

Open Bore Wells and Series Deaths of Children in the state of Tamil Nadu

Fact Finding Report- Findings and Recommendations

The constructions of bore wells have been on the rise due to abject scarcity of water supply in the country. As the ground water level has gone down, the construction of deep bore wells have become an inevitable actions to fulfill the needs of domestic consumption and irrigational purpose. Some of the bore wells have been abandoned due to inadequate ground water in the bore well. Those unused or abandoned bore wells are not properly capped ignoring the safety guidelines, leading to series of Children deaths as they are mistakenly stepping into the open bore wells in the state of Tamil Nadu.

The both print and visual media has published series of news about deaths of children who mistakenly stepped into the open bore wells. Very recently a girl child died as she fell into an open bore well on 6th April at Pallakacheri in Thiyagathurugam of Villupuram district and similarly a male child died as he stepped into an open bore well at Kedampalayam Village in Kalasapakkam of Thiruvannamalai district on 16th of April 2014.

On 14th April 2014 the media has published news about another male child namely Harsan residing at Kuthalaperi village in Sankarankovil taluk of Tirunelveli district, who has been rescued alive from the open bore well. In these contexts a fact finding team has been constituted to find out the facts, causes of these series of children deaths in the open bore well accidents and to make recommendations to the state to take appropriate steps to prevent similar deaths in future. **Social Awareness Society for Youths (SASY), Center for Child Rights and Development (CCRD), The Resource Centre for participatory Development Studies (RCPDS) and Children Movement for Climate Justice (CMCJ)** who have been working for the protection and promotion of the child rights are the members of the fact finding mission. The fact finding team visited the places of occurrences on 17th of April 2014, 7, 8, 9, 21, 22 of May 2014 and they met the parents of the deceased children, relatives, land owners (bore well), Panchayat President, Bore Well Machine owners, Police officials, Block Development Officer, Village administrative officer (VAO), District Child Protection Officer (DCPO), Member of Child welfare Committee (CWC), District Revenue Officer (DRO) and

District Collector to obtain the facts and collect the documentary evidences and prepared a report based on the facts obtained from the field.

Mandate of the Fact Finding Team:

- To study whether the Supreme Court guidelines has been followed during the construction, maintenance and closure of the bore wells.
- To study monitoring mechanisms evolved and put in place by the government officials regarding construction, maintenance and closure of bore wells.
- To ensure that the parents of the deceased children are provided adequate compensation by the state.
- To make specific recommendations to the state regarding preventive measures of the tragic deaths of children in the bore wells.

Member of the Fact Finding Team:

1. Mr.S.ThenPandiyan, Deputy Director, CCRD, Chennai
2. Mr.I.Pandiyan, Program Director, SASY, Tividanam
3. Mr.R.Murugappan, Sr.Program Coordinator, SASY, Tindivanam
4. Mr.J.S.Nirmal Raja, Program Coordinator, RCPDS, Madurai
5. Mr.V.Senthil, MIS Coordinator, SASY, Tindivanam
6. Ms.R.Lalitha, District Human Rights Defender , SASY, Tindivanam
7. Mr.Sukarsh, Intern, Social Science Student from TISS college, Mumbai
8. Master.R.Jone, Representative from Children Movement for Climate Justice
9. Master.N.Shine, Representative from Children Movement for Climate Justice

The following members have been met and interviewed during the fact finding mission undertaken on 17th of April and 7,8,9,21,22 of May 2014.

Ponnagaram, Kidampalaym Panchyat, Thiruvannamalai District.

Date	Village	Sl.No	Name
07.05.14	Ponnagaram	1.	Mr.Duaraikannu(45) s/o Subramaiyan
		2.	Mrs.Jeyalakshmi(27) w/o Duraikannu
		3.	Mr.Palani , Husband of Panchyat President Kidampalayam.
		4.	Mrs.Lakshmi(38) w/o Jeyabalan

		5.	Mr.Sampath(45), Village Leader
08.05.14	Kalasapakkam	6.	Mr.Abimanue VAO
		7.	Inspector of Police, Kadaladi Police Station

Pulavanpadi, Arani Taluk, Thiruvannamalai District.

