

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO. 6174 OF 2023

BHOPAL MUNICIPAL CORPORATION

APPELLANT(S)

VERSUS

DR SUBHASH C. PANDEY & ORS.

RESPONDENT(S)

WITH

CIVIL APPEAL NO. 7728 OF 2023

1. Read the Orders dated 11.02.2026, 19.02.2026, 29.04.2026, 05.05.2026 and 25.05.2026 in the present case.
2. In compliance with the above Orders, the Supreme Court Monitoring Committee (SCMC), through the Member Secretary, CPCB, has placed on record the Affidavit dated 05.08.2026 and the Interim Report for the period ending 03.08.2026. We have perused the Affidavit and the Reports and note that the Supreme Court Monitoring Committee, giving full effect to the Orders of this Court read with the Solid Waste Management Rules, 2026, has communicated, initiated, and put in place the Statutory Committees for the implementation and enforcement of the SWM Rules, 2026. These initiatives are steps in the right direction. However, the larger and perennial hazards

arising from the non-observance of the SWM Rules, 2026, by the stakeholders are not addressed by merely putting in place Committees and Enforcement Agencies. The SCMC has scaled the mountains and also fathomed the problem. The mounds of garbage is the problem demanding the attention of everyone. Therefore, the question we ask today, not just to those impleaded as Respondents to the present proceedings, but to everyone within the jurisdiction of this Court, is, "whose task is it?" for the successful implementation of the SWM Rules, 2026.

3. In our previous substantive Order, we noted that "The singularity of obligation and compliance under the SWM Rules, 2026, is that every human being and their activities result in pollution, yet all contributors expect a minuscule percentage of sanitary workers to handle it. This perception shall be eradicated, and it shall be the responsibility of all contributors to Solid Waste to manage and be part of the Rules". This is clearly lacking among individuals and institutions, including schools and colleges, students, the educated and the illiterate, the employed and the unemployed, and finally, professionals and businessmen. It is regrettable that

across society, the general feeling is "I am entitled to generate but not to cooperate and control the impact of solid waste management at the threshold".

4. To wit, India's population exceeds 1.4 billion, with varying levels of literacy, education and civic infrastructure. Every person, household and institution (without exception) generates solid waste as an inevitable by-product of life and activity. The volume and complexity of such waste, i.e., biodegradable, non-biodegradable, hazardous, electronic and construction, have outgrown what any single class of workers can be expected to absorb or handle. The infrastructure needs a complete audit and upgradation to meet the extant standards of the SWM Rules, 2026.
5. The prevailing assumption that Solid Waste is a problem for sanitary workers alone, while the rest of the population remains passive generators, is neither legally correct nor practically sustainable, and is constitutionally unethical. Continued complacency will lead to pandemic and endemic situations. With this in mind, Rule 4 of the SWM Rules, 2026 casts the duty of segregation, safe storage and hand-over on

every waste generator, a term covering every individual, household, institution and establishment. This statutory duty is reinforced by Article 51A(g) of the Constitution of India and is inseparable from the right to a clean and healthy environment under Article 21 of the Constitution of India. The Court is enforcing SWM Rules, 2026 through continuous Mandamus, prevent pollution from solid waste to environment including Rivers. The SCMC is directed to focus on water pollution from Municipal Solid Wastes/Materials to Rivers and place before the Court data for further directions.

6. Law can secure cooperation only by prescribing rules and consequences. It cannot, by itself, generate civic behaviour. Compliance is achieved only when the individual and institutional generators internalize the obligation. To this end, the SCMC has addressed letters to all the Chief Secretaries/Secretaries of the States and Union Territories. Notably, the SCMC has also addressed letters to all the Ministries, viz., Indian Railways/Public Sector Undertakings. We categorise these as State, Instrumentalities of the State and Government/Public Companies. Insofar as these Departments are concerned, we call upon the

SCMC to stipulate an outer limit of six weeks from even date for reporting the status of compliance with the directives issued by the SCMC. The real problem lies in the unorganised sector of residential, commercial and business establishments. Through the Order of even date, we reiterate that this Court, in its constitutional obligation and power, has directed the delegation of powers to the District Collectors under Section 5 of the Environment Protection Act, 1986. The Disaster Management Act, 2005 is referred to in our earlier orders. The Parliament, in its wisdom, after realising the difficulties in controlling industrial pollution, has incorporated Section 5 in the EP Act. The practical reasoning and objective are that unabated and uncontrolled air and water pollution can be controlled and abated through the stoppage of industrial activity. The administrative machinery constituted below is a scaffold to accelerate that internalisation. Indefinite, exclusive reliance on State supervision of a constitutionally literate citizenry would defeat the object of the Rules.

- a. *Step 1: Powers under Section 5 of the EP Act to District Collectors, and under Section 23 for*

supervision through Special Cells, etc., already implemented.

- b. *Step 2: Realisation of the object through universal compliance by every individual. Order to be understood as active, not passive.*
- c. *Step 3: For this purpose, SCMC through the Chief Secretary(ies) of the State(s), directs the District Collectors to identify all bulk waste generators/ BWGs within their respective jurisdictions, in cooperation with the Local Bodies, within six weeks from today.*
- d. *Step 4: The SCMC, through the Chief Secretary(ies) of the State(s) directs the District Collector(s) to communicate to all the bulk waste generators/ BWGs the consequences of non-compliance with SWM Rules, 2026 which consequence would include temporary disconnection of power or water supply until the waste generated by the bulk waste generators conforms to the SWM Rules.*
- e. *Step 5: The objective of communication, as stated in Step 4, is to enable the BWGs to set up required*

facilities in place and to report online compliance to the local bodies for inspection and forwarding the report to the District Collector(s).

