

The Himalayan

ON S U N D A Y



The unheard voice of the deaf

The hearing impaired populace have left no stone unturned in their campaign to legally obtain driver's licence, yet they seem to be nowhere nearer their goal than they had been about 15 years ago when it all started

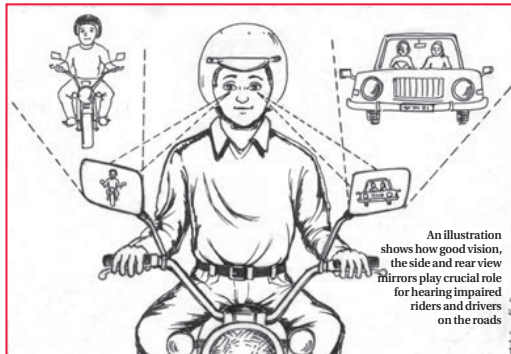
“Every road throughout Nepal is designed in accordance to the Nepal Road Standard 2013. But it doesn't specify a particular 'road criterion' for the deaf demographics”

Shaurya Kshatri
Kathmandu

It is somewhat ironical to consider that two deaf individuals, Rabindra Bastola, 26 and Laxman Giri, 37, deprived of a driver's licence here in Nepal, are today earning their living driving Uber in New York City, US. Originally from Pokhara, both Giri and Bastola, now Green Card holders in New York, humbly reveal their consistent five-star rating on the Uber Rating System while also boisterously flaunting their New York State issued driver licence—a piece of document, which their contemporaries back home have been working relentlessly to obtain legally since the last 15 years.

A tale of two cities

Every day while going to work, Giri and Bastola, both carry with themselves a special pamphlet issued by the New York Police Department (NYPD). On it are pictorial and written guidelines



An illustration shows how good vision, the side and rear view mirrors play crucial role for hearing impaired riders and drivers on the roads

Courtesy: NDFN



LAXMAN GIRI

Courtesy: Laxman Giri

for drivers and police officers to effectively communicate with one another. “It is called a Visor Card. And they essentially bridge the initial communications gap with the police if you are ever to be stopped by them,” explains Giri.

Giri, who lost his hearing due to a severe case of meningitis at a tender age of 10, now proudly drives to work and back with not a worry in the world—the kind of luxury he couldn't even have imagined in his hometown. He easily got his driving licence in

New York with only one criteria requiring him to have a full-view rear-view mirror, literally giving him the keys to a new life. Unlike here in Nepal, he doesn't have to fret about driving without a permit or getting pulled over by the police. Such is the tale of a deaf man in New York City.

Out here, however, things are a bit trickier. Article 47 (E) of the Nepal's Motor Vehicle and Transport Management Act 1993 states that 'a person who is so deaf as not being able to hear normally a horn signal, noise or

deemed to be disqualified from obtaining the driving licence. According to the 2011 Nepal Census, there are 79,051 of the total population classified as deaf. Today, the National Deaf Federation of Nepal (NDFN) puts the number at 300,000. And about 1,500 to 2,000 of them, as per the NDFN estimation, either drive a two- or a four-wheeler without a licence. One among them is Raghav Joshi, the only hearing-impaired member of the now defunct Constituent Assembly and former chairman at NDFN.

Joshi, who today runs a printing press at Patalisadak, loves to take his Hyundai I-10 Magna out on a spin. To him, driving is both riveting and absolutely liberating. He got his motorcycle driving licence in 1983, the same year when the Motor Vehicle Act was enacted and his four-wheeler driving licence three years thereafter in 1986. Unbeknownst of the law, Joshi had been going about his life behind the steering wheel unfettered until, of course, when the time came to renew the licence in 1998, five years after obtaining it. Ever since then, he has been driving, strictly speaking, illegally.

So, in stark contrast to Giri's and Bastola's way of life in the US, someone like Joshi constantly finds himself looking over his shoulders every time he's out on the road lest he be pulled over by the police officials. This unfortunately has been the tale of most deaf drivers Kathmandu.

