IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

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Assistant Registrar (Judl.)
26 2026
Supreme Court of India

CIVIL APPEAL NO. 6174 OF 2023

BHOPAL MUNICIPAL CORPORATION APPELLANT(S)

VERSUS

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

WITH

26028958

CIVIL APPEAL NO. 7728 OF 2023

O R D E R

1. Heard learned counsel for the parties, including the newly added respondents.

2. These two appeals arise from two different orders of the National Green Tribunal ('NGT') concerning environmental compliances by the Bhopal Municipal Corporation under the Solid Waste Management Rules, 2016 (for short "SWM Rules, 2016"). The Madhya Pradesh Pollution Control Board (respondent No.3) has filed an additional affidavit and the present compliance status report.

3. We have gone through the said report, and we are satisfied to some extent that the SWM Rules, 2016, have been sufficiently complied with, but still, something more is required to be carried out by the Bhopal Municipal

Corporation. Now, the Solid Waste Management Rules, 2026 (for short "SWM Rules, 2026") have been enacted, which will be effective from 01.04.2026. The new Rules are comprehensive in identification and approach to the problem of solid waste management in the country; therefore, to ensure realisation of the objects of the SWM Rules, 2026, we consider it appropriate to issue directions which are applicable not only to the Bhopal Municipal Corporation but also to the entire country. The reason is that the status of compliance *vis-à-vis* SWM Rules, 2016, by the local bodies is partly compliant or non-compliant. The challenges under the SWM Rules, 2026, cannot be addressed in the same way as they were addressed under the old regime by the authorities on whom the jurisdiction is vested by the Parliament.

4. Generally speaking, the right to a clean and healthy environment is an inseparable part of the Right to Life guaranteed by Article 21 of the Constitution of India. The Courts have repeatedly reminded that the State has a duty to protect the environment and thereby to ensure the well-being of all the citizens. Therefore, the time is ripe to implement and protect the Right guaranteed under Article 21 of the Constitution of India.

5. The annual report-2021-2022 on waste management by the Central Pollution Control Board discloses that

approximately 170,000 tonnes per day (TPD) of municipal solid waste was generated by the domestic, commercial, industrial and ancillary activities in the country. Accepting the report, it notes that about 156,000 tonnes of this waste were collected, about 91,000 tonnes were treated, and 41,000 tonnes were landfilled. The demographic reality does not affirm the position claimed by the local bodies. We note that even if the collection efficiency has improved in many cities like Bhopal and Indore, the rate of processing remains a big bottleneck. The waste that is unprocessed often ends up in unscientific landfills or legacy dumpsites. The uncollected and unaccounted solid waste generated in the local bodies is a perennial challenge in the country.

6. We are conscious that no human activity and human being can be said to be living without causing pollution either directly or indirectly. What is important in the constitutional and statutory scheme is that no one has a right to affect the lives of others through their acts of omission or commission in dealing with solid waste generated by them and their activities. Low-income group areas/slums/villages near corporations and municipalities are not dumping sites for solid waste generated in Urban Local Bodies. The parliament, with the wisdom and expertise it has in the matter, comprehensively provided

for addressing and redressing the menace of solid waste through the SWM Rules, 2026.

7. The surge in economic waste is also linked to the country's evolving economic landscape. Consumption of packaged goods, the move from a repair culture to a discard culture and the growth of online delivery services have introduced a massive influx of packing material as solid waste.

8. Compliance of MSW/SWM Rules meant to govern waste management remains uneven across India. While mandated at source, the segregation at source into wet, dry and hazardous streams is still not fully realised in many urban and rural areas. Massive dumpsites in metropolitan areas remain active, though bio-remediation efforts, as informed, have been initiated under the latest mandates.

9. At this juncture, it becomes relevant to highlight the evaluation of Waste Management Rules in the country.

9.1. The First-Generation Rules, i.e. Solid Waste Management Rules, 2000, focused on Municipal authorities and basic collection and disposal practices by the local bodies. The SWM Rules, 2016, expanded the scope beyond municipal areas to include census towns, villages and panchayat areas with a population of over 3000 and specific entities like airports and railways within its fold. The current generation, set to be enforced on

01.04.2026, i.e., the SWM Rules, 2026, transitions to a digital-first circular economy framework. It introduces Extended Bulk Waste Generator Responsibility (for short, "EBWGR") and mandates a fourth waste stream as well.

