

Tamil Nadu Municipalities (Regulation of Sinking of Wells and Safety Measures) Rules, 2015

TAMILNADU

India

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Rule

TAMIL-NADU-MUNICIPALITIES-REGULATION-OF-SINKING-OF-WELLS of 2015

- Published on 30 April 2015
- Commenced on 30 April 2015
- [This is the version of this document from 30 April 2015.]
- [Note: The original publication document is not available and this content could not be verified.]

Tamil Nadu Municipalities (Regulation of Sinking of Wells and Safety Measures) Rules, 2015 Published vide Notification No. SRO A-9(a-1)/2015, G.O. Ms. No. 72, Municipal Administration & Water Supply (MA1), Chithirai 17, Manmadha, Thiruvalluvar Aandu-2046, dated 30.4.2015 Last Updated 25th January, 2020 Municipal Administration and Water Supply Department No. SRO A-9(a-1)/2015. - Under sub-section (2) of section 1 of the Tamil Nadu Municipal Laws and the Chennai Metropolitan Area Groundwater (Regulation) Amendment Act, 2014 (Tamil Nadu Act 23 of 2014), the Governor of Tamil Nadu, hereby appoints the 30th day of April, 2015 as the date on which the said Act shall come into force. Notification - II In exercise of powers conferred by section 303 of the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920), section 431 of the Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971) and section 430 of the Coimbatore City Municipal Corporation Act, 1981 (Tamil Nadu Act 25 of 1981), read with section 11 of the Tiruchirappalli City Municipal Corporation Act, 1994 (Tamil Nadu Act 27 of 1994), section 11 of the Tirunelveli City Municipal Corporation Act, 1994 (Tamil Nadu Act 28 of 1994), section 11 of the Salem City Municipal Corporation Act, 1994 (Tamil Nadu Act 29 of 1994), section 10 of the Tiruppur City Municipal Corporation Act, 2008 (Tamil Nadu Act 7 of 2008), section 10 of the Erode City Municipal Corporation Act, 2008 (Tamil Nadu Act 8 of 2008), section 10 of the Vellore City Municipal Corporation Act, 2008 (Tamil Nadu Act 26 of 2008), section 10 of the Thoothukudi City Municipal Corporation Act, 2008 (Tamil Nadu Act 27 of 2008), section 10 of the Thanjavur City Municipal Corporation Act, 2013 (Tamil Nadu Act 24 of 2013) and section 10 of the Dindigul City Municipal Corporation Act, 2013 (Tamil Nadu Act 25 of 2013), the Governor of Tamil Nadu hereby makes the following Rules :-

1. Short title and Commencement.

(1). These rules may be called the Tamil Nadu Municipalities (Regulation of Sinking of Wells and Safety Measures) Rules, 2015.(2)They shall apply to the whole of the areas which come under the purview of the Acts as defined in clause (a) of rule 2.(3)They shall apply to sinking of new wells as well as rehabilitation or deepening of existing wells.(4)They shall come into force at once.

2. Definitions.

- In these rules, unless the context otherwise requires,-(a)"Act" means the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920), the Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971), the Coimbatore City Municipal Corporation Act, 1981 (Tamil Nadu Act 25 of 1981), the Tiruchirappalli City Municipal Corporation Act, 1994 (Tamil Nadu Act 27 of 1994), the Tirunelveli City Municipal Corporation Act, 1994 (Tamil Nadu Act 28 of 1994), the Salem City Municipal Corporation Act, 1994 (Tamil Nadu Act 29 of 1994), the Tiruppur City Municipal Corporation Act, 2008 (Tamil Nadu Act 7 of 2008), the Erode City Municipal Corporation Act, 2008 (Tamil Nadu Act 8 of 2008), the Vellore City Municipal Corporation Act, 2008 (Tamil Nadu Act 26 of 2008), the Thoothukudi City Municipal Corporation Act, 2008 (Tamil Nadu Act 27 of 2008), Thanjavur City Municipal Corporation Act, 2013 (Tamil Nadu Act 24 of 2013), or the Dindigul City Municipal Corporation Act, 2013 (Tamil Nadu Act 25 of 2013), as the case may be and, any other subsequent Urban Local Bodies Acts to which the provisions of any of the above Acts are made applicable;(aa)["Certificate of Registration" means a certificate of registration granted in Form XIV for carrying the business of sinking, deepening or rehabilitation of wells;] [Inserted by Notification No. SRO A-9(a-2)/2015, dated 30.4.2015.](b)"Certificate of Registration" means a certificate, granted in Form-F to carry the business of sinking, deepening or rehabilitation of wells;(c)"Commissioner" means the Commissioner of the Municipal Corporation concerned;(d)"Executive Authority" means the Commissioner of a Municipal Corporation or a Municipality or the Executive Officer of a Town Panchayat, as the case may be; and(e)"Permit" means a permit granted in Form-B for sinking, deepening or rehabilitation of a well.(2)Words and expressions used but not defined in these rules shall have the meanings respectively assigned to them in the Act.

