

No. W-11042/20/2012-Water-II
Government of India
Ministry of Drinking Water and Sanitation

8th Floor, Paryavaran Bhawan
CGO Complex, Lodhi Road,
New Delhi – 110 003.

Dated : 24th July, 2012

To,

Principal Secretary/Secretary
In-charge of Rural Water Supply & Sanitation
(All States)

Subject : **Stuck in borewell for 24 hours, 5 year old girl battle for life – reg.**

Sir/Madam,

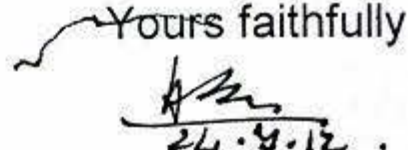
The undersigned is directed to refer to letter No.HR-99099/34782/2012-13/CMPS/24166 dated 22.6.2012 from National Commission for Protection of Child Rights (copy enclosed). The letter is self-explanatory.

2. All State Governments are requested to take appropriate action in view of the directions given in the abovementioned letter pertaining to safety measures/guidelines on abandonment of bored wells and drilled well in their States to avoid any such mis-happening. You are also requested to inform this Ministry of the action taken by you in this regard so that the NCPCR can be informed of the action taken.

3. A copy of the Supreme Court's Order dated 17th February, 2010 in WP (C) No. 36 of 2009 giving detailed guidelines in this regard is also enclosed for your information/compliance and for giving wide publicity by forwarding the same to District Collectors of your State for strict compliance.

4. This may be treated as Urgent.

Encl. : As above.

Yours faithfully

24.7.12

(A.K. Srivastava)

Under Secretary to the Govt. of India

1061/USLW/2012
27/06



VINOD KUMAR TIKOO
Member

National Commission for Protection of Child Rights
(A Statutory Body of MWCD, GOI under the CPR Act, 2005)

F.No. HR-99099/34782/2012-13/CMPS/24166

Dated: 22.6.2012

To
The Secretary
Ministry of Drinking Water and Sanitation
(Rajiv Gandhi National Drinking Water Mission),
Govt. of India,
Room No. 247, 'A' Wing Nirman Bhawan,
New Delhi-110108

Phone-011-23061245, 23061207;
Fax-011-23062715

Subject: Stock in borewell for 24 hours, 5 year old girl battles for life- reg.

The National Commission for Protection of Child Rights (NCPCR) has been constituted as a Statutory Body of Government of India under Section 3 of the Commission for Protection of Child Rights (CPCR) Act, 2005 to exercise the powers conferred on it and to perform the functions assigned to it under this Act;

2. One of the functions of the Commission under Section 13 (1) (j) of the CPR Act, 2005 is to inquire into the complaints and to take *suo motu* notice of the violations/deprivations of child rights;

3. The Commission, under Section 14 of the CPR Act, 2005, has all the powers of a Civil Court in trying a suit under the Code of Civil Procedure, 1908 and, in particular, in respect of the following matters;

- Summoning and enforcing the attendance of any person and examining him on oath;
- Discovery and production of any document;
- Receiving evidence on affidavits;
- Requisitioning any public record or copy thereof from any court or office;
- Issuing commissions for the examination of witnesses or documents; and
- Forwarding any case to a Magistrate having jurisdiction to try the same and the Magistrate to whom any such case is forwarded shall proceed to hear the complaint against the accused as if the case has been forwarded to him Under Section 346 of the Code of Criminal Procedure, 1973.

4. The Commission has taken cognizance of the reports which have been telecast by news channels, such as, Times Now, Zee News and Headlines Today as well as in major national newspapers regarding the falling of the 5 year old child: MAHI into an open bore well at Kho Village, Manesar, Gurgaon on 20.6.2012 (night). As per the

reports, the child has fallen into the bore well down to about 65 feet. The child is yet to be rescued, although the joint effort of the Army, NSG, Gurgaon Police and District Administration of Haryana is on. It has been alleged in such reports that there has been a delay on the part of concerned authorities of the State Government in rescuing the child.

