

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 24th November, 2011.

+ **W.P.(C) No.6250/2010**

% **THE NATIONAL ASSOCIATION OF THE DEAF ...Petitioner**
Through: Mr. Pankaj Sinha, Advocate.

Versus

UOI & ORS. Respondents
Through: Ms. Saroj Bidawat, Adv.

CORAM :-

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

1. Whether reporters of Local papers may be allowed to see the judgment? YES
2. To be referred to the reporter or not? YES
3. Whether the judgment should be reported in the Digest? YES

RAJIV SAHAI ENDLAW, J.

1. The petition filed in public interest seeks the following reliefs:

“(a) Issue a writ of mandamus or any other writ or order directing the all the respondents to forthwith recruit an adequate number of interpreters at specific points of interface of disable persons with government services such

as disability commissioners, special employment exchanges, Vocational Rehabilitation Centres and District Disability Rehabilitation Centres’;

- (b) Issue a writ of mandamus or any other writ or order directing the all the respondents to forthwith recruit an adequate number of Sign Language Interpreters in all the major departments and ministries and to create a pool of such Sign Language Interpreters to provide services at major railway stations, major airports, banks, post offices, Government Departments, hospitals, bus terminals, police stations, places of education, vocational rehabilitation centres, major administration offices, in the judiciary, employment exchanges and for government interviews for jobs involving the hearing impaired;
- (c) Issue a writ of mandamus or any other writ or order directing the respondents to either through the Ali Yaver Jung National Institute for the Hearing Handicapped or by establishing further training centres to upscale the training of Sign Language Interpreters (C Level) in the country by end 2011;
- (d) Issue a writ of mandamus or any other writ or order directing the respondents to forthwith identify NGOs and other institutions and individuals capable of conducting training in Sign Language interpretation and to recognize and certify them for the said training as per the Rehabilitation Council of India Rules;
- (e) Issue a writ of mandamus or any other writ or order directing all public limited companies to immediately take steps to establish a pool of Sign Language Interpreters to enable adequate communication to take place with the

hearing impaired;

- (f) Issue a writ of mandamus or any other writ or order directing the respondents to allocate adequate resources and personnel to achieve the results as set out in these relief clauses and to train identified staff of all the department/ministries at A level to enable basic communication to take place with deaf persons;
- (g) Issue a writ of mandamus or any other writ or order directing that all teachers for the deaf be required to pass the Sign Language A level test by the year 2011 end and the B level test by end 2012;
- (h) Issue a writ of mandamus or any other writ or order directing the respondents to forthwith recruit Sign Language Interpreters in the special employment exchanges, in the Vocational Training Centres, in all High Courts and District Courts, all hospitals above a specified size, all educational institutions above a specified size, specified police stations, interstate bus terminals, major railway stations, airports and other places where there is a significant interaction with a sizeable number of numbers of the public.”

2. Notice of the petition was issued. The respondent no.1 Ministry of Social Justice and Empowerment in its counter affidavit has admitted that there are approximately one million persons with onset of deafness in early childhood and that the sizeable number of sign language dependant deaf children and adults face hardship due to non-availability of Indian Sign

Language (ISL) Interpreters. It is further admitted that such inadequacy of Sign Language Interpreters is causing hardship to deaf persons in accessing public services such as Education, Health, Transport, Communication etc. It is informed that Ali Yaver Jung National Institute for the Hearing Handicapped, Mumbai has been promoting ISL and its usages since the year 2001 and has evolved courses to train deaf persons to become Sign Language Teachers and hearing enabled persons to become Sign Language Interpreters and has also been rendering training in the cities of Mumbai, Delhi, Kolkata, Bhubneshwar and Secunderabad. It is further informed that the Govt. of India has approved an establishment of ISL Research & Training Centre as an autonomous centre of Indira Gandhi National Open University (IGNOU), New Delhi to lead the way in the study, academic development and propagation of ISL and its teaching and training. It is also informed that 35 posts for the Centre for Departments like Sign Linguistics, Interpreting, Library, Documentation and Administration have been created.

3. The petitioner in its rejoinder to the aforesaid counter affidavit has reiterated the dearth of interpreters and has also pleaded that there are

approximately 63 million hearing impaired people living in India of whom at least 10 to 25 million will use sign language. It is also reiterated that posts of Sign Language Interpreters need to be created in the Government so that the same become part of the establishment and also lead to the growth of profession as Sign Language Interpreter.

