

IN THE HIGH COURT OF ORISSA AT CUTTACK

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

***Bipin Bihari Pradhan***

....

***Petitioner***

Mr. B.K. Ragada, Advocate  
Mr. G. Mishra, Sr. Advocate (Amicus Curiae)  
Mrs. Pami Rath, Advocate (Amicus Curiae)  
Mr. B.P. Tripathy, Advocate (Amicus Curiae)

-versus-

***State of Odisha & others***

....

***Opp. Parties***

Mr. A.K. Parija A.G.  
Mr. P.K. Muduli  
Additional Government Advocate

**CORAM:  
THE CHIEF JUSTICE  
JUSTICE A.K. MOHAPATRA**

**ORDER  
30.11.2021**

**Order No.**

***The Leprosy Homes at Khurda***

26. 1. The Court has been handed over the field visit report of Amicus Curiae Mr. G. Mishra, learned Senior Advocate and Mr. B.P. Tripathy and Mrs. Pami Rath, learned Advocates on the condition of the two colonies in Jatni in the district of Khurda, i.e., the Dharabani Leprosy Colony and the Bapuji Leprosy Colony. The Court has also perused the compliance affidavit filed by Chief District Medical & Public Health Officer, Khurda pursuant to the order passed by this Court dated 2<sup>nd</sup> September, 2021.
2. The hearing today took place at 2 p.m. in hybrid mode with the participation of Mr. Mohapatra, Collector, Khurda and Dr. Biswa Ranjan Pati, Chief District Medical & Public Health Officer, Khurda

appearing in virtual mode. The situation of four inmates of the colonies was discussed and the Court has been assured that one of them, who has an ulcerated foot will be shifted by Ambulance today itself to AIIMS, Bhubaneswar for treatment. The other three inmates, the Court has been assured, are receiving prompt medical attention as required.

3. On supply of MCR footwear, the Court has been informed that while MCR footwear Grade-I has been supplied to the cured leprosy persons, MCR footwear Grade-II has been supplied to most of the leprosy cured persons. and those have been left out will be provided footwear within seven days from today. The photographs of distribution of footwear are enclosed with the compliance report.

4. On the issue of removal of garbage, cleanliness, the Court has been assured by the Collector, Khurda that sanitary workers have been asked to make daily visits. He has been shown the photographs of present situation of the colonies, which reveals that much needs to be done. He has assured the Court that on the next visit of Amicus Curiae to both the colonies, which will be in the last week of December, 2021 the situation in both the colonies will have vastly improved.

5. Even as regards construction of additional toilets, the Collector Khurda has assured the Court that this will be completed by the time of the next visit of Amicus Curiae. He also states that arrangement will be made for issuance of Aadhaar Cards to all the inmates of both the colonies by adopting the iris scan method in the next two weeks,

which will be followed by issuance of ration cards to each of the inmates, if not already issued.

6. A direction is issued that there will be no hindrance caused from any quarter including the workers and officers of the Railways/ East Coast Railway(ECR) to the egress and ingress of sanitary workers, workmen involved in construction of additional toilets, personnel involved in the preparation of Aadhaar Cards etc. The Court also considers it necessary to implead the East Coast Railway (ECR) through its General Manager be impleaded as Opposite Party in the present petition. Notice without process fee be issued to the ECR through its General Manager returnable on the next date. The Registry will inform Mr. Anindya Mishra, learned counsel appearing for the East Coast Railway of this order, to enable him to obtain instructions for the next date.

***Leprosy Colonies at Puri***

7. A separate Interim report has been submitted by the AC in regard to the two leprosy colonies in Puri, i.e. the Sanjayjee colony (near the railway station) and the Jibaramjee Leprosy Colony near Loknath Temple, Puri. The video clips of the visit and the interviews with the inmates have also been submitted in a pen drive. Further, the compliance affidavit of the Chief District Medical and Public Health Officer, Puri pursuant to the direction of this Court dated 2nd September, 2021 has been perused.

8. The issues that require immediate attention in these two colonies are highlighted as under:

- (i) Removal of garbage and unwanted debris.

(ii) The cleaning of marshy land inside the colony which is the breeding place of mosquitoes.

(iii) Construction of additional toilets, the report needs urgent construction of toilets in Sanjayjee Leprosy Colony.

(iv) While there have been weekly visit by Paramedical workers and pharmacists, it is necessary for each of the inmates to be provided with self protection kits so that they can dress their own wounds. It is stated that there is no such medical facility of visit by the medical practitioner in the Jibaramjee Leprosy Colony near Loknath Temple, Puri.

(v) The availability of 5 Kgs. rice per month and Rs.500/- to Rs.700/- as pension is too meager. The monthly expenditure of food, clothing and medication requires to be enhanced to at least Rs. 3,000/-.