5. It has also been alleged that there is non-compliance on the part of the State Government and its concerned authorities with the following directions of the Hon'ble Supreme Court of India issued vide order dated 11th February, 2010 in the matter of "Measures for Prevention of Fatal Accidents of Small Children Due to Their Falling Into Abandoned Bore Wells and Tube Wells vs. Union of India & Ors." (Civil Writ Petition No. 36 of 2009):

- (i) "The owner of the land/premises, before taking any steps for constructing bore well/tube well must inform in writing at least 15 days in advance to the concerned authorities in the area, i.e., District Collector/ District Magistrate/ Sarpanch of the Gram Panchayat/ Concerned officers of the Department of Ground Water/ Public Health/ Municipal Corporation, as the case may be, about the construction of bore well/tube well.
- (ii) Registration of all the drilling agencies, viz., Govt. /Semi Govt. /Private etc. Should be mandatory with the district administration.
- (iii) Erection of signboard at the time of construction near the well the following details:-
 - (a) Complete address of the drilling agency at the time of construction/ rehabilitation of well;
 - (b) Complete address of the user agency/ owner of the well
- (iv) Erection of barbed wire fencing or any other suitable barrier around the well during construction.
- (v) Construction of cement/concrete platform measuring 0.50 x 0.50 x 0.60 (0.30 meter above ground level and 0.30 meter below ground level) around the well casing.
- (vi) Capping of well assembly by welding steel plate or by providing a strong cap to be fixed to the casing pipe with bolts & nuts.
- (vii) In case of pump repair, the tube well should not be left uncovered.
- (viii) Filling of mud pits and channels after completion of works.
- (ix) Filling up abandoned bore wells by Clay/Sand/boulders/pebbles/drill cuttings etc. from bottom to ground level.
- (x) On completion of the drilling operations at a particular location, the ground conditions are to be restored as before the start of drilling.
- (xi) District Collector should be empowered to verify that the above guidelines are being followed and proper monitoring check about the status of boreholes/tubewells are being taken care through the concerned State/Central Government agencies.
- (xii) District /Block/Village wise status of bore wells/tubewells drilled viz. No. Of wells in use, No. Of abandoned borewells/tubewells found open, no. Of abandoned borewells/tubewells properly filled up to ground level and balance number of abandoned borewells/tubewells to be filled up to ground is to be maintained at District Level. In rural areas, the monitoring of the above is to

be done through village Sarpanch and the Executive from the Agriculture Department. In case of urban areas, the monitoring of the above is to be done through Junior Engineer and the Executive from the concerned Department of Ground Water/Public Health/Municipal Corporation, etc.

- (xiii) If a borewell/tubewell is 'Abandoned' at any stage, a certificate from the concerned department of Ground Water/Public health/Municipal Corporation/Private Contractor etc. must be obtained by the aforesaid agencies that the 'Abandoned' borewell/tubewell is properly filled upto the ground level. Random inspection of the abandoned wells is also to be done by the Executive of the concern agency/department. Information on all such date on the above are to be maintained in the District Collector/Block Development office of the State.

The guidelines above mentioned shall be given wide publicity through the national television channels. A copy of this order be sent to the Chief Secretaries of all the States/Union Territories who shall forward the same to the District Collectors of all Districts of their respective State."

6. In the light of the above, a detailed report in the matter is hereby solicited from your Ministry. The Report shall inter-alia include the following:-

- (i) Actions taken by your Ministry for the enforcement/implementation of the above directions;
- (ii) Point-wise status of compliance of the above directions by concerned authorities of the State Government(s)/UT Administrations pertaining to safety measures/guidelines on abandonment of bored wells and drilled wells.

