

Judgemental Society and its Impact on the People with Stuttering: A Social and Legal Analysis (Special Focus on Stammering as a Disability)

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Abstract: Causes of stuttering are still ambiguous, there are ample factors that lead to stuttering, primary factors are social and emotional. Society plays a great role in the life of people who stammer. A stutter bullied from primary school till his/her last breath, whether through classmates or neighbours. He lacks self-confidence throughout his life. Stutters are always judged as inferior, whether it is extracurricular activities or functions, a stutter always run from these activities in the fear of getting bullied and losing his self-esteem. Even in adulthood, they had to face many challenges because; in every field speech plays a very important role in one's life. This paper has two intention, one to reviews and find the role of social factor and stuttering and the role of legal factors in the life of the stammers.

Keywords: Intelligence, Self-esteem, Stigma, Bullying, Social aspects.

1. Introduction

Stammering also known as Stuttering or dysphemia is a speech disorder in which flow of speech is disrupted by voluntary repetition of sounds word, phrases as well as involuntarily silent pauses or blocks in which a person who stutter is unable to produce sounds? For example if Shyam ask what is your name he will reply MY nnnnnname is ...Shyam here Shyam had a pause as well as repetition so he will come under the category of stuttering. According to Watkins, Stuttering is a disorder which hinders the proper selection, initiation and execution of motor sequences for fluent speech. The impacts of status on person functioning and emotions is severe, Speech is a main source of proper functioning, Stuttering leads to self – imposed isolation, stress, anxiety, low self-esteem, he is possible target of bullying. A stutter had to adjust his/her word and had to disguise his proper speech.

Society play a very crucial role in the life of people who stutter, whether it is his childhood, adulthood, or old age time, stutter always gets anxiety, depression from society, some people will sympathise on them, some will bully but nobody understand them? A child had no fault on his/her stuttering, it is a god gift disorder which remains till death (Exception if a

Child has taken specific therapies)

2. Statement of problem

The judgmental nature of society, how our society Judge a book by its cover. When a stutter opens his mouth, that time itself the other person assumes him as the inferior from the rest. & the effect of social force over stutter Even if a stutter acquire some confident from family and friends, society plays a drastic role in his demoralization and demotivation, whether it is stress, anxiety, self – esteem, or demotivation society is the means of it for them. Stammering is known as a speech disorder, which has a substantial and long term adverse effect on their ability to carry out normal day to day activities, still there is no Legal remedy for stutter, they are fired from job due to stuttering, and they are not selected in interviews In spite of having the requisite calibre.

3. Research Objectives

- To study the problems that people with stammering face and its impact upon them
- To describe the challenges faced by stutter while coping up with the corporate world
- To study legal provisions that can be beneficial to people with the disability of stammering, with special reference to disability of U.K.
- To analyses the perception of others towards the person who stammer & how he sees oneself (Self Image) in this glove.(Explanation with case studies)

4. Research Questions

- What are the social and emotional factors that affect the person who stammer from pre – School to adulthood?
- Why allopathy is unable to treat the peoples who stammer? Although they can receive therapy but they can ease the problem but can't solve it.

- What is the legal validity in the constitution of India? DO they are treated equally in the corporate world? Don't they deserve equal treatment?
- Do they have enough employment opportunities in spite of having requisite calibre? Do

5. Review of Literature

According to National Stuttering association, "Stuttering is a communication disorder involving disruptions, or disfluencies in a person's speech. The word stuttering can also be used for specific type of disfluency or an overall communication challenge that people who stutter face. (Zebrowski, 1989). Stuttering is a speech disorder characterised by repetitions of sound, syllables, or words or prolongation of sounds; and interruptions in speech known as blocks. According to Charles and Riper (1972) Stuttering is the pieces which lie scattered on the tables of speech pathology, physicist, genetics and, neurophysiology & genetics and many other disciplines. Stuttering has been probably existed from the time human began to speak, The origin of Stuttering is still contradictory, because there are several factor which leads to stuttering, such as emotional, physical or social phenomenon.(James Hunt, 1861). Stuttering affects almost 5 Per cent of the total population in U.S.A & 1 per cent in the globe (Conture, 1996) this disease affects child disproportionately, the intensity of stuttering differ from child to child and person to person. Stuttering is irregular; it may occur sometimes it may not. The usual age at which the problem onset is 3 year to 5 Year (Dalton & Hardcastle 1977) In childhood there is no problem to stutters and society but at the time child become adult, External forces such as society, school tends a pressure over stutters. They judge them through their speech rather than there calibre.

Eighty per cent of the student who suffers from stammering in childhood recovers to normal fluency in their school days through therapies (Stark Weather, 1985; Yairi & Ambrose, 1999) although many studies shown that Natural therapy solves problem of stammering but, there is no cure for stuttering. Stuttering is obviously a disease which persist till death, Therapy just act as a stair for stammers to tackle with the judgemental world but there is no permanent cure for stuttering" neither Allopathic nor homeopathic has any cure for stammers" (Journal of the British homeopathic society) although there are certain medications which control the frequency of stutters, but these medications works as pain killers, because these medicines work only for certain period of time to relax the depressing stutters.

