

# EXAMINING SWM RULES IN THE NCT OF DELHI: A CRITICAL ASSESSMENT

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## Abstract

This paper assesses the implementation of the Solid Waste Management (SWM) Rules, 2016, in the National Capital Territory (NCT) of Delhi. Delhi, being a unique administrative and political entity that is neither a full-fledged state nor a Union Territory, presents specific challenges in the enforcement of these rules. The study examines the relevant SWM rules and the bye-laws notified by the Delhi government in 2018, evaluating their potential to effectively implement the 2016 Rules. It also explores the special legal regime of Delhi, the jurisdiction and powers of the Delhi Pollution Control Committee, and the efforts of the Delhi State Legal Services Authority in raising public awareness about waste management. The article concludes with findings and suggestions to improve the existing situation, emphasizing the need for greater transparency, accountability, and public participation in solid waste management efforts in Delhi.

## I Introduction

THE NATIONAL Capital Territory of Delhi (NCT) provides a unique picture of being at the cusp of Union Territory and a State, which generates 11108 TPD solid waste.<sup>1</sup> Out of this total solid waste generation, only about half of it gets processed as per the latest data submitted to the Central Pollution Control Board.<sup>2</sup> The residents of NCT have become the highest per capita waste generator.<sup>3</sup> Despite a decade of the launch of *Swachh Bharat Abhiyaan*, the NCT remains a place where the municipal solid waste is processed less and converted into energy even lesser. The NCT has all the relevant institutions in place, such as the Municipal Corporation, the Lieutenant Governor, the Chief Minister, Delhi Pollution Control Committee, Delhi State Legal Services Authority *etc.* However, the implementation of the relevant rules on solid waste remains a challenge in this territory.

Here, an attempt has been made to examine the challenges in implementing Solid Waste Management (SWM) Rules of 2016 notified by the Central Government *vis-à-vis* the NCT of Delhi. While examining the challenges, this paper deals with the relevant rules of SWM, 2016 which deal with implementation aspects as well as the SWM Bye-law of Delhi notified in 2018. This section analyzes the bye law framed by the government of NCT of Delhi and whether this bye law is potentially a game

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1 Annual Report submitted to the Central Pollution Control Board by the Government of Delhi, *available at*: [cpcb.nic.in/uploads/MSW/MSW\\_AnnualReport\\_2021-22.pdf](http://cpcb.nic.in/uploads/MSW/MSW_AnnualReport_2021-22.pdf) (last visited on July 13, 2024).

2 *Id.* at 2.

3 *Id.* at 4.

changer in the successful implementation of 2016 Rules in Delhi. *Secondly*, the paper intends to evaluate the special legal regime of Delhi. While doing this, it deals with the special status of Delhi as an inchoate State. Also, it examines the competence of the State Government over the Local Urban Bodies. *Thirdly*, this paper deals with the jurisdiction and powers of Delhi Pollution Control Committee. As it is evident that the Pollution Control Boards have to play an important role in the implementation of 2016 Rules, it is pertinent to examine the role of Pollution body established for Delhi. *Fourthly*, this paper also examines the need to create State Level Committee by the National Green Tribunal (NGT). The role played by this committee to report about the progress made in the solid waste management in Delhi has been examined. *Fifthly*, an attempt has been made to evaluate the role of Delhi Legal Services Authority in raising public awareness about waste management. *Lastly*, the paper concludes with some findings and suggestions to improve the existing situation.

## II Solid Waste Management Rules, 2016

Rules relating to the regulation of municipal solid waste in our country started in the aftermath of liberalization, privatization, and globalization in the early 1990s. Almost thirty years back in 1995, a high-powered committee was formed by the Planning Commission, now called *Neeti Aayog*. This committee, in its report, submitted that there was a significant decline in the standard of management regarding the collection, transport, and disposal of household, medical, clinical, and industrial waste. Furthermore, in the *Almitra Patel v. Union of India* case,<sup>4</sup> the Supreme Court formed a committee headed by Asim Burman, Commissioner of the Calcutta Municipal Corporation, to examine various aspects of municipal solid waste management.

As a result, in 2000, the Ministry of Environment and Forests notified the “Municipal Solid Waste (Management and Handling) Rules.” However, the situation did not improve significantly following the enactment of these rules. Consequently, in 2016, a new set of regulations was introduced under the title “Solid Waste Management Rules.” When comparing the new rules to the old ones, it becomes clear that the 2016 rules are more comprehensive and cover a broader range of issues. Some of the relevant differences are outlined below:

- i. The new rules extend the scope of application to Indian Railways, airports, defence establishments, and state and central government organizations.<sup>5</sup>
- ii. The 2016 rules impose duties on waste generators, which were not specified in the previous rules.<sup>6</sup>

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4 (2000)2 SCC 679.

