH, but refrain from any explicit recognition. The first of these is the *Rights of Persons with Disabilities Rules 2017* that contains a brief clause on accessibility standards. These Rules decree that 'the

¹⁰ Kumari (2016) notes that news for deaf audiences started in 1987 on Doordarshan.

¹¹ Subtitling differs from captioning in the sense that whilst the former focuses on converting dialogues of a video into text which is displayed on a television screen, the latter also includes the audio information of videos e.g. captioning would include musical notes (♯) so that deaf viewers could understand that music is being played in the background of a video (Poothullil et al., 2013: 4).

Central Government shall review from time to time the accessibility standards notified based on the latest scientific knowledge and technology' (Art. 16). However, they do not offer any explanation of the standards they refer to. In 2023, these Rules were amended through the *Rights of Persons with Disabilities (Amendment) Rules 2023*. The 2023 Rules are specific in that they outline standards for products and services relating to information and communication, including telecom services, web-based services, electronic and print services, digital and virtual services. For example, these Rules specify criteria such as graphic resolution, frames per second and optimal time difference between speech audio and video that one needs in order to facilitate video communication for those who use sign language or lip-reading.

Further initiatives

Accessible India campaign

In addition to these statutes, the Government of India has introduced some initiatives that are important for addressing the needs of deaf people, even though they are not part of legislation. A telling example of such an initiative is the Accessible India Campaign (in Hindi 'Sugamya Bharat Abhiyan') that was launched on 3 December 2015, the International Day of Persons with Disabilities. This Campaign aims at making public spaces, transportation, and information and communication accessible to people with disabilities (Ministry of Social Justice and Empowerment, 2021a). With respect to closed captioning and sign language interpretation, Accessible India Campaign outlines two main objectives (ibid.). First, it aims to develop and adopt national standards on captioning and sign-language interpretation by June 2022 (ibid.). Second, it aims to ensure that 25 per cent of all public television programs meet these standards by June 2022 (ibid.). These statutes and the Accessible India Campaign show that policymaking is moving in the right direction. What needs to be seen is to what extent they are implemented, which is discussed in Sect. "Media".

National Educational Policy 2020

In common with the media, the policy domain of education has also witnessed the introduction of some policy measures. A telling example of such a policy is the *National Education Policy 2020* (henceforth NEP). NEP is one of the few policies of the India Government to address the needs of sign language users. Article 4.22 of NEP states that the 'Indian Sign Language will be standardised across the country, and National and State curriculum materials developed, for use by students with hearing impairment' (National Education Policy 2020: 15). However, it should be added here that NEP does not say much about the standardisation of ISL. As de Quadros & Rathmann (2021) observe, 'standardisation as a language plan to safeguard sign language will be important if it is done with and within deaf communities, respecting the values of their culture.' If this does not happen, standardisation can become a threat to deaf communities and their languages (ibid.). Therefore, standardisation plans for

sign languages should include the presence of deaf professionals, as well as input from members of the deaf communities.

Vis-a-vis local sign languages, the NEP says that ‘they will be respected and taught as well, where possible and relevant’ (ibid.). Furthermore, Article 6.11 of NEP 2020 states that the National Institute of Open Schooling ‘will develop high-quality modules to teach Indian Sign Language, and to teach other basic subjects using Indian Sign Language’ (National Education Policy 2020: 27). These are positive policy changes, especially as the previous policies on education, namely the *National Policy on Education 1968* and *National Policy on Education 1986* did not contain any provisions on sign languages. The *National Curriculum Framework 2005* talked about introducing ‘children with language-related impairments’ to sign languages (NCERT, 2005: 36), but – compared to NEP—it did not suggest concrete steps such as standardising ISL and developing national and state curricula. The key issue here is that of implementation which is addressed in the following section. Finally, the NEP can aim to be more inclusive by adding ‘wherever needed’ to the provision ‘local sign languages will be respected and taught as well, where possible and relevant’.