Around one in hundreds of the adult population persist in stuttering. (Andrews & Harris, 1964; Bloodstein, 1987). Either they are discarded or thought to be inefficient. In the preview of judgemental society it is important to know what role social factors play in stuttering. Because speech is a social phenomenon as people speaks variety of topics at different situations. Whether you are a teen or an adult you have to interact with others, through such interactions stutters judge themselves, either they feel demotivated or demoralise. The speech disorder also affects language and motor performance;

historically it was believed that stuttering is caused due to Physiological, Physiological, linguistic or learned behaviour. But At present Stuttering is not restricted to these factors, but it is multifaceted speech disorder that involves all the preceding factors, especially the social ones. As per (Starkweather, Gottwald & Halfond, 1990) development of Stuttering is due to the mismatch between child capacities (Which includes motor, linguistic, cognitive and emotional) and external speech demands. As per Smith (1999) and de Nil (1999) all these factors (social, emotional and learned factors) are the main factors that contribute to the onset of stuttering.

The influence of emotional and social factors in the (onset, development and treatment) is ubiquitous in the models.(Healy, Trautman & Susca, 2004) when a child finds himself as a stutter, at that time he may not have the demotivation but as soon as he connects with the judgemental society, his stuttering worsens, As per research it was found that, Social force is the primary force over stutters. When a stutter find himself bullied in this judgemental society, her stuttering speech worsens even more. Even at the time of treatment, Speech Therapist always try to enhance the moral of the stutter, because Speech is conveyed through brain, if brain interrupts due to demoralisation, stammering occurs.

There was another research by Riley and Riley (2000) where he revised their 1979 assessment and maintained that speaker temperament factors and listener reaction tends to people who stammer were the two main factors which contributes to onset of stammering. His assessment was criticised by (Healy, Trautman & Susca, 2004). According to him Multimodal factors states how stuttering might start or be maintained and, by conclusion he indicate that component identified in the multimodal should be included in the identification and treatment of disorder He state Riley and Riley models lack the detail necessary to make them useful in collection and interpretation of assessment and treatment outcome data.

The International classification of impairments and handicaps (ICDIH) proposed by world health organisation (WHO, 1980) can be useful in describing the experiences of individuals exhibiting the speech disorders. , ICDIH defines the meaning of disabilities& impairment, this study describes the sequence of disorder, how disorder affects the life of a normal human being who exhibits such disorders.

McClellan appears to have been the first to apply the WHO terminology to stuttering in a 1988 workshop organised by National institute of Deafness and other communication disorders (NIDCD). In this paper McClellan (1990) Suggested that impairment related disorder in motor system under speech production which is casually related to speech dysfluency. He suggested that this impairment could further divide as Structural impairments and anatomical abnormalities. These terminologies are casually related as speech dysfluency. For example, difference in the density of Synaptic terminals as projected from one brain centre to another or differences in the brain chemistry, as reflected In the distribution of neurotransmitters across brain centre involved in speech production (in simple word, every Individuals brain has different chemistry, Every individuals has different cause of

stutters) and McClean also connect Speech disorder with the words Disability, Impairment and handicap. According to McClean, Stuttering has adverse effect on the individual's capacity for normal speech communications in terms of Personal growth, educational experiences, occupational choice and social function (p.65). The stuttering impairment leads to number of disabilities or restriction of an individual's activity to perform any activity. (Almost every activity involves speech coordination from asking for a rickshaw to work in office, speech plays an essence role, stuttering restricts the free flow of speech which broke the stutter emotionally & mentally) also it is possible that some individual may not have any restriction in doing daily tasks associated with their stuttering impairments. Specific nature of those disabilities will depend on the in large part upon how individual read to cope with their stuttering. (WHO, 1980, p 142; Yaruss, 1997B)

Perhaps the most obvious example of a disability that might result from the impairments are loss of ability to produce fluent audible sound for conveying some message, not able to handle clients in the telephonic mode, in such situation; stutter tries to speech those words which he may speak fluently without any gap. As he will avoid speaking in certain situations may exhibit a disability of situational behaviour. So Stuttering is the disability if it hinders everyday activity of the stutter in specific situations. (WHO, 1980, p.150) and even a stutter tries to reduce the amount of talking might be judged as disability of self-presentation. So we can implicate that it is important to emphasise that the disability in case of stuttering depends on large part of reaction individuals have to their stuttering impairment. Even after doing the research on Stammering, the biggest question arises is stammering a disability? Some people speaks stammering is a disability some not, the (equality act 2010), (The act prevails in U.K., it protects the right of each and every individual and advance equal opportunity to all) states Stammering as a disability because he/she has physical and mental impairment which has severe and long term and severe effect on their ability to carry out day to day normal activities.

