

Contrary to popular belief, epilepsy is not equated with insanity in Indian law.

There is a close relationship between epilepsy and the law. Epilepsy has been quoted in many judgments. However, the legal system varies from one country to another. Developed nations have changed their laws towards epilepsy and enlarged the rights of people with epilepsy, whereas in developing countries, age-old laws persist.

Epilepsy and marriage

There is no medical reason for people with epilepsy to remain unmarried. However, in many countries, including some South-East Asian countries, there have been laws in the past preventing marriage for people with epilepsy. In India, there are different marriage laws for Hindus, Christians and Muslims. In legal parlance, the term "Hindu" includes Buddhists, Jains and Sikhs. As per the Marriage Law Amendment Act (1976) promulgated by the Government of India, a person subject to recurrent attacks of insanity or epilepsy cannot have a legally valid marriage and such a marriage can be declared null and void.

Repeated petitions to the Government of India by the Indian Epilepsy Association since 1986 were unsuccessful, hence the Indian Epilepsy Association filed a public interest litigation before the Supreme Court of India. The Government of India amended the above-mentioned draconian law of 1976 in 1999, and on 29 December 1999, the Marriage Law Amendment Act 1999 was enacted. With this, legal rights in marriage have been restored to people with epilepsy.

It is desirable that the marital partner of a person with epilepsy has a full understanding of the medical condition prior to marriage, to prevent legal battles after marriage.

Epilepsy and driving

Laws related to driving vehicles vary from country to country. Indian law with respect to driving has made a complete turnaround. The Motor Vehicle Act of 1939 prohibited any person who had ever suffered a seizure from driving or obtaining a valid driving licence including a learner's licence; patients, however, concealed their condition and easily obtained a driving licence. The Motor Vehicle Act, 1994 has rescinded the word "epilepsy". A person with epilepsy in India can now drive any vehicle, anywhere, as there is no mention

of driving restrictions for people with epilepsy in this amended Act. This is an unfortunate situation, as the patient, passengers and the public can be at risk if a driver were to have a seizure while driving. The Indian Epilepsy Association has started legal proceedings to amend this law. There are no guidelines for epilepsy and driving in Thailand either.

Law in Europe

A close look at the law in Europe is recommended. Accordingly to this law, a patient with a history of epilepsy is allowed to drive if:

- He or she has been free of attacks for one or more years; or
- If attacks have occurred but only during sleep, for a period of three or more years; and
- If “the driving of the vehicle is not likely to be a source of danger to the public”.

In Europe, for purposes of driving, a single seizure is considered a manifestation of epilepsy if there is a high chance of recurrence. In instances where this is not the case, a patient with a single seizure is usually prevented from driving for 3 to 12 months after the episode. The law is much more rigid for driving of public and heavy vehicles.

SEAR Member Countries may take their cue from European regulations.

Epilepsy and health insurance

Health insurance in India is a new phenomenon and covers less than 0.5% of the population. The Insurance Privatization Bill was passed by Parliament in 1999, thereby allowing private entrepreneurs to enter the insurance sector. Previously, state-owned insurance had excluded epilepsy from its ambit, categorizing it with other chronic medical illnesses. Once again, a legal battle is on, to grant equal rights to people with epilepsy with respect to insurance. Only time will identify the benefits of a liberalized insurance policy for people with epilepsy in India. In Thailand, health insurance covers epilepsy in the same manner as any other chronic illness like diabetes or hypertension, and all the expenses of people with epilepsy are covered by social security.

Mr George Burden, the first Secretary-General of the International Bureau for Epilepsy said ...

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I beseech you
Do not give a
person a job
because he has
epilepsy
Do not deny
him a job
because he has
epilepsy.

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Education and employment

There is no legal bar to education and employment for any person with epilepsy in India. It is essential to remove injustice towards people with epilepsy. There should be no discrimination against people with epilepsy. Since this is not a disabling illness, there is no need for special privileges.