

## RELEVANCE OF RIGHT TO VOTE FOR PERSONS WITH HEARING IMPAIRMENT IN NAGPUR CITY: A CRITICAL STUDY

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### Abstract

*Freedom of expression is a core human right. All Indian citizens have a fundamental duty as well as right to vote. As all human rights are interdependent in nature, it is crucial for every individual to enjoy fundamental rights. Voting to elect political representative is the bedrock of modern democracy. Despite its immense importance, there are many marginalized sections in society which are unable to exercise their voting rights. Persons with Disabilities are one such group. The paper attempts to understand the reason for low voting turnout of this group and the extent to which the right to vote holds relevance for them.*

*As this study is not totally based on secondary sources, survey method was also used for data collection. 20 persons with disabilities (10 persons with locomotive impairment, 5 persons with visual impairment as well as 5 persons with hearing impairment) were interviewed to know how relevant their voting right is to them and the reasons for the same.*

**Keywords-** *Freedom of expression, Human Rights, right to vote, Persons with Disabilities, Voting Behavior.*



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### Introduction

Right to vote does not only give a constitutional, legal and political status to a citizen of a State but is also a fundamental right guaranteed by various International Instruments<sup>1</sup>. There is an innate relationship between the citizenship and voting rights of an individual (Lardy, 75-100). Right to vote does not only give an individual decision-making power but also makes him/her equal contributor in the progress of the State.

Electoral laws in India not only guarantee equality of opportunity in voting to the persons with disabilities but also ensure facilitation of infrastructure for accessible and equal

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participation in the election process with respect to others. The United Nations Convention on the Rights of Persons with Disabilities<sup>ii</sup>, Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act<sup>iii</sup>, The Rights of Persons with Disabilities Act<sup>iv</sup> mention relevance of universal adult franchise especially for the persons with disabilities. Even the Supreme Court Judgment<sup>v</sup> has directed the Election Commission of India to have basic infrastructure like ramps on all voting sites, tactile and Braille buttons on the Electronic Voting Machines as well as allowing voters to take companions for assistance when they cast their vote.

In spite of these legislations, there is no official data which can give the number of registered disabled voters in India (Vishnoi). Many disability scholars thus regard persons with disabilities as invisible voters. The paper aims to examine the chief reasons for this invisibility and the extent to which the voting right is relevant to the persons with disabilities.

### **Methodology**

The sampling technique used for data collection was stratified random sampling as the persons with disabilities were divided into three strata based on their category of disabilities. Government of India recognizes 21 kinds of disabilities<sup>vi</sup>. Out of these, 3 categories locomotive disability, visual impairment and hearing impairment were chosen as they have maximum population as compared to other categories. It was kept into considerations that the respondents belonged to different ages, gender, castes, economic status and political inclinations for inclusive and varied data.

The sample size was tried to be made as representative as possible but due to constraints of time and resources it had to be restricted to a small size of 20 respondents. These included 10 persons with locomotive impairment, 5 with visual impairment and 5 with hearing impairment. Due to small size the changes of standard error may seem high.

### **Observation**

Voting behavior of the interviewed persons with disabilities was very alarming. Of the total respondents not even 10% considered themselves as enthusiastic regular voters<sup>vii</sup>. Among the 10 persons with locomotive disability, six told that they were irregular voters. Two of them said that they used the NOTA option in the last two elections as none of the political parties mentioned about their needs and interests in their electoral manifestos. Majority of them felt that right to vote is not a substantive right for them as it is for other Indian citizens. Even the ones who voted on some instances had their own problematic

experiences. It was told that very few polling booths have ramps. If present, most of them are either ill-placed or do not have an adequate height. The respondents also added that many a times the surfaces are unequal which hinders their movement and makes the voting process traumatic.

One of the respondents also said that though she is a duty-bound voter<sup>viii</sup> she hates the sympathy and extra attention she gets while she exercises her right to vote. This (social) media attention adds to the problems of being a disabled person in India, she added.

Among the interviewed five persons with visual impairment, two categorized themselves as regular duty-bound voter but had their own share of concerns. One of the respondents with visual impairment said that though the rules<sup>ix</sup> allow a blind person to take a companion near the Electronic Voting Machine, it is usually some clerk present at the booth who acts as a companion rather than a family member. This not only violates the fundamental right to secret ballot but also increases chances of threat and harassment. "Assistance while voting is thus a threat to our secrecy and autonomy" said one of the interviewed persons.

Adding to this, a respondent further questioned the authenticity of the companion, he was still unconvinced with the rationale of companion during casting of ballot. He asked how can the officials decide if the companion is a friend or a family member and not some local goon is coercing the voter to elect a candidate against his/her wishes.

Of all the five persons with visual impairment, none had heard about the Braille EPICard which is considered a monumental shift in the election process for the persons with visual impairment and is a major component of the 'Strategic Framework for Accessible Elections' Campaign of the Election Commission.

Surprisingly only one of the interviewed persons with hearing impairment was a regular voter. Of five, three had not even voted once in past five years. One of them said that she did not believe in voting as her community's interests are never taken into account.