5 Solid Waste Management Rules, 2016, Rule 2.

6 *Id.* at Rule 4.

- iii. The concept of “extended producer responsibility” has been introduced in the 2016 rules. Under these rules, manufacturers are required to provide financial assistance to local bodies for collecting their packaging waste. Additionally, manufacturers are encouraged to use recyclable materials in sanitary napkins and diapers to promote easier degradation.<sup>7</sup>
- iv. In the 2000 rules, responsibilities were imposed only on municipal authorities, central and state governments, and state and central pollution control boards.<sup>8</sup> However, the 2016 rules extend these duties to various entities, such as the Ministry of Environment, Forest and Climate Change, the Ministry of Urban Development, the Ministry of Chemicals and Fertilizers, and the Ministry of Power, among others.<sup>9</sup>
- v. Local bodies are now required to provide waste collection services and are allowed to collect user fees from waste generators, whereas in old Rules no provision for user fees was provided.<sup>10</sup>
- vi. Under the new rules, the operator of a solid waste processing and treatment facility is liable to submit its report to the State Pollution Control Board (SPCB) or Pollution Committee, as well as the concerned local body.<sup>11</sup> The local body is then required to submit its report to the SPCB or Pollution Committee, and to the Secretary in charge of the Department of Urban Development of the respective State. Subsequently, the SPCB is tasked with preparing a consolidated annual report, which is to be submitted to the Central Pollution Control Board (CPCB) and the Ministry of Urban Development. After receiving all reports, the CPCB will consolidate them and submit the compiled report to the Ministry of Environment, Forest and Climate Change (MoEFCC), and the Ministry of Urban Development (MoUD). This consolidated report, along with the recommendations of CPCB, will be reviewed by the MoEFCC during the Central Monitoring Meeting.<sup>12</sup> In contrast, under the old rules, the operator was not required to report to the local body; the SPCB was only required to report to the CPCB. Additionally, there was no provision for the review of the report submitted by the CPCB.<sup>13</sup>
- vii. Under the new rules, it is the duty of the local body to create public awareness among citizens. The rules provide tools for raising awareness, such as education

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7 *Id.* at Rule 17.

8 Municipal Solid Waste (Management and Handling) Rules, 2000, Rules 4,5 and 6.

9 *Supra* note 5 at Rules 5,6,7,8,9,10,11,12,13,14,15 and 16.

10 *Id.* at Rules 4(3) and 15(f).

11 *Id.* at Rules 19(6).

12 *Id.* at Rules 24.

13 *Supra* note 8 at Rule 8.

and communication campaigns. They also specify key areas for the local body to focus on, such as discouraging littering, promoting the segregation of waste and storing it separately, ensuring waste is handed over only to authorized personnel, reducing waste generation, encouraging composting, and promoting community-level composting.<sup>14</sup> In contrast, under the old rules, there was no obligation on the local body to create awareness about solid waste management.<sup>15</sup>

### III MCD Bye Laws, 2018 on solid waste in Delhi

Although the Central Government notified the SWM Rules in 2016 and the Local Bodies were given one year time to incorporate these rules in their bye –laws, the municipalities of Delhi should have framed these bye-laws latest by March 2017. The municipalities did not fulfill this responsibility for a long time. It had started the drafting of bye laws with the help of environmental experts and it submitted the draft rules before the Lieutenant Governor of Delhi for approval. It was only after the efforts made by the civil society to seek intervention of High Court of Delhi that the Lieutenant-Governor of Delhi had to invoke his own powers to direct the local urban bodies to implement the Gazette Notification containing the bye-law on solid waste in early 2018. The New Delhi Municipal Council notified ‘the New Delhi Municipal Council Solid Waste Management Bye –Laws, 2017 (NDMC SWM Bye-Laws)’ on January 15, 2018.<sup>16</sup> This bye-law is applicable to only New Delhi Municipal Council area. The North Delhi Municipal Corporation also notified its own bye law titled ‘North Delhi Municipal Corporation Solid Waste Management Bye-Laws (North DMC SWM Bye-Laws), 2017’ on the same date.<sup>17</sup> Similarly, other municipal corporations of Delhi notified the new bye-laws.

This bye-laws have 10 chapters and 17 sections. The first chapter is general in nature. The second chapter deals with segregation and primary storage of solid waste. The collection of solid waste is dealt with in chapter three. The fourth chapter deals with secondary storage of solid waste. The fifth chapter deals with transportation whereas the sixth chapter deals with the processing of solid waste. The seventh chapter deals with disposal of solid waste. The eight chapter deals with user fee and spot fine whereas ninth chapter deals with the responsibility of stakeholders. The last chapter deals with miscellaneous matters. This bye-law has two schedules attached at the end. The first schedule deals with user fee for different categories the second category deals with spot fines for different instances.

