

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

8th Floor Paryavaran Bhawan,
CGO- Complex, Lodhi Road,
New Delhi. - 110003
Dated: 20 September, 2013

To

Principal Secretaries/Secretaries in-charge of Rural Water Supply and Sanitation (All States).

Subject:- Stuck in bore well for 24 hours 5 years old girl battle for life-regarding.


Sir/Madam,

In continuation of this Ministry's earlier letter of even number dated 24.07.2012 on the subject mentioned above.

2. I am directed to enclose herewith a copy of amended Guidelines issued by the Hon'ble Supreme Court of India on 6.08.2010 in the Civil Writ Petition No. 36 of 2009 for your information/compliance and for giving wide publicity to the modified Guidelines by forwarding the same to the District Collectors of your State for strict compliance. A detailed report may be sent by name to the undersigned within one month's time.

3. This may be treated as Urgent.

Yours faithfully,


(A.K. Srivastava)

Under Secretary to the Government of India.

Encl : As above

Copy to:-

1. Member Secretary (Shri Asheem Srivastav), National Commission for Protection of Child Rights, 5th Floor, Chanderlok Building, 36, Janpath, New Delhi-110001(w.r.t.D.O.No.F.99-31/2012-NCPC (PD)/3046 dated 19.08.2013).

2. TD- NIC.



National Commission for Protection of Child Rights
5th Floor, Chanderlok Building, 36, Janpath, New Delhi-110001
Ph: (011)-23478214/23478200; Fax: (011)-23478266/23724026/23731584
Web: www.ncpcr.gov.in; Email: / ncpcr.india@gmail.com

D.O.No.F.99-31/2012-NCPCR(PD)/3046)

19 August, 2013

Shri Pankaj Jain,
Secretary
Ministry of Drinking Water & Sanitation
9th Floor, Paryavaran Bhavan
CGO Complex, Lodhi road
New Delhi - 110003

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 29/8/13

Subject : Civil Writ Petition No 36 of 2009 : "Measures for Prevention of Fatal Accidents of Small Children due to their falling into Abandoned Bore Wells and Tube Wells Vs Union of India and others".

Sir,

This has the reference to NCPCR's letter No HR-99099/34782/2012-13-24478-24510 dated 04.07.2012, regarding the directions issued by the Hon'ble Supreme Court of India on 11.02.2010 in Civil Writ Petition No.36 of 2009. The NCPCR had requested for an Action Taken Report in this regard. However the same has not been received so far.

2. Hon'ble Supreme Court of India had subsequently modified the guidelines vide their order dated 06 August 2010. A copy of the amended guidelines is enclosed for convenience and necessary action.

3. You are requested to give wide publicity to the modified guidelines and send a detailed report to the Commission in one month's time.

Yours sincerely,

(Asheem Srivastav)
 Member Secretary

Enclosures : As above

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Modified /Revised Guidelines issued by the Hon'ble Supreme Court of India on 06.08.2010 in the CWP 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/any other Statutory Authority/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, namely, Government/Semi Government/Private etc should be mandatory with the district administration/Statutory Authority wherever applicable.
- (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 cement/concrete platform measuring 0.50x0.50x0.60 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 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/tube wells are being taken care through the concerned State/Central Government agencies.
- (xii) District/Block/Village wise status of bore wells/tube wells drilled viz. No. of wells in use, No. of abandoned bore wells/tube wells found open, No. of abandoned bore wells/tube wells properly filled up to ground level and balance number of abandoned bore wells/tube wells 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 bore well/tube well 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' bore well/tube well is properly filled upto the ground level. Random inspection of the abandoned wells is also to be done by the Executive of the concerned agency/department. **Information on all such data on the above are to be maintained in the District Collector/Block Development Office of the State.**