3. Grant of permit.

(1)Every application for grant of permit shall be made to the Executive Authority in Form-A and shall be accompanied by a fee of Rs.100/- (Rupees One hundred only), by means of demand draft.(2)The Executive Authority shall examine the application and may grant the permit in Form - B subject to such conditions as may be specified therein, within thirty days from the date of receipt of the application.(3)Where the Executive Authority has decided to refuse to grant permit, he shall intimate the decision to the applicant along with the reasons for such refusal, in writing, within thirty days from the date of receipt of the application.(4)The Executive Authority shall maintain a register in Form - C containing the particulars regarding the grant of permits by him.(5)The Executive Authority shall send a monthly report in Form - D to the District Collector along with an extract of entries made in the register referred in sub-rule (4) during the relevant month.(6)[The

competent authority shall send a consolidated quarterly report to the District Collector in Form-IV-A.] [Added by Notification No. SRO A-9(a-2)/2015, dated 30.4.2015]

3A. [Grant of Certificate of Registration. [Inserted by Notification No. SRO A-9(a-2)/2015, dated 30.4.2015]

(1) Every application for Grant of Certificate of Registration shall be made in Form-XIII to the competent authority and shall be accompanied by a fee of Rs.15,000/- (Rupees fifteen thousands only) by means of Demand Draft. (2) The competent authority shall examine the application and may grant the Certificate of Registration in Form XIV, subject to such conditions and restrictions as may be specified therein, within forty five days from the date of receipt of the application. (3) Where the competent authority has decided to refuse to grant the Certificate of Registration, he shall intimate the decision to the applicant along with the reasons for such refusal in writing within forty five days from the date of receipt of the application.]

4. Grant of Certificate of Registration.

(1) Every application for grant of Certificate of Registration shall be made to the Commissioner in respect of Municipal Corporations and to the District Collector in respect of other areas in Form - E and shall be accompanied by a fee of Rs.15,000/- (Rupees fifteen thousands only) by means of a demand draft. (2) The District Collector or the Commissioner shall examine the application and may grant the Certificate of Registration in Form - F subject to such conditions as may be specified therein, within forty five days from the date of receipt of the application. (3) Where the District Collector or the Commissioner has decided to refuse to grant Certificate of Registration, he shall intimate the decision to the applicant along with the reasons for such refusal, in writing, within forty five days from the date of receipt of the application. (4) The District Collector or the Commissioner shall maintain a register in Form - G containing the particulars regarding the grant of Certificate of Registration by him.

5. Appeal.

(1) Any person aggrieved by the decision of the Executive Authority under rule 3 or sub-rule (1) of rule 7 shall file an appeal, in writing, to the District Collector concerned within fifteen days from the date of receipt of such decision and the orders of the District Collector on the appeal shall be final. (2) Any person aggrieved by the decision of the District Collector or the Commissioner under rule 4 of sub-rule (2) of rule 7 shall file an appeal, in writing, to the Commissioner of Municipal Administration in respect of Municipalities and Corporations (except Chennai Corporation) and the Director of Town Panchayats in respect of Town Panchayats within sixty days from the date of receipt of such decision and the orders of the Appellate Authority in the appeal shall be final.

6. Safety measures.

(1) Every holder of the permit or owner of a well in use or disuse, shall, while sinking, deepening or rehabilitating a well, - (a) ensure that the person executing such work has followed all the safety measures prescribed in sub-rule (2); (b) verify that the person executing such work has a valid Certificate of Registration granted under these rules in Form-F; (c) ensure that the well is not left uncovered during recess or cessation of work; and (d) fill up abandoned wells upto the ground level using clay, sand, boulder or any other suitable materials. (2) Every person holding a Certificate of Registration and carrying on the business of sinking wells, shall while sinking, deepening or rehabilitating a well, - (a) before commencing such work, - (i) ensure that necessary permit in Form-B has been obtained by the owner of the well for executing the work; (ii) erect warning signboards in a conspicuous manner at the site of the well displaying the nature, width and depth of the well, his name, address and contact details and that of the owner of the well; (iii) erect barbed wire fencing or any other suitable barrier around the site of the well; and (iv) construct a cement or concrete platform measuring 0.5 x 0.5 x 0.6 metre around the well casing in such a manner that it is 0.3 metre above the ground level and 0.3 metre below the ground level; (b) not leave the drilling pit or the well uncovered during the recess of work; (c) after completion of the work, - (i) fill up the mud pits and channels around the well; (ii) restore the ground conditions; (iii) Cap the well assembly by welding steel plates or by providing a strong cap to the casing pipe with bolts and nuts. (3) Where it appears to the Executive Authority that the safety measures are insufficient in the case of any well, he may by notice in writing require the owner or the person sinking the well to undertake such other safety measures and the same shall be complied with.