The mounting problems

There are a slew of problems that have come about since the deaf have been disqualified of obtaining a driver's licence. Most commonly, the hearing-impaired individuals at the driving end, despite no fault of their own, will likely be blamed in case of an accident.

However, as per, Joshi, “most of the police let us go simply because they sympathise with us.



RAGHAV JOSHI

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Nonetheless, he does recall an instance when he had to sit for an hour-long class at the Metropolitan Traffic Police Division (MTPD) for lane cutting someone off. “I went there with an interpreter,” expressed Joshi with a rather cheeky grin on his face.

When asked if deaf drivers driving illegally are overlooked as described by Joshi, Rabi Paudel, Superintendent of Police (SP), said that he has been unaware of such instances. “What's illegal is illegal, and we are obliged to do what the law demands and they apply for everyone. And so far the law doesn't allow people with hearing loss to drive. But if there are officials who are turning a blind eye towards the issue, then I simply don't see it as 'pity' but rather a blatant disregard of the rule of law,” remarked Paudel.

Long arduous struggle and legal paradox

In December 2004, the NDFN,

for the very first time, addressed an official letter to the Ministry of Women, Children and Social Welfare along with Ministry of Physical Infrastructure and Transport demanding that deaf people be considered eligible for a driver's licence. From then on to this day, the Federation has been adamant on their demand but with results that have been skimpy at best.

It was only in March 2013 when the Supreme Court ordered the Article 47 of the 1993 Act to be revised and amended (after NDFN filed a writ in the Supreme Court in 2012), that things started to look a bit hopeful. Nevertheless, the revised Act, instead of simplifying things, has in turn, complicated the issue furthermore, thereby pushing the campaigners into a series of bureaucratic maze.

The amended clause to Article 47 (E) states that if a hearing-impaired person is successful in the trial exam and has proven his/her ability, then s/he is eligible to be given a driving licence that permits to drive 'only on roads that meet the set road standards'.

Now, as to what this 'road standard' means has not only

confused the people of the deaf community but even officials in the Department of Roads and Department of Transport Management (DoTM).

The DoTM has, time and again, sent official letters to the Department of Roads requesting them to identify as to what kind of road standards are fit for people with hearing loss, and the Department of Roads has, time and again, replied the same thing that there are no such 'Road Standards' designed specifically for the hearing-impaired.

“We simply can't give approval for the licence until the Department of Roads specifies what those standards are since the law clearly states that they are allowed to drive only on roads that meet the specified criteria,” explained Tirtha Raj Khanal, Information Officer at DoTM.

“We have been working with NDFN closely since the last three years.”

Radhika Prajapati, Engineer at Department of Roads, is also a little perplexed as to what that 'standard' really entails. She said, “Every road throughout Nepal is designed in accordance to the Nepal Road Standard 2013. But it doesn't specify a particular 'road criterion' for the deaf demographics.”

In May 2017, Engineer Bibek Pandey addressed a letter to Ministry of Physical Infrastructure and Transport and DoTM, clearly stating that in absence of such 'standards', there needs to be more revision to the amended policy of Article 47 (E).

It has been over three years since the Supreme Court ordered a change in the law to make it easy for the deaf people to get driving permits, but in the recent light of events and despite all progress, the campaigners seem to be nowhere closer to their goal than they had been 15 years ago.

“Our neighbours, India and China issue driving licences for both private and business use, but here even after trying for all these years, we are now stuck to two vague terms 'specified standard',” says Sanu Khimbaja, Project Manager and Interpreter for Society of Deafblind Parents. “Since, most areas are hore-fence zone in Kathmandu, all you need are your vision, the side and rear view mirrors and you are good to go,” he added.

Nepal signed the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) in 2010, which calls for countries to guarantee fundamental rights of the disabled and treat them equally at all times. Also the Constitution of Nepal 2015, under Article 51 Section B, clearly states “to implement international treaties, agreements to which Nepal is a party”.

So, as of now, denying deaf people driving licence not only deprives them of mobility but it also stands in stark contrast to the supposed non-discriminatory beliefs, which our country so feverishly holds on paper.



RABINDRA BASTOLA

Courtesy: Rabindra Bastola