IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6174/2023

BHOPAL MUNICIPAL CORPORATION APPELLANT(S)

VERSUS

DR SUBHASH C. PANDEY & ORS. RESPONDENT(S)

WITH

CIVIL APPEAL NO. 7728/2023

ORDER

1. Ministry of Environment, Forest and Climate Change, Ministry of Panchayati Raj, Department of Drinking Water and Sanitation, Ministry of Jal Shakti, Department of Urban Development, Ministry of Housing and Urban Affairs, Ministry of Rural Development and Central Pollution Control Board assisted by the following officers are present and have participated in the hearing and assisted the Court in appreciating the report and the annexures:

i. Shri Narendra Bhooshan, IAS.

Chairman, SCMC

Secretary, Ministry of Environment, Forest and Climate Change.

Signature Not Verified
Digitally signed by LOKESH AHUJA
Date: 2024.11.17 19:19:06 IST
Reason:

ii. Shri Vineet Joshi, IAS.
Member, SCMC
Secretary, Ministry of Panchayati Raj.
iii. Shri Ashok K.K. Meena, IAS.
Member, SCMC
Secretary, Department of Drinking Water and Sanitation, Ministry of Jal Shakti.
iv. Shri Satendra Singh, IAS.
Member, SCMC
Secretary, UD
Department of Urban Development, Ministry of Housing and Urban Affairs.
v. Shri Rohit Kansal, IAS.
Member, SCMC
Secretary, Ministry of Rural Development
vi. Shri Prasoon Gargava,
Member, SCMC
Member Secretary, Central Pollution Control Board.

2. We have heard Ms. Aishwarya Bhati, learned Additional Solicitor General, Mr. Gaurav Agarwal, learned senior counsel, Ms. Vanshaja Shukla and Mr. Surjendu Sankar Das, learned Advocates-on-Record.

3. By the previous Orders, this Court has prescribed the schedule for hearings as well as for filing the

periodical Reports by the Supreme Court Monitoring Committee (SCMC). The monitoring and the implementation of the SWM Rules, 2026, as per the Calendar set out by the Court, are nearing the halfway mark. The SCMC has filed a 48-page Short-Term Report, together with Annexures running to 387 pages.

4. The Short-Term Report places before the Court the percolation of the directions of the Supreme Court through the Supreme Court-empowered Monitoring Committee to the Chief Secretaries of the States, Collectors and the Local Bodies for compliance.

5. We have carefully examined the Short-Term Report and the accompanying Annexures.

6. The Supreme Court notes and acknowledges that the first two phases i.e., kickstarting and putting in place the administrative mechanism for monitoring the implementation of the SWM Rules, 2026 are in place. The Report and the Annexures demonstrate that the Supreme Court's directions have percolated, in letter and in

spirit, through the SCMC to the Chief Secretaries, the District Collectors and the Heads of Local Bodies. The SCMC is fully compliant with the timelines stipulated in this regard. We place on record a few of the achieved milestones by the SCMC, as under:

a) The SCMC convened four meetings with the constituents and stakeholders for informing the directions of this Court.

b) The letter dated 10.09.2026, addressed to the Chief Secretaries of the States, the Railways, Defence, Information and Broadcasting and Education Departments, sets out in categorical terms the targets to be achieved by the addressees. It is a matter of record that the directive was followed up with reminders on 06.10.2026, 27.10.2026, 31.10.2026 and 02.11.2026.

c) 755 of 784 District Collectors are on the CPCB Portal. Special Cells exist in 59% of Districts of the Country.

d) 4958 out of 5049 ULBs and 699 of 701 District Panchayats are onboarded.

e) The Report refers to convening Special Gram Sabhas in 89102 Gram Panchayats across the country.

f) The Report notes the installation of 4592 Interception Systems and the removal of 21324.69 metric tonnes of waste from the banks and water bodies. Restoration of 778 river stretches is either underway or substantially complete. In the centrally sponsored programme "Swachhta Hi Seva 2026", about 2.1 crore citizens, out of a total population of 140 crore, across 4861 LBs, are claimed to have participated.