7. Cancellation of Permit and Certificate of Registration.

(1) In case of violation of any of the conditions of the permit and any of the provisions of these rules, the Executive Authority may cancel the permit after giving an opportunity of hearing to the holder of the permit. (2) In case of violation of any of the conditions of the Certificate of Registration and any of the provisions of these Rules, the Commissioner, the District Collector, as the case may be may cancel the Certificate of Registration, after giving an opportunity of hearing, to the holder of such Certificate. Form - A (see rule 3 (1) of the Tamil Nadu Municipalities (Regulation of Sinking of Wells and Safety Measures) Rules, 2015) Application for Grant of Permit From Thiru/Tmt./Selvi (Name of the Applicant) S/o, W/o, D/o (Address) To The Executive Authority, Corporation / Municipality / Town Panchayat. Sir, I, Thiru/Tmt./Selvi (Name) residing at (address of the individual) intend to sink / deepen / rehabilitate a well (open well / bore well / tube well) in the land bearing Survey No owned by me / by (Land owner Name and address) in Corporation / Municipality / Town Panchayat. I request you to kindly grant me a permit to sink / deepen / rehabilitate the well. I enclose herewith a demand draft for Rs. (Rupees only) towards the fee. Details of the well:

- | | |
|-----------------|--|
| 1. Type of well | Open-well / Bore-well /
.... Tube-well / Dug-well
/ Dug-cum-Bore well. |
|-----------------|--|

- | | |
|--|--|
| 2. Purpose of well | Agriculture / Industrial /
.... Commercial / others (Specify the exact nature of the purpose) |
| 3. Diameter and Depth of the well (in meters) | |
| 4. Nearest places | Schools / hospitals / temples /
.... markets / other places where people assemble. |
| 5. Distance between the well site and the places mentioned in item 4 (in meters) | |
| 6. Whether the entrance to the well is protected by compound wall / fencing / barricades, etc. | |
| 7. Nature of the soil | Clay / Sand / others (specify) |
| 8. Name of the person / Agency / Firm going to execute the work. | |
| 9. Address and contact details of the Person / Agency / Firm going to execute the work. | |
| 10. Whether the Person / Agency / Firm going to execute the work possess a valid Certificate of Registration granted in Form - F. If yes, enclose a copy of the Certificate of Registration. | Yes / No |

Declaration (1) I hereby declare that the above particulars are true to the best of my knowledge. (2) I also undertake that, - (i) I will not begin the work until the grant of permit by the Executive Authority. (ii) I will follow the safety measures prescribed in sub-rule (1) of rule 6 of the Tamil Nadu Municipalities (Regulation of Sinking Wells and Safety Measures) Rules, 2015. (iii) I will keep site of well open at all times for inspection of the Executive Authority or any other higher authority authorized by the District Collector. (iv) I will furnish any information which may be required by the Executive Authority for the grant of permit and also while executing the work.

Place: _____ Date: _____ Signature of the Applicant _____

Form - B (See Rule 3(2) of The Tamil Nadu Municipalities (Regulation of Sinking Wells and Safety Measures) Rules, 2015) Permit for Sinking Well Thiru / Tmt. / Selvi, Son / wife / daughter of residing at is hereby granted permit for sinking / deepening / rehabilitating a well in in plot / R.S.No in Town Panchayat / Municipality / Corporation District for the agriculture / Hotel / Industry / Commercial / Irrigation / Horticulture / purpose of agriculture (other use). This permit is granted for a well conforming to the specifications given below:-

- (1) Type of well Dug-well / Dug-cum bore well / Bore-well / Open-well / Tube-well.
- (2) Diameter meters.
- (3) Depth meters.

Conditions (1) Every holder of the permit, shall, while sinking, deepening or rehabilitating a well, - (a) ensure that the person executing such work has followed all the safety measures prescribed in sub-rule (2) of rule 6 of the Tamil Nadu Municipalities (Regulation of Sinking Wells and Safety Measures) Rules, 2015; (b) verify that the person executing such work has a valid Certificate of

Registration granted under the said rules in Form-F;(c)ensure that the well is not left uncovered during recess or cessation of work;(d)fill up abandoned wells upto the ground level using clay, sand, boulder or any other suitable materials;(e)ensure that a signboard is erected near the site of the well displaying his name, address and contact details on that of the Person executing the work;(f)ensure that the well conforms to the specifications such as type, depth, diameter specified above;(g)fill up the mud pits and channels after completion of the work;(h)on completion of the work, restore the ground conditions; and(i)any other conditions (to be specified).Place:Date:Signature of the Executive Authority.

