

B-2110
24.4.23 DB

1st

IN THE HIGH COURT OF ORISSA: CUTTACK

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

BipiniBihariPradhan ... Petitioner

-Versus-

State of OdishaAnd Others ... Opp. Parties

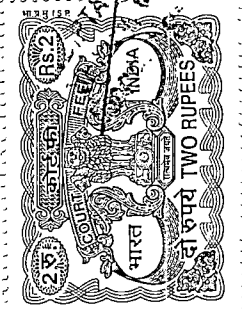
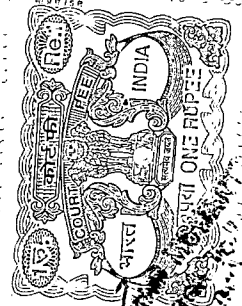
I N D E X

Sl. No.	Description of documents	Pages
1.	Affidavit on behalf of the Commissioner-cum-Secretary to Government, SS & EPD Department, Odisha in compliance of Order dtd. 20.03.2023	1-5
2.	<u>Annexure – A.</u> Copy of letter No.68, dtd.03.01.2023	6-10
3.	<u>Annexure – B.</u> Copy of the proceedings of the Monitoring Committee meeting dtd. 22.04.2023.	11-15

Cuttack
Date : 24/04/2023

ADDL. GOVERNMENT ADVOCATE

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IN THE HIGH COURT OF ORISSA: CUTTACK

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

BipiniBihariPradhan ... Petitioner

-Versus-

State of OdishaAnd Others ... Opp. Parties

**AFFIDAVIT ON BEHALF OF THE COMMISSIONER-
CUM-SECRETARY TO GOVERNMENT, SS&EPD
DEPARTMENT, GOVERNMENT OF ODISHA IN
COMPLIANCE OF THE ORDER DTD. 20.03.2023:**

I, Ms.MadhumitaNayak, aged about 52years, daughter of Sri Harihar Nayak, at present working as Additional Secretary to Government, Social Security & Empowerment of Persons with Disabilities (SS & EPD) Department, Odisha, Loka Seva Bhawan, Bhubaneswar, Dist.: Khurda, do hereby solemnly affirm and state as follows:

1. That, I am working as Additional Secretary to Government, Social Security & Empowerment of Persons with Disabilities (SS & EPD) Department, Odisha and have been duly authorized to file this Affidavit on behalf of Social Security & Empowerment of Persons with Disabilities (SS & EPD) Department, Odisha


Madhumita Nayak

14
PRADIPTA KUMAR MOHANTI
Notary, Cuttack Town
Regd. No- OR-04/1995

Kidney, Liver diseases, Hemoglobin, HIV, Complete Blood Count etc. and if found fit by the concerned surgeon, then they go for the Reconstructive Surgery.

- i. The stay in hospital for RCS is around 45 – 60 days including pre & post operative care & physiotherapy.
- ii. Due to various constraints and family problems, some patients are not willing to undergo surgery but they are repeatedly counselled by Accredited Social Health Activist (ASHA), Health Workers and Medical Officers to undergo Reconstructive Surgery.
- iii. For better accessibility of patients, provisions have been made to conduct RCS in all District Head Quarter Hospitals (DHH) .(Annexure-A)
- iv. During the current Financial year (2022-23), 179 (One Hundred Seventy-Nine) Reconstructive Surgeries have been conducted in 27 districts as reported by districts
Out of 97 pending cases for RCS in 2022-23:
 - 21 cases are medically unfit for other co-morbid conditions.
 - In 59 cases patients are unwilling for Surgery.
 - 17 cases have been migrated to other places.

With regard to rehabilitation of inmates of Sanjay Leprosy Colony, Puri, a door-to-door survey was conducted by the Puri District Administration. After the survey, it was revealed that out of the 21 families consisting of 41 members living in the colony. Out of this 21 families, 13 families


PRADIPTA KUMAR MOHANTI
Notary, Cuttack Town
Regd. No- 04-04/1995

Madhusmita Nayak

Copy of the Minutes of the meeting is filed herewith and annexed as Annexure - B.