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14 *Supra* note 5 at Rule 15(zg).

15 *Supra* note 8 at Schedule II, under Compliance criteria no. 2.

16 Delhi Gazette, No. 13, Jan. 15, 2018, N.C.T.D. No. 415, Part IV.

17 Department of Urban Development, NCT of Delhi, Notification No. F.13(253)/UD/MB/2017/283.

The chapter on segregation and primary storage of solid waste has only one clause. It mandates the entire waste generator to segregate and collect the solid waste in: (i) dry waste/ non-biodegradable (ii) wet waste/biodegradable (iii) domestic hazardous waste. It further mandates the waste generators to hand over the segregated waste either into covered waste bins or to designated waste collectors.<sup>18</sup> The bulk waste generators are also mandated to segregate and collect the solid waste into the same three categories of waste.<sup>19</sup> The collection bins are having three colors: (i) Green color for bio degradable waste/wet waste (ii) Blue color for dry waste/ non bio degradable waste (iii) Black color for domestic hazardous waste.<sup>20</sup> The RWA and market associations are required to ensure segregate of wastes by the generators. They shall also facilitate collection of the separated waste in different categories and handover the dry waste or recyclable materials to the authorized recyclers/ rag pickers. The wet waste coming from RWAs/market associations should be composed or biomethaned in the colony itself. The remaining waste will be handed over to the authorized waste picker.<sup>21</sup> The large institutions and gated communities also have to replicate the same action as is mandated for RWAs /shoppers associations.<sup>22</sup> Hotels and restaurants shall also have to replicate the same action as is mandated for the RWAs/shoppers associations /large institutions/ gated communities.<sup>23</sup>

The event organizers shall have to get permission from the concerned local bodies for organizing large gatherings<sup>24</sup> at unlicensed places at least three days of the scheduled event. It is made compulsory for the waste generator to ensure that the disposal of sanitary pads or diapers must be in packets provided by the manufacturer or brand owners in dry waste/non bio degradable bin.<sup>25</sup> The street sellers are required to put the garbage generated by them in separate containers and deposit it at the community waste container or waste picker's vehicle.<sup>26</sup> If the waste generators could not be able to compost the wet waste, they are require to handover such waste to special wet waste vehicle provided by the municipal corporation so that commercial compost maker plants can use it.<sup>27</sup>

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18 North Delhi Municipal Corporation, Solid Waste Management Bye-laws, 2018, Cl. 4(1).

19 *Id.* at Cl. 4(2).

20 *Id.* at Cl. 4(3).

21 *Id.* at Cl. 4(4).

22 *Id.* at Cl. 4(5).

23 *Id.* at Cl. 4(6).

24 Gathering of more than hundred persons at any unlicensed place, *Supra* note 18 at Cl. 4(7).

25 *Supra* note 18 at 2018, Cl. 4(8).

26 *Id.* at Cl. 4(9).

27 *Id.* at Cl. 4(15).

Clause 5 has many rules on collection of solid waste. The most important rule is of door-to-door collection of segregated solid waste from every area, including slums and unauthorized colonies on regular basis. The collection timings must be known to the public and it should be displayed on the website of relevant local bodies. In general, the collection timings for household would be from 6 am to 11 am and for the commercial areas or big waste generators the timings would be from 7 am to 12 pm.<sup>28</sup>

Provisions for secondary storage of solid waste are also provided for in the bye – laws. The garbage collected from the households shall be put in the community bins/ mobile transfer station or fixed transfer station. The existing *dhalaos* are required to be used as recycling centers.<sup>29</sup> After the conversion of *dhalaos* into recycling centre, the dry waste collected from door to door and from commercial establishment shall be transferred only to these recycling centers. The individual household may also deposit the dry waste at the recycling centers or can even sell it at the rate notified by local bodies.<sup>30</sup>

Transportation of solid waste is dealt in clause 7 of the bye-laws. The mode of transportation will be motorized vehicles; these vehicles may also include compactors and mobile transfer stations. This clause does not specify any technology for fixed compactor transfer stations or mobile compactor transfer stations. It means any convenient technology can be adopted by the local authorities.<sup>31</sup> The municipal corporation is also required to install CCTV cameras at all *dhalaos* and such other storage facilities.<sup>32</sup> As the wastes get mixed during transportation the rule provides that the waste from various sources should not get mixed during transportation.<sup>33</sup> The transfer of segregated bio degradable waste shall be only to the compost plant, bio-methanation plants.<sup>34</sup>

The next chapter deals with processing of solid waste. It is not the responsibility of the municipal corporation to construct processing plants on its own. The Rules provide that the municipal corporations would only facilitate the construction, operation and maintenance (O and M). It means that unlike 2000 Rules, the 2016 Rules and NCT of Delhi Bye – laws promote private participation in the processing of waste. However, the private agencies if allowed to process the waste would have to comply with the MoHUA and CPCB guidelines and standards.<sup>35</sup> The role of the municipal corporation

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28 *Id.* at Cl. 5(2).

