

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

Writ Petition(s)(Civil) No(s). 13029/1985

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

[TO BE TAKEN UP AT 12:30 P.M.] IN RE: SOLID WASTE MANAGEMENT NAME OF THE FOLLOWING ADVOCATES MAY BE TREATED TO HAVE BEEN SHOWN IN THE LIST: MR. HARISH N. SALVE, SR. ADVOCATE (A.C.) MS. APARAJITA SINGH, SR. ADVOCATE (A.C.) MS. UTTARA BABBAR, SR. ADVOCATE (A.C.) MR. A.D.N. RAO, SR. ADVOCATE (A.C.) MS. SHIBANI GHOSH, ADVOCATE (A.C.) MR. SIDDHARTHA CHOWDHURY, ADVOCATE (A.C.) MR. G.S. MAKKER, MR. AMRISH KUMAR, MR. M.K. MARORIA, MR. SANJAY KR. VISEN, MR. SUDEEP KUMAR, MR. KARAN SHARMA, MR. SANDEEP KR. JHA, MR. JYOTI MENDIRATTA, MR. RAHUL KHURANA, MR. PRANAV SACHDEVA, ADVOCATES

Date : 08-04-2025 This petition was called on for hearing today.

CORAM :

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

IN RE: SOLID WASTE MANAGEMENT

REG. COMPLIANCE AFFIDAVIT FILED BY THE MCD

1. We have examined the compliance affidavit filed by the Municipal Corporation of Delhi in terms of this Court's order dated 27<sup>th</sup> January, 2025. The affidavit highlights several steps taken by the MCD pursuant to the earlier orders of this Court as well as pursuant to the Solid Waste Management Rules, 2016 (for short, "the 2016 Rules"). The MCD has emphasized on implementation of Rule 4 of the 2016 Rules, especially to the obligations of Bulk Waste Generators (BWGs) as defined in Rule 3(8) of the 2016 Rules. The reason appears to be that the BWGs are the major players who generate large quantities of solid waste every day.

2. Our attention is also invited to the fact that so far 3059 BWGs have been identified within the limits of the MCD, out of which 1449 have been registered on MCD 311 application. The learned senior counsel representing the MCD states that efforts are on-going to ensure that all BWGs are registered on MCD 311 Application so that the compliance of their obligations under Rule 4 of the 2016 Rules can be monitored.

3. Our attention is also invited to the provisions of the South Delhi Municipal Corporation Solid Waste Management Bye-Laws, 2017 which are now applicable to the entire area of the MCD. Bye-law 12 provides for payment of fine/penalty for contravention of Solid Waste Management Rules as provided in Schedule-II. It is pointed out in the affidavit that number of challans have been issued for recovery of fine/penalty as per the said bye-laws and so far a sum Rs.9,59,390/- (Rupees nine lakhs fifty nine thousand three hundred ninety) has been recovered.

4. Other efforts made by the MCD including conducting 431 meetings with various stakeholders as directed by this Court have been set out. The steps taken to comply with Rule 15(b), (c) and (d) of the 2016 have also been set out. What is more important is that (as suggested in the Niti Ayog Report 2021) the MCD has decided to adopt best practices which are followed in different cities in the country.

5. The MCD shall continue its efforts to implement the 2016 Rules in its true letter and spirit.

6. Rule 4 of the 2016 Rules reads thus:

“4 Duties of waste generators.-  
(1) Every waste generator shall,-

(a) segregate and store the waste generated by them in three separate streams namely bio-degradable, non biodegradable and domestic hazardous wastes in suitable bins and handover segregated wastes to authorised waste pickers or waste collectors as per the direction or notification by the local authorities from time to time;

(b) wrap securely the used sanitary waste like diapers, sanitary pads etc., in the pouches provided by the manufacturers or brand owners of these products or in a suitable wrapping material as instructed by the local authorities and shall place the same in the bin meant for dry waste or non- bio-degradable waste;

(c) store separately construction and demolition waste, as and when generated, in his own premises and shall dispose off as per the Construction and Demolition Waste Management Rules, 2016; and

(d) store horticulture waste and garden waste generated from his premises separately in his own premises and dispose of as per the directions of the local body from time to time.

