

ITEM NO.39

COURT NO.9

SECTION XVII

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

CIVIL APPEAL NO. 6174/2023

BHOPAL MUNICIPAL CORPORATION

APPELLANT(S)

VERSUS

DR SUBHASH C. PANDEY & ORS.

RESPONDENT(S)

[TO BE TAKEN UP AT 10.30 AM]

(IA No. 113056/2025 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 141056/2024 - CONDONATION OF DELAY IN FILING

IA No. 43110/2024 - CONDONATION OF DELAY IN FILING

IA No. 198051/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT

IA No. 141055/2024 - EXEMPTION FROM FILING O.T.

IA No. 245823/2023 - PERMISSION TO APPEAR AND ARGUE IN PERSON

IA No. 198050/2023 - STAY APPLICATION)

WITH

C.A. No. 7728/2023 (XVII)

(IA No. 176665/2024 - EXEMPTION FROM FILING O.T.

IA No. 196024/2024 - EXEMPTION FROM FILING O.T.

IA No. 241136/2023 - STAY APPLICATION)

Date : 05-05-2026 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE PANKAJ MITHAL

HON'BLE MR. JUSTICE S.V.N. BHATTI

For Appellant(s) Ms. Vanshaja Shukla, AOR
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Mr. Sourav Singh, Adv.
Ms. Chitransha Singh Sikarwar, Adv.

Mr. Sameer Abhyankar, AOR
Mr. Krishna Rastogi, Adv.
Mr. Aryan Srivastava, Adv.

Mr. Surjendu Sankar Das, AOR
Ms. Yoovika Toor, Adv.

UPON hearing the counsel the court made the following

O R D E R

1. This Earth and this Nation are what we all have in common. We are confident that a group of committed civil servants, officers, people's representatives, and foot soldiers vested with the power to administer the SWM Rules, 2026, can spread the light of preserving this planet and this Nation from man-made destruction. The statutory framework introduced under the Environment (Protection) Act, 1986, will be the change for the progress and well-being of the Indian citizens. It should be the shared commitment to leave behind a tolerable planet for future generations. Their thanks for preserving the planet will not be heard by us, but our willingness to sacrifice, work tirelessly for them, and dedicate ourselves will leave the mark of our conscience for times to come.
2. Apropos the order dated 29.04.2026, the (i) Secretary, Ministry of Environment, Forest and Climate Change ("MoEFCC"); (ii) Secretary, Department of Drinking Water and Sanitation, Ministry of Jal Shakti; (iii) Secretary, Ministry of Housing and Urban Affairs ("MoHUA"); (iv) Secretary, Ministry of Panchayati Raj; (v) Secretary, Ministry of Rural Development; and the Chief Secretaries of the States and Union Territories have participated in today's hearing. A few Chief Secretaries contributed to the hearing, and others have appreciated the need of the hour to implement the SWM Rules, 2026, and the statutory obligations on the Executive and local bodies. Most of the State lawyers also attended the proceedings.
3. During the hearing, this Court has made it clear that the current common effort by all stakeholders is to persuade Solid Waste generators to participate and prevent environmental pollution contrary to the law's mandate. This Court, as intimated in its earlier orders, reposes trust in the local, state and central administration, and if the desired result is not achieved, decides to strengthen the administration within the

framework of the Environment Protection Act, 1986, before finally declaring the inbuilt incompetency in the administrative set-up to handle the solid waste generated by human activity.

4. Keeping the above in perspective, the MoEFCC is directed to issue a notification under Section 23 and delegate the powers under Section 5 of the Environment Protection Act, 1986, to the District Collectors across the country for a period of one year, exclusively for supervising, administering and implementing SWM Rules, 2026, within their jurisdictional limits. The District Collectors are directed to constitute and dedicate a 'Special Cell' not only to oversee the implementation, but in given circumstances, to issue directions for the stoppage of water/electricity to bulk generators of solid waste who disobey the directions or disregard the Rules. The District Collectors are directed to conduct virtual spot inspections of the dumping sites, implement the rules, and fortnightly prepare and forward the report to the designated Secretaries in the respective States. The directions, if any, issued by the District Collectors under the delegated authority are understood as directives issued in furtherance of the orders of this Court.

