

**DELHI DEVELOPMENT AUTHORITY
(EM's OFFICE)**

No. EM 2(3)2006-07/Arbn./Misc / Pt.III/ 1758 Dated: 13.5.10

CIRCULAR No. 648

Sub: Measures for Prevention of fatal accidents of small children due to their falling in abandoned bore wells and tube wells.

Hon'ble Supreme Court of India while taking suo motu initiative on the prevention of incidents of children falling in bore wells and tubewells, issued safety measures/guidelines vide their order dated 11.02.10 (Copy enclosed) for observance by all concerned.

In pursuance to the above order of Hon'ble Supreme Court of India, it is hereby enjoined upon all concerned to strictly follow the safety measures/guidelines and monitor the same while executing such jobs.

This issues with the approval of EM, DDA.

11/5/10
DIRECTOR (WORKS)
11/6

Encl: As above.

Copy to:-

1. OSD to V.C. for kind information of the latter please.
2. OSD to FM for kind information of the latter please.
3. Dy. Director to EM for kind information of the latter.
4. All Principal Commissioners
5. All Commissioners
6. C.V.O.
7. C.L.A.
8. All CEs (Civil/ Elect.)
9. Director (Hort.) SE & NW
10. Dir.(LS)
11. Dir.(MM)
12. PM (Flyover)

(9)

MOST IMPORTANT
SUPREME COURT MATTER

GOVERNMENT OF NCT OF DELHI
URBAN DEVELOPMENT DEPARTMENT
10TH LEVEL, B-WING DELHI SECRETARIAT
I. P. ESTATE, NEW DELHI

619
Date 16/3/10

F. No. 16(230)/UD/W/2010 / 3522

Dated: 08/03/2010

To

650800
11/3

1. The Vice Chairman, DDA, Vikas Sadan, INA, New Delhi.
2. The Commissioner, MCD, Town Hall, Delhi.
3. The Development Commissioner, GNCTD, 5/9, Under Hill Road, Delhi.
4. The Divisional Commissioner, GNCTD, 5, Sham Nath Marg, Delhi-110054.
5. The Chief Executive Officer, DJB, Varunalaya, Karol Bagh, New Delhi.
6. The Chairman, NDMC, Palika Kendra, New Delhi.
- The CEO, Delhi Cantonment Board, Delhi Cant, New Delhi.
- All the Nine Dy. Commissioner's (Revenue), GNCTD.

(As per list enclosed)



Sub:- **Suo motu directions of the Hon'ble Supreme Court of India in Writ Petition (Civil) no. 36 of 2009 regarding Measures for Prevention of fatal accidents of small children due to their falling in abandoned bore wells and tube wells.**

(Separate Sir,
Copies)

I am directed to enclose herewith order of the Hon'ble Supreme Court of India in Writ Petition (Civil) No. 36 of 2009 dated 11/02/2010 where Hon'ble Court has taken Suo motu cognizance of the number of cases in various states where children had been trapped and fallen into bore wells and tube wells or abandoned wells and has issued notices to all the States to take immediate measure to prevent such kind of incidents.

Union of India in its counter affidavit has filed certain guidelines to be followed by the States and the Hon'ble Court having regard to the number of incidents that have taken place during the recent past felt that there is an immediate need for preventing such incidents in future, therefore, the directions have been issued to observe the guidelines as enumerated in the said order by all the States.

E.M. Dir. (W) *em/sent*
CES - EZ, NZ, S2, CWG, DWK, RZA EL - For strict compliance.
DIRS. (HOTA) SE & NW. Photo Copy sent to All CE's and Dir (HOTA) 16/3/10

The guidelines mandate advance information to the Dy. Commissioner's / officers of the Department of Ground Water / Health / Municipal Corporation before construction of the bore well / tube well, Registration of the drilling agencies, proper fencing, sign board and proper concretization, proper filling of the pits and proper fencing and restoration of the ground conditions and above all proper monitoring and checking by the Dy. Commissioner's and proper maintenance of the records of such tube wells in the Dy. Commissioner's office and in case of urban areas monitoring to be done by Jt. Engineer and Ex. Engineer of the Department of Ground Water / Public Health / Municipal Corporation and random inspections should be done by the Dy. Commissioner and Block Development Officer.

I am directed to enclose herewith a copy of the orders of Hon'ble Supreme Court of India for taking appropriate measures and monitoring as per the directions contained in the said order as the matter is listed for hearing before the Hon'ble Court after 12 weeks.

The order also directs to give wide publicity through National Television Channels to the guidelines issued by the Hon'ble Supreme Court of India. In this regard, I have been specifically directed to request the Chief Executive Officer of DJB to give wide publicity to these guidelines of the Hon'ble Supreme Court of India in respect of NCT of Delhi which may kindly be complied with.

Encl: As above.

Yours faithfully,

com Rathor 8/3/10
(S.S. Rathor)
Joint Secretary (UD)

Regd. AD

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

D.NO.194/2009/SC/PILC

**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).
3. 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).
8. The Chief Secretary,
State of Gujarat,
Gandhinagar (Gujarat).

1659

Dy. No. Pr. No. of the Court
Date 24.02.10

SAD/10/6110

W

P. Secy (UD)

Important

we may issue
detailed instructions to
all concerned. Pl go
thru and discuss

on 3-3-2010
at 11:30 AM.

JS(W)

24/2/10

26/3/10

9. The Chief Secretary,
State of Haryana,
Chandigarh.
10. The Chief Secretary,
State of Himachal Pradesh,
Shimla (H.P.).
11. The Chief Secretary,
State of Jammu & Kashmir,
Srinagar (J&K).
12. The Chief Secretary,
State of Jharkhand,
Ranchi (Jharkhand).
13. The Chief Secretary,
State of Karnataka,
Bangalore (Karnataka).
14. The Chief Secretary,
State of Kerala,
Thiruvananthapuram (Kerala).
15. The Chief Secretary,
State of Madhya Pradesh,
Bhopal (M.P.).
16. The Chief Secretary,
State of Maharashtra,
Mumbai (Maharashtra).
17. The Chief Secretary,
State of Manipur,
Imphal (Manipur).
18. The Chief Secretary,
State of Meghalaya,
Shillong (Meghalaya).
19. The Chief Secretary,
State of Mizoram,
Aizwal (Mizoram).
20. The Chief Secretary,
State of Nagaland,
Kohima (Nagaland).

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.

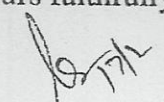
...Respondents

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

NO.11

COURT NO.1

412688

SECTION PIL

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

UNION OF INDIA & ORS.

Respondent (s)

(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)

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

For Respondent(s)

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
16/12/10
Assistant Registrar (Jusl.)
.....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.

16/12/10
5.10 P.M.

State 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.

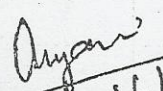
For State of T.N.

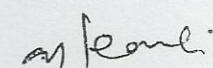
Ms. Promila, adv.
Mr. S. Thananjayan, Adv.

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 Kr. Jain)
Court Master


(Veera Verma)
Court Master

(Signed order is placed on the file)


16/2

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 ~~ERECTING USE TO THEIR PREMISES~~ 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 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. ~~causing due to their falling~~
- (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

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. CHAUHAN)

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

NEW DELHI;
FEBRUARY 11, 2010