7. An Action Taken Report (ATR) in the above regard may be sent to this Commission within 15 days.

Yours faithfully,



(Vinod Kumar Tikoo)
Member, NCPCR

Copy to for information:

Smt. Neela Gangadharan, Secretary, MWCD, Government of India, Room No. 601, A-Wing, Shastri Bhawan, New Delhi-110001-*with a request to kindly take up the above matter with the Ministry of Drinking Water and Sanitation, Government of India, at the earliest.*

Also Copy to for information:

1. Chairperson, NCPCR.
2. Member(VKT)/Member(YD)/Member(DD), NCPCR
3. Member Secretary, NCPCR.
4. Registrar, NCPCR.

Regd. AD

D.NO.194/2009/SC/PILC

All Communications should be addressed to the Registrar, Supreme Court by designation, NOT by name
Telegraphic address :-
"SUPREMECO"



SUPREME COURT
INDIA
NEW DELHI

DATED: 17th February, 2010

FROM: Assistant Registrar PIL (WRIT)

TO :

1. Union of India,
through the Secretary,
Ministry of Water Resources,
Shram Shakti Bhavan,
Rafi Marg
New Delhi - 110 001.

2. The Chief Secretary,
State of Arunachal Pradesh,
Itanagar (Arunachal Pradesh).

The Chief Secretary,
State of Andhra Pradesh,
Hyderabad (Andhra Pradesh).

4. The Chief Secretary,
State of Assam,
Dispur (Assam).

5. The Chief Secretary,
State of Bihar,
Patna (Bihar).

6. The Chief Secretary,
State of Chhattisgarh,
Raipur (Chhattisgarh).

7. The Chief Secretary,
State of Goa,
Panaji (Goa).

The Chief Secretary,
State of Gujarat,
Gandhinagar (Gujarat).

Dr. No. 308GW Desk

Date: 24/12/10

- PPSC Bay

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(451/4)

21. The Chief Secretary,
State of Orissa,
Bhubneshwar (Orissa).
22. The Chief Secretary,
State of Punjab,
Chandigarh.
23. The Chief Secretary,
State of Rajasthan,
Jaipur (Rajasthan).
24. The Chief Secretary,
State of Sikkim,
Gangtok (Sikkim).
25. The Chief Secretary,
State of Tamil Nadu,
Chennai (T.N.).
26. The Chief Secretary,
State of Tripura,
Agartala (Tripura).
27. The Chief Secretary,
State of Uttar Pradesh,
Lucknow (U.P.).
28. The Chief Secretary,
State of Uttarakhand,
Dehradun (Uttarakhand).
29. The Chief Secretary,
State of West Bengal,
Kolkata (West Bengal).
30. The Chief Secretary,
Government of NCT of Delhi,
Delhi Secretariat,
I.P. Estate, New Delhi.
31. The Administrator
Union Territory of Andaman & Nicobar Islands,
Port Blair.

32. The Administrator
Union Territory of Chandigarh,
Chandigarh.
33. The Administrator,
Union Territory of Daman & Diu,
Moti Daman.
34. The Administrator,
Union Territory of Dadra & Nagar Haveli,
Silvassa.
35. The Administrator,
Union Territory of Lakshadweep,
Kavaratti.
36. The Administrator,
Union Territory of Pondicherry,
Pondicherry.

IN THE MATTER OF:

WRIT PETITION (CIVIL) NO. 36 OF 2009
(Under Article 32 of the Constitution of India)

In Re : Measures for Prevention of fatal accidents of small children due to
their falling abandoned bore wells and tube wells. ...Petitioner

Versus

Union of India & Ors.

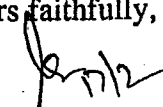
...Respondents

Sir/Madam,

I am directed to forward herewith for your information, compliance and
necessary action certified copies of the Order and Record of Proceedings dated
11.02.2010 passed in the Writ Petition above-mentioned.

Please acknowledge receipt.

Yours faithfully,


Assistant Registrar

Encl. As above

ITEM NO.11

COURT NO.1 412634

SECTION PIL

WP(C) 36/2009

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

WRIT PETITION (CIVIL) NO(s). 36 OF 2009

IN RE: MEASURES FOR PREVENTION OF FATAL
ACCIDENTS OF SMALL CHILDREN DUE TO THEIR
FALLING INTO ABANDONED BORE WELLS AND
TUBE WELLS

Petitioner(s)

VERSUS

Respondent(s)

UNION OF INDIA & ORS.