7. The administrative persuasion of the SCMC is clearly discernible from the above details. The milestones, both on the Orders of this Court and on the obligations under the SWM Rules, 2026, are still far from realisation.

8. To wit, the Report highlights weaknesses in the implementation of the SWM Rules, 2026.

9. As many as 400 Districts (approximately) have yet to formulate and put in place Special Cells to assist the District Collectors. 9 out of 28 States comply with the Urban Bylaw target. 16 States do not report on the incorporation of Rural Bylaws. 18 States do not report on rural four-way segregation of solid waste, which runs contrary to the desired performance from Special Cells in the respective Districts.

10. The targets of the directives and SWM Rules are already spelt out. The repetition of these directives is avoided for brevity.

11. This Court, in Municipal Council, Ratlam v. Shri Vardhichand and others[1], a case decided in 1980, when Bharat was not the economic powerhouse it is today, declared that Municipalities, i.e., the Local Bodies, cannot shirk their principal duty, i.e., health, hygiene, and habitable conditions, by pleading financial inability, and declined to accept financial disability as a ground for denying basic amenities to the

1 . (1980) 4 SCC 162

constituents of the Local Bodies. In the last few decades, Bharat has seen substantial and perceptible economic growth. Therefore, a plea that failed in 1980 will definitely not work in the third decade of the 21st Century. To shrug off complacency and simultaneously to underscore the difference in the country's standing between 1980 and today; the following details are referred to. The data is sourced from the websites[2].

2 https://indiabudget.gov.in/budget2022-23/economicsurvey/doc/stat/tab11.pdf; https://rbi.org.in/ScriptS/PublicationsView.aspx?id=23175; https://fred.stlouisfed.org/data/MKTGDPINA646NWDB; https://timesofindia.indiatimes.com/business/india-business/defining-moment-india-overtakes-japan-to-become-worlds-fourth-largest-economy-enjoys-goldilocks-phase-with-high-growth-low-inflation/articleshow/126250504.cms; https://documents1.worldbank.org/curated/en/373811468042311864/pdf/multi-page.pdf;https://www.indiabudget.gov.in/budget_archive/es2000-01/app1.24.pdf; https://en.wikipedia.org/wiki/Electricity_sector_in_India; https://static.pib.gov.in/WriteReadData/specificdocs/documents/2026/may/doc202655864101.pdf; https://kingcenter.stanford.edu/sites/g/files/sbiybj16611/files/media/file/91wp_0.pdf; https://nasscom.in/sites/default/files/media_pdf/Nasscom%20SR%20Press%20release.pdf; https://indiabudget.gov.in/budget_archive/es2008-09/chapt2009/tab73a.pdf; https://newsonair.gov.in/indias-total-exports-touch-all-time-high-of-nearly-825-billion-dollars-in-financial-year-2024-25/; https://fred.stlouisfed.org/data/SPDYNLE00ININD; https://www.millenniumpost.in/big-stories/infant-mortality-rate-touches-low-of-25-down-from-40-in-2013-626036; https://prsindia.org/theprsblog/seven-years-of-swachh-bharat-mission?page=179&per-page=1; https://www.mospi.gov.in/sites/default/files/publication_reports/AnnualReport_PLFS2023-24L2.pdf;