Policy implementation

Media

In the introductory section of this paper, I talked about the needs of DHH being neglected at various levels. In this section, I examine to what extent such neglect is reflected at the level of implementation in the policy domain of media, especially in view of the 1995 Act and 2016 Act mentioned above.¹² Deaf and hard-of-hearing people were largely ignored in media-related policies until the 1980s. The first instance of sign language receiving any form of visibility on Indian television was in 1987 when Doordarshan, India’s state-owned television channel, started broadcasting news for deaf (Kumari, 2016). However, the sign language used in this news was based on English which was inconvenient for those who used sign languages based on languages other than English (Rajya Sabha Debates, 1990). Moreover, as Vasishta (2011) notes, the quality of most of the interpreters was ‘very poor’ and deaf people were not satisfied with these services. Apart from this, there was almost no facility for sign language or closed captioning on the TV until recently. For example, responding to a question on language captioning in 2013, Manish Tewari, the then Minister of Information and Broadcasting, reported that there were no proposals under consideration at that time to make captioning mandatory for the benefits of deaf and hard-of-hearing people (Rajya Sabha Debates, 2013).

This attitude has been changing since the mid-2010s, first with the Accessible India Campaign launched named above and then after the enactment of the Rights of Persons with Disabilities Act in 2016/17. In 2019, India’s Ministry of Information and Broadcasting released an Office Memorandum on ‘Accessibility Standards in

¹² It is difficult to discuss the implementation of the Rights of Persons with Disabilities (Amendment) Rules 2023 because the Rules were introduced a few months before the publication of this paper.

Television Programs for Hearing Impaired' (Ministry of Information and Broadcasting 2019). These Standards were drafted in accordance with Article 40 of the *Rights of Persons with Disabilities Act 2016*. The access service was to be first implemented by the public broadcasting service (Doordarshan) followed by private broadcasters (excluding news broadcasters) who have to broadcast one closed-captioned program per week (Ministry of Information and Broadcasting 2019). Private news broadcasters have to broadcast daily sign language bulletins (ibid.). The memorandum does not make any statements as to how much money the central government will invest in these measures. It only states that the public broadcaster (Doordarshan) will receive 'adequate funding' from the government to produce high-quality programs for 'hearing impaired persons' (ibid.). The memorandum also proposes a phase-wise implementation of closed-captioning or sign language interpretation of television content both for public and private broadcasters (Table 4).

Private broadcasters must offer access service for a minimum of 50 per cent of their content in the phase-wise manner indicated above. This plan might prove effective for DHH viewers because, as existing research shows, captioned television provides a 'successful learning environment' for them (Poothullil et al., 2013: 3). It must be added that currently certain content such as live shows and deferred live shows or events (such as sports), live news, live music shows, live award shows, live reality shows, advertisements and teleshopping content are exempt from this regulation because of the 'very nature of this content' (Ministry of Information and Broadcasting, 2019). In 2021, it was reported that 19 news channels telecasted 2447 accessible news bulletins, and 17 general entertainment channels telecasted 3686 scheduled programs/movies using subtitling (Ministry of Social Justice and Empowerment 2021b). As Hult (2010) observes, the inclusion of sign language and closed-captioning in the media brings acceptance and prestige to sign languages. Having said that, the number of programs using closed-captioning, subtitles and sign language needs to increase. But one must also keep in mind that the implementation of these Standards might have been impacted by the COVID-19 pandemic.

Education

Within this domain, the changes at the level of legislation have come very slowly: the 1995 Act makes certain provisions vis-à-vis the education of deaf and hard-of-hearing. However, these provisions are not really constructive. The Act does not contain any provisions on the use of sign language and hence does not actually address the needs of DHH. It only states that those with 'hearing impairment' must learn only one language which does not exactly address the needs of sign language users. As discussed in Sect. 'Policies for deaf and hard-of-hearing', this problem is remedied by the 2016 Act which states that educational institutions funded or recognised by the central- and state-governments shall try to teach hearing impaired students in the 'most appropriate languages and modes [...] of communication' (Art. 16.v). Article 31 of the 2016 Act also stipulates that 'every child with benchmark

Table 4 Proposed phase-wise implementation of access service for deaf and hard-of-hearing people (Ministry of Information and Broadcasting 2019)

	2019 (%)	2020 (%)	2021 (%)	2022 (%)	2023 (%)	2024 (%)	2025 (%)
Closed captioning and/or Sign Language Interpretation (GEC, regional & movie based and other channels)	5	10	20	30	40	50	50
Closed Captioning and/or Sign Language interpretation (News Channels)	5	10	20	30	40	50	50
Subtitles (Foreign English Language Channel)	20	30	40	50	60	70	80