6. That, it is submitted that the Monitoring Committee will meet once in two months preferably on Saturdays in order to enable the two learned Amicus Curiaes to participate in the meetings.

7. That, the facts stated above are true to the best of my knowledge and based on available Official records.

Identified by

Pradeep Kumar Jena
Advocate's Clerk, 24/4/23
Advocate General's Office

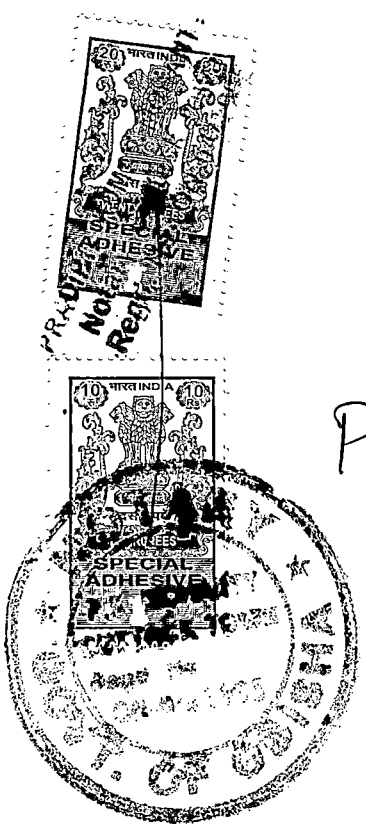
Maharajula Nayak
— DEPONENT 24-4-23
Additional Secretary to Govt.
SSEPD Department

Cuttack
Date : 24/04/2023

Certified that cartridge papers are not available.

ADDL. GOVERNMENT ADVOCATE

Solemnly sworn before
me by..... *M. Nayak*
being identified by..... *P.K. Jena, A.C. A.G.'s office*
at Cuttack Town Dated: *24/04/2023*
24/04/2023
P.K. Mohanty, Notary, Cuttack Town
Regd No-ON-04/1995





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Mission Directorate
 National Health Mission, Odisha
 Department of Health & Family Welfare,
 Government of Odisha

~~ANNEXURE-2~~

ANNEXURE:- A

Letter No: OSH&FWS/ 68 / 1

Date: 03.01.23

From 32/13
 Dr. Brundha D, IAS
 Mission Director, NHM, Odisha

To
 The Director, PGIMR & Capital Hospital, Bhubaneswar
 The Director RGH, Rourkela
 The CDM & PHO (all Districts)

Sub : Conducting Reconstructive Surgery (RCS) of Grade-II Disability leprosy cases in all DHH, PGIMR & Capital Hospital & RGH Rourkela

Ref : NHM PIP 2022-23 and 2023-24

Sir/Madam,

It is to be stated that as per the mandate there should be zero backlog of RCS (Reconstructive Surgery) cases of eligible and willing Grade-II disability cases in all districts of Odisha.

In approved NHM PIP 2022-23 and 2023-24 the following provisions have been made for Reconstructive Surgery:-

- 1) Rs. 8000/- (Rupees eight thousand) is provided to the patient in phases for loss of wages per RCS for undergoing surgery (FMR. 1.2.3.1, Sl. No. 70).
- 2) Rs. 1500/- (Rupees fifteen thousand) is provided to the patient for to & fro journey per RCS to the health institution for RCS (FMR. FMR. 1.2.3.1, Sl. No. 70).
- 3) Mobility and other support to the RCS surgeon (FMR. Sl.No-86).
- 4) Mobility & other contingency support for hands on training to Doctors (Surgeon/ Orthopedic Specialist/ Plastic surgeon) assisting the RCS Surgeon. (FMR. 9.5.13.1, Sl. No. 72).
- 5) Rs.5000/- (Rupees five thousand) for medicines & consumables for the medicines and consumables not available in the hospital per RCS.(FMR.9.5.13.1 Sl.No.70)
- 6) Rs. 500 /- (Rupees five hundred) as incentive to the ASHA for motivating the eligible G2D leprosy patient and completeing the surgery. (Sl. No. 72 (New Activity)).

