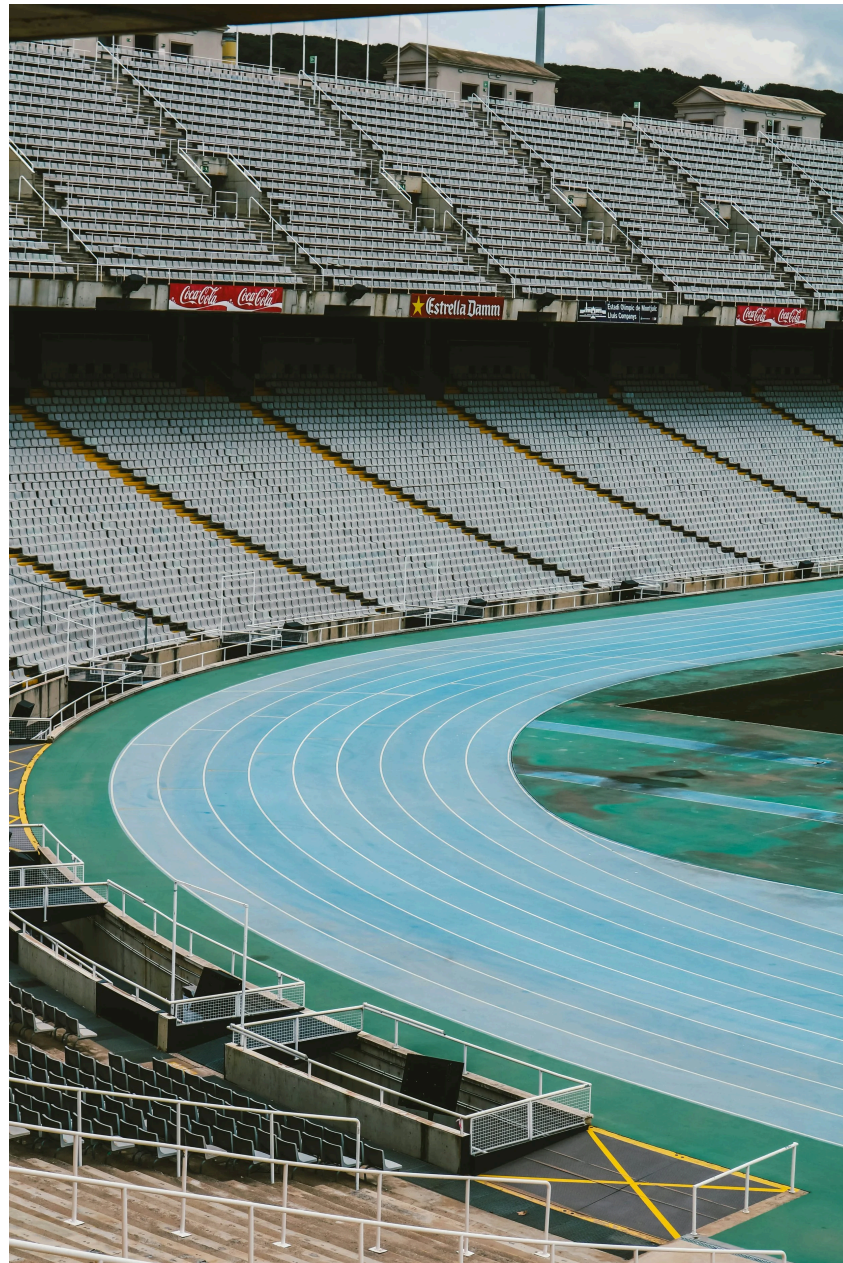


Deafness, Difference, and Discrimination: How India's Sports Awards Case Exposes Gaps in Disability Rights Implementation Under the CRPD

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Bhavya Johari

On November 3, 2025, the Delhi High Court directed India's Ministry of Youth Affairs and Sports to frame criteria enabling deaf athletes to compete for the prestigious Major Dhyan Chand Khel Ratna Award. The ruling in [Virender Singh v. Union of India](#) exposed a stark administrative gap. While Paralympic athletes could apply for India's highest sporting honour, deaf athletes competing in the Deaflympics were categorically excluded. This exclusion

persists despite India's ratification of the [UN Convention on the Rights of Persons with Disabilities \(CRPD\)](#) in 2007 and enactment of the [Rights of Persons with Disabilities Act](#) in 2016, which explicitly recognises hearing impairment as a disability. The case reveals how narrow administrative interpretations of *disability sport* can undermine international obligations, creating [impermissible hierarchies among persons with disabilities](#) that contradict the CRPD's non-discrimination mandate.