According to (American disability association, 1990)the person is considered as disable if, he has physical and mental impairment which prevails for long term and has long term effect on daily routine activities of the individuals. If all these condition prevails, a person is applicable under this act. In case of stammering as I already discussed in above reviews, A person has physical and mental impairment (Mental impairment includes judgemental nature of society, the sympathy they prevails over you, your calibre is compared with your stammering) obviously in most cases it prevails over long time, subject to if stutter had physical therapies (Which is still only mitigate the disease not cure it). It also hinders daily routine (Official and unofficial activities). Even in normal activities stutter has problems, from asking for a rickshaw (conveying the address and all) to purchasing household rations, stutter faces difficulties, either bullied by society or sympathised. And in case of official duties Speech plays a very important role, without it Survival of a stutter in corporate world is very difficult. There are many cases in USA and UK, where Stammering has been implied has a disabilities and necessary

action has been taken for stutters. In case of India there is no such law, Although India has (right to person with disability bill 2016), but this act is not applicable to the stammers, India has more than 1 crore of stammers, but still there is no legal provision for them. A dumb guy has satisfaction that he can never speak, but in case stammers, having god gifted speech with stammering is really sad. A stutters is either sympathised, misbehaved, bullied from childhood to his whole life, his faces the Judgemental society. India needs a proper act for stutters, they need government support to sustain in such Judgemental society, and our society has broad perception in case of homosexuality, Transgender but why not for stutters. It is tough to impossible to change the mind-set of society, so they need Legal help as India has special reservations and act for other impairment, There should be a legal provision for stuttering.

Chapter 3: Research Methodology

- Statement of Problem
- Research objectives
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Chapter 4: People with stammering vs. Judgemental Society

- The perception of society, let's explore the experience of Adults Who stutters

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Chapter 4: People with stammering vs. Judgemental Society

The problems that stutters faces to survive in our judgemental society is very difficult to state in words, from school to college, from college to employment, from employment to death, Stammer faces various difficulties. Stuttering not only affects person's career but also affects his/her social and mental health too. A stammer, stammer due to natural reasons, the reason can be heredity, Stroke, head injury, Psychological or emotional trauma. Whenever society finds these stutters, they always sympathise for them, that sympathy is too to discourage the stutter to do certain act, this sympathy from society leads to demotivation and emotional breakdown.

When a handicapped (Deaf, dumb) child is born, They have the cause of empathy from society, even governments has certain schemes for them, they have definite reservation but for stutters, The faces irregularity by society, There are no security from government, Just judgemental society has given the tag of disease to the stutters but there is no solution for the stutter neither from the people nor from the society.

The hardship Stutters faces are

1) *Bullying*

The primary hardship the stutters faces since their childhood is bullying, from pre-school to high school, from high school to college, from college to employment is bullying. various researches shown that children who stammer are at higher risk of getting bullied by those children who don't stammer, Starting

from pre-school to adolescence, Stammers are bullied (mentally and Physically). Even faculty do not incorporate with them. In a research of Pre-school study, some researcher examined the behaviour of non-stammering people over stammering people while playing together. They found many negative responses. While in a study of some researcher out of 28 schools going people, who stammer, 57 per cent ought to be seriously bullied. In a report Some researcher compared he experiences of bullying between stammer and non-stammer, they found almost half of the stutter faces serious bullying while only 10 per cent non stutter get bullied. In a survey of 267 adults who stammer the researcher reported 83% bullied while studying bullied. While summarizing all the researches, Stammer has several negative reactions, here other classmates depicts society. These negative reactions on the child even worsens the tendency of stutters, this tendency remains with the child till his death, these reactions also effects child attitude towards themselves and their stammer.

2) *Mental Health*

Unsurprisingly, people who stammer has various strong negative thoughts and feeling about their stammering, they have suicidal tendencies, they fear to face the world, they tend to be more introvert, various researches has supported this opinion, in 1998, a report of some researcher carried out in depth interview with the adults who stammer, find that stuttering has the principle theme of their stuttering, with reporting various negative feeling such as helplessness, shame and fear, they find the way to hide their stuttering (like finding substitute for what they want to speak but couldn't speak due to stuttering stroke) they tries to exclude themselves from judgemental society (Tending to get introvert). Stuttering is very serious for mental health, Stutter had to speak for his daily activities, so His mental health worsens every day, you may have finds people in depression for 2 year or max 5 year but they tend to remain in depression for whole life.