29 *Id.* at Cl. 6(10)(a).

30 *Id.* at Cl. 6(10)(c).

31 *Supra* note 18 at Cl.7(1).

32 *Id.* at Cl. 7(19).

33 *Id.* at Cl.7(13).

34 *Id.* at Cl. 7(5).

35 *Id.* at Cl. 8(1).

is to make a market for refused derived fuel (RDF).<sup>36</sup> Only non-recyclable dry waste would be allowed to be processed in the WtE plants.<sup>37</sup>

Chapter 7 deals with disposal of solid waste; it is a small clause which only stipulates that the municipal corporation would encourage private participation in the construction, O and M in the field of sanitary landfills.<sup>38</sup> In the event that private companies are involved in the disposal of solid waste, it will have to comply with the 2016 SWM Rules as well as any other relevant rules prescribed by the competent authorities. Surprisingly, there is no mention of any time frame in which the existing landfills converted into sanitary landfills. Alternatively, it is also not mentioned whether the existing landfills would be stopped from any further use and to be covered according to the 2016 Rules.

A very important feature of the bye-laws is the introduction of user fee and imposition of penalties for its violation. Schedule I of the bye-laws deal with user fee for various services. User fees vary from rupees 50 to rupees 5000 per month. For households residing in and below 50 sqm area are required to pay Rs 50/ month, whereas, households residing in and less than 200 sqm e required area are required to pay Rs 100 per month. Households residing in a area more than 200 sqm are required to pay Rs 200 per month.<sup>39</sup> If a household fails to segregate as required by the bye-laws, a spot fine of Rs 200 may be imposed for every default.<sup>40</sup> The same amount of fine may be imposed if a household fails to dispose the sanitary waste according to 2016 Rules.<sup>41</sup> If a gated community or RWA fail to segregate and treat the waste in accordance with the 2016 Rules, Rs 10000 fine may be imposed for every default.<sup>42</sup> Apart from this Rule, littering and burning of waste at public places is prohibited. Burning of waste in private places is also prohibited. For littering, a fine of Rs 500 may be imposed<sup>43</sup> whereas as for burning of waste, a fine of Rs 5000 may be imposed on the violator.<sup>44</sup>

#### IV Special position of Delhi and its local bodies

The NCT of Delhi is a different kind of administrative and political entity. It is neither a full-fledged State nor a Union Territory. Normally, the municipalities are completely under the jurisdiction of State. But this is not the case with Delhi. In

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36 *Id.* at Cl. 8(2).

37 *Id.* at Cl. 8(4).

38 *Id.* at Cl. 10.

39 *Supra* note 18 at Category 1 of the Schedule I.

40 *Id.* at S No. 1 of the Sch. II.

41 *Id.* at S No. 2 of the Sch. II.

42 *Id.* at S No. 8 of the Sch. II.

43 *Id.* at S No. 7 of the Sch. II.

44 *Id.* at S No. 4 of the Sch. II.

Delhi, administrative matters of municipalities are vested with the Union Government. The States have Governors as the heads of the government. But in Delhi, the head of the government is Lieutenant Governor (LG). This anomaly in the status of the capital territory needs an examination of the relevant episodes of history.

Before India's independence, Delhi fell under chief commissioner's jurisdiction as per the Government of India Act, 1935. Part IV of Government of India Act dealt with the chief commissioners' provinces.<sup>45</sup> There was no Legislative Assembly in Delhi. Chief commissioner was an administrator responsible to the Governor-General of India appointed by the British rulers in England. Chief commissioners' provinces were five in number: Delhi, British Baluchistan, Ajmer-Merwara, Coorg, and the Andaman and Nicobar Islands. After India's independence, British Baluchistan went to Pakistan. Only four Chief Commissioners' provinces remained in India. When the Constitution of India was being drafted, there was no change relating to the position of Delhi. N. Gopalaswami Ayyangar stated in the Constituent Assembly that the chief commissioners' provinces would continue to be administered by the Centre as under the Government of India Act, 1935 as an interim measure. If there would be any question of change in this position, that matter would be considered later.<sup>46</sup> However, Deshbandhu Gupta of Delhi moved an amendment saying that it was only for the sake of convenience that Delhi will be chief commissioner's province. He further stated that there was a need to appoint a committee for chief commissioners' provinces to solve the problems faced by local residents. His amendment was accepted with only a minor change. The word 'committee' was substituted by 'sub-committee'. It was agreed that a sub-committee would be appointed to examine the demand of self-governance in the chief commissioners' provinces. During the debate, it was agreed that the government of Delhi looks after all-India affairs and the relations with the foreign governments.