(With office report)

Date: 11/02/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE DR. JUSTICE B.S. CHAUHAN
HON'BLE MR. JUSTICE C.K. PRASAD

For Petitioner(s)

For Respondent(s)

Mr. Paramjit Singh Patwalia, Sr. Adv. (A.C.)

Ms. Indira JaiSing, ASG
Mr. Ashok Bhan, Adv.
Ms. Sadhna Sandhu, Adv.
Mr. C.K. Sharma, Adv.
Mr. D.S. Mahra, Adv.

Certified to be true copy
11/2/10
Assistant Registrar (Judl.)

.....2008

Supreme Court of India

For State of Haryana

Mr. Manjit Singh, AAG for Haryana
Mr. Kamal Mohan Gupta, Adv.
Ms. Reeta Chaudhary, Adv.
Mr. Gaurav Teotia, Adv.

For State of Punjab

Mrs. Jayshree Anand, AAG for Punjab
Mr. K.K. Mahalik, Adv.
Mrs. Noor Jahan, Adv.
Mr. Kuldip Singh, Adv.

For State of Raj.

Dr. Manish Singhvi, AAG for Rajasthan
Mr. Devanshu Kumar Devesh, Adv.
Mr. Milind Kumar, Adv.

Mr. T. Harish Kumar, Adv.

4/2/10 10 P.M.

tate of U.P.

Mr. Shail Kumar Dwivedi, AAG for U.P.
Mr. Manoj Kr. Dwivedi, adv.
Ms. Vandana Mishra, Adv.
Mr. Ashutosh Kr. Sharma, Adv.
Mr. Gunnam Venkateswara Rao, Adv.

State of T.N.

Ms. Promila, adv.
Mr. S. Thananjayan, Adv.

UPON hearing counsel the Court made the following
O R D E R

Certain safety measures/guidelines have been given in the signed order which are to be observed by all the States. The guidelines given in the signed order shall be given wide publicity through the national television channels. A copy of this order be sent to the Chief Secretaries of all the States/Union Territories who shall forward the same to the District Collectors of all Districts of their respective State.

For further directions post this matter after 12 weeks.

Ajay
(Ajay Kr. Jain)
Court Master

Veera
(Veera Verma)
Court Master

(Signed order is placed on the file)

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IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

WRIT PETITION (C) NO. 36 OF 2009

In Re: Measures for Prevention
of Fatal Accidents of Small
Children Due to Their Falling
Into Abandoned Bore Wells and
Tube Wells

.... Petitioner

Versus

Union of India & Ors.

.... Respondents

O R D E R

Heard the learned Amicus Curiae and the learned
Addl. Solicitor General appearing for the Union of India.

It has been brought to the notice of this Court that
in a number of cases children had been trapped and fallen
into bore wells and tube wells or abandoned wells. These
reports have been coming from various States. Accordingly,
we took suo motu initiative and issued notice to the various
States to take immediate measures to prevent such kind of
incidents.

The Union of India has filed its counter affidavit
giving certain guidelines to be followed by the States.

We have perused the affidavit and the guidelines
suggested by the Union of India.

Having regard to the number of incidents that have
taken place during the recent past and immediate need for

preventing such incidents in future, we direct that the following safety measures/guidelines are to be observed by all the States :-

- (i) "The owner of the land/premises, before taking any steps for constructing bore well/tube well must inform in writing at least 15 days in advance to the concerned authorities in the area, i.e., District Collector/ District Magistrate/Sarpanch of the Gram Panchayat/ concerned officers of the Department of Ground Water/ Public Health/ Municipal Corporation, as the case may be, about the construction of bore well/tube well.
- (ii) Registration of all the drilling agencies, viz., Govt./Semi Govt./Private etc. should be mandatory with the district administration.
- (iii) Erection of signboard at the time of construction near the well with the following details :-
 - (a) Complete address of the drilling agency at the time of construction/ rehabilitation of well.
 - (b) Complete address of the user agency/ owner of the well.
- (iv) Erection of barbed wire fencing or any other

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suitable barrier around the well during construction.