5. The Regional Officers of the respective Pollution Control Boards shall also be included in the Special Cell directed to be set up under the supervision of the District Collector. The Regional Officers of the respective Pollution Control Boards are directed to conduct field inspections of authorised and unauthorised dump yards/sites within their jurisdictions and forward photographs to the District Collector and Local Bodies for further action and compliance. The District Collector issues directions to ensure that Solid Waste is transported, managed, and disposed of by vehicles authorised by the Local Bodies. This enables the Local Bodies not only to regulate but also to prevent unauthorised dumping along roadsides, railway tracks, lakes, foothills, etc.

6. The District Collectors are directed to prepare a brief summary of the performance/progress of the implementation of the SWM Rules once a month and submit it to the respective secretaries. The respective secretaries, in turn, with an abstract, certifying assessment of progress and deficiency within their respective states, forward the report to the concerned Ministries, *viz*, (i) Secretary, MoEFCC; (ii) Secretary, Department of Drinking Water and Sanitation, Ministry of Jal Shakti; (iii) Secretary, MoHUA; (iv) Secretary, Ministry of Panchayati Raj; and (v) Secretary, Ministry of Rural Development for filing the abstract of the report in this Court.

7. The first phase of monitoring by the Secretaries in the Union of India and the Secretaries in the State/UTs of municipal corporations, municipalities and gram panchayats is set out as follows:
 - (1) The District Collectors are directed to communicate the orders of this Court dated 19.02.2026, 29.04.2026 and 05.05.2026 (the present order) through the respective Commissioners/Executive Officers/Panchayat Secretaries, who shall, in turn, communicate the same to the elected ward members/corporators/councillors.

 - (2) The State Governments are directed to incentivise good performance by prioritising grants to which well-performing local authorities or local bodies are entitled. Conversely, defaulting local bodies shall attract penal consequences for non-compliance with the Rules.

 - (3) The Secretary, Ministry of Panchayati Raj, and the Urban Development Secretary are directed to explore a roadmap to incorporate knowledge of and obligations under the Solid Waste Management Rules into the functioning of elected representatives as part of the representative process in local bodies.

8. The Secretaries, *viz*, (i) Secretary, MoEFCC; (ii) Secretary, Department of Drinking Water and Sanitation, Ministry of Jal Shakti; (iii) Secretary, MoHUA; (iv) Secretary, Ministry of Panchayati Raj; and (v) Secretary, Ministry of Rural Development, are directed to deliberate upon and explore the inclusion of contributions under Corporate Social Responsibility (“CSR”) by industries for the establishment of Compressed Biogas plants or such other latest technology as may be available for converting waste into energy into the extant scheme and the modalities for availing the funds. Such contributions shall, to the requisite extent, compensate and follow principles similar to the Polluter Pays Principle for the overall upkeep of local bodies. This is not to strictly enforce the principle of the Polluter Pays, but for the amelioration of the environment, CSR funds shall be utilised exclusively for the improvement of local bodies within whose jurisdictions the contributing industries are located. We direct that such contributions be prioritised within the schemes operated by the Union of India.
9. The Chief Secretaries are directed to circulate the Form IV under the SWM Rules, 2026, by 15th May, 2026; receive the filled data, collate it, and forward it to the Respective Secretaries of the Union of India for enhanced and efficient performance monitoring of the local bodies.
10. The Chief Secretaries are directed to identify tourist-centric beaches, tourist places, and pilgrim centres, and to put in place a special mechanism for implementing the SWM Rules, 2026, at such locations.
11. The Chief Secretaries are directed to conduct an inventory of the implementation of the Plastic Waste Management Rules, 2016 (as amended from time to time), in their respective jurisdictions and, through the Secretary, MoEFCC, submit a report on strict compliance with the Plastic Waste Management Rules, 2016. Including handholding

of Gram Panchayats for identification and registration of Bulk Waste Generators' activities related to EBWGR certification, Legacy waste, dumpsite remediation, etc., as applicable in rural areas. Presently, nearly 1,700 ULBs have registered on the CPCB's EPR Portal. The State must advise all ULBs, giving a timeline in a graded manner, to register on the EPR Portal.

12. Annexures 8 and 9 in the latest status report filed by the Union of India refer to the responses by States/Union Territories to the identified bottlenecks and the compilation of action plans submitted by States/Union Territories. The concerned Ministries in the Union take up these issues and respond to the bottlenecks within three weeks from today. The Secretary, MoEFCC, is treated as the nodal secretary for filing reports for and on behalf of all the departments. The supervision, administration and implementation of the SWM Rules, 2026, shall remain with the respective departments, and the Secretaries are called upon not to forward the reports sent by the States, but have them scrutinised or examined in the respective departments and submit an abstract to this Court.

