

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

Union of India and Ors.

...Respondent(s)

O R D E R

With this Court issuing requisite guidelines vide order dated 11th February, 2010, subject to slight modification, nothing survives in the present writ petition.

That modification is 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/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.

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(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 borewells by clay/sand/boulders/pebbles/drill cuttings etc. from bottom to ground level.

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(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

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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 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.

We are informed that the last paragraph of the earlier order dated 11th February, 2010, concerning publicity has been duly complied with.

Subject to the above, the writ petition is disposed of.

.....CJI.
[S.H. KAPADIA]

.....J.
[K.S. RADHAKRISHNAN]

JUDGMENT

.....J.
[SWATANTER KUMAR]

New Delhi,
August 06, 2010.