9.2. The 2026 Rules are also designed to close historical compliance gaps through:

(i) EBWGR, bulk generators must now procure certificates proving their waste was processed, shifting the financial burden of waste management from local bodies to the largest waste producers;

(ii) Every local body, waste processor, and bulk generator must register on a centralised portal to file real-time returns, ensuring data transparency and accountability;

(iii) Industries within a specific radius of waste plants are now legally mandated to replace a percentage of their fuel intake with Refuse Derived Fuel (RDF), etc.

The above are a few salient features of the changed statutory regime.

10. It is important to note that these rules are framed by the Central Government in exercise of powers under Sections 3, 6, and 25 of the Environment (Protection) Act, 1986 (for short "the EP Act"), which is an act of the Parliament. Further, Section 26 of the EP Act mandates

that the Rules be placed before the Parliament. Thus, the SWM Rules, 2026 are not in the form of a mere delegated legislation, but are as good as the will expressed by the parliament. The present generation cannot afford to wait for further legislative refinement while existing implementation gaps persist. The accumulation of legacy waste, the contamination of groundwater and air require immediate adherence to current mandates effective from 01.04.2026.

11. A challenge of this magnitude requires a synchronised effort between the appointed officers of the local bodies and elected representatives, including the respective mayors, chairpersons, members of wards in corporations, municipalities, and gram panchayats. Responsible representatives are responsive representatives also, as per the needs of the hour. The rules are simple and need little participative learning and implementation by Corporators, Councillors/Mayors and their Chairpersons and the Ward Members along with the administration of local bodies.

12. The youth of the country are energetic; they have taken on the path of computerisation, digitisation, information technology and are even foraying into Artificial Intelligence. When the world looks at India in technology-related activities, the country must be fully

compliant with the 2026 Rules. The same cannot be achieved without proper preparation and grounding the effective date with sufficient infrastructure.

13. The neglect of municipal solid waste will affect health as much as the economy. Despite the wisdom of the Parliament, after due deliberation and research, creating robust rules, the execution of the MSW/SWM Rules reveals significant gaps. There are varying reasons for the same. The legislature has done its job, and it is now for the executive and the citizens to implement and follow the mandate laid down by the Parliament, and ensure that the rules are implemented in the right way without leaving any time gaps.

14. Accordingly, we propose to issue the following directions to ensure that the executive has the requisite mechanism required to enforce the SWM Rules, 2026:

(i) The Councillor/Mayors and their Chairpersons, Corporator, or Ward Member, being the primary elected representative of the people, are hereby designated as the lead facilitators for source-segregation education. It is their statutory duty to enrol every citizen within their ward in the implementation of the 2026 Rules.

(ii) Ministry of Environment, Forest and Climate Change (MoEFCC), under the powers conferred by Section

5 of the EP Act, issues directions for due implementation of the SWM Rules, 2026 to the Chief Secretaries of all States and Union Territories, and further directs to conduct (a) Through the District Collector, infrastructure audits of solid waste management be carried out; (b) The District Collectors shall communicate the identified problems and the steps taken by the stakeholders to the Chief Secretary in a time-bound manner; (c) Every local body must establish and communicate an outer time-limit within which 100% compliance will be achieved.

14.1. The District Collectors be directed and be given power to oversee the establishment, execution and handling of Municipal Solid Waste by the corporations/ municipalities/gram panchayats within their jurisdiction and the non-compliance report by any of the local bodies/areas be communicated to the parent department in the State and at the Central levels.
14.2. Local bodies are directed to email photographic evidence alongside their compliance reports to the offices of the District Collector to verify actual progress in waste removal and infrastructure readiness.
14.3. Pollution Control Boards are directed to identify and expedite the commissioning of infrastructure facilities

required for the four-stream segregation, including bulk (Wet, Dry, Sanitary, and Special Care). Further, local bodies must communicate the SWM Rules, 2026 and a copy of this order to all identified Bulk Waste Generators (BWGs) immediately. All BWGs must be fully statutory compliant by 31.03.2026.

14.4. MoEFCC, in terms of Rule 33 of the SWM Rules, 2026, issues appropriate directions to ensure that Solid Waste Management practices are appropriately included even in school curricula.