13. In the course of deliberation, it has been pointed out that, for the present, the administrative sanction for advancing Solid Waste Management Projects is being delayed, and may not be adhered to. Our attention is drawn to MoHUA guidelines for Swachh Bharat Mission-Urban (SBM-U). There are three levels, and considering the methodology adopted in SBM-U, we are of the view that Solid Waste Management Projects are undertaken and approved in accordance with SBM-U. Consequently, we direct that the 3 levels, from ULBs to State Governments to the Central Government, be integrated in a paperless manner through technology under the Swachh Bharat Mission – Urban. There is no requirement of any other approval at the Council or any other forum/authority. A similar paperless, technology-driven lean

approval method could be used by all State Governments for all Solid Waste Management projects funded through sources other than SBM-U. Once the projects are approved by the National Advisor and Review Committee ("NARC"), the DPR preparations and technical sanctions must be delegated to competent authorities in the State, so that no more than three levels are involved in such sanctions for Solid Waste Management projects. The respective State General Financial Rules (GFRs) may be considered appropriately. Once the projects are approved by the NARC, the State matching share must also be kept ready to avoid any delay in providing it.

14. The financial difficulties faced by the Union, the Union Territories and the States have been brought to our notice. We record the challenges and the views expressed by the States regarding the financial challenges to report compliance under the SWM Rules, 2026. With respect to addressing Financial Availability for SWM Rules 2026 implementation:

14.1 SBM-U and SBM-Grameen funds are available to States for implementing SWM projects in local bodies. Timely and complete utilisation of these funds is a mandate of the State Governments.

14.2 Many States have made their own State budget provisions to supplement the SWM & sanitation activities.

14.3 Many States have effectively been able to mandate funds from the Finance Commission for sanitation spending.

14.4 Large ULBs have also been able to bring in CSR support from corporates. The Bio-CBG is currently witnessing interest from many PSUs. States can fully leverage the same.

14.5 Large PPP projects for SWM can also be prepared by State

Governments on a regional/ cluster basis, and funds can be availed too from the recently launched Urban Challenge Fund (UCF) by MoHUA.

- 14.6 States should plan sanitation and SWM projects by converging multiple funding sources. Especially in rural areas, States must make adequate provisions from their own resources so that Gram Panchayats can carry forward these activities.
15. On the above, we direct the Secretary, MoHUA, to convene a meeting with all the Chief Secretaries and place before this Court, a resolution on how to address the financial problem faced by the local bodies, and the extent to which the Union of India can assist the States/UTs.
16. The inadequate human resources in Local Bodies have been brought to this Court's notice. We take note of the population growth in the Country and the increased density of population at all three levels – Villages, Municipal and Corporation.
17. Presently, there is no material to appreciate the enhancement of human resources or wherewithal by the State Governments, commensurate and proportionate to the increased population, and the consequent increase in Solid Waste. Therefore, we direct the States/UTs to review the sanctioned and available manpower in urban and rural local bodies to fill the identified vacancies in a time-bound manner. States/UTs may also consider creating a dedicated cadre within rural local bodies, funded from their own resources, for SWM and sanitation service delivery, thereby developing the technical capacities of rural local bodies. Gram Panchayats are categorised by population size to assign appropriate staff, ensuring at least a full-time Panchayat Secretary and technical support in every Gram Panchayat. Over and above the State matching share under SBM-U, the State should provide necessary

interventions for short-term and long-term capacity building of local bodies.

18. The Secretary, MoEFCC, is directed to exclusively take up the legacy waste issues with the Chief Secretaries, receive their response and file a report on further direction noted on this behalf.
19. The progress of the first phase is monitored on 25.05.2026 and, subsequently, on 15.07.2026. The establishment of mobile courts will be examined after hearing the parties on 15.07.2026.
20. The Orders of this Court are translated into regional languages by the respective States, and along with the soft copy of this Order, the translated version is circulated to all concerned.
21. On appreciating the compliance reports filed by the States, we notice that on the following points, the State Governments implement and file a status report to the Secretary, MoHUA and the Secretary, MoEFCC for further action at both ends:
 - a. Local Self Governments (“LSGs”) must bring in source segregation with focus on BWGs. Door to door mapping of waste generators can be done with the Safai Supervisors challaning the non-compliant generators. The focus on BWGs needs to be complete and absolute.
 - b. LSGs must upgrade their collection and transportation to have completely closed vehicles for secondary transportation.
 - c. LSGs must use technology to map Garbage Vulnerable Points (GVPs) and ensure that there is no recurrence by using a mix of penalties and improved collection systems.