Two confirmed that though they voted in almost all local, state as well as national level elections, their voting opinions were dependent on their spouses and family views. "Not a single politician knows Indian Sign Language. No advertisements or policies are made for our rights, so how can we form our opinions?" retorted one of the respondents when asked why persons with hearing impairment did not have personal knowledge of the candidates before casting their votes.

Overall, it has been observed that despite Supreme Court's directive that it is the fundamental right of the voter to know the background of the candidate and make a rational decision, persons with disabilities still struggle for basic information and lack general awareness.

This inadequate access to electoral campaigns seems to be one of the chief reasons that persons with disabilities choose to be reluctant or irregular voters. It was also observed that despite the online voting registration, many Persons with Disabilities still face difficulties. All the interviewed persons had enrolled themselves physically at the registration booths.

Thus, voters with disabilities have been an invisible minority to the Election Commission, political parties and the public in general. Despite the Supreme Court order in 2004, things have hardly changed.

### **Conclusion**

From the sample of respondents taken for interview, only 40% considered themselves as regular voters. Mostly felt that their right to vote is almost irrelevant as their interests are not catered largely by the political parties. A significant number of interviewed felt even the permanent executive had failed them by not providing the basic infrastructure. Though 40% of the respondents agreed that with the Accessible India Campaign<sup>x</sup> and other initiatives of Government of India, things are changing for persons with Disabilities, almost all believed a lot more needs to be done.

India can be a true democracy only if all its citizens enjoy the inclusiveness and the relevance of their voting rights.

### **Suggestions**

Many suggestions have been given by Expert Committees, Civil society organizations as well as independent research organizations. All reiterate the same notion of the rights-based approach. Persons with disabilities must be seen as individuals with rights and not as subjects of charity. Change in attitude is the foremost condition which would enable all persons with disabilities to enjoy their rights in parity with others. This change in perspective would not only make their voting right relevant but all their other political, social, economic and cultural rights equally meaningful.

Broad recommendations based on the interview are as follows:

- a. Websites of the National political parties should be accessible for all persons with disabilities.
- b. Polling booths must be made fully accessible so that the persons with disabilities do not have to be dependent on anyone for exercising their voting right.
- c. Persons with disabilities should be treated with equality and dignity rather than sympathy.
- d. There is a need for behavioral as well as attitudinal change to treat disability as a form of human diversity rather than inability.

### **Scope for further research**

This research can be carried out with a large population for more accurate results. Large sample size may give different result or may further strengthen the result of the above research. More categories of disabilities can be included for true representation of all persons with disabilities. Research can also be done at inter-disability level, in order to find if there is discrimination among various categories of disabilities, if one category of disability is more marginalized than the other. Similar studies can also be done on relevance of the political right to vote for other subaltern sections of society.

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### **Endnotes**

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- i Right to vote is mentioned in the Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, Convention on Rights of Persons with Disabilities and other International Instruments.
  - ii UNCRPD is the first International Instrument which is based on the Human Rights Model of Disability. This Convention sees disability as a form of human diversity rather than inability.
  - iii Adopted by the Government of India in 1995, The Persons with Disabilities Act defines a person with disability as 'a person suffering from not less than forty percent of any disability as certified by a medical authority'

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iv Enforced by the Government of India in 2016, this Act defines “person with disabilities” as a person with long term physical, mental, intellectual or sensory impairment which, in interaction with barriers, hinders his full and effective participation in society equally with others

v Directives were given by the Supreme Court in the Disabled Rights Group vs. The Chief Election Commissioner and Anr. WP (Civil) No. 187 of 2004.

vi vi The Rights of Persons with Disabilities Act, 2016 increased the number of disabilities categories to 21 from the previous 7 categories mentioned in the Persons with Disabilities Act, 1995. The categories mentioned in the new Act are : (i)Blindness (ii) Low-vision (iii) Leprosy Cured person (iv)Hearing Impairment (deaf and Hard of Hearing (v) Locomotor Disability (vi) Dwarfism (vii)Intellectual Disability(viii)Mental Illness (ix)Autism Spectrum Disorder (x)Cerebral Palsy (xi) Muscular Dystrophy (xii)Chronic Neurological conditions (xiii) Specific Learning Disabilities (xiv)Multiple Sclerosis (xv) Speech and Language disability (xvi) Thalassemia (xvii) Hemophilia (xviii) Sickle Cell disease (xix) Multiple Disabilities including deaf blindness (xx) Acid Attack victim (xxi)Parkinson's disease.

vii Term used in the interview schedule. An enthusiastic regular voter is an ideal citizen who is aware of all his/her political rights and participates regularly in electoral events with great vigour.

viii A category of voter used in the interview schedule which indicates that though the person faces lots of difficulties and prejudices in the current voting system, he/she still votes for the candidate because it its his/her duty to do so

ix The Conduct of Election Rules, 1961 permits a companion to accompany a blind/infirm elector to assist him/her to cast the vote.

x Launched in 2015, Saugamya Bharat Abhiyan comes with an index to measure the designs of the public buildings and human resources policies based on disability friendly policies.