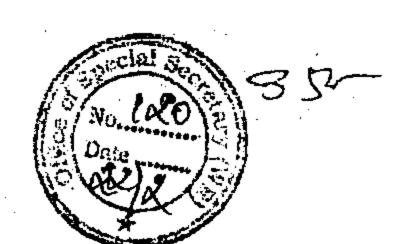
Regd. AD

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

"SUPREMECO"



D.NO.194/2009/SC/PILC

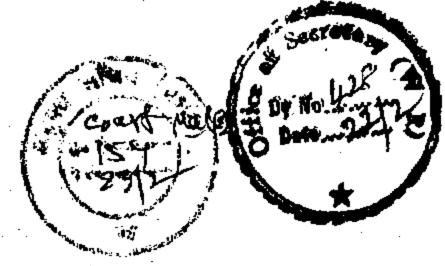
SUPREME COURT INDIA NEW DELHI

DATED: 17th February, 2010

FROM:

Assistant Registrar PIL (WRIT)

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,
Atahagar (Arunachal Pradesh).

The Chief Secretary, State of Andhra Pradesh, Hyderabad (Andhra Pradesh).

- 4. The Olivef 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).

The Chief Secretary, State of Gujarat, Gandhinagar (Gujarat).

- 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).

V.

- 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.

- The Administrator
 Union Territory of Chandigarh,
 Chandigarh.
- The Administrator,
 Union Territory of Daman & Diu,
 Moti Daman.
- 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

COURT NO.1 412634

SECTION PIL

SUPREME COURT OF INDIA RECORD OF PROCEEDINGS

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

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

For Petitioner(s)

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

Assistant Registrar (Judl.)

...2008

Supreme Court of India.

Mr. Manjit Singh, AAG for Haryana

For State of 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.

tate 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.

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 Mean

(Veera Verma) Court Master

(Signed order is placed on the file)

M 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

ORDER

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:-

- 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 0.50x 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 borewells by clay sand / boulders/pebbles/drill cuttings et 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 quidelines 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 abandoned No. found of open, 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 Executive from the Agriculture the 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