3) *Employment*

As per a researcher Stammering is significant vocational handicap disease, in simple meaning a person who has tendency to speak but couldn't speak in flow, has several blocks, repetitions. Many people In our judgemental society holds negative attitude towards stammer, and this impact affects their likelihood of Successful recruitment and Promotion, in Interview jobs, most of the stutters are rejected, while most held difficulties in promotion, even corporate world, they are judged through their flow of speech rather than their calibre. Klein and Hood (2004) Examined the impact of stuttering over corporate jobs, he held that out of 232 adults who took part in the survey, 70% agreed that stammering reduced the chances of being hired or promoted. Nearly 40 per-cent believe that stammering interfere in the job performance, While performing, an employee had to certain, vocal activities, such as meeting to the client, Advising on certain provisions etc. so Stammering has drastic effect over employment and promotion in employment.

4) *Impact on quality of life:*

Quality of life can be described as the general well-being of a person of a person in Society, in Simple meaning quality of life defined as the happiness and health. But Stammer neither

has happiness in their life nor mental health. Various researches states that people who stammer has reduced quality of life, and to fulfil their ambition is limited. They persist in judgmental Society where a human is judged by his cover rather than qualities, Since childhood, Stutters are highly demotivated, they cannot even dream freely, He views himself as per society judgment.

Some researcher compared a group of 200 adults who stammered and other 200 who didn't stammer. Both scale were asked to rate the quality of life. The result finds that stammering negatively affects vitality (it is the measure of one's energy level fatigue), Social functioning (the extent to which he interact and indulge in social activities), emotional functioning, (The extent to which person emotions impact on daily work and employment) and mental health. This research clearly states the hardship stutter faces to sustain in Judgemental society, from childhood to old - age, they struggle from School, society, employment, and even in day to day activities. These researches were also applied by other researchers where a group of adults who stammer reported that, stuttering had limited their lives in the area of employment, education and self-esteem. So these researches implied that stutter has life full of hardship, he has to struggle to tackle such hardship by compromising self-esteem. Stuttering has various physical, Mental and Emotional distress due to Judgemental Society, it's our human tendency our mind functions as per society point of view, you find yourself superior if society appreciates you as well as inferior if society depreciates you. This qualifies the sociology concept of self-Image where one thinks and reacts on the perception of others.

Imagine if you are in an interview and suddenly you stutter will you have competence, never Stuttering is the biggest challenge mentally, physically and emotionally to the stutters. Judgemental Society always judge a book by its cover, Stutter are seldom find appreciable people mentality towards them is really disgraceful, so why it is still not approved as disability in India as well as many countries. Disability in general means the problem which affects the person whole life either mentally or physically. Stuttering without any argument qualifies stuttering as a disability because a person untreated by speech therapies never gets fine throughout his/her life.

There are many studies which suggest that people who stutter are stereotyped as being more guarded, nervous, self-conscious, tense, sensitive, hesitant, introverted and insecure than non-stutters. The primary questions comes, Why they lacks self-confident? Why there stuttering strokes varies from time to time? Why they stutter hard when criticised by society? The perception of society towards stutter can be convinced by stutters only let's analyse the perception of Society and explore the experience of adults who stutters.

5) *Stammering and Sexism*

Stammering and sexism share a much nuanced relationship. Women who stammer are victim of a form of dual discrimination in patriarchal and ableist societies. Hence there is an ingredient of intersectional as to how society responds to the stammer. Women face continuous tone policing, which leads to a greater amount of marginalisation due to stammer

6) *To analyze the perception of society, let's explore the experience of Adults Who stutters: Case Studies:*

Case 1: Mr B was 44 years old male, unmarried and ran his own office as a handwriting analyse in an urban city. He approached the counsellor regarding his stuttering and relationship issue. Her father was retired government employee; the client was eldest son of his parents. The client informed he had been stuttering since he was studying in 2nd standard. On being asking whether he ever took speech therapy he said he consulted on speech therapist however he reported there was no improvement in stuttering. Because it was quite late during his graduation (21 year old). He state the right time to get therapy is 7 to 8 years. Total 15 sessions held of the client.

7) *Initial assessment*

In his first session, the client informed he has been stuttering since childhood, he had been a frequent stutter. The other problem he told was that he did not feel emotional attachment with anyone in his life and his emotions are very much tried, client state he has been sympathised by the society from his childhood, he had become a stone with no feelings with anyone.

HE state children who experience detachment from their parents in the initial years of their upbringing because of any reason, have difficulty in developing emotional bonding and long lasting relations with their adult years usually people fear to disclose to disclose their childhood to adulthood painful experiences, he state how he was bullied in his school, parents were not corporative, how he had no true friends, he state in "In my age children think about playing games with friends and wandering here and there, and there was I constantly thinking about how to avoid those painful thrashings, living in the constant fear and the anxiety and fear pervaded in all parts of his life in school, at his home, he was traumatised by his parents, he had no supports from parents,. Clients states "from childhood I have developed inferiority complex, I find self myself inferior from the other, In my school days I was neglected by every faculty, they never cared about my feeling, they use to treat me like a disable person. MY childhoods have remained friendless. Stutter tends to live their life on other's perception; it is human tendency to compare oneself on other perception. They feels themselves to be inferior and hopeless, that's by they are, nervous, self – conscious, tense, sensitive, hesitant, introverted and insecure.

