

IN THE HIGH COURT OF ORISSA : CUTTACK

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

Bipini Bihari Pradhan ... Petitioner

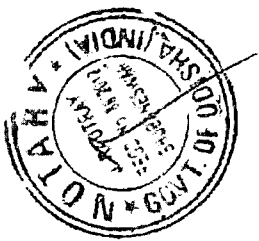
-Versus-

State of Odisha And Others ... Opp. Parties

**COMPLIANCE AFFIDAVIT OF COMMISSIONER-
CUM-SECRETARY TO GOVERNMENT, SOCIAL
SECURITY AND EMPOWERMENT OF PERSONS
WITH DISABILITIES DEPARTMENT IN
COMPLIANCE OF ORDER DTD. 03.11.2021 :**

Madhumita Nayak

I, Ms Madhumita Nayak, aged about 50 years, Daughter of Shri Harihar Nayak, at present working as Additional Secretary to Government, Social Security & Empowerment 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 Persons with Disabilities Department and have been duly authorized by the Commissioner-cum-Secretary.

Department of Social Security & Empowerment
Persons with Disabilities to file the Compliance
Affidavit.

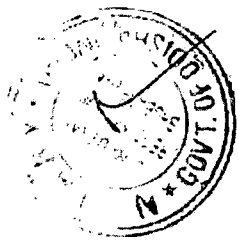


Madhumita Nayak

2. That, the accompanying Writ Petition was taken up for hearing on 03.11.2021. Paragraphs – 4 to 8 of the Order are quoted hereunder for ready reference:

.xxx .xxx .xxx

4. The Court has also perused the compliance affidavit dated 4th October, 2021 filed by Ms. Madhumita Nayak, Additional Secretary to Government, Social Security & Empowerment Persons with Disabilities (SS&EPD) Department, Odisha enclosing the proceedings of the 2nd and 3rd meeting of the Technical Committee for formulation and monitoring of rehabilitation programmes for cured leprosy persons. The Court notices that although various issues were taken up for discussion and Departments were identified for taking necessary follow up action, no time limits have been fixed for completion of those actions. In particular in respect of each of the schemes under which leprosy cured



persons are to be granted benefits, whether it is rural housing and latrines, sanitation needs, the provision of homestead land under the Basundhara scheme, enabling of reconstructive surgeries, the provision of MCR foot wear and employment opportunities, certain broad directions have been issued without any specific targets or timelines.

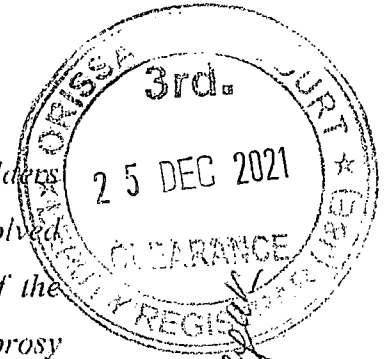
5. The Court would like to impress upon the Technical Committee the necessity for fixing actual time targets for completion by the various Departments/ authorities that have been identified for that purpose.

6. The Court would also urge the Technical Committee to form sub-committees to undertake personal visits to the colonies of the persons with leprosy or leprosy cured persons to monitor the status of improvement of the living conditions in those colonies. These steps should be on the same lines as that undertaken, under the directions of this Court, at Lewis Colony, Bampada. It is open to the Technical Committee to co-opt experts from other civil society



Madhuvrata Nayak

organizations/NGOs/ other stake holders elsewhere in the country who are involved in the task of improving the lives of the persons affected with leprosy or leprosy cured persons.



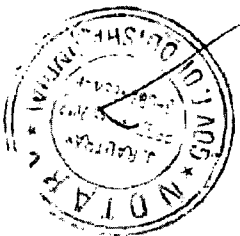
Madhuniha Nayak

7. Learned Advocate General states that he will advise the Technical Committee appropriately.

8. The Court urges the Technical Committee to have another meeting for the above purposes in the month of November itself on any convenient date.