At present Reconstructive Surgery is being conducted in 12 (twelve) Govt Health Institutions i.e. DHH Bolangir, Boudh, Dhenkanal, Ganjam, Jharsuguda, Koraput, Mayurbhanj, Nabarangpur, Nuapada, Sambalpur, Sonepur, Leprosy Home & Hospital, Cuttack. Patients are being referred to

TRUE COPY ATTESTED

[Signature]

Annex Building of SH&FW, Unit-8, Nayapalli, Bhubaneswar-751012
 Tel:0674-2392480/88 E-mail: missiondirector@nhm.odisha.gov.in Web: www.nhm.odisha.gov.in

Additional Secretary to Govt.
SSEPD Department



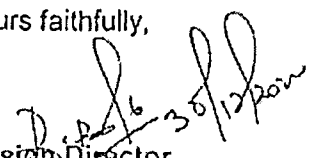
Mission Directorate
National Health Mission, Odisha
Department of Health & Family Welfare,
Government of Odisha

other districts for Reconstructive Surgery which is demotivating the patients for RCS. There are also coordination problems when a patient is referred from one district to another district.

The district NLEP unit / ADPHO (Leprosy) will intimate the number of eligible and willing patients to undergo Reconstructive surgery and the date to State NLEP unit for coordinating with RCS surgeon. Preferably a specialist in surgery/ Orthopaedics/ Plastic Surgery of the same district to be directed for hands on training in assisting the RCS Surgeon and do the post operative care of the patient after surgery.

It is therefore requested that henceforth Reconstructive Surgery will be conducted in all district Head Quarter Hospitals, PGIMR & Capital Hospital, Bhubaneswar and RGH Rourkela and indoor beds will be provided to the RCS patients during pre & post operative period for successful implementation of NLEP activities and for the benefit of the patients.

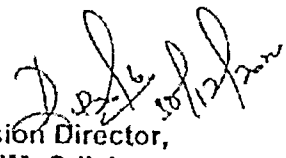
Yours faithfully,


Mission Director,
NHM, Odisha

Memo No. 69

Date. 03.01.23

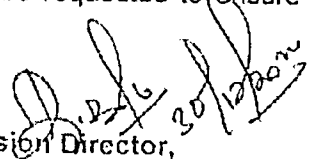
Copy forwarded to the Addl. DHS (Leprosy), Odisha for information.


Mission Director,
NHM, Odisha

Memo No. 70

Date. 03.01.23

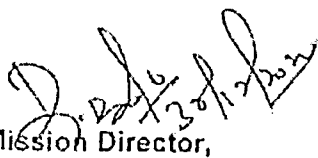
Copy forwarded to all ADPHO (Leprosy) for information and they are requested to ensure that all pending RCS cases of their districts are completed in time.


Mission Director,
NHM, Odisha

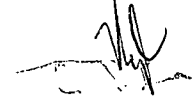
Memo No. 71

Date. 03.01.23

Copy forwarded to the DPM (all districts) for information and they are requested to coordinate with district NLEP unit so that all pending RCS cases are completed, indoor beds, physiotherapist and OT with required instruments are available in time.


Mission Director,
NHM, Odisha

TRUE COPY ATTESTED


Additional Secretary to Govt.
SSEPD Department

DISTRICT WISE RCS CONDUCTED DURING 2022-23		
Sl.No	District	RCS Conducted during 2022-23
1	Angul	3
2	Balangir	9
3	Balasore	1
4	Baragarh	18
5	Bhadrak	7
6	Bhubaneswar	4
7	Boudh	9
8	Cuttack	13
9	Dhenkanal	8
10	Ganjam	8
11	Jagatsinghpur	2
12	Jajpur	6
13	Jharsuguda	4
14	Kalahandi	2
15	Kendrapara	2
16	Keonjhar	1
17	Khurda	2
18	Koraput	10
19	Malkangiri	4
20	Mayurbhanj	19
21	Nayagarh	5
22	Nabarangpur	12
23	Nuapada	3
24	Puri	6
25	Sambalpur	8
26	Sonepur	10
27	Sundargarh	3
	Total	179

Notes: Identified for RCS : 276
RCS conducted : 179
RCS pending : 97

Out of 97 pending cases for RCS in 2022-23:

21 cases are medically unfit for RCS for other comorbid conditions.