Date	Village	Sl.No	Name
08.05.14	Pulavanpadi	1.	Mrs.Malarkodi(29) w/o Palani
		2.	Mr.Sankar, Husband of Panchyat President
		3.	Mr.Guna, Land Owner
	Seenuvasapuram	4.	Mr.Thandapani(27), VAO
		5.	Mr.Senthil, Bore well Machine Operator
		6.	Mr.Murugan, Teacher and Volunteer
	Arani	7.	Mr.Sekaran, Ambal Bore well Owner
		8.	Mr.Kumar, Manager, BDO Office
		9.	Mr.Srinivasan, Section Clerk, BDO Office
	Kalambur	10.	Mr.Venugopal, Head Constable
	Thiruvannamalai	11.	Mr. Nagaraj, DCPO, Thiruvannamalai
		12.	Mr.Durai, CWC Member
		13.	Mr.Prakash, Social Activist
		14.	Mr.Saminathan, Regional Transport Officer
		15.	Mr.Narasimman, Assistant Director, Panchyat
		16.	Mr. Ganasekaran, District Collector

Pallakacheri, Thiyathurgam, Villupuram District.

Date	Village	Sl.No	Name
08.05.14	Pallakacheri	1.	Mrs.Karupaye, Grand Mother of Madumitha
		2.	Mrs.Vasantha, Aunty of Madumitha
		3.	Mr.Thagapillai, Uncle of Madumitha
		4.	Mr.Sekar, Panchyat President

		5.	Mr.Annamalai, VAO
		6.	Mr.Pichapillai, Village Assistant
	Thiyagathuruvam	7.	Mr.Sunderasan, Inspector of Police
	Villupuram	8.	Mr.Kumar, Activist, Ulundurpet
		9.	Mr.Karthikeyan, DRDA
		10.	Mr.Rajasekaran, PA to Collector,
		11.	Mr. Sampth, District Collector

Kuthalaperi, SanakarKovil Taluk, Thirunelveli District.

Date	Village	Sl.No	Name
21.05.2014	Kuthalaperi	1.	Mr.Ganesan, Father of Harshan.
		2.	Mrs.Umarani, Mother of Harshan,
		3.	Mr.Senthil, Uncle of Harashn,
		4.	Mr.Krishanan, Husband of Pachyat Precedent.
	Sanakarankovil	5.	Mr.Sankar, Frelancer reporter.
		6.	Mr.Murugan&Chandrasekar, BDO, Sankarankovil
	Madurai	7.	Mr.Manikandan, ROBO Team.
22.05.2014	Thirunelveli	8.	Mrs.ShakilaBanu, DCPO, Nellai
		9.	Mrs.Mallika, Superident, AD Panchayat
		10.	Mrs.UmaMageswari, DRO, Nellai.
		11.	Mr.Sagayaraj, CWC Member, Nellai.

Findings:

Series Deaths of Children in the Open Bore Wells and Failure of Rescue Process:

According to the source of Ministry of Home Affairs totally 561 children have died stepped into the open bore wells between the year 2010-2012 in India. 4 children stepped into bore wells from September 2013 to April 2014 and among the 4 children only one child have been rescued alive and rests of them died due to this open bore well menace.

1. On 28-09-13, 4 years old girl child namely Devi stepped into the open bore well at Pulavanpadi village of Thiruvannamali district and she was trapped under 10 feet and she had gone to 25 feet deep further during the rescue process and later she brought out dead after 12 hours of rigorous rescue operation.
2. On 05-05-14 a girl child Madhumida stepped into an open bore well and she was trapped in 30 feet deep in the dig in Pallahacheri village in Villupuram district. 21 hours rescue operation turned futile and she too died due to this accident.
3. On 14-04-14 a male child namely Harsanfell into an open bore well and trapped at 12 feet and was rescued alive after 9 hours in Kuthlaperi village of Sankarankovil Taluk of Tirunelveli district with the help of robotic machine developed by one ITI educated mechanic Mr. Manikandan.
4. The significant number of children have been died by stepping into the open bore well within 10 days of the dug bore well, which were abandoned due to lack of ground water. The children were trapped into 10 to 40 feet in the open bore wells. Generally the rescue process took 9 to 45 hours in all the incidents. Only one child has been rescued alive among other 3 children were died during the rescue process due to failure of rescue techniques and applications. The only child who trapped in 12 feet in the dig was rescued alive with the support of robotic rescue machine.
5. The fact finding team has observed that the Supreme Court guidelines have not been oriented to the Village Administrative officers, Village Panchayat and the People were not aware of the safety measures which resulted in the series of deaths of children in the open bore wells.
6. In Thiruvannamalai District, all the government constructed bore wells are well maintained with cement slabs covering the bore wells. These precautionary measures revealed that the government is aware of proper maintenance of bore wells. But the district administration fails to monitor the construction of bore wells by private operators. The district administration has not given any directions to the private bore well operators concerning capping the well with steel plate and with bolts and nuts.
7. Recently Mr. Manikandan, a resident of Madurai developed a robotic hand (machine) to rescue the children. But the government has ignored this invention and failed to modernize the technology developed by him and fails to use during the rescue operations. The district government fails to intimate him about the bore well tragedies and have not provided any transport facilities to reach the occurrence place at the earliest. He goes to