.xxx .xxx .xxx”

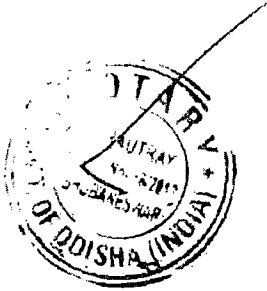
3. That, in compliance to the Order passed by this Hon'ble Court at Paragraphs – 5 & 6 of the Order dtd. 03.11.2021, a meeting of the Technical Committee was held on 18.11.2021 at 4 PM under the Chairmanship of Commissioner-cum-Secretary, Department of SSEPD and time lines were set for providing benefits to the cured leprosy patients as follows:



- a) Health & Family Welfare Department may consider providing appropriate cash incentives to the newly detected leprosy cases to compensate for loss of livelihood within the next two months.

- b) Health & Family Welfare Department may deploy Doctors and para medical workers on deputation to the colonies on regular basis within two (2) weeks.
- c) Health & Family Welfare Department may consider inclusion of reconstructive surgery for cured leprosy patients under Biju Swasthya Kalyan Yojana to enable them to get treated in private hospitals within one month.
- d) SSEPD Department will ensure that pension under Madhubabu Pension Yojana/ National Social Assistance Program is provided to all cured leprosy patients with not less than 40% disability.
- e) Health & Family Welfare Department will ensure that Micro Cellular Rubber(MCR) is provided to all leprosy patients as per requirement.
- f) Hind Kushth Nivarana Sangha (HKNS) may submit details of Cured Leprosy Persons living in the colonies and stressed that funds from the SSEPD Department shall be allotted for the cured leprosy persons living in the colonies. managed by them. He also advised to take up agricultural and other allied activities by the organisation. HKNS also needs to submit UCs against all funds sanctioned from FY 2018-19 to till date for the maintenance of three Leprosy

Madhubabu Sagar



Homes/Colony at Balasore, Sambalpur and Gajapati districts.

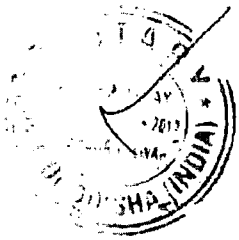
- g) Panchayati Raj & Drinking Water Department may ensure that a pucca house is allocated to the cured leprosy patients within 30 days of receipt of their application after their discharge in case their disability is more than 40%. The patient will need to submit necessary disability certificate in this regard. Collector will ensure that necessary disability certificate is issued to the leprosy patient at the time of his discharge.
- h) Housing & Urban Development Department and Revenue Department may ensure reservation for cured leprosy persons as mandated under RPWD Act, 2016 in their relevant schemes and to extend all necessary support to the sub-committee constituted under the chairmanship of Collector.

4. That, in compliance of Paragraph – 6 of the Order td. 03.11.2021 it is submitted that the Technical Committee has constituted a sub-committee under the chair of Collector as follows:

A sub-committee in each districts of the State will be constituted at the district level under the chairmanship of Collector with the following members:

- a) Additional District Magistrate

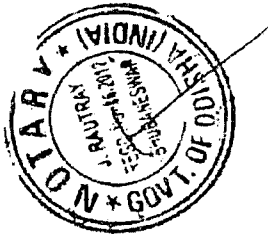
Madhavi K. Nayak



- b) Project Director, DRDA
- c) District Civil Supplies Officer
- d) District Social Security Officer
- e) District Public Health Officer
- f) Assistant District Public Health Officer,
Leprosy- Member Convener

This sub-committee will ensure the following services to the eligible Cured Leprosy Persons with not less than 40% disability within two (2) months after completion of their treatment from leprosy and report the same on each month to the State Technical Committee:

- a) Homestead land under Basundhara Scheme
- b) House under Rural Housing Scheme and Individual Household Latrines.
- c) Providing MCR footwear
- d) Ration Card under NFSA scheme
- e) Reconstructive surgery, if needed
- f) Pension under Madhu Babu Pension Yojna/ National Social Assistance Program
- g) Physiotherapy Services



The Sub-Committee will take personal visits to the leprosy colonies.

Madhusudana Nayak

5. That, in compliance of Paragraph – 8 of the Order dtd. 03.11.2021, it is submitted that a meeting of the Technical Committee was held on 18/11/2021 and the proceeding of the meeting has been communicated to all concerned vide letter No.8846/SSEPD, dtd.22.11.2021.

Copy of the letter dtd. 22.11.2021 along with the Proceeding dtd. 18.11.2021 is filed herewith and annexed as Annexure – A.