59 cases are unwilling for Surgery.

17 cases have migrated to other places

[Handwritten signatures]

TRUE COPY ATTESTED

[Handwritten signature]
Additional Secretary to Govt.
SSEPD Department

DIRECTORATE OF PUBLIC HEALTH : ODISHA
(State Leprosy Cell)

Letter No. 2127 /Lep cell 32/2023
From

Date: 3.4.2023

Dr. Niranjana Mishra
Director of Public Health, Odisha

To
All Chief District Medical & Public Health Officers,

Sub : Clearance of backlog Reconstructive Surgeries under NLEP of the districts by 19th June 2023.

Ref: Hon'ble High Court, Odisha order dated 20.03.2023 with reference to WP(C) No.13403 of 2015.

Madam/Sir,

With reference to the subject cited above this is to be stated that Hon'ble High Court, Odisha vide order dated 20.03.2023 has directed to clear all the backlog Reconstructive Surgery cases within three months from date of the order i.e. from 20.03.2023.

You are therefore requested to take immediate steps to clear all the awaiting/backlog Reconstructive Surgery cases (Annexure -I) within 3(three) months from the date of the order of Hon'ble High Court, Odisha i.e. from 20.03.2023 positively and submit compliance to the undersigned for onward transmission to the Govt.

Yours faithfully,

Director of Public Health, Odisha

Memo No 2128 /Dt 3.4.2023

Copy submitted to Mission Director, NHM, Odisha for kind information

Director of Public Health, Odisha

Memo No 2129 /Dt 3.4.2023

Copy to all ADPHO (Leprosy) for information and they are requested to take necessary steps for completion of back-log/awaiting Reconstructive Surgery cases of their districts within 3 months from Dt. 20.03.2023 i.e. the order of Hon'ble High Court, Odisha positively and report compliance.

Director of Public Health, Odisha

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Additional Secretary to Govt.

SSEPD Department, 1st Floor, Heads of the Department Building, Unit-V, Bhubaneswar-751001, Odisha
Email: sloodisha2019@gmail.com

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A. A. M. G. P. T. ...

DISTRICT WISE RCS CONDUCTED DURING 2022-23

Sl.No	District	Identified for RCS	Conducted during 2022-23
1	Angul	8	3
2	Balangir	9	9
3	Balasore	1	1
4	Baragarh	54	18
5	Bhadrak	5	7
6	Bhubaneswar	2	4
7	Boudh	14	9
8	Cuttack	8	13
9	Deogarh	0	0
10	Dhenkanal	7	8
11	Gajapati	0	0
12	Ganjam	21	8
13	Jagatsinghpur	5	2
14	Jajpur	6	6
15	Jharsuguda	7	4
16	Kalahandi	2	2
17	Kendrapara	1	2
18	Keonjhar	1	1
19	Khurda	2	2
20	Koraput	17	10
21	Malkangiri	15	4
22	Mayurbhanj	19	19
23	Nayagarh	2	5
24	Nowrangpur	12	12
25	Nuapada	12	3
26	Phulbani	0	0
27	Puri	6	6
28	Rayagada	5	0
29	Sambalpur	12	8
30	Sonepur	15	10
31	Sundargarh	8	1
	Total	276	179

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Additional Secretary to Govt.
SSEPD Department



ANNEXURE:- B

GOVERNMENT OF ODISHA

Department of Social Security & Empowerment of Persons with Disabilities

No 3238 /SSEPD
SSEPD-DA4-CASEOP-0003-2021

Dt. 22.04.2023

From

Madhumita Nayak, OAS (SAG)
Additional Secretary to Government

To

1. Commissioner-cum-Secretary to Government
H&FW Department
2. Collector
(Balasore/ Bargarh/ Cuttack/ Jajpur/ Jharsuguda/
Khordha/ Mayurbhanj/ Puri/ Sundargarh)
3. Mr. B.P. Tripathy, Advocate
4. Ms. Pami Rath, Advocate
5. District Social Security Officer
(Balasore/ Bargarh/ Cuttack/ Jajpur/ Jharsuguda/
Khordha/ Mayurbhanj/ Puri / Sundargarh)