- d. All high footfall areas must be identified by that are garbage-prone and a mix of initiatives like - Swachhata Marshals (community patrollers), strict enforcement amongst vendors, twice-a-day sweeping, and additional manpower as per seasonality requirements, declarations of no-Single-Use Plastic zone and its enforcement, etc.
- e. Special Purpose Vehicle is set up only for Solid Waste Management with specialisation in the processing of all streams of waste. While primary collection and transportation of waste can be the ULBs' mandate, efficient operation of processing plants can be the SPVs' specialised domain. Even collection and transportation can be handed over to the SPV, as per well-structured KPIs.
- f. ULBs must designate at least 30 percent of their total funds for effective city cleanliness and solid waste management.
- g. City cleanliness being a priority, States/UTs must evolve Ward cleanliness ranking which must be a criteria for providing incentives to a Ward. The Ward member/councillor/corporator will lead these activities with the help of a Ward Swachhata Committee with select members of the Ward as voluntary members.
- h. The city must designate waste handling areas in all new areas of planned expansion.
- i. There should be no dumping of waste or legacy dumpsites. Only rejects should be allowed to sanitary scientific landfill. The decentralised waste management sites must also be used to educate children and other citizens.

- j. All wards should have a neighbourhood RRR centre (Reduce -Reuse-Recycle) Centre so that citizens can use this to donate their used materials, electronic products, clothes, books, etc.
- k. Each big city must tie up with industry so that the Material Recovery Facility is the pick-up point for industrial recycling, including plastics, and the city can generate Extended Producer Responsibility Certificates from the same.

22. The Urban, Rural, and MoEFCC ministries are directed to set out 'short', 'medium', and 'long-term' objectives to be accomplished by the State/UTs and their Local Bodies. The concerned Ministries shall file separate abstract statements in the following format by 24th of May, 2026 on the percentage of accomplishment by the State/UTs and their Local Bodies:

Urban Local Bodies Phase I Targets

State	<u>Target</u>	<u>Percent Achieved</u>	<u>Remarks</u>
Andaman and Nicobar Islands			
Andhra Pradesh			
Arunachal Pradesh			
Assam			
Bihar			
Chandigarh			
Chhattisgarh			
Dadra and Nagar Haveli			

and Daman and Diu			
Delhi (NCT)			
Goa			
Gujarat			
Haryana			
Himachal Pradesh			
Jammu and Kashmir			
Jharkhand			
Karnataka			
Kerala			
Ladakh			
Lakshadweep			
Madhya Pradesh			
Maharashtra			
Manipur			
Meghalaya			
Mizoram			
Nagaland			
Odisha			
Puducherry			

Punjab			
Rajasthan			
Sikkim			
Tamil Nadu			
Telangana			
Tripura			
Uttar Pradesh			
Uttarakhand			
West Bengal			

Rural Local Bodies Phase I Targets

<u>State</u>	<u>Target</u>	<u>Percent Achieved</u>	<u>Remarks</u>
Andaman and Nicobar Islands			
Andhra Pradesh			
Arunachal Pradesh			
Assam			
Bihar			
Chandigarh			
Chhattisgarh			
Dadra and Nagar Haveli and Daman			

and Diu			
Delhi (NCT)			
Goa			
Gujarat			
Haryana			
Himachal Pradesh			
Jammu and Kashmir			
Jharkhand			
Karnataka			
Kerala			
Ladakh			
Lakshadweep			
Madhya Pradesh			
Maharashtra			
Manipur			
Meghalaya			
Mizoram			
Nagaland			
Odisha			
Puducherry			
Punjab			

Rajasthan			
Sikkim			
Tamil Nadu			
Telangana			
Tripura			
Uttar Pradesh			
Uttarakhand			
West Bengal			

23. The Registry is directed to communicate a copy of the Order dated 19.02.2026 to the Registrar Generals/Registrars of High Courts for taking appropriate action as an institution of the Judiciary in implementing the SWM Rules, 2026.

24. List on 25.05.2026 at 10.30 AM.

(Nidhi Mathur)
Court Master (NSH)

(Geeta Ahuja)
Deputy Registrar