the place of incident on his own and it was learnt that the government has not provided any travel allowance to Mr.Manikandan.

ACTION TAKEN BY GOVERNMENT AUTHORITIES AFTER THE TRAGIC DEATHS:

In Villupuram and Thiruvannamalai districts, the district administration issued guidelines and directions to the local government on matters of construction, protection and maintenance of bore well operations. The District administration has undertaken a survey on the total number of borewells and its utilities; details about borewell machines available with the district transport office were strictly scrutinized. The unregistered bore well trucks were directed to get registered with the road transport office. Most of the bore well machines have been registered in Andhra Pradesh.

The Tamil Nadu rig operators are getting this bore well machines on rental and on lease. In order to earn maximum profit within short period, they largely ignored the guidelines and safety measures. Their profit driven bore well operations led to recurrent bore well deaths of children.

1. In Thiruvannamalai, the district administration has taken enough steps concerning construction of bore wells, closure of unused wells with capping the bore well with nut, bolts and steel plate. In Villupuram district, the district administration in order to ensure stringent rules concerning bore well operations have given some unrealistic directions that the construction of bore wells should get the approval from the Rural Development Department; Public Works Department, Agriculture Department and Irrigation Department prior to seek approval of the Local government. But in reality no actions were taken to monitor the implementation of the directions.
2. On 5thApril 2014, a girl child Madhumitha of Pallahacherri village, near Thiyahathuruham, Villupuram district, fell into a bore well and died. Tamil Nadu Chief Minister Ms. Jayalalitha announced Rs. 1,00,000 as compensation. The fact finding missions observed that the government till date have not provided the compensation. The fact finding team also observed that the government officials failed to provide rental charges to the JCP machines engaged in rescue operations, the machine owners are threatening the parents of Madhumidha to pay the rental charges.

3. The fact finding team observed that In Kuthalaperi of Thirunelveli district, after the rescue of the child from the bore well, the bore well and the nearest hole dug for the rescue of the boy were not completely capped. It was observed that the bore well was left as it is after the rescue operation. The Revenue department officials were informed about the status of the bore well and the officials promised to take necessary actions to ensure the proper closure of the holes.
4. After the tragic incident in the same village, two more bore wells were constructed without the approval of the concerned government authorities. The panchayat president and the local administration are negligent to follow the Supreme Court guidelines and have not assumed responsibilities for such actions.
5. The fact finding team has observed that the district collector of Thiruvannamalai has ordered for the confiscation of the bore well machines from the owners who have been engaged in the construction without seeking approval and initiated actions against the owners.

VIOLATION OF CHILD RIGHTS:

1. The Parents of the children whose children died or rescued from the bore well holes, relatives of such children, government officials and general public considers that it was the mistake of the children for this tragedy. They failed to understand that the non-closure of such bore well holes, lack of maintenance are the main reasons for such borewell accidents. They considers that they are not responsible for such tragedies and it reveals their negligence and irresponsibility towards such accidents.
2. Lack of knowledge about child rights and child protection among the parents, government officials, staffs and among the general public was witnessed by the fact finding team during the visit to the place of these tragic occurrences.
3. The District Child Protection Officer, Government authorities, Tamil Nadu State Commission for Protection of Child Rights and Social Welfare department has not taken any cognizance of these bore well accidents. It was observed that almost all the departments considered that such accidents were not part of their mandate or in their jurisdiction.
4. On 08/05/2014, Tamil Nadu State Commission for Protection of Child Rights sent circulars to all the District Collectorate and to all the District Child Protection Officers about the Supreme Court 13 point Guidelines to be followed strictly by the riggers who are involved in digging of bore wells and tube wells across the state and considered that

their responsibility regarding protection of child rights ends with the sent circulars. But the government official's complaint about rigorous election schedules as an excuse for non-implementation of such circulars and the Supreme Court guidelines.

