

**DELHI JAL BOARD
GOVT. OF N.C.T. OF DELHI
OFFICE OF THE MEMBER (W.S.)
VARUNALAYA PHASE-II : KAROL BAGH : NEW DELHI-5.**

No. F-158 /DJB/M(WS)/2012- 2020

DATED: 23.08.2012

INSTRUCTIONS

Sub: Measures for prevention of fatal accidents of small children due to their falling into abandoned Borewells and Tube wells.

All Chief Engineers are directed to give wide publicity to the guidelines issued on the above subject matter. These guidelines are required to be strictly adhered to avoid any chances of tragic accidents of children falling into the open borewells, drains, manholes, pits etc. It is further advised that these instructions be reiterated from time to time to sensitize the divisions regarding implementation of these guidelines issued by the Hon'ble Supreme Court of India (copy enclosed).

Encl: As above

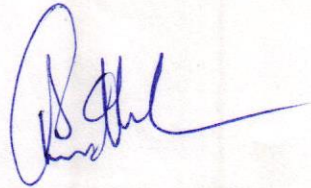
ALL CHIEF ENGINEERS

Copy for information to:

1. CEO.
2. Member (Dr.).

sd -
MEMBER (W.S.)

CEO
m(WS)


MEMBER (W.S.)



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IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTIONWRIT 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

ORDER

Beard 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

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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

suitable barrier around the well during construction.

- (v) Construction of cast/concrete platform measuring 0.50 x 0.50 x 0.30 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
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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. CHAUDHARY)

.....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.



VINOD KUMAR TIKOO

Member

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

F.No. HR-99099/34782/2012-13/COMPS/24478-24510

Dated: 4.7.2012

To

1. The Chief Secretary of All States
2. The Administrators of all UT Administrations

Subject: Compliance of Hon'ble Supreme Court directions on preventive measures/safeguards in the matter of children falling into borewells, pits, sewer drains.

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 CPCR 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 CPCR 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;

- a) Summoning and enforcing the attendance of any person and examining him on oath;
- b) Discovery and production of any document;
- c) Receiving evidence on affidavits;
- d) Requisitioning any public record or copy thereof from any court or office;
- e) Issuing commissions for the examination of witnesses or documents; and
- f) 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 recent reports which have been telecast by news channels and as appeared in major national newspapers regarding the falling of children into open bore wells, pits and sewer drains, have brought to light the urgent need for preventive measures to be put in place by the concerned Department(s), Authorities including District Administrations in all States/UTs.

dc
6/7/2012
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- (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, it is desired that the State Government submit a comprehensive report which shall include: point-wise status of compliance by its concerned authorities regarding the above mentioned directions of Hon'ble Supreme Court of India pertaining to safety measures/guidelines in the matter.

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, NCPOR