

Regulatory gaps in physiotherapy education and practice in India:
A ground-level challenge

A policy paper for upholding the rights of education and equality for
persons with blindness and low vision.

By

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Abstract

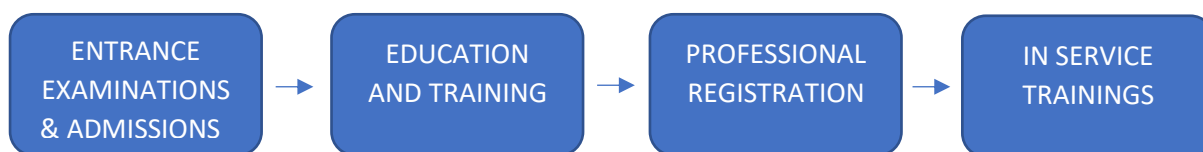
Persons with blindness and low vision have been successfully practicing physiotherapy as a profession across the globe and in India for many years. Yet the evolution of regulatory frameworks within the medical and allied health fields in India recently has had a negative impact on access to education and practice of physiotherapy for persons with blindness and low vision in the country. The current paper restricts itself to analysing the scope of access to physiotherapy education and practice for persons with blindness and low vision in India and outlines the key challenges and need for relevant policy formulations.

I. Regulatory frameworks for medical and allied health sciences in India

Medicine, allied health sciences, and multiple systems of medicine have evolved significantly over the years. With the evolution of science and practice, there has also been the need for the evolution of regulatory and practice mechanisms for the same. The medical profession like all other professions has a dual side to regulations- those related to training and those linked to professional practice.

The Checkpoint Framework

If we have to present the main regulatory checkpoints within the medical and allied health science profession they would relate to the following:



The regulatory checkpoints for each of these stages further vary across the different streams of medicine and allied fields – Medicine, Physiotherapy, Ophthalmology, Pharmacy, Ayush, Homeopathy etc.

Existing legal structures

Within this framework, the legal provisions available in India have been evolving. The current scenario is yet not fully formalized and is broadly outlined below.

- National Medical Commission Act 2019 replaced the erstwhile Medical Council of India to be the main regulatory body related to medical education and practice.
- National Commission for Homeopathy Act, 2020 set up the commission for regulating education and practice in the field of homeopathy.
- National Commission for Indian system of medicine Act, 2020 paved the way for the commission for regulation of education and practice of Indian systems of medicine.
- National Commission for Allied and Health Care Professions Act, 2021 has constituted the commission for a list of 10 allied and health care professions such as optometry, physiotherapy, health management, medical laboratory and life sciences, burns and trauma care to name some.



Whilst these legislations as stated above have been executed during the period of 2019-2021 they overlap in their scope with some existing systems in the field with no clear guidelines on how the two are to either continue independently or merge. Two key existing systems within the field of physiotherapy include the following.

- Maharashtra State Council for Occupational Therapy and Physiotherapy Act, 2002 had set up the state-level council for occupational therapy and physiotherapy for education and practice regulations.
- The National Skill Development Mission (NSDM) approved by the Union Cabinet in 2015, has been developed to create convergence across sectors and states in terms of skill training activities. One of the sector skill councils of the mission is related to the health sector and has identified assistant physiotherapist as a role along with the recommended skill standard for the same. Many of the health sector council roles overlap with the list of allied and healthcare professions act, 2021 roles.

Challenges across the checkpoint framework

Entrance Examinations & Admissions

- Currently there are no separate entrance examinations for physiotherapy admissions that would fall under the allied health care professions act, 2021. Students are appearing for the national level NEET examinations/private college level examinations to secure admissions.

Education and Training

- Education being a concurrent subject – there is no centralized body or streamlined state-level bodies available to regulate physiotherapy education within the framework of medical education. Further, the structure within which these regulatory bodies would be located, be it – the Ministry of Education v/s Ministry of Medical Education v/s Ministry of health and family welfare is not consistent at the central or state levels.
- Oftentimes physiotherapy curriculums are approved through university-level channels and the relevant state-level departments.

Professional Registration and In-Service Training

- Once again due to conflicting commission and council setups within the regulatory framework charted above this process is also yet not streamlined.

II. Access to medical and allied health sciences education for persons with disabilities in India

The rights of persons with disabilities act, 2016 has guaranteed the right to education for persons with disabilities. This is further strengthened through the National Education Policy, 2020 that reinforces the right to education for all including persons with disabilities. These reinforce India's ratification of the United Nations Conventions on Rights of Persons with Disabilities (UNCRPD), 2006 which recognized the right to education for persons with disabilities and expect signatory nation states to uphold the rights enshrined in the UNCRPD.



Further, the right to education and career of choice for persons with disabilities is inherent to these legislations as also to articles 14-18 - right to equality of the constitution of India. Article 21 – right to life, of the constitution of India also further subsumes within it as part of personal liberty the right to practice a career of choice.

Rights of persons with disabilities act, 2016 guarantees 5% reservation to persons with benchmark disabilities across all aided higher education institutions. Medical, allied health, homeopathy, and Indian medical institutions all fall under this ambit.

In light of this, the erstwhile Medical Council of India in 2019 came up with regulations related to the eligibility of types of disabilities to medical education and a reservation quota framework to be followed.

The said guidelines have not been updated yet by the new National Medical Commission and continue to be used for NEET examinations.