14.5. To bridge the awareness gaps, the summary of the SWM Rules, 2026, specifically the portions involving individual households/citizens, shall be translated into the local languages of the respective States/Union Territories. The translated summaries will be disseminated via calls, notices and social media announcements to every household through the elected Ward Representatives or their offices.

14.6. Local bodies are directed to maintain a strict binary approach to waste management with effect from 01.04.2026 in accordance with the SWM Rules, 2026, where (i) the four-stream segregation of wet, dry, sanitary, and special care is mandated; and (ii) a separate, time bound action plan is activated to address, treat and remedy legacy waste dumpsites.

14.7. The failure to comply with these rules shall no longer be treated as a mere administrative lapse, and there will be three tiers of enforcement:

Tier 1: Immediate imposition of fines for initial non-compliance by generators or local authorities.

Tier 2: Continued disregard will result in criminal prosecution under the environmental laws.

Tier 3: Prosecution will extend to all persons responsible for contributing, abetting, or neglecting their statutory obligations, including officials who fail to exercise their oversight duties.

14.8. Under the environmental laws, the offences related to the mismanagement of solid waste are penal in nature and punishable. The deployment of mobile courts is also under consideration to address real-time violations.

14.9. The MoEFCC shall objectively classify all major corporations in the country based on a performance bar. This classification will compare achievements under the SWM Rules, 2016, against the rigour and mandate of the SWM Rules, 2026. The results will be published on a centralised online portal to ensure public knowledge and accountability.

15. The present directions are issued as part of ensuring the preparatory work before the effective date, i.e.,

01.04.2026. The objective focuses strictly on the SWM Rules, 2026. The NGT continues to adjudicate legacy and other issues pending before it under the SWM Rules, 2016.

16. We treat our courts and tribunals as responsible institutions and request the Learned Chief Justices of the High Courts and the Learned Chairpersons of the Tribunals to ensure compliance with SWM Rules, 2026, by all the courts and tribunals within their jurisdictions with effect from 01.04.2026.

17. The MoEFCC and the newly impleaded Respondents will be called upon by directives under Section 5 of the EP Act that the multi-tiered monitoring task forces are set up on or before 15.03.2026. The constitution/ establishment of the multi-tier monitoring task forces will take up micro-level monitoring from the word go.

18. Propositions to cope with the partial success of the 2026 Rules:

18.1 In the light of the above, we further direct the newly impleaded authorities to file a joint, sworn affidavit, preferably by 25.03.2026 certifying that the foundational digital and physical infrastructure specially, the registration of the local body on the Central Pollution Control Board's centralized portal, the operationalization of Material Recovery Facilities, the procurement of four-stream compartmentalized vehicles, and

the establishment of the escrow account for environmental compensation are made available.

18.2 We also mandate the immediate convening of the State Level Implementation Committee and the deployment of Block-Level and Ward-Level Nodal Officers. These officers must submit to their respective Chief Secretaries a framework ensuring that four-stream segregation and BWG compliance protocols are enforced in time.

18.3 To ensure that any BWG failing to process wet waste on-site or procure the required EBWGR certificates by 01.04.2026 will be subjected to immediate Environmental Remediation and Compensation, without further notice, in accordance with Rule 17.

18.4 Direct the State Education Department to submit a binding timeline for the integration of solid waste management protocols into the educational curriculum in accordance with Rule 33. It is further directed that state-level competitions are initiated to ensure the sustained, enthusiastic participation of students for community awareness on the SWM Rules, 2026.

18.5 It is now or never. Expecting high results without fundamental spadework of source segregation and infrastructure would be unreasonable. Every stakeholder is duty-bound to ensure the realisation of a waste-free India.

18.6 We, thus, call upon MoEFCC and the other impleaded Respondent Nos. 2-11 to submit a report not exceeding ten pages on the spadework done by the ministries with respect to the implementation of the SWM Rules, 2026.