- f. *Step 6: The SCMC directs the District Collectors to enhance the participation of the elected representatives of the wards of Gram Panchayats, Municipalities and the Corporations in the implementation of the Rules. The ULBs/MLBs/RLBs are directed to notify the waste generated, accounted for and unaccounted for, and the steps taken to achieve 100% basic participation by the stakeholders referred to in paragraph 3 (supra).*

7. Every local body shall, through its Chairman/Commissioner/Secretary, as directed by the jurisdictional District Collector, communicate in writing to every BWG within its limits the obligations viz, (i) segregation, storage and handover of solid waste generated; and (ii) the consequence of non-compliance resulting in the temporary disconnection of water and electricity supply by order of the District Collector's Special Cell, restorable upon submission of a compliance certificate by the BWG.

8. The District Collectors need more sentinels and teachers to achieve a change in approach and attitude among our citizenry towards solid waste management. Therefore, the compulsion is to educate, educate, educate school and college students to enrol their family members for the implementation of the SWM Rules, 2026. The Interim Report filed refers to the correspondence on this subject. But the need is to transform the correspondence into action. The slow approach of the Education Department is slightly unintelligible and troubling the Court. The Department of School and Higher Education shall, with immediate effect, integrate both theoretical and practical knowledge on Solid Waste Management for students to train their family members, and also train teachers as trainers. The trained students would function as household-level supervisors. This Court notes that an educated child is the most effective and least coercive instrument for educating a parent or a relative for the implementation of Solid Waste Management. It is for their future and health that the student is entrusted with this responsibility. Periodical audits are conducted by the District Education Departments, and reports are

submitted to the jurisdictional District Collectors.

9. IT/Digitally enabled non-passive reporting. Note: A portal is already in place. The Authorities consider including geotagged photographs of waste accumulation and monthly compliance reports through the chain, i.e., District Collector → State Secretary and Union Ministries.
10. The Order is, without delay, translated into regional languages and communicated to all, as directed in the previous Orders of this Court.
11. Sectoral compliance from Railways, Defence, and other Ministries is monitored by SCMC.
12. The objective of the present order is to sunset and transition to self-regulation.
13. The Case Management Schedule for listing:

<u>WEEK/DATE TO BE LISTED ON</u>	<u>AGENDA</u>
2 nd Week of November	Short-Term Report
2 nd Week of January	Medium-Term Report
10 April 2027	Annual Report

14. List on 17.11.2026.

..... J.

[S.V.N. BHATTI]

..... J.

[N.V. ANJARIA]

NEW DELHI;

AUGUST 18, 2026.

ITEM NO.9

COURT NO.16

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 : 18-08-2026 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 Parties

Ms. Vanshaja Shukla, AOR
 Ms. Gunjan Chowksey, Adv.
 Ms. Ankeeta Appanna, Adv.
 Mr. Siddhant Yadav, Adv.

 Mr. Harshvardhan Pandey, Adv.
 Mr. Mahendra Pratap Singh, Adv.
 Mr. Raghavendra Pratap Singh, AOR

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

Mr. Pashupathi Nath Razdan, AOR
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Mr. Ahanthem Rohen Singh, Adv.
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Ms. Khoisnam Nirmala Devi, Adv.
Mr. Yesu Mehta, Adv.
Mr. Tanay Hegde, Adv.

Mr. Ravi Kumar Bodhani, Adv.
Mr. Kumar Mihir, AOR

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Mr. Siddhant Sharma, AOR

Mr. Shiv Mangal Sharma, A.A.G.
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Ms. Rachna Gandhi, Adv.
Ms. Ambika Atrey, Adv.
Mr. Navneet Gupta, Adv.

Mr. C. K. Sasi, AOR

Mr. Avijit Mani Tripathi, AOR

Mr. Aaditya Aniruddha Pande, AOR
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Mr. Shrirang B. Varma, Adv.
Mr. Sourav Singh, Adv.
Ms. Chitransha Singh Sikarwar, Adv.

Mr. Sameer Abhyankar, AOR
Mr. Krishna Rastogi, Adv.
Mr. Aakash Thakur, Adv.

Mr. Surjendu Sankar Das, AOR
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Ms. Aishwarya Bhati, ASG
Ms. Anupriya Srivastava, Adv.
Ms. Gargie Boss, Adv.

(For Intervenor) Mr. Arvind Nayar, Sr. Adv.
Dr. Kedar Nath Tripathy, AOR
Mr. Akshay Joshi, Adv.
Mr. Aditya Narayan Tripathy, Adv.

UPON hearing the counsel the Court made the following
O R D E R

IA Nos. 225414/2026, 225394/2026 and 225169/2026

1. Ms. Aishwarya Bhati, learned Additional

Solicitor General, requests time to get instructions through the SCMC on allegations in the aforesaid interlocutory applications from the Chief Secretary, State of Goa, on Mandovi River and the activities stated in the I.A. and steps taken to stop all sources of pollution.

2. Certain directions have been issued to enforce the SWM Rules, 2026 in terms of the signed order.

3. List on 17.11.2026.

(SNEHA DAS)
COURT MASTER (SH)

(Signed order is placed on the file)

(NIDHI MATHUR)
COURT MASTER (NSH)