6. That, the facts stated above are true to the best of my knowledge and belief.

Identified by

[Signature]
25/11/2021

Advocate

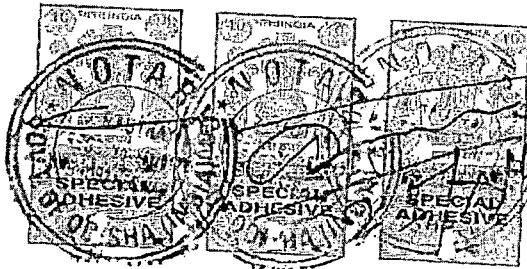
[Signature]
DEPONENT

CUTTACK
DT. 25/11/2021

Certified that cartridge papers are not available.

[Signature]

ADDL.GOVERNMENT ADVOCATE



[Signature]
JAI VEJAYA RAUTHA
NOTARY, BHUBANESWAR
REGD. NO. 8846/2021
GOVT. OF ODISHA
PH: 9337121279

The above Named deponent(s) have
duly identified by Sr. *[Signature]*
Advocate, Bhubaneswar
appears before me
on 25/11/2021
at 10 AM
and they are
known to me
Deponent(s) *[Signature]*
Notary, Bhubaneswar



ANNEXURE- A

GOVERNMENT OF ODISHA

Department of Social Security & Empowerment of Persons with Disabilities

No. 8846 /SSEPD
SSEPD-DA4-DA-0008-2019

Dt. 22.11.2021

From

Madhumita Nayak, OAS (SAG)
Additional Secretary to Government

To

1. Additional Chief Secretary/ Principal Secretary to Government (R& DM/ PR & DW/ H&UD/ H& FW Department)
2. Mission Director, National Health Mission
3. Honorary Secretary-cum-Additional Director of Health Services (Leprosy), HKNS
4. Dr. S. N. Pati, NLEP Consultant
5. Dr. Dambarudhar Bhuyan, former WHO consultant on leprosy
6. Shri Bhagaban Pradhan, Life & Executive Committee Member, HKNS
7. General Secretary, Indian Hansenians Association
8. President, Association of People affected by Leprosy
9. One representative from each of the following Leprosy colonies:
 - a. Byasa sarovar Colony, Jajpur
 - b. Damien Nagar leprosy colony, Berhampur
 - c. Hatibari Colony, Sambalpur
 - d. Jibaram Ji Colony, Puri
 - e. Lewis Leprosy Colony, Balasore
 - f. Nehru Palli Colony, Cuttack
 - g. Ramakrushna Colony, Khordha
 - h. Sadak Sahi leprosy colony, Baripada
 - i. Sambalpur Colony, Bargarh
 - j. Santidan Colony, Khordha

Sub: Proceedings of the 4th Meeting of the Technical Committee for Formulation and Monitoring of Rehabilitation Programmes for Cured Leprosy Persons.


Ref: This Department letter No. 8567 Dt.15.11.2021.

Madam/ Sir,

With reference to the subject-cited above, I am directed to attach herewith the proceedings of the 4th meeting of the Technical Committee for Formulation and Monitoring of Rehabilitation Programmes for Cured Leprosy Persons held on 18th November 2021 under the Chairpersonship of Commissioner-cum-Secretary, Department of SSEPD.

TRUE COPY ATTESTED

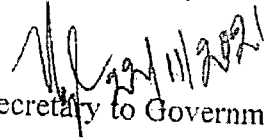
P.T.O


Additional Secretary to Govt.
SSEPD Department

It is, therefore, requested to please take appropriate action as discussed in the meeting and recorded in the proceedings.

Encl: As above.

Yours faithfully,




Additional Secretary to Government

Memo No. 8867 /SSEPD

Dt. 22-11-2021.

Copy forwarded to PS to Commissioner-cum-Secretary / OSD to Director, Department of SSEPD for information of Commissioner-cum-Secretary / Director.

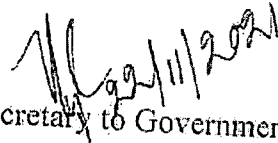


Additional Secretary to Government

Memo No. 8848 /SSEPD

Dt. 22-11-2021.

Copy along with a copy of the enclosures forwarded to all Collectors/ all DSSOs for information and necessary action.