The Constituent Assembly appointed a sub committee comprising representatives of chief commissioners' provinces. This Committee was chaired by Pattabhi Sitaramayya who started considering the views of Deshbandhu Gupta and the representatives of Coorg and Ajmer. The committee was of the view that these provinces should be designated as 'Lieutenant Governor's Provinces'. They would have an elected legislature with a caveat that the union legislature would have over-riding effect on it. All laws passed in the legislatures of chief commissioners' provinces would require the assent of the President. However, the drafting committee of Constituent Assembly chaired by Ambedkar did not accept the sub-committee's recommendations regarding elected legislature and representative government. He argued that the administration of capital

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45 Government of India Act, 1935, ss. 94-98.

46 Constituent Assembly Debates, July 30, 1947.

47 The District of Columbia in Washington D.C. in the United States and the city of Canberra in Australia are administered by Central Government.



city in the United States and Australia are directly under the Federal Government.<sup>47</sup> But he accepted that administration of Chief Commissioners' Provinces should be placed under the President of India through a Lieutenant Governor. He concluded that the issue of having a local legislature in Delhi would be left to the Union legislature. Jawaharlal Nehru, who was the Chairperson of Union Powers Committee, accepted the views of Ambedkar, Chairperson of Drafting Committee. Accordingly, the Constitution of India of 1949 did not contain any specific provision about self-governance in Delhi.<sup>48</sup>

It took another 42 long years to achieve self-governance in limited respects by the people of Delhi when Parliament passed 69<sup>th</sup> Amendment to the Constitution of India in 1991.<sup>49</sup> This amendment was done to the Constitution on the basis of the recommendations of Balakrishnan Committee.<sup>50</sup> This amendment received the assent of the President on December 21, 1991. The changes into the Constitution came into force on February 1, 1992. Two new articles were added to the Constitution after Article 239. Clause 2(a) of Article 239 AA for the first time in the history of city administration gave the residents of Delhi an elected legislature. Clause 3(a) of Article 239AA provided to the Delhi's legislative assembly the power to make laws to govern Delhi, except for the matters enumerated in Entries II (Public Order), 2 (Police), and 18 (Land) of the State List. No bill in the Legislative Assembly can be introduced without prior approval of the Lieutenant Governor.<sup>51</sup> It is further provided that the President of India may control the powers and function of legislative assembly of National Capital Territory of Delhi by issuing public notification. The President has also the power to impose exceptions and modifications to the provisions of this part by specifying in the notification.<sup>52</sup> The Legislative Assembly of National Capital Territory of Delhi has powers to make law for the powers and functions of the municipalities but such power is subject to the conditions imposed by the President of India.<sup>53</sup>

The power and functions of municipalities of Delhi except Cantonment area and New Delhi are given in Delhi Municipal Corporation Act, 1957. One of the mandatory functions of the corporations is to make adequate provisions for the construction,

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48 Vineeth Krishna, "Framers of India's Constitution were Divided on Representative Government for Delhi", *The Caravan*, July 17, 2018, available at: <https://caravanmagazine.in/government-policy/framers-constitution-divided-on-representative-government-delhi>. (last visited on June 12, 2024).

49 Constitution of India, 1950, art. 239AA.

50 Government of India, Balakrishnan Committee, (Government of India order No U14011/164/87, Delhi, Dec. 24, 1987).

51 Soumen Bagchi, "Governance in Delhi: Too Many Cooks" 38 (46) *EPW* 4831-4832 (2003).

52 *Supra* note 49 at art. 243ZB.

53 *Id.* art. 239AA(3a).

maintenance and cleansing of drains and drainage works and of public latrines, urinals and similar conveniences.<sup>54</sup> It has the duty to make adequate provisions for the scavenging, removal and disposal of filth, rubbish, and other obnoxious or polluted matters.<sup>55</sup> It has to regulate for places for the disposal of the dead bodies and for its proper maintenance.<sup>56</sup> It has also the duty to construct and maintain municipal markets and slaughter houses and the regulation of all markets and slaughter houses.<sup>57</sup> Solid wastes are generated from these areas at a large scale. The municipal corporations have to keep the city clean of any littering and solid waste. But the administrative head of these corporations are called Commissioners. These Commissioners are appointed by the Central Government.<sup>58</sup> At present, the Commissioner of Municipal Corporation of Delhi is Gyanesh Bharti.