Indicator	Early 1980s	Latest
Per capita net national income, current prices	Rs. 1,995 (1980-81)	Rs. 2,05,324 (2024-25)
Same, at constant 2011-12 prices	Rs. 19,925	Rs. 1,14,710 (about 5.8 times)
GDP, current USD	USD 186 billion; 12th (1980)	USD 4.19 trillion (2025)
Literacy, age 7+	43.6% (Census 1981)	80.9% (PLFS 2023-24)
Villages electrified	48% (Oct 1981)	100% (April 2018)
Electricity generation, utilities	110.8 billion kWh (1980-81)	1,824 billion kWh (2024-25)
Crude steel	9.5 million t (1980)	152.2 million t (2024-25)
IT and software exports	$28 million (1985)	$224.4 billion (2024-25)
Total exports	$8.5 billion, goods only (1980-81)	$824.9 billion, goods and services (2024-25)
Life expectancy at birth	53.6 years (1980)	72.0 years (2023)
Infant deaths per 1,000 live births	about 115 (1980, UN estimate)	25 (SRS 2023)
Rural households with toilets	1% (Census 1981)	100% (2019-20)

12. The Court notes that Bharat is now a rich country but has poor sanitation performance. The growth achieved in other fields is completely negated by the negative impact from this manageable dereliction by all the stakeholders. There is a need to emphasise that poor sanitation and solid waste management affect the outlook of our society and country. There are instances where similar economies, within India and outside India, have succeeded in their sanitation and hygiene objectives. Our existing resources make it possible, albeit through unwavering implementation by the statutory enforcing authorities and

adherence by the citizens.

13. This Court, after reviewing all the Reports filed by SCMC, observes that each organ of the State has spun on its own wheel. The cogs (citizens) that connect them must work towards the objective for realising good result. The Constitution embodies separation of powers, as basic structure. The Parliament on its turn enacted the Environment (Protection) Act, 1986, and the Executive has framed the SWM Rules, 2026. Despite the Law and the Rules in existence, the performance of the SWM Rules, 2016 and 2026, falls short of the objective set by the Parliament. Therefore, this Court, as a repository of the Constitutional Right to a Pollution-Free Environment, through SCMC, has taken the arduous task of issuing continuing Mandamus to the Local Bodies. This effort of the Supreme Court through the SCMC is not the fifth wheel trying to drive the other four wheels. As already noted in our earlier Orders, it is now or never. The SCMC's efforts will sunset into self-regulation by the contributors.

14. This Court, drawing on experience and wisdom, and also conscious of the magnitude of the problem and the efforts required to address it, has, reposed trust in SCMC and the District Collectors across the country. The present set of District Collectors are meritorious and the successful candidates in the toughest competitive examination held in the Country. The officers achieve success through clear strategy, disciplined execution, and a deep understanding of the syllabus, rather than mere rote learning or raw hours of study. With the training the Officers have been provided over years, they have to revisit all the details that helped them fulfill their dreams of becoming Administrators and implement the Court orders to provide the country with a good and habitable environment. The Court, with personal experience of the perfect and punctilious performance of two or three District Collectors in the States where such rules were executed through District Collector, has relied only on the District Collectors to achieve the objective of the Court and the rules. The present Order is not an inspirational quote to the District Collectors but a reminder of the Apex Court's expectations in them

and their capacity, inasmuch as failure in the on going affairs will make the situation worse and remediless. Therefore, the District Collectors reinvent the needed strategies as per local requirements and, in a dynamic way, assist the Chief Secretaries and SCMC in implementing SWM rules, 2026 the Court Orders.

15. The Court notes the following deficiencies for action:

I. This Court, vide Order dated 18.08.2026, has noted that the unorganised residential, commercial and business sectors form a major part of the problem. The Report is silent on the notices served and on additional areas identified that warrant temporary disconnection of water/electricity for due compliance with the SWM Rules, 2026.

II. The public-private participation, an idea floated to reduce the stress on financial resources, is not spelt out.

III. The necessary statutory framework for CSR initiatives to augment infrastructure needs is not adverted to.

IV. The SCMC, through the proper framework, mandates industrial houses to spend CSR fund on solid waste management infrastructure at the place where the industry is located. The industries cannot be heard to say that the pollution is generated at a place and the CSR contribution is made elsewhere.