18.7 The MoEFCC is directed to issue and communicate a copy of this order to the Chief Secretaries of the States and Union Territories and, under Section 5 of the EP Act, call upon them to comply with the SWM Rules, 2026, including setting up of a multi-level governance structure as under, if already not established. Alternatively, designate the committees so established as one established under the SWM Rules, 2026, viz:

a. State Level: A Committee for Effective Implementation at the State level, chaired by the Chief Secretary, is constituted to monitor implementation and remove state-level difficulties. Furthermore, a State Level Steering Committee will focus specifically on the circular economy in solid waste processing.

b. District Level: The District Magistrate or District Collector is empowered to review the performance of local bodies at least once in a quarter. They must ensure the urban-rural convergence of sanitary landfills and common waste processing plants.

c. Gram Panchayat / Block Level: The Department of Rural Development is designated as the nodal department for

rural areas. District Panchayats are mandated to prepare solid waste action plans, and Gram Panchayats must plan and implement Solid Waste Management at the village level, ensuring no open dumping or burning occurs.

d. Awareness and Participation: Local bodies are mandated to create public awareness campaigns to educate waste generators. Generators must be educated on minimising waste, practising home composting, wrapping sanitary waste securely, and handing over segregated waste. Local bodies will establish online grievance redressal mechanisms to ensure citizen voices are heard.

e. Focus on Medium to Large Generators (Bulk Waste Generators): BWGs must register on the centralised online portal. They are required to set up and operate adequate wet waste processing facilities on-site. If unable to process waste onsite, they must procure EBWGR Certificates from the local body. Local bodies will undertake periodic audits of the actual waste generated by BWGs to ensure compliance.

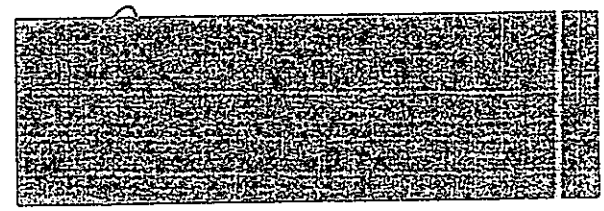
f. Participation of Students of Schools and Colleges

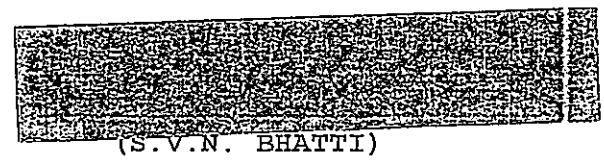
The Ministry of Education and State Education Departments are mandated to ensure the inclusion of solid waste management appropriately within school curricula. State Urban Development Departments will organise competitions and grant recognition awards to the best-performing

schools, colleges, and institutions in terms of SWM at both the state and district levels.

19. In the end, while dealing with the case concerning the Bhopal Municipal Corporation, we record the statement of Ms. Vanshaja Shukla, learned counsel, that with regard to Adampur Chawni Dumpsite, some more paperwork is required to be completed with respect to legacy waste, and finalisation of the tenders would take some more time. Therefore, she prays for, and is allowed two weeks' time to finalise the tenders on this behalf. We expect that the officers of the corporations/state government, including the first citizen of Bhopal, will achieve the aforesaid timeline without fail.

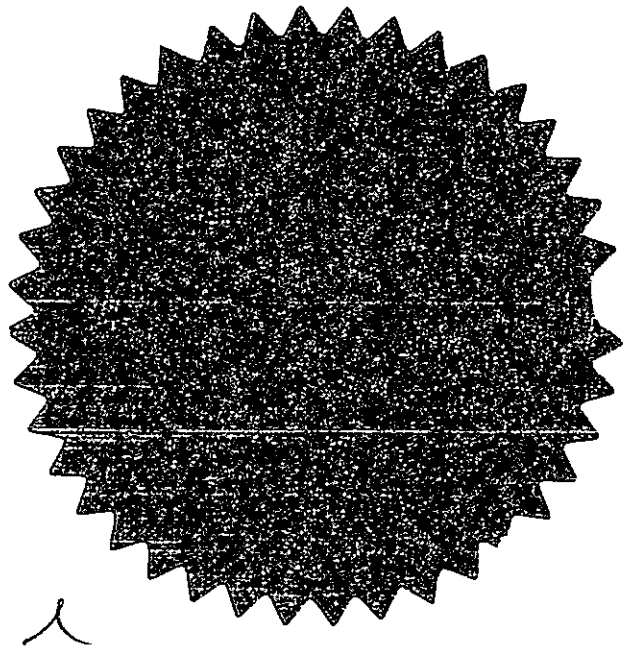
20. List on 25.03.2026.





(S.V.N. BHATTI)

NEW DELHI
19th FEBRUARY, 2026
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SEALED IN MY PRESENCE