An area comprising 1483 square kilometres, the national capital territory's local government does not have power over land. Thus, to get new landfills, the local government cannot decide on its own. The municipal corporation of Delhi exercises jurisdiction over 1397 square kilometres, whereas the New Delhi Municipal Council has jurisdiction over 42.74 square kilometres and the Cantonment Board has jurisdiction over 42.97 square kilometres.<sup>59</sup> The erstwhile two municipal corporations of North and South Delhi had 104 councillors each whereas the municipal corporation of east Delhi had 64 councillors. The municipal corporation has to fulfil the basic amenities of around 11 million residents. According to Soumen Bagchi, the peculiarity of Delhi Government is that the MCD and NDMC are responsible to the Union Ministry of Housing and Urban Affairs. Further, the Delhi Development Authority (DDA) is also responsible to the Union Ministry of Housing and Urban Affairs.<sup>60</sup> He further argues that many of the initiatives of DDA and the municipal corporations that have adverse financial and environmental implications directly affect the government of national capital territory of Delhi. However, it is not empowered to intervene in these matters. He concludes that the governance of capital city is like a kitchen having too many cooks. As a latest example, the Lieutenant Governor of Delhi notified the bye-laws on solid waste management in December 2018. This order is applicable to all municipal corporations of Delhi. It may be noticed that he

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54 Municipal Corporation Act, 1957, s.42 (a).

55 *Id.* at s.42(c).

56 *Id.* at s.42(f).

57 *Id.* at s 42(k).

58 *Id.* at s. 54.

59 The Municipal Corporation of Delhi was trifurcated in the year 2012. Those three municipal corporations are: North Delhi Municipal Corporation, South Delhi Municipal Corporation, and the East Delhi Municipal Corporation.

60 *Supra* note 51.

did not notify it under Municipal Corporation Act of Delhi, 1957 but under Environment (Protection) Act, 1986, which is a central legislation.<sup>61</sup>

### V Jurisdiction and powers of Delhi pollution control committee

Delhi Pollution Control Committee (DPCC) was established in the year 1991. It is an autonomous body. It functions on the basis of powers derived under Water Act, Air Act, Noise Pollution Act and Environment Act. It acts as a regulatory body to oversee the implementation of these Acts in the National Capital of Territory of Delhi. It is composed of a chairperson, members, and Secretariat. The chairperson must have 'special knowledge or practical experience in matters relating to environmental protection'.<sup>62</sup> The chairperson may be appointed for full time or part time.<sup>63</sup> The members of Committee enjoy the tenure of three years from the date of appointment or nomination.<sup>64</sup> In the case of *Rajendra Bhandari v. State of Uttarakhand*, the Principal Bench of NGT laid down certain guidelines on the eligibility criteria for the appointment of Chairperson.<sup>65</sup> In that context, Swatantra Kumar J., held that 'Special Knowledge' means 'knowledge which is surpassing, distinguishing and exceptional in nature and is derived through rigorous study or research over a reasonable period of time in the field of matters relating to environment'. It further held that the chairperson must hold 'an academic qualification in the field of environmental protection as recognised by University established by law'. Further, it held that 'Chief Secretaries, IFS officers or officers of any other services, environment secretaries, politicians, MLAs, literary persons and non-technical persons should not be appointed as chairperson by virtue of their designation'.<sup>66</sup> However, the Supreme Court has reversed the judgment of NGT in relation to the guidelines to appoint the Chairperson. In *Techi Tagi Tara v. Rajendra Singh Bhandari*,<sup>67</sup> the Supreme Court held that the laying down of guidelines by NGT is 'beyond its jurisdiction and even beyond the jurisdiction of Supreme Court'. Madan Lokur and Deepak Gupta, JJ. further held that although it cannot lay down the guidelines on its own, but the Government, while appointing its chairperson, must deliberate on appointment of chairperson considerably. This judgment of the Supreme Court seems not to be very encouraging as the deliberations on the issue of appointment of the chairperson may become futile if proper guidelines are not present before the members present in the deliberations.

If the chairperson of pollution control authority would be appointed on ad hoc basis or temporary basis, these state authorities would not be able to discharge their

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61 The LG notified it under s. 5 of Environment (Protection) Act, 1986.

62 Air Act, 1981, s. 5 and Water Act, 1974, s. 4.

63 Air Act, 1981, s. 5(2)(a) and Water Act, 1974, s. 4(2)(a).

64 Air Act, 1981, s.7 and Water Act, 1974, s. 5.

65 2016 SCCOnLine NGT,456.

66 *Id.*, para 122.