Table 5 Proportion of out-of-school children (aged 6–13) for various groups (source: Social and Rural Research Institute 2014)

	Estimated child population	Estimated number of out-of-school	Proportion of out-of-school children (%)
All children (aged 6–13)	204,087,274	6,064,229	2.97
All disabled	2,139,943	600,627	28.07
Hearing disability	220,425	42,556	19.31

disability between the age of six to eighteen years shall have the right to free education in a neighbourhood school, or in a special school, of his choice.’¹³

Although there are provisions in place, their implementation cannot be said to be satisfactory, as currently there are only 387 special schools for DHH children in India (Ali Yavar Jung National Institute of Speech and Hearing Disabilities 2021). Moreover, the National Sample Survey of Estimation of Out-of-School Children in the Age 6–13 in India shows that out of the 2.13 million disabled children aged 6–13, more than 600,000 (around 28.27%) are out-of-school (Social and Rural Research Institute, 2014: 9).¹⁴ The term ‘out-of-school’ encompasses both those children who never went to school and those who dropped out (Social and Rural Research Institute, 2014: 14). According to this Survey, there are 220,425 children in the same age group with hearing disability, out of which 42,556 are out-of-school which means that 19.31% of deaf and hard-of-hearing children have either dropped out or never attended school (Social and Rural Institute, 2014: 9). These figures are significantly high compared to the national average of 2.97% for all children (with or without disability) of the same group and show that the disability has a significant negative impact on school attainment of these children (Table 5).

One of the main reasons behind the dropout rates for DHH children is that their schools do not offer education in sign language. Petcosky-Kulkarni (2018) notes that sign language is ‘shunned’ in schools because it is a visible marker of deafness and is therefore stigmatised. The alternative to sign language that a number of schools in India prefer is oralism which has harmed the school attainment of deaf students. Baynton (2009: 679) defines oralism as ‘the belief that deaf people can and should communicate exclusively by lipreading and speech, without the use of sign language.’ Due to its rejection of sign language, a number of scholars of deaf studies have been critical of oralism. For example, Ladd (2003: xvii) describes it as the ‘educational system imposed on Deaf communities worldwide during the last 120 years which removed Deaf educators, Deaf communities and their sign languages from the Deaf education system.’ Ladd (ibid.) argues that an ‘exclusively Hearing-led system’, which promotes the use of speech, lipreading and hearing aids

¹³ The term ‘benchmark disability’ means that a person does not have ‘less than forty per cent of a specified disability.’

¹⁴ The Survey focuses on children below the age of fourteen years because, under the *Constitution (Eighty-sixth Amendment) Act 2002*, the government must provide free and compulsory education to all children between the age of six and fourteen.

only, and advocates no fraternisation between Deaf children and Deaf adults, can be viewed as ‘an effort to remove the need for Deaf communities to exist at all.’ The negative consequence of the oralist approach is that a large number of deaf people learn to sign quite late in life, and many deaf signers have historically internalised negative perspectives about sign languages (Ladd, 2003; see also Kusters et al., 2020).

In the US, the oralist approach went into rapid decline with the advent of the ‘total communication’ philosophy in the 1970s (Baynton, 2009: 681). Total communication advocated the use of all possible means to educate deaf children, which often ‘panned out in practice to mean speaking and signing simultaneously’ (Murray, 2006: 347f.). A major reason behind the decline of the oralist approach in the US was resistance shown by the deaf community against it (Deaf Websites 2023). However, in India, this exclusionary practice has not been met with the same level of resistance. Petcosky-Kulkarni (2018) observes that the ‘oralist vs sign language’ debate has persisted in India, as the majority of schools continue to use oralism. It is important to note that the Ali Yavar Jung National Institute of Speech and Hearing Disabilities which is one of India’s main institutes for DHH points out that although speech can be developed successfully under certain conditions, it is difficult to achieve oralism in India because these conditions are not met (Ali Yavar Jung National Institute of Speech and Hearing Disabilities, 2018).¹⁵