4. The respondent no.4 Rehabilitation Council of India in its counter affidavit has informed that it has prepared course curriculum for following five courses for Hearing Impaired:-

- “(i) M.Ed. Special Education (Hearing Impairment)
- (ii) B.Ed. Special Education (Hearing Impairment)
- (iii) D.Ed. Special Education (Deaf & Hard of Hearing)
- (iv) Diploma in India Sign Language Interpreting (Level A, B, C each of four months duration)”

It is further pleaded that besides the Institutes mentioned above, the Deaf Dumb Association, Indore and Ramakrishna Mission Vidyalaya University are also running the course for hearing impaired. Else, Rehabilitation Council of India has expressed helplessness owing to paucity of funds and owing to the other institutes not taking any initiative for commencing the courses aforesaid. The Rehabilitation Council of India has also confirmed

that lack of Sign Language Interpreters is depriving the hearing impaired from access to the main stream.

5. We may notice that this Court has vide judgment in W.P.(C) No.6771/2007 already directed the Government and Non-Government Schools to have at least two Special Educators in every School. This Court has vide order dated 27th July, 2009 in Criminal Revision Petition No.290/2000 titled ***Mohd. Rauf Vs. State of N.C.T. of Delhi***, faced with impediment in participation of the petitioner therein who was hearing impaired, directed the Secretary, Delhi High Court Legal Services Committee to explore the possibility of identifying interpreters who can assist the counsels and also Courts in dealing with the cases of communication disabled persons.

6. Mr. Pankaj Sinha, counsel for the petitioner and the counsel for the respondents have been heard. As would be apparent from the state of pleadings, this is not adversarial litigation. All parties have affirmed that lack of effective communication is certainly depriving the hearing impaired

from equal opportunities and full participation and is interfering with their rights. The counsel for the petitioner is correct in contending that due to non-availability at present of such Interpreters, the hearing impaired suffer in the matter of availing medical facilities at the various hospitals, in availing the transport facilities, in seeking police help, in availing of banking and other facilities.

7. The United Nations Convention on the Rights of persons with disabilities adopted by the General Assembly and ratified by the Govt. of India on 1st October, 2007 also provides for taking appropriate measures 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. Needless to state that all the said rights are composite part of life enshrined in Article 21 of the Constitution of India.

8. However the question which arises is, what is the way forward, inasmuch as it appears from the counter affidavits of the respondents that notwithstanding the will, direction has been lacking. After hearing the

counsels, we dispose of this writ petition with the following directions:-

- A. The respondent no.1 to undertake a study/assessment/ survey of the public buildings, hospitals, places of amusement and entertainment, facilities like airports, railway stations, bus stops and other places requiring availability of Sign Language Interpreters. The said survey/assessment to also assess the requirement at each of the said places and it be also considered whether the requirement can be fulfilled by having a pool of such interpreters for a group of establishments/zone accessible on short notice and with proper appointments or full time appointments are required. The study / survey to also assess needs of hearing and speech impaired separately. The survey be commenced not later than three months herefrom and be completed not later than one year herefrom.
- B. The exercise aforesaid may entail a number of ministries/departments. It is deemed necessary to direct appointment of a Nodal Officer for the said purpose. Though the officer/officers of the Rehabilitation Council of India appear to be most appropriate for the said purpose but still choice is left to the Ministry of Social Justice and Empowerment to make such appointment of Nodal Officer. The appointment be made within four weeks hereof and the said Nodal Officer to send the

questionnaire/particulars/details/information sought to all the concerned departments/ministries within twelve weeks hereof;

- C. All the ministries/departments to which the questionnaire aforesaid is sent and/or from which information is sought are directed to respond thereto within three months of receipt thereof;
- D. The Nodal Officer to upon receipt of information aforesaid, assess the requirement aforesaid and to prepare a report and to place the same before the concerned ministry/department/official for creations of post for such Interpreters;
- E. The respondents to also, within twelve weeks hereof commence a dialogue with the University Grants Commission (UGC) and other Central and State Universities for establishment/creation of courses for such Interpreters and to devise a curriculum thereof;
- F. Once the posts have been created, attempts be made to fill the same immediately.

9. It is deemed expedient to ensure compliance by directing the respondents to submit progress report from time to time.

List for the said purpose in the first instance on 30th May 2012.

RAJIV SAHAI ENDLAW, J

ACTING CHIEF JUSTICE

NOVEMBER 24th, 2011
bs