

IN THE HIGH COURT OF ORISSA AT CUTTACK

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

Bipin Bihary Pradhan ***Petitioner***

Mr. G. Misra, Sr. Advocate (Amicus Curiae)
Ms. Pami Rath, Advocate (Amicus Curiae)
Mr. B.P. Tripathy, Advocate (Amicus Curiae)
-versus-

State of Odisha and others ***Opposite Parties***

Mr. P.K. Muduli, Additional Government Advocate
Mr. B.S. Rayguru, CGC
Mr. Pankaj Sinha, Advocate (for intervenor)
along with Ms. Sevati Soren, Advocate
and Mrs. Rekha Sinha, Advocate

CORAM:
THE CHIEF JUSTICE
JUSTICE R. K. PATTANAİK

ORDER
18.05.2022

Order No.

29.

I.A. No.6754 of 2022

1. This is an application by the Satyanarayan Kustha Seva Samittee, Puri, asking to be permitted to intervene in the present petition and to file written submissions. Inter alia the prayer is also that para medical workers (PMWs) should be appointed against all the 404 posts earmarked for them. According to Mr. Pankaj Sinha, learned counsel for the Intervenor as at present only 45 PMWs are in place. A copy of this application has been served on Mr. P.K. Muduli, learned Additional Government Advocate as well as the Director General of Health Service represented by Mr. B.S. Rayguru, learned Central Government Counsel. Both of them seek time to obtain instructions.

2. List on 4th August, 2022.

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

3. Pursuant to the directions issued by this Court on 30th November, 2021 and 23rd February, 2022, affidavits have been filed by:

(1) The Additional Secretary to the Government Social Security and Empowerment of Persons with Disabilities Department (SS&EPD) on 14th May, 2022;

(2) The Additional Chief Secretary to the Government, Health and Family Welfare Department (HFW Department) on 13th May, 2022;

(3) The Collector and District Magistrate, Khurda on 13th May, 2022;

(4) The Collector and District Magistrate, Balasore on 13th May, 2022; and

(5) The Collector and District Magistrate, Puri on 16th May, 2022.

4. The Amicus Curiae Mr. Goutam Misra, Senior Advocate, has also placed on record a convenient note for today's hearing.

5. The Court has perused the above affidavits. While the affidavit of the SS&EPD Department states that the sub-committees constituted by the Technical Committee visited eleven colonies (excluding the colonies in Puri and Balasore), it simply states that "eligible beneficiaries were identified to be covered under the Resolution dated 23rd February 2021 in the stipulated time line." The affidavit has enclosed certain documents which purport to give the numbers

of the beneficiaries who have received assistance. However, Mr. Gautam Misra, AC points out that there is actually no change on the ground as far as the aforementioned eleven colonies are concerned. They have not really benefited from the following:

(i) The Scheme in terms of the Resolution dated 23rd February, 2021 of the SS&EPD Department;

(ii) The guidelines on the Bhima Bhoi Bhinnakshyama Samarthya Abhiyan; and

(iii) The guidelines on Sahaya

In other words the sub-committees have not examined whether the above schemes have in fact benefited the persons identified by the sub-committees.

6. As regards the affidavit of the Additional Chief Secretary, HFW Department, it is not in consonance with the orders passed by this Court on 30th November, 2021 and 23rd February, 2022. The data for Cuttack is that there are 2346 Cured Leprosy Persons (CLP) and of these only 360 have been provided with MCR footwear. However, the figures themselves seem to be on the basis of data dating back to 2009 and not the latest data. It is a mystery why in 2022 reference is still being made to 2009 data. It is not clear to the Court how many beneficiaries have actually been granted the benefits. It should be possible for the names of the beneficiaries to be made available and the kind of benefit given to each of them. A further affidavit is directed to be filed in this regard.

7. Turning to the central point made by the AC that a number of directions issued by this Court, following those issued by the

Supreme Court in *Pankaj Sinha v. Union of India 2018 SCC OnLine SC 1502* would require actual monitoring on a periodic basis. It has to be ensured that the benefits are actually extended to the persons in the 13 colonies which would include their daily needs for care and treatment, skill development, rehabilitation and so on. A concerted effort will have to be made to sensitize the inmates to the possibilities that these schemes offer. As pointed out by Ms. Pami Rath, learned Amicus Curiae, the inmates will have to be 'counseled' as to which schemes will be most beneficial keeping in view their peculiar situation. All these will require a concerted effort made by the sub-committees constituted by the Technical Committee during their visits to these colonies.

