

मध्यप्रदेश शासन  
लोक स्वास्थ्य यांत्रिकी विभाग  
मंत्रालय  
वल्लभ भवन भोपाल-462004

क्रमांक 2961 / आर-2300 / 2012 / 2 / 34  
प्रति,

भोपाल, दिनांक 17 SEP 2019

समस्त कलेक्टर  
मध्यप्रदेश।

विषय:- अनुपयोगी एवं खुले नलकूपों/बोरवेल में छोटे बच्चों के गिरने से रोके जाने के संबंध में।

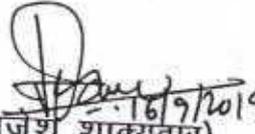
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उपरोक्त विषयान्तर्गत सचिव, भारत सरकार, जल शक्ति मंत्रालय ने उनके पत्र क्रमांक टी 40011/13/2019- जीडब्ल्यू दिनांक अगस्त 21, 2019 के माध्यम से मुख्य सचिव महोदय को माननीय उच्चतम न्यायालय के आदेश वर्ष 2010 की प्रति संलग्न कर कोर्ट के निर्देशों का पालन सुनिश्चित कराने का अनुरोध किया है।

भारत सरकार से प्राप्त पत्र की प्रति संलग्न कर अनुरोध है कि कृपया माननीय उच्चतम न्यायालय के निर्देशों का आपके अधीनस्थ जिले में पालन कराने की व्यवस्था करने का कष्ट करें।

संलग्न :- उपरोक्तानुसार।

प्रमुख सचिव द्वारा अनुमोदित

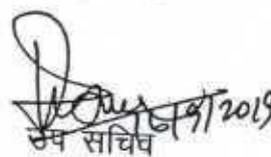
  
(राजेश शाक्यवार)  
उप सचिव  
मध्यप्रदेश शासन  
लोक स्वास्थ्य यांत्रिकी विभाग

पृ.क्रमांक 2962 / आर-2300 / 2012 / 2 / 34  
प्रतिलिपि :-

भोपाल, दिनांक 17 SEP 2019

- 1- उप सचिव, मुख्य सचिव कार्यालय, मंत्रालय, भोपाल की ओर उनकी टीप क्रमांक 6716 दि. 3.9.2019 के संदर्भ में सूचनार्थ।
- 2- प्रमुख अभियंता, लोक स्वास्थ्य यांत्रिकी विभाग, जल भवन, बाणगंगा, भोपाल।
- 3- मुख्य अभियंता, लोक स्वास्थ्य यांत्रिकी विभाग, समस्त।
- 4- अधीक्षण यंत्री, लोक स्वास्थ्य यांत्रिकी विभाग, समस्त।
- 5- कार्यपालन यंत्री, लोक स्वास्थ्य यांत्रिकी विभाग, समस्त।

की ओर सूचनार्थ एवं पालनार्थ।

  
उप सचिव  
मध्यप्रदेश शासन  
लोक स्वास्थ्य यांत्रिकी विभाग

पी. सिंह, आई. ए. एस.

U.P. SINGH, IAS

सचिव  
SECRETARY

Tel: 23710305

Fax: 23731553

E-mail: secy-mowr@nic.in



R/08  
05.08.19

मुख्य सचिव कार्यालय  
CS/Gen-Cor/ 6716  
Date: 03/09/2019

भारत सरकार  
जल शक्ति मंत्रालय  
जल संसाधन, नदी विकास  
और गंगा संरक्षण विभाग  
श्रम शक्ति भवन  
राफी मार्ग, नई दिल्ली-110 001  
GOVERNMENT OF INDIA  
MINISTRY OF JAL SHAKTI  
DEPARTMENT OF WATER RESOURCES,  
RIVER DEVELOPMENT & GANGA REJUVENATION  
SHRAM SHAKTI BHAWAN  
RAFI MARG, NEW DELHI-110 001  
http://www.mowr.gov.in

T.40011/13/2019-GW Section

August 21, 2019

Subject: Prevention of Children falling into abandoned/opened  
Tube well/bore well. म.प्र. रत्नसन

Dear Sri Mohanty,

लो. स्वा. मां. विभाग  
आवक क्र. 25/19/2/34  
दिनांक 05 SEP 2019

9798  
दिनांक 4/9/19

As per information received from National Crime Record Bureau (NCRB), Ministry of Home Affairs, a number of children lost their life due to falling into open borewells at various places in the country. To avoid such unfortunate incidents, there is a need to sensitize all concerned including the district administration for taking appropriate action to avoid open unattended wells.

The matter was also suo motu taken into cognizance by the Hon'ble Supreme Court in the past. Hon'ble Supreme Court in their Orders dated 11th Feb 2010 and 06th Aug 2010 have laid down certain safety guidelines and directed all States/UTs functionaries to take suitable preventive actions to avoid open unattended borewells/tubewells etc. They have directed to empower the District Collectors to verify the implementation of guidelines on ground and to ensure proper monitoring check. Copy of the Supreme Court orders in this regard are annexed as ready reference.

I would request you to circulate the copy of the Hon'ble Supreme Court's Orders to all the District Collectors of your State for strict implementation of the laid down guidelines. An action taken report in this regard shall be highly appreciated.

With regards,

TL

क/अ/अ

DS(T)

U.S.  
इस विषय पर नतीजा रिपोर्ट  
उपरोक्त को

Yours sincerely,

(U.P. Singh)

Shri Sudhir Ranjan Mohanty  
Chief Secretary,  
Government of Madhya Pradesh,  
Secretariat,  
BHOPAL.

20 AUG 2019  
~~ACS WRD~~ / ACS PARD  
PS PHE / PS UD&H

80  
10  
4/9/19

WP(C) 36/2009

ITEM NO.11

COURT NO.1

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

W R I T P E T I T I O N ( C I V I L ) N O ( s ) . 3 6 O F 2 0 0 9

I N R E : M E A S U R E S F O R P R E V E N T I O N O F F A T A L  
A C C I D E N T S O F S M A L L C H I L D R E N D U E T O T H E I R  
F A L L I N G I N T O A B A N D O N E D B O R E W E L L S A N D T U B E W E L L S

Petitioner(s)

V E R S U S

U N I O N O F I N D I A & O R S .

Respondent(s)

(With office report)

Date: 11/02/2010 This Petition was called on for hearing today.

C O R A M :

H O N ' B L E T H E C H I E F J U S T I C E  
H O N ' B L E D R . J U S T I C E B . S . C H A U H A N  
H O N ' B L E M R . J U S T I C E C . K . P R A S A D

(A.C.)

Mr. Paramjit Singh Patwalia, Sr. Adv.

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.

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.

For 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)

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 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.

(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)

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

NEW DELHI;  
FEBRUARY 11, 2010

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 11<sup>th</sup> 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.

(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.

(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.

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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 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 11<sup>th</sup> 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]

.....J.  
[SWATANTER KUMAR]

New Delhi,  
August 06, 2010.

**Prevention of Children falling into abandoned / opened Tube well / borewell**

**From :** gwdesk-mowr@nic.in

Wed, Aug 28, 2019 12:32 PM

**Sender :** gwdesk-mowr@nic.in

2 attachments

**Subject :** Prevention of Children falling into abandoned / opened Tube well / borewell

**To :** cs <cs@mp.nic.in>

**Cc :** js-mowr@nic.in, dirgw-mowr@nic.in

Sir,

Please find attached herewith a DO letter of Secretary (WR,RD&GR)

Regards  
SO(GW)

→ **do letter Madhya Pradesh.PDF**  
239 KB

→ **supreme court of india.PDF**  
1 MB