## ABSTRACT

W.P.(Civil) No.36 of 2009 – Measures for Prevention of fatal accidents of Small Children due to their falling into abandoned bore wells and tube wells – Guidelines / Directions of Supreme Court of India Dated11.2.2010 – Consolidated instructions - Issued

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**MUNICIPAL ADMINISTRATION AND WATER SUPPLY (GI) DEPARTMENT**

**G.O.(3D) No.14** **Dated :01.06.2010**

**Read :**

1) From the Assistant Registrar, Public Interest Litigation (Writ), Supreme Court of India, dt.17.2.2010.
2) D.O.letter No.13187/GI/09-13, Municipal Administration and Water Supply Department, dt:18.3.2010.
3) From the Director of Municipal Administration, Chennai –5, RocNo.7918/10/E3/ dt:27.3.2010
4) From the Chief Engineer, Water Resources Organisation in Public Works Department, State Ground and Surface Water Resources Data Centre, Chennai –113, Lr.No.G6/Misc/protection from Bore Wells / 2009-2, dt: 29.3.2010
5) From the Chairman and Managing Director, Tamil Nadu Water Supply and Drainage Board, Chennai-5, D.O.Lr.No.332010/IAC/TWAD/2010, dt:9.4.2010
6) From the Managing Director, Chennai Metropolitan Water Supply and Sewerage Board, Chennai-2, Lr.No.CMWSSB/O&M/HG/018/2010, dt:19.2.2010.
7) From the Managing Director, Chennai Metropolitan Water Supply and Sewerage Board, Chennai-2, D.O. Lr.No. CMWSSB/O&M/HG/018/ 2010, dt:7.04.2010.

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The Supreme Court of India while passing orders in the Public Interest Litigation , W.P.(Civil ) NO.36 of 2009 has issued general guidelines regarding the safety measures to be observed for the prevention of children being trapped and falling into bore wells and tube wells or abandoned wells as follows:-

(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., Government / Semi Government / 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 cement/ concrete platform measuring 0.50 x 0.50 x 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 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 wells/ 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.

2) In the reference second read above instructions have been issued to the Director of Municipal Administration / Chairman and Managing Director, Tamil Nadu Water Supply and Drainage Board / Managing Director, Chennai Metropolitan Water Supply and Sewerage Board / Chief Engineer Water Resources Organization in Public Works Department, State ground and Surface Water Resources Data Center/ Chief Engineer, (Agricultural Engineering) and also all the District Collectors of the State to observe the guidelines issued and also to give wide-publicity to the national Television Channels of the guidelines issued by the Supreme Court of India.

3) Based on the above instructions, Director of Municipal Administration / Chairman and Managing Director, Tamil Nadu Water Supply and Drainage Board / Managing Director, Chennai Metropolitan Water Supply and Sewerage Board / Chief Engineer, PWD in Water Resources Organization have issued instructions to their Subordinate Officers in the references 3 to 7 read above, respectively.

4) In view of the fact that the matter is of a very serious and urgent nature and that the Supreme Court of India have themselves framed general guidelines for adoption by all the States in the Country. The Government have carefully examined the matter and are of the view that it will be desirable to issue consolidated orders at Government level so that there will be uniformity in the maintenance of records and scrupulous enforcement of the Supreme Court guidelines in its letter and spirit.

5) They accordingly direct that a Register be maintained in the subordinate Offices under the control of the Director of Municipal Administration / Chairman and Managing Director, Tamil Nadu Water Supply and Drainage Board / Managing Director, Chennai Metropolitan Water Supply and Sewerage Board / Chief Engineer WRO in PWD, State Ground and Surface Water Resources Data Center/ Chief Engineer, (Agricultural Engineering) and also all the District Collectorates for the purpose of ensuring that all the bore wells are capped intact during the execution of work and also if they abandoned. The Register shall be maintained in the format appended to this order.

6) The District Collectors are also directed to include this as a subject for discussion in their regular monthly review meetings with line departments and Agencies and report instances of violation if any, to Government and also take action as per law for violation of these instructions.

7) The Director of Municipal Administration, Chairman and Managing Director, Tamil Nadu Water Supply and Drainage Board, Managing Director, Chennai Metropolitan Water Supply and Sewerage Board, Chief Engineer, Public Works Department, Water Resources Organisation, Chief Engineer (Agriculture Engineering) are also directed to incorporate and append a copy of the guide lines framed by the Supreme Court of India in the agreement to be entered between the Department / Agency and the contractor, in future, deviations if any it will be viewed seriously .

8) The Tamil Nadu Ground Water ( Development and Management )Act 2003 has been enacted by the Government in Public Works Department. The Public Works Department / Water Resources Organisation authorities are therefore directed to intimate the details of permission given for sinking of bore well / tube well in the urban areas / rural areas to the respective local bodies and also the District Collectors for record purposes and monitoring. In respect of Chennai Metropolitan Area, the Chennai Metropolitan Area Ground Water (Regulation) Act 27 of 1987 is being enforced by the Chennai Metropolitan Water Supply and Sewerage Board. The Chennai Metropolitan Water Supply and Sewerage Board is therefore requested to send the details of permission

granted / works taken up for sinking bore wells, to the District Collectors of Chennai, Thiruvallur and Kancheepuram for record purposes and follow up action.

9) This order issues with the concurrence of Agriculture / Public Works Department vide their U.O. No.13/APC & Secretary (Agri)/ 2010 Dated 27.05.2010 and U.O.No.15/ Principal Secretary (PWD)/ 2010 Dated 18.05.2010. .

**// By Order of the Governor //**

**K.S.SRIPATHI,**
**CHIEF SECRETARY TO GOVERNMENT**

To
The Director of Municipal Administration,
Chennai-5. (w.e.)
The Chairman and Managing Director,
Tamil Nadu Water Supply and Drainage Board,
Chennai-5. (w.e.)
The Managing Director,
Chennai Metropolitan Water Supply and Sewerage Board,
Chennai-2. (w.e.)
The Chief Engineer, Public Works Department,Water Resources Organisation,
State Ground and Surface Water Resources Date Centre,
Taramani, Chennai – 113. (w.e.)
The Chief Engineer (Agricultural Engineering)
Anna Salai, Nandanam, Chennai-35. (w.e.)
All the District Collectors. (By name cover) (w.e.)
All Departments of Secretariat, Chennai-9. (w.e.)
All Sections in Municipal Administration and
Water Supply Department, Chennai – 9. (w.e.)

**// Forwarded / by Order //**

**Section Officer**

**Annexure to the G.O.(3D) No.14, Municipal Administration and Water Supply Department, Dated.02.06.2010**

**Monthly Report for District / Block / Village wise status of bore wells / tube wells drilled**

| Sl.No. | Name of ward / Village / District | No. and date of order granted permission for sinking borewell (including the name of Competent Authority) | Name of the executing Agency / Contractor | Diameter / depth of the borewell permitted | Whether work has been completed: If not, whether the capping has been properly done | Remarks |
|---|---|---|---|---|---|---|
| (1) | (2) | (3) | (4) | (5) | (6) | (7) |
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**K.S.SRIPATHI,**
**CHIEF SECRETARY TO GOVERNMENT**