

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.13403 of 2015

Sri Bipin Bihari Pradhan ***Petitioner***
Mr. Gautam Misra, Senior Advocate (Amicus Curiae)
Mr. B.P. Tripathy, Advocate (Amicus Curiae)
and Ms. Pami Rath, Advocate (Amicus Curiae)
-versus-
State of Odisha and others ***Opposite Parties***
Mr. M.S. Sahoo, A.G.A. for the State

CORAM:
THE CHIEF JUSTICE
JUSTICE B.P. ROURAY

ORDER
09.08.2021

Order No.

20. 1. The present writ petition is taken up on urgent mentioning by the three Amicus Curiae (AC) that the Court had appointed by its order dated 14th July 2021 to visit the Leprosy Colonies at Puri Town, Jatni, Khurda as well as Leprosy Home at Lewis Colony, Bamapada, Baleswar.
2. Mr. Gautam Misra, learned Senior Advocate, Mr. B.P. Tripathy, Advocate and Ms. Pami Rath, Advocate have jointly submitted a report dated 3rd August 2021, *inter alia*, seeking urgent directions as regards the conditions and medical facilities available to the inmates living at the Leprosy Home, Lewis Colony, Bamapada, Balasore. Enclosed with the report are photographs and video clips in a pen drive. Copies of the report

along with the enclosures have been made available to Mr. M.S. Sahoo, learned Additional Government Advocate (AGA) for the State.

3. This Court has heard the submissions of all three learned AC as well as Mr. M.S. Sahoo, learned AGA for the State.

4. The report points out that the inmates of the Leprosy Home, Lewis Colony, who have been cured of leprosy but are in need of constant medical care and attention, can be broadly classified into Categories I to III. Category-I comprises those who are disabled, malnourished, extremely aged, destitute with no family support lacking even the capacity to clean themselves or eat food without assistance. Category-II is of equally disabled and malnourished inmates who may have immediate family members, but are extremely poor and still require the medical attention and care. Category-III is of those inmates, who are able to manage their daily chores by themselves and also have family members who are otherwise engaged as daily wage workers.

5. The Leprosy Home, Lewis Colony, Bamapada, Balasore which falls within the Panchayat Area of Balasore is said to be comprised of four areas. Area-1 has a leprosy ward which is over forty years old and an administrative building. The report points to the poor condition of the sanitation, toilet facilities, and the general affairs of the buildings. Area-2 comprises *kaccha* houses

with no cement pathways for walking. Area-3 again comprises of kaccha houses and it is widely referred to as the leprosy colony area. Here again, there are no cement pathways for walking. There are only marshy areas which are extremely difficult for leprosy affected persons to negotiate. Area-4 is with the Hind Kusht Nivaran Sangh (HKNS). A Deputy Secretary in the Department of Health and Family Welfare, Government of Odisha is stated to have been entrusted with looking after the affairs of HKNS. It is stated that HKNS is unable to effectively discharge its functions in providing relief to the inmates cured of leprosy.

6. The report states that the persons residing in the area are covered under the National Food Security Act 2013 and are getting 5Kg rice and financial assistance @ Rs.500-700/- per month. Those staying in Areas 1 and 2 are being provided with some vegetables. At times they are also provided with cooked food by some private contractor. However, this is not on a regular basis.

7. The report lists out the repairs that are immediately needed to the kaccha houses, administrative buildings, toilets and residential areas. It is pointed out that the ladies toilet of the ward requires immediate repair and Area-2 has no community toilets whereas Area-3 and 4 have individual toilets built under the Swachh Bharat Mission.

8. As far as the clothing needs are concerned, it is pointed out that special clothing is required for Category-I persons, who cannot even wear their own clothes and have merely covered themselves with some old rags. It is further pointed out 33 persons have been identified by the HKNS and also by the local Chief District Medical Officer (CDMO) for being provided with rice and vegetables, but this is not happening on a regular basis. It is stated that nutritious food appropriate for the health condition of Category-I and II inmates is lacking.

9. The report also lists out the absence of full time Doctors and Nurses to provide proper medical attention and care. The inmates are required to travel on their own to the local government facilities and even the cured one are left to fend for themselves as there is no aftercare.

10. As regards footwear, none of the inmates have any specially designed shoes of the Micro Cellular Rubber 2 (MCR 2) variety. MCR 1 grade shoes were supplied long time ago.

11. The photographs of three inmates in a precarious condition have been enclosed with the report. The three AC point out that unfortunately, between the date of the report and now, one of them has expired. Two of them, viz., Malati Majhi, aged about 73 years and Somrai Marandi, aged about 51 years are stated to be in

an extremely precarious condition needing urgent medical attention.

12. In that view of the matter, the following directions are issued to the Collector, Balasore and CDMO, Balasore:

(i) Immediate steps will be taken to shift Malati Majhi and Somrai Marandi to the nearby leprosy hospital or any other functional government health facility in the vicinity for appropriate medical attention. Apart from the above two persons, if the CDMO finds similarly placed persons, they should also be immediately shifted to the nearby hospital or health facility for treatment.

(ii) The bed strength of the twenty bedded hospital at Lewis Colony should be increased on an urgent basis to accommodate the further patients.

(iii) Toilets in both the Male and Female Wards will be immediately repaired and made properly functional. They will be cleaned on a daily basis and kept neat, clean and hygienic preferably by engaging agencies for that specific purpose.

(iv) Given the current monsoon season, repairs to the kuchha in Area-2 be undertaken immediately by

engaging the empanelled civil contractors of the PWD.

(v) A regular MBBS Doctor will be immediately assigned to the Leprosy Hospital along with two full time nurses, with specialized training in leprosy treatment.

(vi) The Collector will arrange to have the garbage lying all over the colony removed and fill up areas on an urgent basis in order to prevent malaria and other diseases.

(vii) The number of toilets for the 33 families residing in the Colony will be immediately increased from two to at least ten in Areas 1 and 2.

(viii) MCR Grade-1 and Grade-2 footwear and appropriate clothing shall be arranged for all the inmates as already mandated by the Supreme Court in ***Pankaj Sinha v. Union of India 2018 SCC OnLine SC 1502.***

(ix) The Collector will organize, in coordination with Health and Family Welfare Department, Government of Odisha, visits to the Colony by trained leprosy workers i.e. apart from the District Leprosy Officer,

para medical workers and multipurpose health workers.

13. The Court directs that the above directions shall be implemented on an urgent basis by the Collector and the CDMO. A compliance report will be submitted by them jointly as regards each of the above directions to this Court on or before 16th August, 2021.

14. List on 16th August, 2021.

15. A copy of the order be sent forthwith to both the Collector, Balasore and CDMO, Balasore along with a copy of the report of the Amicus Curiae by the Registrar General through a Special Messenger for immediate compliance.

16. An urgent certified copy of this order be issued as per rules.

(Dr. S. Muralidhar)
Chief Justice

(B.P. Routray)
Judge