Sub: Minutes of the 5th Meeting of the Monitoring Committee set up to review the implementation of the orders of the Hon'ble High Court in WP(C) No.13403 of 2015 (Bipini Bihari Pradhan Vrs State of Odisha and others)

Sir/ Madam,

I am directed to enclose herewith the minutes of the 5th meeting of the Monitoring Committee held on 22.04.2023 for kind information and necessary action.

Yours faithfully,


Additional Secretary to Government

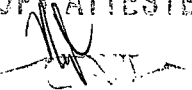
Memo No. 3239 /SSEPD

Dt. 22.04.2023

Copy along with copy of the enclosure forwarded to Special Secretary to Government, H&UD Department/ PR&DW Department for information and necessary action.


Additional Secretary to Government

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Additional Secretary to Govt.
SSEPD Department

MINUTES OF 5th MEETING OF THE MONITORING COMMITTEE

The 5th Meeting of the Monitoring Committee was held on 22.04.2023 at 3.00 PM. Commissioner-cum-Secretary, SSEPD Department, Health & Family Welfare Department, Members of the Committee, and Officers of SSEPD and H&FW Department were present in the meeting.

Commissioner-cum-Secretary, SSEPD Department – cum - Convener of the Committee made a brief presentation on the orders Dt. 20.03.2023 of Hon'ble High Court of Orissa in WP (C) No.13403/2015 (Bipin Bihari Pradhan Vrs State and others), and requested H&FW Department to present the status of reconstructive surgery (RCS) in the State. Further, he enquired about the status of rehabilitation of the inmates of Sanjayajee Leprosy Colony.


Director (Public Health), H&FW Department made a detailed presentation on this issue. He informed the committee that 276 cured leprosy persons have been identified for reconstructive surgery in the FY 2022-23 and out of which 179 persons have undergone reconstructive surgeries. The remaining 97 cases could not be operated due to following reasons:

- i. 21 cases are medically unfit for RCS for other comorbid conditions.
- ii. In 59 cases persons are unwilling for surgery.
- iii. 17 cases have migrated to other places.

District-wise data on surgery is placed at Annexure-A. He also informed the committee about the incentives provided by H&FW Department to the individuals opting for reconstructive surgery and the steps taken for hassle-free surgery on the individuals.

1. For strengthening of RCS centres, provisions have been made in Programme Implementation Plan 2022-23 for procurement of additional instruments & equipment for Reconstructive Surgery (RCS) in 11 (eleven) Districts & Leprosy Home & Hospital i.e., Bargarh, Bolangir, Boudh, Dhenkanal, Ganjam, Mayurbhanj, Nawarangpur, Nuapada, Sonapur, Sambalpur, Jharsuguda districts and Leprosy

TRUE COPY ATTESTED Home & Hospital at Cuttack.


Additional Secretary to Govt.
SSEPD Department.

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2. Provisions have been made to conduct RCS in all District Head Quarter Hospitals (30 DHHs & Capital Hospital, Bhubaneswar) for better accessibility for the patients.
 3. RCS is also covered under Biju Swasthya Kalyan Yojana (BSKY) so that patients can avail the treatment in all empaneled private Health institutions.
 4. To recoup the wage loss of the patients due to RCS, Rs. 12,000 as one-time assistance, Rs. 1,500 as transportation cost and Rs. 5,000 towards additional medicine/ consumables are provided to them.
 5. Incentives of Rs. 500 are being paid to ASHA Workers for motivating the eligible G2D cases for RCS.


Director (Public Health) reiterated that steps are being taken to clear the backlog reconstructive surgeries under NLEP within three months and letter in this connection has already been issued to all CDM & P.H.O vide letter No.2127 dt.03.04.2023 of the Directorate of Public Health (State Leprosy Cell). He also informed the committee that there are 381 Integrated Disability Prevention & Medical Rehabilitation (DPMR) (32 DHH +33 SDH+314 CHC + Urban) functioning in the State providing free services in all cases of disability.