Additional Secretary to Government

TRUE COPY ATTESTED



Additional Secretary to Govt.
SSEPD Department

- 11 -

Proceedings of the 4th Meeting of the Technical Committee for Formulation and Monitoring of Rehabilitation Programmes for Cured Leprosy Persons

The 4th meeting of the Technical Committee for Formulation and Monitoring of Rehabilitation Programmes for Cured Leprosy Persons was held on 18th November 2021 from the Conference Hall of Department of Women & Child Development through Google Meet under the chairmanship of Commissioner-cum-Secretary, Department of SSEPD. The list of members present in the meeting is at **Annexure- A**. Shri Sanjay Kadam, State Commissioner for PwDs, Maharashtra and Shri Koustuv Amte of Maharogi Seva Samiti of Warora, Maharashtra joined as experts in the meeting virtually through Google Meet along with other members. Representatives from different Leprosy Colonies also participated in the meeting virtually.

Initiating the discussion, the chairman apprised the committee about the orders of the Hon'ble High Court of Orissa dt. 03.11.2021 in the WP(C) 13403 of 2015 (Bipini Bihari Pradhan Vrs State of Odisha and others) in the matter of implementation of the National Leprosy Eradication Programme.

Shri Sanjay Kadam, State Commissioner for PwDs, Maharashtra outlined in detail the benefits provided by the Maharashtra Government to the Cured Leprosy Persons in particular and the PwDs in general. He informed that though about 15,000 new leprosy cases are detected in Maharashtra every year. About the same number of patients are also cured during the year and 65% to 75% of the cured persons return home after discharge. 15% to 20% of the remaining prefer to go to NGOs working in the field of rehabilitation of cured leprosy persons. About 15-20% of them also end up in the leprosy colonies. According to the NGOs, the cost of accommodation per month per person in the NGO is Rs. 3,500. The State Government provides Rs. 2,500 and the remaining is arranged by the NGOs either from their own agricultural and other cottage Industrial activities or through CSR funds. He also stressed that each leprosy patient receives a sum of Rs. 8,000 at the time of detection.

Dr Arkekar, Joint Director Health Government of Maharashtra stated that there are 30 leprosy colonies in Maharashtra managed by the State Government. They have appointed dressers in the colonies who are paid Rs. 2,500 per month for less than 50 patients, Rs.3,000 per month for more than 50 patients and Rs. 5,000 per month for more than 100 patients.

Dr Basant Kumar Pradhan, Joint Director (Leprosy) and Honorary Secretary, HKNS stated that in Odisha there are 87 Leprosy Colonies and 8,032 inmates are staying in those colonies as stated by the officers represented from H & FW Department. About 10,000 leprosy cases are reported in a year and about 10,000 patients are also discharged every

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Additional Secretary to Govt.

year. However, the posts of doctors and paramedical staff, deployed in the leprosy colonies were abolished over the years. At present there are also no dressers in these colonies.

The Chairman requested the officers of H & FW Department to deploy required numbers of doctors and para medicos on deputation basis to the Leprosy Colonies within 30 days. He also requested H & FW Department to deploy dressers in these colonies immediately.

It was noted that about 3% of the leprosy patients get deformed. Reconstructive surgery is conducted in case of such patients. At present about 163 are in the waiting list. Chairman requested H&FW department to conduct surgery in case of these patients expeditiously. It was felt that inclusion of this under Biju Krushak Kalyan Yojana will expedite such cases.

All the cured leprosy persons with not less than 40% disabilities in the 4 leprosy colonies managed by HKNS at Balasore, Sambalpur, Paralakhemundi and Cuttack may be provided with homestead land and a pucca house while ensuring that they can return to their villages.

Shri Umesh Nayak, President, Association for people affected by leprosy requested that homestead land and pucca houses may be provided to the cured leprosy persons. He also requested for increase of Social Security Pension.

Representative from Nehru Palli Leprosy Colony, Cuttack requested that repair of the houses in the colonies may be taken up expeditiously. He also requested that doctors and paramedical staff and dressers may be deployed to the Leprosy Colonies. He proposed that in case there is shortage of staff some inmates of leprosy colonies may be imparted training so that they can work as dressers for the rest inmates in the colonies. Chairman agreed to these suggestions and requested H&FW department may make provision of funds for upkeep of the leprosy colonies.