V. The SCMC provides its suggestions to the Court for further deliberation and for issuing necessary directives.

VI. The Report is silent on biogas and waste-to-energy plants; any other sustainable and renewable options explored by the Ministries.

VII. The method of handling solid waste appears to be the primary cause of the shortfall in implementing SWM Rules. The Report is silent on the initiatives undertaken

by the State Governments to educate children and make them volunteers for the implementation of SWM Rules. As already noted, this is the softest and least coercive way to effect change in citizens' attitudes towards SWM Rules. This is an important objective, and the State Governments have not responded adequately despite reminders dated 06.10.2026 and 30.10.2026 from SCMC.

VIII. The Railways' response is neither positive nor encouraging. The Railways mapped 630 out of 8809 stations to Local Bodies. Similarly, only 510 premises were segregated and follow four-way waste handling. The SCMC issues further directions to the Railways for complete compliance of SCMC directions within eight weeks from today.

IX. The Report does not include a reply from the Ministry of Defence.

X. Similarly, despite SCMC addressing the Registrars General of the High Courts for due compliance with the SWM Rules, 2016, neither a status report nor a reply is

received from the Registrar Generals of the High Courts. The only exception is the Lucknow Bench of the Central Administrative Tribunal. As the Judiciary, we should be first and foremost in implementing the Fundamental Duty enshrined in Article 51A(g) of the Constitution of India and the moral ground is added to constitutional jurisdiction conferred on the Judiciary.

XI. The Report does not consolidate details on the waste generated during the subject period and on how the Local Bodies account for it.

16. The directions already issued are again examined and performance audited, and all necessary steps are taken by the Chief Secretaries and the District Collectors. As a step forward, the following is directed for necessary action by the SCMC, to be incorporated in its next Report:

a) The Chief Secretaries, are directed to instruct all the District Collectors to upload a geotagged and timestamped timeline photograph showing the status of the

facilities in ULBs and RLBs as on 21.11.2026. The progress and state of the facilities as on 01.01.2027.

b) The SCMC collates the information and, through its next Report, places a brief status report District wise on verifiable parameters before this Court.

c) The District Collectors are called upon to report category-wise, including private establishments, BWG-identified establishments, the deficiency noted, and the steps taken, including notices issued for non-compliance with SWM Rules, 2026. The present Tech-Savvy District Collectors need not be informed of the technical advancement for virtual inspection and monitoring of SWM Rules within their jurisdiction.

d) The District Collector, finds out through drone surveys and video-call inspections, and ascertains the performance on the ground through the staff of the Local Bodies.

e) The Education Department of the States is called upon

to comply with the earlier Orders without further delay.

17. Paragraph 8 of the Order dated 05.05.2026 reads as under:

> **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."***

and is implemented in letter and spirit.

18. Reminders are sent to the Railways and the Defence for due compliance of SCMC directions. The SCMC, based on its knowledge gained while implementing the Orders of this Court, provides further inputs on deficiencies in the monitoring mechanism and remedies to the Court, for issuing further directions.

19. List on 12.01.2027 by treating as part heard.

……...J.
[S.V.N. BHATTI]

……...J.
[N.V. ANJARIA]

NEW DELHI;
NOVEMBER 17, 2026.

ITEM NO.22 COURT NO.14 SECTION XVII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No. 6174/2023

BHOPAL MUNICIPAL CORPORATION Appellant(s)

VERSUS

DR SUBHASH C. PANDEY & ORS. Respondent(s)

(IA No. 91932/2026 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 113056/2025 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 225169/2026 - CLARIFICATION/DIRECTION
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. 140329/2026 - EXEMPTION FROM FILING O.T.
IA No. 102114/2026 - EXEMPTION FROM FILING O.T.
IA No. 141055/2024 - EXEMPTION FROM FILING O.T.
IA No. 225394/2026 - INTERVENTION APPLICATION
IA No. 225414/2026 - INTERVENTION/IMPLEADMENT
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. 58890/2026 - EXEMPTION FROM FILING O.T.
IA No. 196024/2024 - EXEMPTION FROM FILING O.T.
IA No. 241136/2023 - STAY APPLICATION)

Date : 17-11-2026 These matters were called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE S.V.N. BHATTI
HON'BLE MR. JUSTICE N.V. ANJARIA

For Appellant(s) Ms. Vanshaja Shukla, AOR
Ms. Gunjan Chowksey, Adv.
Ms. Ankeeta Appanna, Adv.
Mr. Siddhant Yadav, Adv.

