

IN THE HIGH COURT OF ORISSA AT CUTTACK

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

Bipini Bihari Pradhan

....

Petitioner

Mr. B.K. Ragada, Advocate

Mr. Gautam Mishra, Senior Advocate (Amicus Curiae)

Mr. B.P. Tripathy, Advocate (Amicus Curiae)

Mrs. Pami Rath, Advocate (Amicus Curiae)

-versus-

State of Odisha and others

... ***Opposite Parties***

Mr. M.S. Sahoo, AGA

**CORAM:
THE CHIEF JUSTICE
JUSTICE B. P. ROURAY**

**ORDER
02.09.2021**

Order No.

23.

1. The three Amicus Curiae (AC) have submitted the second interim report on the actual living conditions in six leprosy colonies i.e., the Bapujee and Dharabati Leprosy Colonies at Jatni, the Bhagabat Leprosy Colony at Khurda, Sanjay Leprosy Colony in Puri Town, the Jibaramjee Leprosy Colony in Puri, and the Lewis Colony, Balasore. The report encloses the photographs of the actual living conditions in the aforesaid Leprosy Colonies. A copy of the said report be provided by the AC Mr. Ragada, learned counsel for the Petitioner within two days.

Lewis Colony, Balasore

2. As regards Lewis Colony in Balasore, the photos enclosed with the second interim report show that improvements have been carried out to some extent, as noticed by the AC on their second

visit which was undertaken in terms of this Court's directions issued on 16th August, 2021. In light of the observations in the second interim report, the following directions are issued to the Chief District Medical Officer (CDMO) and the Collector, Balasore:

- i. In continuation of directions issued in para 12 (iv) of the order dated 9th August, 2021, the Collector is directed to ensure that funds are released immediately for the civil contractors P.W.D. to take up the work of effecting repairs to the kachha houses in area-2.
- ii. The filling up of the dump yard and clearing of the garbage should be expedited.
- iii. Toilets being constructed should be provided with overhead tanks for uninterrupted water supply. The request by HKNS for increasing leprosy cases entrusted to their care from 33 to 60 be immediately examined by the Collector and be accepted by passing appropriate orders.
- iv. All the above steps be completed within four weeks from today.
- v. Sixty houses with galvanized sheets, ceiling, electricity, and fans for persons staying in the entire colony be erected in a time bound manner and completed within a period of eight weeks from today.

Other Leprosy Colonies

3. As regards the remaining five Leprosy Colonies, in the light of the observations in the second interim report, this Court issues the

following directions for implementation by the Collectors of Khurda and Puri as well as the CDMOs of the said two districts.

i. The residents of the colonies be immediately provided MCR footwear of Grade-1 & Grade-2, keeping in mind the requirements, within eight weeks. All steps, as may be necessary for furnishing the same should be completed within the said date. It shall also be kept in mind that such footwear is essential not only for persons who continue to be affected by leprosy but even for those are fully cured.

ii. The photographs endorsed with the report show that there is garbage and unwanted debris are lying all over the colonies. There are also open drainage which needs the immediate attention of the Municipal Corporation. Therefore, both the Collectors will ensure that sanitation workers engaged by the municipality are deployed on a regular basis to ensure removal of all the garbage and unwanted debris, and clearing of the open drains, particularly in the current monsoon months.

iii. There appears to be the need for additional toilets in the Bapuji and Dharabati Colonies at Jatni and the Sanjay Colony at Puri. Particularly, in the Sanjay Colony at Puri, the system of dry toilets should be immediately discontinued and replaced with water flush toilets.

iv In all these colonies the AC have noticed that visits by trained leprosy workers, para-medical workers and multipurpose health workers as mandated by the National Leprosy Eradication Programme (NLEP) is sporadic. The Collectors of both districts and the CDMOs will ensure that there are regular visits by these persons to each of the colonies at least once a week. The Court will be informed by the next date of the actual implementation of these directions by production of the registers maintained by the health workers of their visits to the five colonies. These directions should be strictly implemented without any delay.

5. There are other recommendations in the second interim report of the AC, which in the considered view of this Court, require detailed deliberations by the Technical Committee constituted by the Notification dated 12th February, 2019 issued by the Department of Social Security & Empowerment of Persons with Disabilities, Government of Orissa. The Court is informed that the said Technical Committee has met only once in 2019 and once in February, 2020 and not thereafter.

6. The Court directs that the District Social Security Officer (DSSO), who is the convener of the said Technical Committee, to immediately issue a notice for convening the meeting of the Technical Committee in consultation with the Chairman i.e., the Principal Secretary, SSEPD Department on any date between 20th and 24th September of 2021. Copies of the two reports submitted by the AC to this Court i.e. the first interim report dated 3rd August, 2021 and the 2nd interim report submitted today, will be

made available to the DSSO by the learned AGA, both in hard and soft copy, so that they can in turn also be made available to every member of the Technical Committee for deliberation on the issues raised in the reports.

Rehabilitation

7. In particular, the Court would like to draw the attention of the said Technical Committee to the recommendations in the second interim report of the AC on land issues particularly in the light of the specific recommendation of the Law Commission of India in its 256th report dated 7th April, 2015 titled “Eliminating Discrimination Against Persons Affected by Leprosy”. The Technical Committee should also deliberate on the implementation of ‘Rehabilitation of Cured Leprosy Persons on Scheme notified by resolution dated 23rd February, 2021 of the Department of Social Security and Empowerment of Persons with Disabilities. It is needless to mention that the same should be in the light of the mandatory requirement of the Rights of Persons with Disabilities Act, 2016, which is the current legislative framework to deal with the issues.

8. The Director, Health Services, Government of Odisha will comply with the directions issued in para 14 of the order dated 14th July, 2021 by filing an affidavit in terms thereof before the next date.

9. List on 7th October, 2021.

10. Copies of this order be delivered forthwith by the Registry to the C.D.M.Os. and Collectors of Khurda, Balasore and Puri and the DSSO, Convener of the Technical Committee by e-mail and by Special Messenger.

11. An urgent certified copy of this order be issued as per Rules.

(Dr. S. Muralidhar)
Chief Justice

(B.P. Routray)
Judge



C.R. Biswal