Case 2: John: John a 21 year old midst dropping out of college, Stumbled with author 8 year ago in a trip to Himachal Pradesh, at that time author was young, at that time john was a serious stutter(Have large strokes in between of his speech), one of author first memories is he made fun of john's stuttering. After sometimes the author met again with John, he brought up again his memory. John didn't recognize the incident but I recognize, John still lacks self-confident. John mentioned his life was not easy at all, it was like a daily circus, where he tends to either get sympathize or insulted, when he was in his preschool, he was bullied by his classmates, even faculty never understand him. Purchasing daily necessities was the biggest challenge for him, asking for the goods and services was not easy for him, he recalls a movement when he asked for rickshaw, he tried hard but could not speak freely the address from that movement he

lose his self-confident. John mentioned he is not a serious stutter, but whenever he has severe demotivation or societal sympathy, his stuttering worsens. He also mentioned his neighbours keep instructing to do any business because he can't sustain in corporate world. Due to societal pressure and demotivation he left his college in midway. He mentioned stuttering became his life hurdle, his all qualities were hidden under stuttering roof, he was found to be inferior or abnormal by society.

Case 3: Shyama: Shyama was a habitat of Uttar Pradesh, she was a serious stutter since his childhood, and she was college passed student. Her words were replicating her emotions she mentions it is better to be dumb then to stutter, her life was not easy, she wished to be a journalist but was demotivated by society. She lost all the hope in her life. She has completed her MBA in Finance, all her fellow classmates recruited in big finance firm but she left unemployed even after securing top 10 ranks in her college. She was very brilliant student, she always dreams to be a journal but she has to sacrifice her dream even after sacrificing her dream she couldn't live a decent life.

Case 4: Radha: She was a college passed student; she resides in Thailand, she state how everyone in her own family treats him like disabled. She dreamed to be a corporate lawyer but her family, friend and neighbors criticize her dream. They mocked on her dream, Society often advised her to work in bank or office work in any company. Her family is finding a groom for her since 3 years, but no family except her as she is a frequent stutter, She questions if society, family, friends and corporate world treats her as disabled so why she is not covered under disability act. There are several legal provisions for other disabled such as deaf, dumb and blind then why no legal provisions for stutters. Here we can analyse the perception of society towards stutter, Society never excepted them confident enough, either empathised or criticised, Human beings is also known as social animal, they tends to behave in the way their neighbour, friends and family members perceive. These people from childhood to adulthood never received positive response from society.

Rakesh, who is now an IAS officer in India, is a stutter according to him Public sector has more scope than private sector for stutters, he had completed his MBA in finance from reputed college but due to his stuttering he could not had any good campus placement he decided to prepare for civil services Examination, government sector examinations are the mixture of written exam as well as interview, but in private sector, speech plays an essential role after graduation when you will apply for any job interview they will mostly judge you on your itself(May have examination but only for formality. These case studies depicts the agony of the Stutter, from child hood to adulthood there life never been easy. Even though they have good education stuttering prevails over their intellect, I already mentioned even after getting a degree from prestigious college, stuttering forbids them to get good campus placements, even if they are placed removed in provisional period.

8) *Chapter 5: Challenges faced by Stutter in the corporate World:*

Stammering has been a source of rejection in the corporate

world, A stutter with higher calibre will be rejected for a non-stammer, There degree's experience are kept aside, they are judged through there speech. In a job interview, Carol Westby asks interviewer whether her Stuttering will be a problem. The interview says yes, the corporate Jobs require fluent speech for presentation to clients. Carol asked once again, one who stutters do not possess communication skills & she also stated that she has completed two courses in public speaking. She explains although she can't say as fluent as her classmate speaks, so she plans her presentation meticulously, get up in the front of group, and get right point, my college professor always says that although you stutter you explains whether than your classmate.

The interview just replied with a single statement, excellent presentation and communication skills are required and end the interview without asking any relevant questions. Does interviewer is biased towards stutters? Yes interviewer is biased towards stutter because, in interview he never asked Carol for presentation skills, then how can he judge someone person skill thorough stuttering? Person who stutters can have better Communication skills; Person with stutter could have persuasive and informative presentation, so interviewer is biased for stutter.

To protect such discrimination USA has legal provision, the American disabilities act, and 1990 this act prohibits discrimination against qualified candidates with disabilities. Here disabilities is defined in three ways

- A physical and mental impairment that limits day to day life activities, here speaking is day to day life activities, even in our routine activities stutter faces many difficulties so this point qualified stuttering as impairment (Physical, social and emotional).
- A record of such impairment, this applies for those who have history of illness
- For those life activity which are not substantially limited in major life activity but perceived to have such limitation. As I already discussed in Carole case, although she has better communication and presentation skills but she was judged through stuttering.