The Categorical Exclusion: Creating Hierarchies Among Athletes with Disabilities

The [challenged scheme](#) for the Major Dhyan Chand Khel Ratna Award awarded points exclusively for medals won at the Olympics, Paralympics, Asian Games, and Commonwealth Games. Under this framework, a para-athlete winning bronze at the Paralympics receives 55 points toward eligibility for the Khel Ratna Award, while a deaf athlete winning gold at the Deaflympics receives zero points - the Deaflympics does not appear in the scheme's recognition structure. This differential treatment reveals a substantive policy choice: by including the Paralympics (governed by the [International Paralympic Committee](#)) while excluding the Deaflympics (governed by the [International Committee of Sports for the Deaf](#)), India has determined that only specific international disability sporting events merit recognition.

This exclusion reveals an internal inconsistency within India's sports recognition framework. The government's [Scheme of Cash Awards to Medal Winners in International Sports](#) explicitly includes Deaflympics medals in its *Diverse Ability Athletes Sports Disciplines* category, awarding substantial cash prizes for Deaflympic achievements. Yet, the Major Dhyan Chand Khel Ratna Award scheme, *India's most prestigious sporting honour*, limits eligibility exclusively to the Olympics, Paralympics, Asian Games, and Commonwealth Games, adopting a narrower benchmark centred on the International Olympic Committee / International Paralympics Committee structures. By recognising Deaflympic excellence sufficiently to provide financial rewards while excluding it from the nation's highest sporting recognition, the scheme transforms what should be a neutral administrative question into a hierarchy among persons with disabilities, signalling that some forms of international disability sport warrant state validation while others, despite comparable competitive standing and the government's own acknowledgement of their legitimacy, remain invisible to the law.

This hierarchy contradicts the foundational principle of CRPD [Article 3](#), which is *respect for difference and acceptance of persons with disabilities as part of human diversity*. The Convention's drafters deliberately rejected [medical model categorisations](#) that treat some impairments as more *legitimate* than others. The [paradigm shift](#) embedded in the CRPD requires states to abandon administrative convenience in favour of substantive inclusion. Article 3's general principles, including non-discrimination, serve as interpretive tools that guide the understanding and application of all substantive rights under the CRPD. The CRPD Committee's [General Comment No. 6](#) clarifies that equality and non-discrimination are presented as *principles in Article 3 and as rights in Article 5*, creating an integrated framework where respect for disability as human diversity informs what constitutes impermissible discrimination under [Article 5's non-discrimination mandate](#). Analysed through this framework, India's scheme does precisely what [Article 5](#) prohibits: It creates distinctions among persons with disabilities that lack objective justification.

The exclusion of deaf athletes presents a particular complexity that actually strengthens, rather than weakens, the discrimination claim. Deaf communities often resist [medicalised disability framing](#) while simultaneously requiring protection under disability rights law. The Deaflympics reflect this duality - operating as a distinct international sporting movement with linguistic and cultural specificity, yet clearly falling within the frameworks of disability sport. However, this cultural distinctiveness cannot justify India's categorical exclusion. The CRPD Committee's [General Comment No. 6](#) explicitly warns against creating hierarchies of worth based on the type of disability or how individuals self-identify within communities. Whether deaf athletes view themselves primarily through a cultural or disability lens is irrelevant to the state's obligation to ensure equal recognition. By treating Paralympic achievement as cognizable while rendering Deaflympic achievement invisible, India violates this core principle.