(2) No waste generator shall throw, burn or burry the solid waste generated by him, on streets, open public spaces outside his premises or in the drain or water bodies.

(3) All waste generators shall pay such user fee for solid waste management, as specified in the bye-laws of the local bodies.

(4) No person shall organise an event or gathering of more than one hundred persons at any unlicensed place without intimating the local body, at least three working days in advance and such person or the organiser of such event shall ensure segregation of waste at source and handing over of segregated waste to waste collector or agency as specified by the local body.

(5) Every street vendor shall keep suitable containers for storage of waste generated during the course of his activity such as food waste, disposable plates, cups, cans, wrappers, coconut shells, leftover food, vegetables, fruits, etc., and shall deposit such waste at waste storage depot or container or vehicle as notified by the local body.

(6) All resident welfare and market associations shall, within one year from the date of notification of these rules and in partnership with the local body ensure segregation of waste at source by the generators as prescribed in these rules, facilitate collection of segregated waste in separate streams, handover recyclable material to either the authorised waste pickers or the authorised recyclers. The bio-degradable waste shall be processed, treated and disposed off through composting or bio-methanation within the premises as far as possible. The residual waste shall be given to the waste collectors or agency as directed by the local body.

(7) All gated communities and institutions with more than 5,000 sqm area shall, within one year from the date of notification of these rules and in partnership with the local body, ensure segregation of waste at source by the generators as prescribed in these rules, facilitate collection of segregated waste in separate streams, handover recyclable material to either the authorised waste pickers or the authorised recyclers. The bio-degradable waste shall be processed, treated and disposed off through composting or bio-methanation within the premises as far as possible. The residual waste shall be given to the waste collectors or agency as directed by the local body.

(8) All hotels and restaurants shall, within one year from the date of notification of these rules and in partnership with the local body ensure segregation of waste at source as prescribed in these rules, facilitate collection of segregated waste in separate streams, handover recyclable material to either the authorised waste pickers or the authorised recyclers. The bio-degradable waste shall be processed, treated and disposed off through composting or bio-methanation within the premises as far as possible. The residual waste shall be given to the waste collectors or agency as directed by the local body."

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7. If Rule 4 is implemented in its true letter and spirit, it will go a long way in reducing the menace created by huge generation of solid waste every day. We direct the MCD to start massive awareness campaign about the duties of various stakeholders under Rule 4 of the 2016 Rules by making advertisements in social media, traditional media and electronic platforms.

8. On MCD 311 Application, it is possible to register complaints. Wide publicity shall be given to the fact that the citizens can lodge complaints about violation of the duties of various stakeholders under Rule 4 of the 2016 Rules by uploading photographs on the said Application. If the MCD is able to generate awareness about Rule 4, large scale violations which are still happening can be reported by way of complaints on the MCD 311 Application so that the MCD can take penal action against the violators.

9. We direct the MCD to implement what we have stated above within a period of one month from today. We direct the MCD to continue all the initiatives which are set out in the affidavit dated 17<sup>th</sup> March, 2025 and file a further compliance affidavit by end of June, 2025. While filing the compliance affidavit, special emphasis should be on the implementation of Rule 4 of the 2016 Rules.

**IN RE: COMPLIANCE AFFIDAVIT FILED BY GNCTD**

10. At this stage, the learned Amicus Curiae invited our attention to the compliance affidavit filed by Government of National Capital Territory of Delhi (GNCTD) in terms of the order dated 19<sup>th</sup> December, 2024 of this Court which highlights that as on the date of filing the affidavit, 27 per cent of the solid waste generated every day cannot be processed. This gap of 27 per cent must be reduced in a phase-wise manner. Even on this aspect, the MCD shall file a compliance affidavit within a period of one month from today.

**IN RE: COMPLIANCE REPORTED BY THE OTHER ENTITIES**

11. We request the learned Amicus Curiae to prepare a chart about the compliance reported by the other entities with the 2016 Rules so that a comprehensive order can be passed regarding that. This issue will be considered on 23<sup>rd</sup> April, 2025 at 12.00 Noon.

(ANITA MALHOTRA)  
AR-CUM-PS

(AVGV RAMU)  
COURT MASTER