For Respondent(s) Mr. Harshvardhan Pandey, Adv.
Mr. Raghavendra Pratap Singh- 3487, AOR
Mr. Mahendra Pratap Singh, Adv.
Ms. Akanksha Singh, Adv.

Mr. Arpit Gupta- 3240, AOR
Mr. Divya Pratap Parmar, Adv.
Ms. Akansha Agarwal, Adv.
Mr. Aadil Yar Chaudhary, Adv.
Mr. Shariq Yar Chaudhary, Adv.

Mr. Pashupathi Nath Razdan- 2054, AOR
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Mr. Saurabh Balwani- 3282, AOR
Mr. Chirag Pathor, Adv.

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Mr. Balendu Shekhar, Adv.
Mr. Udit Dediya, Adv.
Mr. Rohan Gupta, Adv.

Ms. Aishwarya Bhati, A.S.G.
Ms. Madhulika Upadhyay, AOR
Mr. Chitrangda Rastravara, Adv.
Mr. Shashank Bajpai, Adv.
Mr. Yogya Rajpurohit, Adv.
Mr. Udit Dediya, Adv.
Ms. Anupriya Srivastava, Adv.
Ms. Gargie Boss, Adv.

Mr. Vikramaditya Singh, AOR
Mr. Qasim Ali, Adv.
Mr. Arjun Singh, Adv.
Ms. Yashika Gupta, Adv.
Mr. Nitish Kant Sharma, Adv.

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Ms. Swati, Adv.
Ms. Reet Babbar, Adv.

Mr. Arvind Nayar, Sr. Adv.
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Mr. Akshay Joshi, Adv.

Mr. Aditya Narayan Tripathy, Adv.

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Mr. Ahanthem Rohen Singh, Adv.
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Mr. Tanay Hegde, Adv.
Mr. Kumar Mihir, AOR

Ms. Deepanwita Priyanka- 2618, AOR

Mr. Siddhant Sharma- 3228, AOR
Mr. Snehil Himanshu, Adv.

Mr. Shiv Mangal Sharma, A.A.G.
Mr. Saurabh Rajpal- 3577, AOR
Ms. Arushi Rathore, Adv.

Dr. Abhishek Atrey- 1601, AOR
Ms. Anubha Dhulia, Adv.
Ms. Ambika Atrey, Adv.
Mr. Navneet Gupta, Adv.

Mr. C. K. Sasi- 1323, AOR

Mr. Avijit Mani Tripathi- 2648, AOR
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Ms. Marbiang Khongwir, Adv.

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Ms. Yachan Sharma, Adv.

Ms. Deepanwita Priyanka- 2618, AOR

Mr. Surjendu Sankar Das- 2455, AOR
Mr. Jai Singh Rawat, Adv.

Mr. Jamesh P. Thomas, AOR

Mr. Ravi Sagar Das, Adv.
Ms. Rituparna Das, Adv.
Mr. Nikhil R.T., Adv.

Ms. Swati Ghildiyal, AOR
Mr. Nimesh Bhatt, Adv.

UPON hearing the counsel the Court made the following

O R D E R

1. Certain directions have been issued, to be incorporated in the next report in terms of the signed order which is placed on the file.

2. List on 12.01.2027 by treating as part heard.

(LOKESH ARORA)
SENIOR PERSONAL ASSISTANT

(NIDHI MATHUR)
COURT MASTER (NSH)