8. The Court accordingly considers it appropriate to direct that a Monitoring Committee (MC) be set up by the SS&EPD Department with its Commissioner-cum-Secretary being the convener of the MC. It will have as its other members, the Addl Chief Secretary of the HFW Department, the Collectors of the concerned districts where these thirteen colonies are located, the District Social Security Officer of the concerned District, and the two ACs viz., Mr. B.P. Tripathy, Advocate and Ms. Pami Rath, Advocate. This is to facilitate implementation of the directions issued by this Court in their true spirit and to ensure that there is tangible improvement in lives of the inmates of the 13 colonies. The MC shall be notified by a separate order to be issued by the SS&EPD Department not later than 31st May, 2022.

9. The Court has also perused the affidavit of the Collector and District Magistrate, Khurda which *inter alia* indicates that four

colonies i.e. the Bapuji Colony, Dharabati Colony, Jagannathpally Kustha Colony and the Ramakrushnapalli Colony have in all 576 residents and 189 families a the total number of 129 CLPs. The affidavit mentions two persons one in the Jagannath Leprosy Colony and the other in the Ramakrushna Palli Colony as having been identified for skill development training. However, it is not clear why others have not been identified apart from these two. Likewise, the statement that there was no eligible CLP identified for self-employment training appears doubtful. A more concerted effort will perhaps have to be made by speaking to individual inmates, sensitizing them about the schemes and the opportunities available and encouraging them to opt for one or more of the schemes to improve their status in life.

10. The affidavit of the Collector, Balasore presents a positive picture of the developments taking place at the Leprosy house at the Lewis Road, Bampada. In fact this could form the model for other districts to follow. Although substantial work has taken place there as the photographs enclosed reveal, still more work requires to be done. The work in Balasore should be speeded up to ensure its completion before the onset of monsoon.

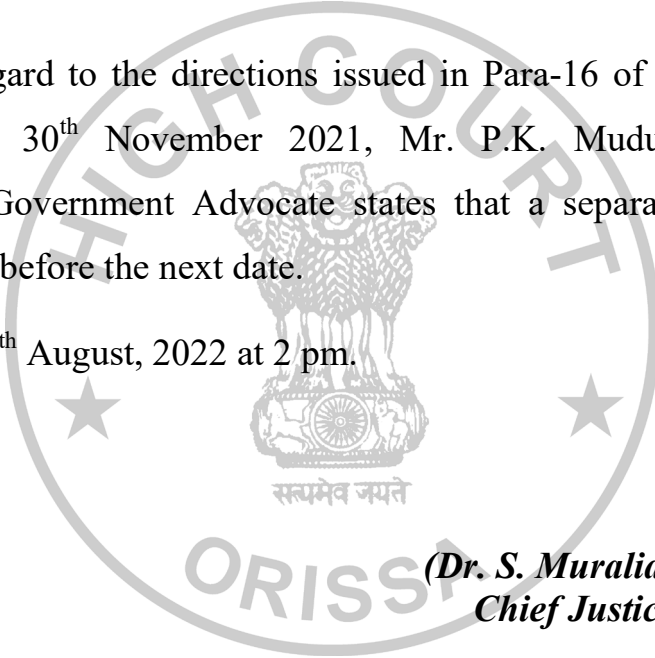
11. Lastly, turning to the affidavit of the Collector and District Magistrate, Puri it is *inter alia* stated that the land recorded in Anabadi (Khata No.148 and Sarakari (Khata No.149) of the Lokanathghat Mouza with notes in remark column reading “Kosthashram” is stated to be used for “different public purposes i.e. to observe different rites and rituals of Lokanath Dev Bije, Puri in different festivals”. The affidavit is silent on where else land can

be found for having a colony for the CLPs. The Collector, Puri will identify a suitable land where a new colony for the CLPs can be established with all the modern facilities.

12. The Court urges that the sub-committees set up by the Technical Committee undertake periodic visits in the next two months i.e., June and July, 2022 to the 13 colonies so that there can be tangible improvements in the lives of the inmates there. The MC will need to meet at least twice in June and twice in July for this purpose.

13. With regard to the directions issued in Para-16 of the Court's order dated 30th November 2021, Mr. P.K. Muduli, learned Additional Government Advocate states that a separate affidavit will be filed before the next date.

14. List on 4th August, 2022 at 2 pm.



(Dr. S. Muralidhar)
Chief Justice

(R. K. Pattanaik)
Judge

S. Behera