(vi) Many of the inmates have to travel to Banks to get their pension and thereby spend a substantial amount on their travel.

(vii) The condition of the living quarters/houses is extremely poor. Many of those houses of the quarters require permanent roofing.

9. The Court accordingly directs as under:

(i) Mr. P.K. Muduli, learned Additional Government Advocate will forthwith transmit to the Collector, Puri, a copy of the interim report submitted today in Court by the Amicus Curiae.

(ii) The Collector, Puri will arrange for sanitation workers in adequate number to visit both the colonies every day and ensure cleanliness, garbage removal in both the colonies on daily basis from 1<sup>st</sup> December, 2021 onwards.

(iii) The Collector, Puri will immediately issue instructions for construction of additional toilets in both the colonies and the exercise shall be completed by the end of December, 2021.

(iv) The East Coast Railway its officers and staff shall not to create any hindrance to the medical personnel/sanitation workers and others who need to visit the colonies pursuant to the above directions issued by this Court.

(v) The Collector, Puri will ascertain from the inmates the Bank with which inmates have accounts. He will consult with the concerned Managers of the concerned Bank and arrange to have Mobile ATMs visit the colonies on a regular basis so that the inmates can have easy access to the funds in their accounts.

(vi) The repair of the houses of the inmates in Sanjayjee Leprosy Colony be taken up on urgent basis and be completed within a month from today.

***Lewis Colony, Baripada***

10. So far as the Lewis Leprosy Colony, Balasore is concerned, the report of the Amicus Curiae points out that the inhabitants are not getting raw diet, which includes rice, dal, edible oil etc. and that the HKNS has possibly not paid the local contractors for supply of raw foods to the inmates.

11. A direction is issued to the Collector, Balasore to immediately ensure that the supply of raw diet as above to each of the inmates is not be stopped for any reasons whatsoever. He will also sort out the issue concerning the payment to be made to the local contractor for the above purpose.

12. It is pointed out that steps have been taken to construct ten houses and construction work for another thirteen houses is going on. The Collector, Balasore has also filed compliance affidavit more or less pointing on the same lines as far as the construction of houses is concerned.

13. On scrutiny of the photographs, a direction is also issued to immediately commence the construction the remaining thirty houses forthwith.

14. A compliance affidavit by the Collector, Balasore be filed by the next date.

***Technical Committee***

15. Pursuant to the direction issued by this Court on 2<sup>nd</sup> September, 2021, the Technical Committee meeting was held on 18<sup>th</sup> November,

2021. The proceedings of the said meeting has been enclosed with the compliance affidavit of the Additional Secretary to Government, SS&EPD Department. The proceedings, *inter alia*, state that the Health and Family Welfare Department has been asked to ensure supply of MCR Footwear; deployment of doctors and para-medical workers on deputation basis to the colony on regular basis; construction of reconstructive surgery for cured leprosy persons under Biju Swathya Kalyan Yojana to enable them to get treated in private hospitals within one month; considering the appropriate cash incentive to be paid to the newly detected leprosy cases in the next two months. It appears that Shri Sanjay Kadam, State Commissioner for PwDs, Maharashtra made a presentation before the Technical Committee presented on the key elements of the scheme in Maharashtra for cured leprosy persons in particular and the PwDs in general.

16. The Court would want to ascertain the views of the State Government of Odisha on adopting the best practices of the State of Maharashtra in drawing up a scheme for the welfare of persons with leprosy or cured of it. Affidavits in this regard be filed before the next date both by the Secretary, Health and Family Welfare Department as well as the Principal Secretary, SSEPD Department.

17. The Court also notices that sub-committees have been formed at the level to each of the district under the chairmanship of Collector and representatives of the SS&EPD and the Health Department. A direction was issued to the Secretary to Health and Family Welfare Department by order of this Court dated 14<sup>th</sup> July, 2021 and 2<sup>nd</sup>

September, 2021 to file an affidavit. However, no such affidavit has yet been filed.

18. Consequently a direction is issued to the Additional Chief Secretary Health to file an affidavit indicating the status of compliance pursuant of the directions issued by this Court in the present as well as previous orders and the action taken on the recommendations of the Technical Committee as referred to hereinabove. The Additional Chief Secretary Health is requested to remain present in virtual mode on the next date. The Court expects the sub-committees to undertake visits to the colonies elsewhere in Odisha and to file a report of such visits before the Technical Committee which will in turn place them before this Court by the next date. to complete the task.

19. The Collectors of the Districts of Khurda, Puri and Balasore and their respective CDMOs shall be remain present in virtual mode at 2 p.m. on the next date.

20. List on 5<sup>th</sup> January, 2022. A copy of this order be transmitted forthwith to all the officers mentioned hereinabove for compliance.

***(Dr. S. Muralidhar)***  
***Chief Justice***

***( A.K. Mohapatra )***  
***Judge***