Corporate world never accepted the stutter, Even if a stutter qualifies in written he would be rejected in interview due to his speech disorder, in short corporate world never accepted them. So Stutter need some legal force, to save the individual right, U.K. passed disability bill but initially Stuttering was not part of it bit after amendments stuttering has been qualified as disability and covered under ADA act(U.K.). This act prohibits the discrimination on the basis of disability; disability is god made phenomenon, why an individual should be discriminated of his disability? Some disabilities remain till death such as diabetes, stuttering, high blood pressure. ADA act prohibits any form of discrimination against these disabled and also instructs to provide reasonable restriction to the disables such as providing minimal speech works for stutter etc.

9) *Challenges for stutter in private vs. public sector*

Our society has a feudal concept that one should have a government Job, but practically this concept is practical in our Judgemental society. Governments jobs have job security,

generally had less vocal impact but private jobs are solely depends on your speech, When a person completes its graduation or post- graduation, to acquire job placement he applies for interview but unfortunately his degrees, experience is kept aside, he is primarily judged by his speech disorder. If a candidate is applying for government examination such as Civil Services, Judiciary or any public sector exam, there is fine combination of written and oral examination, even a man is rejected in interview he has chances to do very well in oral Examination but in case of private campus placements, stutter has very bad future, after investing lump sum on graduation they has no job security. There are many researches where stutter always tried to be at public sector, there is an officer named Kamal according to him private sector is not meant for stutters, even they are recruited, and they may get rejected afterwards because there is no job security.

As we know corporate world is not going to change its form, people give suggestions on how to indulge oneself in corporate world there was a girl named Goduli suggested a stutter and give me a instance "There have been times in my life as well when stammering/stuttering had left me with sheer dejection. If this problem is coming in your way of getting a job, then I may suggest you to undertake a speech therapy. That has helped many stutter in the world. To tone down stammering, you can speak slowly, take breaks between sentences and take deep breaths in between (I am saying this from my personal experience). Practise doing this at home in front of the mirror and you will realise that you can actually tone it down to a great extent (there is never full cure to stammering). And never give up. You are never a failure. Stammering does not make you incompetent in any way. Everybody comes with flaws and these flaws make our strengths more impactful. The moon is always symbolic to quintessential beauty, despite it having pits and potholes. The world would cease to be the same if you never existed."

She spoke practical & gave hope to the stutter but the flaw comes here is why only stutter change their point of view why not corporate world, as we know almost Every country in Asia has respective laws for other disabilities such as deaf, dumb, blind even though there are various alternatives for them. At present a deaf can hear by medical treatment, a blind can see the world by eye transplantation so for every disease there is a cure but still we have legal force for such disease, every disable has reservation in respective field, but in case of stuttering there is no legal force, ironically we have no law for stutter especially with respect to India.

10) *Chapter 6: Comparative Study of legal provisions in UK. Vs. India available to stutters*

The American with disabilities act of 1990 is a civil right law that prohibits discrimination based on disability. It affords similar protection against discrimination to American with disabilities as the civil rights Act 1964 which made discrimination based on race, religion, sex, national origin and other characteristics illegal and later sexual orientation. The ADA bill have wider scope than Civil rights act 1964 it covers employees to provide reasonable accommodation to employee with disabilities and imposes accessibility requirement on

public accommodations.

ADA Act includes both mental and physical disability, A condition not need to be permanent or severe to be a disability, Equal Employment opportunity commission regulations provides the list of conditions that should be easily be concluded to be disabilities, such as deafness, dumbness, blindness, autism, cancer, palsy, diabetes, epilepsy, attention default, hyperactivity disorder, HIV, bipolar disorder, post-traumatic stress disorder, stuttering and many more. Certain diseases which are widely considered as anti- social or tend to result in illegal activity are excluded from ADA bill such as kleptomania, pedophilia, exhibitionism; voyeurism, etc. are excluded under the definition of disability in order to prevent abuse of statute's purpose. The ADA bill applies to private employers with 15 or more employees, state and local governments, employment agencies and labour unions. In very short definition ADA prohibits these firms, to do any kind of discrimination with respect to these disabilities in job application procedures, hiring, firing, advancement, compensation, training, and other condition of employment.

11) ADA bill 1990 and stuttering:

Initially ADA bill 1990 covered very few disabilities, but recent amendments have broadened the scope of ADA bill 1990, initially there was a doubt whether stuttering is a disability, but recent amendment passed stuttering as a disability. These amendments became effective from January 1, 2009, while it is unclear whether these amendments will applied retrospectively or prospectively. According to ADA, an individual is disabled if has physical and mental impairment that substantially limit one or more major life activities, and individual has record of such impairment is covered under disability bill. Stuttering clearly pass the definition, Speech takes place in almost every activities in Individual live whether it is household chores to corporate sector, speech plays very important role so obviously major life activities are limited. And these disability remains from birth to death (Except those cases where an individual has speech therapies in his early age because speech therapy is not much beneficial in elder age).