67 (2018)11 SCC 734.

responsibilities properly. The case of Delhi Pollution Control Committee is such an example. For a long time before and after the notification of 2016 Rules, the chairperson of the state pollution authority was not permanently appointed by the Government of NCT of Delhi. The chairpersons were appointed on *ad hoc* or temporary basis. Sometimes, additional charge of chairperson was given to the Environmental Secretary of the NCT of Delhi. Such neglect of duty by the Government of Delhi prompted the National Green Tribunal to make some observations in the case of *Rajendra Singh Bhandari v. State of Uttarakhand*.<sup>68</sup> Raghuvendra S. Rathore, Satyawar Singh Garbyal, JJ. held that if the chairperson of the State Pollution Agency is not appointed within 3 months, it may direct that the Acting chairperson of state pollution agency will cease to function and the responsibility of State Agency would be transferred to CPCB.<sup>69</sup> After this order, the state government was forced to act. It appointed the chairperson according to the orders of the NGT. The Beliappa Committee Report relating to the working of state pollution agencies recommended way back in 1990 that the tenure of not only the chairperson but also of the member secretary be fixed for a stipulated term.<sup>70</sup> But, the government did not give the chairperson a fixed tenure to serve the pollution agency.

The above analysis shows that the State Pollution Agency of Delhi has not been taken seriously by the state government. The appointment process of chairperson further gets delayed when the CPCB does not clear the name of proposed chairperson by the state government.

Coming to the functions of DPCC in relation to solid waste regulation, it can be said that PCC of Delhi was given the key role in the implementation of 2000 Rules on Municipal Solid Waste. The new Rules of 2016 have also empowered the PCC of Delhi to enforce the Rules in NCT of Delhi through local bodies. It has also got the power to review the implementation of these Rules two times in a year, after coordinating with the 'In charge Secretary of State Urban Development Department'.<sup>71</sup> It has also to monitor environmental standards and abiding by the conditions laid down in Schedule I and II for processing plants and disposal sites.<sup>72</sup> Further the PCC of NCT of Delhi has been given an important responsibility in the matter of 'authorisation to establish processing plants and disposal facilities'. The

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68 (2017) SCC OnLine NGT,12.

69 *Id.*, para 14.

70 Government of India, Report of Belliappa committee, (Planning Commission of India, 1990), the gist of this Report is made available by Niti Aayog at: <https://niti.gov.in/planningcommission.gov.in/docs/reports/peoreport/peoevalu/index.php?repts=peopoll1.htm>. (last visited on July 23, 2025).

71 Solid Waste Management Rules, 2016, Rule 16(1a).

72 *Id.* at Rule 16(1b).

PCC of NCT of Delhi has the power to examine the proposal<sup>73</sup> for authorisation submitted by the local bodies/any other agency authorised by the local body.<sup>74</sup>

When the proposal for authorisation is being examined, the consent of state urban development department/ metropolitan area planning committee/district planning committee /airport authority/airbase authority/ground water board/railways/ electricity distribution companies/ highway department / any other relevant agencies prescribed under relevant laws passed by Parliament must be taken.<sup>75</sup> These authorities are given four weeks' time to submit their views to PCC of NCT of Delhi. After the examination of proposal and after obtaining the required consent, the PCC of NCT of Delhi has to issue authorisation within 60 days to the local bodies/operator /any other agencies authorised by local bodies.<sup>76</sup> The PCC of NCT of Delhi can lay down environmental standard and compliance criteria.<sup>77</sup> Not only the power of authorisation is given to PCC of NCT of Delhi but also the power to cancel or suspend such authorisation.<sup>78</sup> However, the power to cancel or suspend the authorisation is subject to tendering notice to the local bodies or operator. In case the local body /operator applied for the renewal of authorisation, the PCC of NCT of Delhi can renew it for the next five years. Before the renewal order of authorisation, the application will be examined on merit.<sup>79</sup>

Not only the power to issue authorization and to renew it is given to the PCC of NCT of Delhi, but also the power to refuse grant of authorization and of its renewal is given. However, such refusal should not be arbitrary. It must be done only after giving following the principle of natural justice (of being heard, recording of reasons for refusal). Further, the PCC of NCT of Delhi has got the powers to monitor the compliance of standards as prescribed at least once a year.<sup>80</sup> Lastly, the PCC of NCT of Delhi is empowered to issue directions to local bodies for 'safe handling and disposal of domestic hazardous waste deposited by the waste generators at hazardous waste disposition facility'.<sup>81</sup> Most importantly, the PCC of NCT of Delhi has to submit an annual report with the CPCB and also to MoUD on the implementation of 2016 Rules and also what action was taken in case of non-compliance by the local bodies latest by the July 31, every year according to Form V.<sup>82</sup>

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73 Application containing proposal must be according to Form I of the Annexure.

74 *Supra* note 71 at Rule 16(1c).

75 *Id.*, Rule 16(1d).

76 *Id.*, at Form II.

77 *Id.*, specified in Schedule I and II.

78 *Id.*, Rule 16(1g).

79 The local body/operator would have to fulfill all the conditions of Rules/Standards specified in the authorization/consents/environment clearance.

80 *Supra* note 71.

81 *Id.*, Rule 16(5).

82 *Id.*, Rule 24(3).