Positive changes

Even though the use of sign language is not encouraged at the school level, a positive trend from the recent years is that policymaking is gradually giving greater recognition to the Indian Sign Language (ISL). An example of such recognition is, as mentioned in Sect. ‘Introduction’, the establishment of the Indian Sign Language Research and Training Centre (ISLRTC) in 2015. The ISLRTC is an autonomous organisation that aims at further developing the Indian Sign Language (ISLRTC 2019). Its first major contribution came in 2018 when it launched the first Indian Sign Language Dictionary (ibid.). The dictionary consisted of 3,000 terms which was further expanded to 6,000 terms in the second edition of the dictionary in 2019 (ibid.). The latest edition of the dictionary was launched in 2021 and contains 10,000 terms—a greater than threefold increase in ISL’s corpus which indicates that the ISLRTC is making significant contributions towards developing it. Besides developing the dictionary, ISLRTC offers two courses, namely Diploma in Indian Sign Language Interpretation (1 year) and Diploma in Teaching Indian Sign Language (2 years), and offers a stipend of INR 5000/month (USD 60/month) to the students of the latter course (Rajya Sabha Debates, 2020).¹⁶ ISLRTC has also translated into

¹⁵ These conditions include the following: (i) the child has to be tested before the age of one, (ii) the child has to be fitted with hearing aid immediately after testing, and (iii) the child’s rigorous training must begin by professionals and parents (Ali Yavar Jung National Institute of Speech and Hearing Disabilities 2018).

¹⁶ 1 USD equals to INR 83.38 as per the conversion rate on 8 Dec. 2023.

Indian Sign Language schools books for grades I to V and is currently working on the translation of school books for grades VI to VIII.

In addition to establishing ISLRTC, the Indian Government also has a scholarship scheme for students with disabilities that concerns students at both school level (Grade 9–12, age group ca. 14–18) and university level (graduate, postgraduate and doctoral programmes) (Rajya Sabha Debates, 2020). Moreover, the central government also offers a 'National Overseas Scholarship' for students with disabilities pursuing Master's degrees and Doctorate at universities outside India (*ibid.*). Finally, under this scheme, students with disabilities can get free coaching for competitive examinations for certain government positions such as civil servants, etc. (*ibid.*). Apart from offering direct scholarships to students, the government also offers, under the Deendayal Disabled Rehabilitation Scheme, grants-in-aid to Non-Governmental Organisations that work for the welfare of people with disabilities (*ibid.*).

Overall, these measures indicate that in the past few years, the Indian Government has taken several steps to make education more inclusive. However, there is more work to be done in terms of opening new schools for deaf and hard-of-hearing children, as there are currently only 387 schools for them throughout the country. Moreover, there is a need for higher education institutions for these students. Currently, there are only two special colleges for them: C.S.I. Training Centre for Teachers of the Hearing Impaired (Kottarakara, Kerala) and St. Louis Institute for the Deaf and Blind (Chennai, Tamil Nadu) (Vikaspedia, 2021). DHH students who have completed their schooling from regular or special schools are eligible for admission in regular colleges (*ibid.*). However, attending regular colleges is challenging for them because their disability results in low self-esteem and concomitantly, high dropout rates among them (Torgalkar, 2017). The lack of university degrees means that they cannot claim the one per cent of government jobs reserved for them because the selection process for such jobs tends to have as one of its criteria a university degree (*ibid.*). Moreover, focus should also be on local sign languages and not just ISL.

Discussion and conclusion

I started this paper by discussing the neglect of the needs of deaf and hard-of-hearing at the academic, social and political level, and aimed to investigate to what extent this neglect is reflected at the level of policies as well as their implementation. As is clear from a discussion of India's language policy in the domains of the media and education, the claims of neglect are valid because, until recently, the needs of deaf and hard-of-hearing people were largely not addressed in India's language policy. The neglect is highlighted through the fact that definitions of 'hearing disability' varied from census to census and excluded sign language and hard-of-hearing people at times. The lack of a stable definition and the exclusion of sign language implies that policymakers did not have a firm understanding of deafness, and it is difficult to address problems of deaf and hard-of-hearing people if one does not fully understand them. In both the policy domains, namely the media and education, some positive changes have come in the recent years, but there is a substantial

room for improvement in these domains. Moreover, the policies devised for deaf and hard-of-hearing people are largely situated within the disability framework and do not carry explicit recognition for sign languages.