An individual is regarded as disabled if the individual establishes that he or she has been discriminated against because of their mental and physical impairment. The ADA bill was made to assure that employer makes a reasonable accommodation to the known disability of the qualified individual. There are certain functions in a company which an individual cannot do effectively such as stutter has speech disorder so they can do effective file work which do not require much communication so this bill force employer to provide reasonable restriction to the stutter For Example, Communication via e-mail rather than via telephone. An individual can file a case under ADA act if discriminated by employer due to disability, For Example if an individual passed the written exam but rejected in interview due to stuttering, Individual can file a case under ADA act.

Cases on stammering (Specially respect to ADA bill and equality act)

There are certain tribunal decisions which deal with stammering. There are cases of people who stammer and got

relieved under disability discrimination act 1995 or equality act 2010. This act applicable under U.K.

- *Y v west Yorkshire combined Authority, 2020, Employment tribunal:*

12) Case facts

A claimant who went for an interview in corporate firm who was a stutter argued that the employer should have given him some adjustment to an interview and presentation. As he was a stutter, he should be given special treatment in interview. For Example, expressly telling him he has extra time, follow up where his answers were duly short and the employer should have made eye contact. The tribunal held that on the fact that adjustment which had been made by claimant is sufficient. The employer accepted the stammering as a disability.

13) Case analysis

As for other disability such as deaf, dumb or blind, state government has certain acts and regulations, stutter also needs them, a person born to be a stutter is a natural phenomenon, who needs help from state, especially in vocal field such as lawyer, or journalist, they require an immediate help from government, the claimant is right in his viewpoint, Stammering qualifies the definition of disability in every sense then why it is not meant as disability.

14) *G v British airways, 2020: employment tribunal,*

The tribunal refused to allow a claimant to amend his claim to add disability discrimination related to stammering. From listening to him the tribunal said there was a discernible very mild stammer which the tribunal very much shouted as disability. In any event though the sheer weight of evidence explaining the rejection of his job application in the basis that he just did not demonstrate the right competencies showed that any stammer played no effective role in employer's decision.

15) Case analysis

This case depicts the level of stammering, stammering varies from person to person, people to people, now the question comes how stammer affects the life of individual, tribunal state that the claimant has very mild stammer, which wouldn't have affected the claimant in interview. Stammering has many varieties, somebody stammers due to fear at certain point of time, some stammers due to anxiety, so it is upon the judge to decide whether the case depicts the stammering as a disability.

16) *M V Mitie Aviation Security 2017, Employment tribunal*

A claimant who spoke fast, and may or may not have cluttering of or a stammer was held not to have a disability within the equity act. The court held that this was the particular case of stammering, it may be a disability but did not include under disability act.

17) *Wakefield V. HM Land registry, 2008*

Here Employment appeal tribunal a rare appeal decision on stammering. On the evidence the EAT overturned an employment tribunal decision that the claimant should have been allowed to give written answers to interview questions. A previous decision held that the tamer was a disability acknowledging the significant effects the covert Symptoms of Stammering may have.

Y v Calderdale Council, 2003: Employment tribunal analyzed the employer perception towards stutters, here tribunal found

that employer have not made sufficient adjustment for the requirement process for stammers. Although more time was allowed to the stutters, still tribunal suggested other adjustment the council have considered. The employer accepted here that stammer was a disability.

6. Legal Provision of Stuttering In India

“It is estimated that 11 to 12 million people in India are stammer, Stammering is a psychological disorder, world health organization classify stammering in the section of Mental and Behavior disorder, is F98.5” where the definition is given as the speech that is characterized by frequent repetition or prolongation of sound or syllables of words, or by frequent hesitations or pauses that disrupt the rhythmic flow of speech. Government of India do not recognize officially stammering as a disability, India does not have any particular law for stutter. There is no such legal provision In India for stutter, According to many international organizations Stammering has been proved as disability but sadly our India do not recognized it has a disability. Disability in general definition means any disease which hinder the normal procedure of people in their whole or partial life, our speech comes under normal procedure of life from pre-school to adolescent speech plays very essence role.

There are certain judicial decisions on stammering lets discuss them Rajesh Kumar vs. Union of India and ors on 2 April 2018:

In the following case petitioner challenged the order of discharge dated 19 January 2013 as well as Appellate Authority decision rejecting the petitioner appeal dated 28 January 2013. *Fact of the case:* A constable who was recruited through its well verse procedure was discharged during probation period, the reason for the disqualification was stammering, before confirming the services, respondent subjected the medical examination of the petitioner, in medical examination petitioner found to be stutter he was not able to speak fluently and he was stammering. Learned counsel submitted that stammering is not one of the Items of disqualification from a constable post therefore respondent committed error in discharging the petitioner from the service on the cost that he was stammering. Learned counsel from respondent argue that petitioner was discharged due to stammering issue read the condition No 4 of the order appointment dated 5 march 2010 where it was conditioned that the petitioner should be fit for a permanent appointment in view of the fact. Thud there is no infirmity in the order of discharge as well as the appellate authority order.