- (v) Construction of cement/concrete platform measuring 0.50 x 0.50x 0.60 meter (0.30 meter above ground level and 0.30 meter below ground level) around the well casing.
- (vi) Capping of well assembly by welding steel plate or by providing a strong cap to be fixed to the casing pipe with bolts & nuts.
- (vii) In case of pump repair, the tube well should not be left uncovered.
- (viii) Filling of mud pits and channels after completion of works.
- (ix) Filling up abandoned borewells by clay/sand / boulders/pebbles/drill cuttings etc. from bottom to ground level.
- (x) On completion of the drilling operations at a particular location, the ground conditions are to be restored as before the start of drilling.
- (xi) District Collector should be empowered to verify that the above guidelines are being followed and proper monitoring check about the status of boreholes/tubewells are being taken care through the concerned

State/Central Government agencies.

(xii) District/Block/Village wise status of bore wells/tubewells drilled viz. No. of wells in use, No. of abandoned bore wells/tube wells found open, No. of abandoned borewells/tubewells properly filled up to ground level and balance number of abandoned borewells/tubewells to be filled up to ground level is to be maintained at District Level. In rural areas, the monitoring of the above is to be done through Village Sarpanch and the Executive from the Agriculture Department.

In case of urban areas, the monitoring of the above is to be done through Junior Engineer and the Executive from the concerned Department of Ground Water/Public Health/Municipal Corporation etc.

(xiii) If a borewell/tubewell is 'Abandoned' at any stage, a certificate from the concerned department of Ground Water/Public Health/Municipal Corporation/Private contractor etc. must be obtained by the aforesaid agencies that the 'Abandoned' borewell/tubewell is properly filled upto the

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ground level. Random inspection of the abandoned wells is also to be done by the Executive of the concern agency/department. Information on all such data on the above are to be maintained in the District Collector/Block Development Office of the State.

The guidelines abovementioned shall be given wide publicity through the national television channels. A copy of this order be sent to the Chief Secretaries of all the States/Union Territories who shall forward the same to the District Collectors of all Districts of their respective State.

For further directions post this matter after 12 weeks.

.....CJI.

.....J.
(Dr. B.S. CHAUHANI)

.....J.
(C.K. PRASAD)

NEW DELHI;
FEBRUARY 11, 2010

GUIDELINES FOR ABANDONMENT OF BORED WELLS AND DRILLED WELLS AND SAFETY NORMS

1. BORED WELL ABANDONMENT:

- Remove all plumbing or piping along with any obstruction in the wells
- Remove as much of well casing as possible.
- Fill the entire well upto land surface with cement grout, concrete grout, bentonite grout and dry clay.

2. DRILLED WELL ABANDONMENT:

- Any casing whether grouted or not grouted must be removed.
- Entire depth of well is to be sounded to ensure freedom from obstructions that may interfere with scaling operations.
- The well should be disinfected using solution made from calcium-hypochlorite concentrations that must interface with scaling operations
- Well constructed in consolidated hard rocks must be filled with cement grout, bentonite grout, sand, gravel or drilling cuttings upto 3 m below top of consolidated rock or 2 m below the bottom of casing. The remaining space be filled with cement or bentonite grout to the top of well.

SAFETY NORMS

1. Construction of Cement/concrete platform measuring 0.50 x 0.50 x 0.6 m (0.3 m above ground level and 0.3 m below ground level) around the well casing.
2. Capping of well assembly by welding steel plate.
3. Erecting a chain link fence of 3 x 3 m around the well.
4. Filling up of mud pits and channels after completion of drilling operations.
5. Filling up of abandoned bore wells by boulders/pebbles.
6. Erection of a sign-board near the well with detailed address at the time of construction of well.