Form - C(See rule 3(4) of the Tamil Nadu Municipalities (Regulation of Sinking of Wells and safety measures) Rules, 2015)Register of Grant of Permit for Sinking of WellsName of the Urban Local Body

Sl.No	Name of the applicant with address	Date of application for permit	Nature of the well (Whether bore-well/tubewell/open well)	Diameter and depth in meters)	Date of grant of permit	Name of the person executing the work	Whether work has been completed (Yes/No)	If yes, whether the well is in use (Yes/No)	If the work completed not put into usewhether capping of has been properly done (Yes/No)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

Signature Executive Authority.

Form - D(See rule 3(5) of the Tamil nadu Municipalities (Regulation of Sinking of Wells and safety measures) Rules, 2015)Monthly Report Regarding Grant of PermitFor the month ofName of the Urban Local Body:

Sl.No.	No. of applications received for granting permission for sinking/deepening rehabilitating the well duringthe month	No. of applications accepted and permit granted	No. of applications rejected
(1)	(2)	(3)	(4)

Signature of Executive Authority.

Form - E(See rule 4(1) of the Tamil Nadu Municipalities (Regulation of Sinking of Wells and safety measures) Rules, 2015)Application for Certificate of RegistrationFromThiru / Thirumathi / Selvi (Name of the Applicant)S/o, W/o, D/o (Address)ToThe District Collector/Commissioner,..... Municipal Corporation/ *..... District.Sir,I/We, M/s having office at (address of the applicant) intend to carry on the business of sinking wells.I/We, request that a Certificate of Registration may be granted to me / us to carry on the said business. I / We enclose herewith a demand draft for Rs (Rupees only) towards the fees.Declaration(1)I/We hereby declare that the above particulars are true to the best of my / our knowledge.(2)I/We agree to follow the safety measures prescribed in sub-rule (2) of rule 6 of the Tamil Nadu Municipalities (Regulation of Sinking Wells and Safety Measures) Rules, 2015.(3)I/We agree not to sink a well, until the permit to do that work is granted in Form-B of the said Rules.(4)I/We agree to stop further

proceeding of work if the Executive Authority instructs accordingly.(5)I/We agree that if there is any violation of conditions or provisions of the said Rules, during the work, the District Collector can cancel the Certificate of Registration.(6)I/We agree to furnish any information which may be required for issue of Certificate of Registration.Place:Date:Signature of the applicant.* Strike out whichever not applicableForm - F(See rule 4(2) of the Tamil Nadu Municipalities (Regulation of Sinking of Wells and safety measures) Rules, 2015)Certificate of RegistrationCertificate NoThiru./Tmt./Selvi/Messer's Son/Wife/daughter of residing at is hereby granted Certificate of Registration for sinking well inConditionsEvery person holding this Certificate of Registration, shall,-(1)before commencing the work,-(a)ensure that necessary permit in Form-B of the Tamil Nadu Municipalities (Regulation of Sinking Wells and Safety Measures) Rules, 2015 has been obtained by the owner of the well for executing the work;(b)erect warning signboards in a conspicuous manner at the site of the well displaying the nature, width and depth of the well, his name, address and contact details and that of the owner of the well;(c)erect barbed wire fencing or any other suitable barrier around the site of the well; and(d)construct a cement or concrete platform measuring 0.5 x 0.5 x 0.6 meter around the well casing in such a manner that it is 0.3 meter above the ground level and 0.3 meter below the ground level.(2)not leave the drilling pit or the well uncovered during the recess of work;(3)after completion of the work,-(a)fill up the mud pits and channels around the well;(b)restore the ground conditions; and(c)cap the well assembly by welding steel plates or by providing a strong cap to the casing pipe with bolts and nuts;(4)not deviate in any way from the specifications of the well mentioned in the permit; .(5)not interfere with the normal activities of the locality while executing the work and shall not cause any traffic hazard; and(6)Any other condition (to be specified).Place:Date:Signature of the District Collector/Commissioner.Form - G(See rule 4(4) of the Tamil Nadu Municipalities (Regulation of Sinking of Wells and safety measures) Rules, 2015)Register of Certificate of Registration for Sinking of WellsName of the District/ Municipal Corporation:

S.No.	Name and address of the applicant	Date of application	Date of grant of Certificate of Registration	Certificate Number
(1)	(2)	(3)	(4)	(5)