Due to the absence of any alternate entrance examinations for allied professions such as physiotherapy, and since the same NEET examinations are used for physiotherapy admissions, the MCI guidelines of 2019 are being applied for admission to allied health professions such as physiotherapy.

III. Inclusive physiotherapy education and practice by persons with blindness and low vision - ground-level report

Physiotherapy as a profession has been practiced in various parts of the world by persons with blindness and low vision for many decades. There are centres running across the globe that train visually impaired persons to become physiotherapists. Some of the countries where these centres exist include - Australia, Ireland, USA, South Africa, India, New Zealand, Spain, Canada, etc.

International best practice models can be seen running in UK not only through Royal National Institute for the Blind (RNIB) physiotherapy support program or colleges of physiotherapy but also through the UK's Chartered Society of Physiotherapy that actively promotes registration and practice of professionals with disabilities.

Closer home – India has set some best practice examples of its own to demonstrate that physiotherapy is not only possible but it is a successful profession to practice for persons with blindness and low vision. In India institutes like the National Association for the Blind, Mumbai and Blind People's Association (BPA), Ahmedabad have run certificate and diploma programs in the field for many decades. The BPA 3-year diploma program for physiotherapy assistants has been recognized by Ahmedabad University since 2013. Another 3-year diploma program for physiotherapy affiliated with Ahmedabad University has also been running at the College of Physiotherapy, School of Deaf-Mutes Society in Ahmedabad.

On 17th Nov 2011 the Hon'ble High Court of Mumbai in its judgment and order of Writ Petition No 979 of 2010 of Ms. Kritika Purohit & Anr. Vs. The State of Maharashtra through the Secretary, Department of Medical Education & Drug Control & Ors having heard various arguments in favor and against related to the rights and capacities of persons with blindness and low vision to study and practice physiotherapy ruled in favor paving the way for the petitioner to pursue her career of choice. Ms.



Kritika Purohit, a person with total blindness has since has completed her 4 year B.PTh degree from one of the most renowned colleges of Mumbai - Seth Gordhandas Sunderdas Medical College, KEM Hospital and has a successful private practice.

In the said order the Hon'ble bench presided by Chief Justice Mohit Shah stated *"We are, therefore, of the view that the stand of the respondent authorities is clearly discriminatory and adversely affects the Right to Life and equal opportunities of the petitioner as also other such students similarly situated. The fact that petitioner though being visually impaired not only passed her first year examination with 62% marks and is successfully studying in 2nd year, and several visually impaired persons have been working as professional physiotherapists in India as well as abroad appeals to us not to allow the petitioner as also others in the same position to be discriminated against or disqualified on that ground."*

As part of the proceedings of the same case earlier, the court of Chief Commissioner for Persons with Disabilities had also in its order dated 10th July 2009 stated *"Persons with blindness are doing certificate and diploma courses. Therefore, it will not be justified to deny them admission in degree courses in Physiotherapy."*

Following the judgment of the Hon'ble High Court of Mumbai the Maharashtra University of Health Sciences (MUHS), Nashik with support from Xavier's Resource Centre for the Visually Challenged (XRCVC), St. Xavier's College, Mumbai has set up effective rules for examinations for students with blindness and low vision pursuing physiotherapy programs in colleges under its jurisdiction.

The judgment also paved way for the development of new assistive technologies to enable independent practice amongst persons with blindness. The XRCVC in partnership with a local company developed a talking IFT machine that would enable physiotherapists with blindness to function independently for IFT-based treatments.

Following Ms. Kritika Purohit's case – many other students with vision impairment - Ms. Saiyed Sabika Husain Abbas Zaidi, Ms. Anjali Jain have also completed their graduation and even post-graduation in physiotherapy and are practicing successfully.

IV. Case for formulating necessary guidelines for Physiotherapy education and practice for persons with blindness and low vision

Given the challenges outlined in sections I and II related to the lack of regulatory frameworks and the MCI guidelines of 2019 still being used for physiotherapy admissions, it is critical to formulate physiotherapy-specific rules and regulations for admission, education, and practice regulations. It is critical that these regulations uphold the rights of persons with blindness and low vision to access physiotherapy training and practice within an inclusive system.

Recommendations across the checkpoint framework

Entrance Examinations and Admissions

- Given the already existing successful practice model amongst persons with blindness and low vision in the field of physiotherapy the 5% reservation for PWD quota norms for physiotherapy needs to be in line with this ground-level reality ensuring that persons with



blindness and low vision are not disqualified from the same. The MCI guidelines of 2019 related to medical courses cannot be applied for admission to physiotherapy courses.

- The entrance examinations need to follow the same inclusive examination guidelines as recommended by the Ministry of Social Justice and Empowerment, 2013, and stay updated based on any updates therein

Education and Training

- Given the successful model of MUHS, Nashik the same can be reviewed and strengthened to standardize a framework for providing reasonable accommodations for students with blindness and low vision during their course of education and training in physiotherapy.
- In partnership with resource centres like XRCVC relevant assistive should be made available at the college level to assist students with blindness to train and practice independently.

Professional Registration and In-Service Training

- Effective regulations of non-discrimination at the time of registration on grounds of disability can be formulated and standardized across registration bodies. The grounds for registration should be the same professional qualifications expected from all.
- In-service training programs or programs needed to be completed for renewal of licenses should also ensure training and curriculum can be provided inclusively.

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