CHILDREN DEATHS - CULTURAL and LEGAL COMPLEXITIES:

Among the 4 bore well accidents, in two instances the death happened as the children fell in to the bore wells belong to their parents. Though cases were registered in all the four cases, police departments were in dilemma to proceed the investigation and to frame charges on instances of deaths happened on their own bore wells. In Thirunelveli district, Kuthalaperi village borewell accident case; the police department has closed the case as per the oral direction given by the District Collector. In Pallahacheri Village of Villupuram district, bore well death incidents, the police department have implicated and arrested all others responsible for such borewell accident other than the father of the deceased child, who was the owner of the land in which the bore well was dug. Thiyahadurugam Police department are in dilemma regarding the framing of charges and were awaiting the guidance and direction from the district collector.

RECOMMENDATIONS:

1. The fact finding team shall recommend that the state government of Tamil Nadu should undertake a comprehensive survey on the occurrences of deaths due to bore well accidents in all the districts and to provide compensation of Rs. 10 Lakhs to the parents of such deceased children.
2. The FF team recommends the state to provide an appropriate government employment to Ms. Malarkodi (27) a single mother of Pulavanpadi village, Arani Union, Thiruvannamalai district studied up to 10th std, lost her only child Devi (4) due to the bore well accident. She was deserted by her husband and lost her child as well.
3. The District administration shall make arrangements to provide psychiatric counselling and medical assistance to the parents of the deceased children to overcome the loss of their children.
4. The team of officials under the District Collector shall be formed and details concerning number of bore wells in usage and deserted bore wells need to be collected. The district

administration needs to take necessary actions concerning protection and maintenance of bore well in usage and proper closure of the deserted bore wells.

5. The Government shall take appropriate measures to spread necessary awareness among the general public regarding the Supreme Court Guidelines through Notice boards, Pamphlets, newspapers and other kinds of advertisements through visual media about safety measures regarding construction and maintenance of bore wells.
6. The state government of Tamil Nadu shall initiate disciplinary actions against the government officials who have failed to implement the Guidelines regarding bore well operations given by Supreme Court in the year 2010.
7. The Supreme Court of India shall take sue-motto regarding the non- implementation of its guidelines and file a contempt of petitions against the state.
8. The Tamil Nadu state government shall enact an act concerning construction of bore well, protection of well and its maintenance as per the guidelines given by the Supreme Court.
9. The fact finding team recommends the state shall conduct a survey through the district administration to identify the open wells without protective wall and ensure necessary safety measures shall be under taken immediately.
10. The government need to evolve and introduce innovative technology driven rescue operations to ensure the safe and speedy rescue of children fallen into the deserted bore wells.
11. The government shall define the powers and responsibilities concerning the registration of bore well operators, approval of bore well operations, protection and maintenance of such activities to any one department with adequate delegation of power and without any jurisdictional overlap.
12. The District administration shall bare all the expenditure concerning the rescue operations during the occurrences of bore well accidents.
13. The fact finding team recommend the state government of Tamil Nadu to immediately provide advanced and high tech rescue equipment's to the Fire and Rescue department including robotic rescue machine, high tech camera which capture accurate pictures of the children who fell in the open bore well.
14. The fact finding team observed that the Fire and rescue department is still using the same old rescue equipment's like water filled tank, ladders and ropes which are inadequate during the rescue operations.
15. The government needs to provide adequate monetary compensation to the victims at the earliest. Election code of conduct and other administrative procedures should not

sabotage such provision of compensations. In particular the district administration should have special attention on the protection of the child rights and their violations need to be dealt with stringent punishments. The government officials need to be sensitised on the importance of the protection of child rights.

16. Once in every three month, the district administration need to convene a review meeting on the subject of prevention of bore well accidents, protections of bore wells and maintenance of bore wells by engaging various actors like, Child Rights Volunteer Organizations, Child Rights activists, members of Agriculture Associations, Media professionals and Parents Associations.
17. The fact finding team shall recommend that the police should file the cases on the land owners, bore well operators, Middle men, Local government members and other responsible government officials who ever found to be negligent leading to the loss of the children due to bore well accidents.