Participating in the discussion Shri B.P. Tripathy, Advocate and learned Amicus Curiae suggested that the activities of DPMR Clinics need to be monitored. He informed the Committee that he had personally visited two CHCs in Khordha and Puri, and observed that adequate facilities were not available for Leprosy patients. Commissioner-cum-Secretary, H&FW Department requested him to share the details of the CHCs and informed the Committee that a wider monitoring of all DPMRs will be taken up very soon.

DSSO, Puri explained the Committee on the status of rehabilitation of the inmates of the Sanjayjee Leprosy Colony, Puri.

Ms Pami Rath, Advocate and learned Amicus Curiae enquired about the living condition and livelihood status of the inmates rehabilitated at Niladri Nilaya Rehabilitation Centre.

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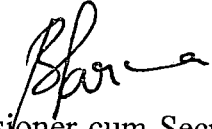

Additional Secretary to Govt.
SSEPD Department

He informed that they have conducted a survey in the colony and identified 21 families with one or more individual CLP in each family. Out of these 21 families consisting of 41 individuals, District Administration has already rehabilitated 13 families consisting of 14 members in Niladri Nilaya Rehabilitation Centre (Special Rehabilitation Center for cured Leprosy Persons) at Puri Municipality. Niladri Nilaya has been developed by Puri Municipality with an estimated cost of Rs.42,50,715/- in the year 2021. At Niladri Nilaya Rehabilitation Centre they are provided free accommodation with beddings including blanket and mosquito net, accessible toilet facilities, safe drinking water etc. Further, fooding and other daily requirements are being provided to them. Monthly health checkup of inmates is being conducted by doctors and para medical staff regularly and medicines are provided free of cost. All 14 members of these 13 families are covered under Madhubabu Pension Yojana, provided aids and appliances e.g., wheel chairs, tri-cycles and crutches. During the pandemic period COVID 9 eligible women out of these inmates have been provided Rs.10,000/- each under the scheme "Mission Maa". However, due to ageing and deformity, it is not possible to cover them under any livelihood programme. But, only two women are preparing cotton balita for worship purpose.

The District Administration, Puri also identified a patch of land adjacent to Niladri Nilaya Rehabilitation Centre in Puri Municipality under Government khata No.149, plot No.355,333,349,353,359,249/498,294,295,299,299/505, 292,296/506,295/499 having area in AC. 0.7280,0.1040, 0.6500,0.1550, 0.3770,0.0500,0.3400,0.5150,0.1740, 0.0400,0.9000, 0.0200,0.0450 of Mouza Lokanath Ghat under kism Bagayat-II, Rasta,Jalashaya-II, Patita, Gharabari-I and Nadia Bagayat with possession note in the remark column as "Kosthashram" for rehabilitation of remaining 8 families consisting of 27 members. Estimate for Rs.1,19,01,500/- has already been prepared with the help of R & B for construction of house for these 8 families. Commissioner-cum-Secretary advised to submit the estimate immediately to H & UD Department to cover them under urban housing Scheme/ Jaga Mission. These families have already been covered under Madhubabu Pension Yojana, provided aids and appliances e.g., tri-cycles and other assistive devices as per requirement. Ration cards have also been provided to these families under NFSA. Further, one SHG group with 5 members have been formed and financial assistance of Rs.10,000/- have been provided. 8 eligible women out of these 8 families have provided financial assistance @ Rs.10,000/- each under scheme "Mission Maa" and 4 eligible students of these families have provided scholarship.

DSSO, Puri also informed that order has already been placed with CRSR, Bhadrak to prepare grade-I and grade-II shoes for the eligible beneficiaries.

The meeting ended with a vote of thanks to the Chair and the members present.



Commissioner-cum-Secretary
Commissioner-cum-Secretary to Govt.
Deptt. of Social Security & Emp. of PwDs

TRUE COPY ATTESTED



Additional Secretary to Govt.
SSEPD Department

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SSEPDELISHA@gmail.com
9438337664