In the policy domain of the media, the 2016 Act can be said to be inclusive of the needs of deaf and hard-of-hearing because, besides addressing the recreational needs of DHH, this Act also led to the enactment of the Rights of Persons with Disabilities Rules 2017 (amended in 2023) and Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules in 2021. The 2016 Act decrees that the government should ensure that deaf and hard-of-hearing should have access to recreational televised content (Art. 26.h): this provision led to the creation of Accessibility Standards in 2019 which set guidelines for the phase-wise implementation of access service (captioning) to deaf and hard-of-hearing by public and private broadcasters. Based on these standards, some TV channels have already started broadcasting programs with subtitles/closed-captions or ISL interpretation. Therefore, it can be said that these measures, especially the accessibility standards, have significantly improved India's media-related language policy; however, it should be underlined that there needs to be a sustained effort at implementing these provisions in order to ensure the inclusion of DHH.

Compared to the media, the educational domain needs more substantial improvements. The first major policy change came in 1995 when the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act 1995 provided for one per cent reservation for government positions for the 'hearing impaired' (Art. 32); however, such a provision is not useful because a number of these positions require candidates to possess a university-level degree, which is not possible for deaf and hard-of-hearing students due to the lack of higher education institutes to meet their educational needs. They can attend regular colleges; however, an oralist teaching method combined with a sense of low self-esteem faced by these students results in high dropout rates among them. A positive policy change has been brought about the National Education Policy 2020 that focuses on sign language use and aims to develop regional sign languages in addition to standardising the Indian Sign Language. Finally, I want to add that even though the government can create policies for deaf people, they cannot be perfectly implemented unless social attitudes change, and unless there is greater awareness about ISL. Therefore, in addition to making policies for deaf and hard-of-hearing people, policymakers should also introduce awareness campaigns for hearing people so that their misconceptions about deafness and signing can be dispelled.

If we compare India's policies with macro-level sign language policies in different countries across the globe (see de Meulder, Murray & McKee 2019), we find that what India's policies lack is an explicit recognition of the Indian Sign Language (ISL). The way forward is to include ISL in the Eighth Schedule of the Indian Constitution, which, in India, is largely viewed as a mechanism for constitutional recognition. Furthermore, as de Meulder & Murray (2017) correctly observe while outlining their 'dual category frame', there is a need to recognise sign language users as a linguistic minority. In this view, India's language policy for DHH needs to be supplemented with a statute that accords this double recognition to sign language users in India.

Policy recommendations

On the basis of the discussion conducted above, I propose the following four policy recommendations.

Recommendation I: Constitutional recognition for ISL and recognition of ISL users as a linguistic minority.

India's language policy has so far heavily focused on languages such as Hindi, Urdu, Tamil or Sanskrit, and has largely ignored sign languages. The National Education Policy 2020 has brought about a welcome policy change through the inclusion of sign languages within its ambit. This positive step can be further strengthened through the constitutional recognition of the Indian Sign Language. Moreover, sign language users need to be recognised as a linguistic minority.

Recommendation II: Opening more schools and higher education institutes for DHH

The central and state governments should open more schools and higher education institutes for deaf and hard-of-hearing students. The current number of schools in India for these groups is only 387 and more schools will ensure that these students do not feel excluded from the education system. The same holds true for higher education institutes. More interpreter training programs should be offered across universities in India.

Recommendation III: Impact assessments

The central and state governments should conduct at regular intervals impact assessments of policy measures taken to ensure inclusion of deaf and hard-of-hearing people. Such impact assessments will help policymakers gain a clear picture of how much money to invest in which areas and ensure how to maximise policy impact.

Recommendation IV: Need for more intensive research

Scholars such as Knoors et al. (2019) note that 'educating deaf learners successfully depends on interventions and targeted approaches to teaching and learning, both at home and at school, that take into account the characteristics of deaf children and the physical, economic, cultural and social contexts in which they grow up.' The government should invest in research on such interventions and targeted approaches so that policymakers become aware of which approaches and didactic models are best fit for the Indian context.

Recommendation V: Need for awareness campaigns for hearing people

There should be awareness campaigns for hearing people so that their biases and negative social attitudes towards deafness can be challenged.

Declarations

Conflict of interests The author(s) declare none.

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