Article 4's Implementation Deficit: The Gap Between Legislation and Practice

The Delhi High Court correctly invoked the 2016 Rights of Persons with Disabilities Act, noting it *leaves no scope for discrimination* between hearing impairment and physical disability. Yet this legislative equality remained trapped in statutory text, never penetrating administrative implementation. This pattern exemplifies the [implementation gap](#) plaguing CRPD compliance worldwide: states enact legislation that appears to comply with the CRPD while maintaining discriminatory administrative practices.

[Article 4\(1\)\(b\) CRPD](#) imposes an unambiguous obligation on states to *modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities*. This duty extends beyond formal legislation to encompass administrative schemes, executive actions, and policy frameworks. [India's disability rights architecture](#) exhibits persistent disconnects between statutory promises and bureaucratic delivery. The sports awards scheme epitomises this dysfunction. Despite the 2016 Act's explicit recognition of hearing impairment as disability, the [challenged scheme](#) for the Major Dhyan Chand Khel Ratna Award remained unchanged through its February 2025 amendment.

Equally troubling is the apparent violation of [Article 4\(3\) of the CRPD](#), which requires states to *consult closely and actively involve persons with disabilities* in the development of policies that affect them. Nothing in the record suggests that deaf athletes participated in designing the award criteria. This consultation deficit is not merely procedural. Article 4(3) embodies the disability rights movement's foundational principle: [Nothing about us without us](#). The scheme's exclusion of deaf athletes suggests they were absent from deliberative processes, rendering the criteria inherently suspect under international disability rights standards.

Beyond Formal Equality: What CRPD-Compliant Recognition Requires

The Court's directive to *frame appropriate criteria* for deaf athletes raises a critical question: what would CRPD-compliant recognition actually require? [Article 30\(5\)](#) explicitly addresses sports participation, obligating states to *ensure that persons with disabilities have access to sporting, recreational, and tourism venues and to provide them with the opportunity to organise, develop, and participate in disability-specific sporting and recreational activities*. [International disability rights jurisprudence](#) recognises that Article 30(5) encompasses not just participation opportunities but also recognition and support structures.

Accurate compliance likely requires treating Deaflympics medals as equivalent to Paralympics medals in the points system. Anything less perpetuates the hierarchy that the Court found discriminatory. This is not about preferential treatment but about [substantive equality](#), which requires *dismantling obstacles* to equal participation rather than merely prohibiting formal exclusion. The obstacle here is administrative: a points scheme that recognises some international disability sports competitions while ignoring others.

However, the broader question remains unresolved: should distinct sporting infrastructure for deaf athletes be celebrated as respecting cultural difference, or does it risk perpetuating segregation? The CRPD offers no simple answer. Article 30 protects both disability-specific sporting activities and inclusive participation. [Disability law often confronts tensions](#) between accommodating individuals through separate systems and integrating them into mainstream structures. For deaf athletes, the Deaflympics represent chosen separation rooted in linguistic and cultural identity, not imposed segregation. CRPD compliance requires recognising this choice while ensuring it does not result in reduced state support or recognition.

Conclusion: From Judicial Direction to Substantive Compliance

The Delhi High Court's ruling represents a crucial first step, but judicial recognition of discrimination is insufficient without corresponding administrative action. India now faces a test of its CRPD commitments: will it merely create token eligibility for deaf athletes, or will it fundamentally reimagine how disability sports achievement is valued? Implementing disability rights requires moving beyond formal legal compliance toward genuine structural change.

The stakes extend beyond India. How states categorise and recognise disability sports reveals deeper assumptions about which impairments *count* and which communities merit inclusion. If India responds by establishing genuine parity for deaf athletes, it could serve as a model for CRPD-compliant practice for other state parties. If it offers only cosmetic adjustments, it will confirm concerns that the CRPD risks becoming ineffective without rigorous implementation mechanisms. Deaf athletes deserve more than belated eligibility. They deserve recognition for their achievements, which equal those of any Olympian or Paralympian, and that their difference constitutes not a deficit but a dimension of human diversity that the state is obligated to respect.



Author:

Bhavya Johari is a Lecturer at Jindal Global Law School, O.P. Jindal Global University, India. He earned his undergraduate law degree from NALSAR University of Law, Hyderabad, India, and holds an LL.M. from Melbourne Law School, University of Melbourne, Australia.