After detailed discussions, following decisions were taken:

1. A sub-committee will be constituted at the district level under the chairmanship of Collector with the following members:

- a) Additional District Magistrate
- b) Project Director, DRDA
- c) District Civil Supplies Officer
- d) District Social Security Officer
- e) District Public Health Officer
- f) Assistant District Public Health Officer, Leprosy- Member Convener

This sub-committee will ensure the following services to the eligible Cured Leprosy Persons with not less than 40% disability within 2 months after completion of their treatment from leprosy and report the same on each month to the State Technical committee:

- a) Homestead land under Basundhara scheme
- b) House under rural housing scheme and Individual Household Latrines.

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Additional Secretary to Govt.

Health Department

- c) Providing MCR footwear
- d) Ration card under NFSA scheme
- e) Reconstructive surgery, if needed
- f) Pension under Madhu Babu Pension Yojna
- g) Physiotherapy services

The Sub-Committee will take personal visits to the leprosy colonies.

(Action - All Districts)

2. H&FW Department may consider providing appropriate cash incentives to the newly detected leprosy cases to compensate for loss of livelihood within the next two months.

3. H&FW department may deploy doctors and para medical workers on deputation to the colonies on regular basis within 2 weeks.

(Action - H&FW Department)

3. H&FW Department may consider inclusion of reconstructive surgery for cured leprosy patients under Biju Swasthya Kalyan Yojana to enable them to get treated in private hospitals within one month.

4. HKNS may submit details of Cured Leprosy Persons living in the colonies and stressed that funds from the SSEPD Department shall be allotted for the cured leprosy persons living in the colonies, managed by them. He also advised to take up agricultural and other allied activities by the organisation. HKNS also needs to submit UCs against all funds sanctioned from FY 2018-19 to till date for the maintenance of three Leprosy Homes/Colony at Balasore, Sambalpur and Gajapati districts.

(Action - HKNS)


5. SSEPD Department will ensure that pension under Madhubabu Pension Yojana/ National Social Assistance Program is provided to all cured leprosy patients with not less than 40% disability.

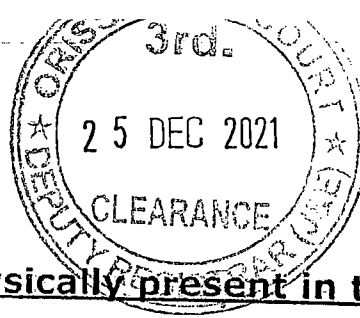
6. PR & DW Department may ensure that a pucca house is allocated to the cured leprosy patients within 30 days of receipt of their application after their discharge in case their disability is not less than 40%. The patient will need to submit necessary disability certificate in this regard. Collector will ensure that necessary disability certificate is issued to the leprosy patient at the time of his discharge.

7. H&UD Department and Revenue Department may ensure reservation for cured leprosy persons as mandated under RPwD Act, 2016 in their relevant schemes and to extend all necessary support to the sub-committee constituted under the chairmanship of Collector.

TRUE COPY ATTESTED


Additional Secretary to Govt.
SSEPD Department


22.11.2021
Commissioner-cum-Secretary to Government
SSEPD Department

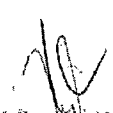


Annexure- A

List of members physically present in the meeting

Sl. No.	Name of the Member	Designation	Department/ Organisation
1	Shri Bhaskar Jyoti Sarma	Commissioner-cum-Secretary	SSEPD Department
2	Smt. Bratati Harichandan	Director	SSEPD Department
3	Ms. Madhumita Nayak	Additional Secretary	SSEPD Department
4	Dr. Rajendra Kumar Paty	Additional Director (Leprosy)	H&FW Department
5	Dr. Basanta Kumar Pradhan	Honorary Secretary	HKNS
6	Shri Arindam Dakua	Director (Special Projects)	PR&DW Department
7	Shri Santosh Kumar Dash	Deputy Secretary	H&UD Department
8	Smt. Ellora Samal	Joint Secretary	Revenue Department
9	Shri Sanyashai Kumar Behera	DSSO Headquarters	SSEPD Department

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Additional Secretary to Govt.
SSEPD Department