Learned counsel from petitioner stated that in order no 4 of the recruitment, the nature of disability in not stated, as per order no 4 the order stated. “The appointing authority may discharge you from service at any time during the period of probation if in their opinion your work or conduct during this period is considered unsatisfactory or shows that you are not fit for permanent appointment.” As per this notice the petition was dismissed but the question comes If stammering is not a disability in India so how appointment authority can dismiss on their whims and fancies there disqualification shows stammer are unfit on the post of constable, which is really sad. Our India does not consider stammering has a disability so how can you

call stammer as unfit.

- Sri Arindam Sannigrahi vs. The state of west Bengal & Ors on 7 November, 2013

Counsel for the private respondent submits that Clause 44 of the 2001 Guidelines Specifically provides that the progress of the programme is to be personally monitored by the SDOs,

1) *Fact of the case*

The Interview of the teacher were conducted where private respondent spokes fluently whereas appellant stammered, therefore the authority concluded that they were justified in not giving appointment to the appellant as a teacher G.R. no. 248/2004 was pending during the selection process in 2007 and this was the valid argument for rejecting the appellant candidature. The court dismissed the argument made by stammer made by the counsel for the private respondent cannot be accepted.

2) *Satish Kumar vs. Union of India and Ors on 29 May, 2019.*

This was the similar case as Rajesh Kumar case Appellant case in brief is that the respondent issued an advertisement for recruitment of constable(general duty) in CAPFs/NIA/SSF and Rifleman(GD) in Assam Rifles, where the total no of vacancies were 62,390, The appellant being eligible and have requisite qualifications has applied same in the other backward class category, the appellant was successfully qualified in written exam the he was called for medical examination, where he was told has medical unfit for the post due to stuttering. Here the ground of rejection was mentioned ad pronounced stammering, India does not recognise stammering as a disability then how a candidate can be rejected on the ground of stammering.

3) *Shree Ram Singh vs. THE Union of India And Ors on 17 September, 2019*

This case is also similar has Rajesh Kumar case, the petitioner was the candidate of constable(general duty) in the combined requirement process, At the end of medical Examination, the candidate was disqualified on the ground of stammering, the writ petition was filed challenging the declaration of unfit on grounds of Stammering. The learned counsel for the petitioner submits that there was no such disqualification specified in the advertisement. The respondent authorities have brought about a change in the middle of the process of selection after the closing date specified in the Advertisement, since no change can be effected In the process of selection after initiation the ground of rejection contained in the Appendix

Patna high court held that petitioner participated in the Medical Examination after the Instructions prescribing stammering as a ground of rejection. The instruction prescribing stammering as a ground of rejection, the Instruction applied uniformly to all candidates and as such the petitioner cannot raise any objection on application of the instruction including grounds for rejection contained therein. Here also court judgment was arbitrary and ambiguous first of all, the person fills the form after reading all the procedure of entrance examination here if a candidate is knowing any new finding after written examination is arbitrary in nature. And secondly, if India do not recognize any law for stammering, stammering

is not a disability according to India so why a candidate is unfit on ground of stuttering. Comparing Stuttering laws between U.K. and India, India is lacking behind the primitive times, India has no requisite legal provisions for the stutters

4) Chapter 7: Conclusion & Suggestions

Stammering is various serious issues but unfortunately avoided by India's Judiciary and legislature, various international organisations, authors have concluded stammering as a disability. United Kingdom and United States of America have proper law on stammering but India is still living o primitive times. Stutter suffers from Social, Emotional, Psychological and economical actors, Society judge them on their speech, they have suicidal tendencies, they find it hard to get a deserving Job, There life is not easy as normal people in the glove. Social and Emotional factors appears to be crucial to the onset and maintenance of Stuttering, This is evidenced by the fact that most models explaining the onset of stammering include the social and emotional component. This paper derived the role of society in demoralising, demotivating and deriving suicidal tendencies to the stutter by their Judgemental behaviour. It is human tendencies to judge a book by its cover, very few look the inner beauty and intellect other only look the outer beauty and way one speaks.

The paper implicated the role of affective and Social factors in Stuttering from pre-School to adulthood, IT has also attempted to make readers aware on the various methods and issues in Social Psychology that can be used to investigate these phenomena and to Indicate where these methods could be useful in assessing the role of Social and affective component of Stuttering. United Kingdom has precise law for stuttering under Disability act, it is the present need of India to have legal provisions for the stutter, Imagine if anybody is having suicidal tendencies due to bullying or mental health due to stammering where he will ask for Justice. At present we are living in 21th century were even Homosexuality is decriminalized, Stammering is very serious and requisite issue our respected judiciary and legislature should study on it and find best solution on my research problem on Stammering.

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