The Pollution Control Authority of Delhi has listed 661 different types of industries in its website. These industries are categorised on the basis of guidelines given by Union Ministry of Environment, Forest and Climate Change.<sup>83</sup> These industries are divided into four types: (i) Red, (ii) Orange, (iii) Green and (iv) White.<sup>84</sup> Solid Waste Disposal Facilities, Solid Waste Processing Facilities for waste to energy plant, solid waste management facility and compost plants fall under entries 52, 53, 69 and 72 of Red Categories industries listed in DPCC Order.<sup>85</sup> These red categories industries pollute the environment to the maximum. Consequently, the authorisation needed require approval from a committee headed by the Chairperson of the anti-pollution unit of the State. Thus, the role of the chairperson becomes crucial in decision making relating to authorisation granted to solid waste disposal, processing facilities and also relating to waste to energy plant, compost plants and solid waste management facilities.

The chairperson of anti-pollution unit of the State must ensure that the meetings of the committee take place frequently, *i.e.*, more than the minimum required under SWM Rules 2016. Further, the decisions taken in the meeting must also be displaced on the website of DPCC. As of now, such information is not available easily to the ordinary citizens. The *Aam admi* would have to resort to the right to information Act to avail any such information. Perhaps, this reality might have prompted the national green body to order the Delhi capital government to ensure that the decisions of DPCC may also be available on its website.<sup>86</sup> Accordingly, the state level committee

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83 The purpose of the categorization is to ensure that the industry is established in a manner which is consistent with the environmental objectives. The new criteria will prompt industrial sectors willing to adopt cleaner technologies, ultimately resulting in generation of fewer pollutants. Another feature of the new categorization system lies in facilitating self-assessment by industries as the subjectivity of earlier assessment has been eliminated. This 'Re-categorization' is a part of the efforts, policies and objective of the government to create a clean and transparent working environment in the country and promote the Ease of Doing Business.

84 The Pollution Index (PI) of any industrial sector is a number from 0 to 100 and the increasing value of PI denotes the increasing degree of pollution load from the industrial sector. The following are the criteria on 'Range of Pollution Index' for the purpose of categorization of industrial sectors. (i) Industrial Sectors having PI score of 60 and above-Red category. (ii) Industrial Sectors having PI score 41-59- Orange category. (iii) Industrial Sectors having PI score 21-40-Green category. (iv) Industrial Sectors having PI score incl. and up to 20 –White category.

85 Direction issued by Chairman, CPCB U/S 18(1) (b) of Water and Air Act regarding classification of industries and decision taken by DPCC in the Board meeting held on Feb. 27, 2017 the following is ordered *vide* order dated: Apr.17, 2017 and May 31, 2017. *available at*: <https://dpccomms.nic.in/standardMaster/searchActivityBasedOnCategory>(last visited on July 12, 2024).

86 O.A. No-606/2018.

has also recommended to the DPCC to comply with this requirement of green tribunal in its meeting in 2019.<sup>87</sup>

Two concluding points may be also examined. *Firstly*, the annual reports which need to be submitted by pollution control agency allow very small space to the state of management of solid waste. If one examines the annual report submitted by the CPCB in 2017-18, one finds that negligible space was given to the state of affairs of solid waste in the city during the given year. The DPCC did not submit its annual report during calendar years of 2016-17 and 2017-18.<sup>88</sup> It must have specified in its report how much environmental standards were complied with by the processing and disposal facilities. It must have also specified how many times it inspected the processing and disposal facilities during the given year. It must have also given the status of the adoption of new technology by the proposed processing and disposal centres.

*Secondly*, like other SPCB, the Delhi anti-pollution agency lacks the power to impose penalties to the processing and disposal facilities in case they do not comply with the emission and leachate treatment standards. According to Armin Rosencranz, the SPCB must be at least given the power to impose fines or other civil penalties on the defaulting industrial units.<sup>89</sup> He accepts the recommendations of the Planning Commission (presently called *Niti Aayog*) only partially, as the Planning Commission has suggested giving the power of initiating criminal prosecution against the defaulting units. But Professor Rosencranz agrees that the power may be vested to the state agencies to impose fines directly on its own. He substantiates his views on the basis of the principle 'polluter pays', which is accepted even by the Supreme Court of India in different cases. Professor Rosencranz's suggestion seems to be a reasonable one.

## VI Formation of state- level committee by the NGT

The Solid Waste Management Rules of 2016 introduced several changes in the law and brought improvements in waste management. However, the pace of improvement has been slow. Successful implementation of the rules requires proper coordination between national, state, and local authorities. Despite the notification of the 2016

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87 Minutes of State Level Committee Meeting in OA No. 606/2018, held on Aug 19, 2019 taken by Chief Secretary ,GNCTD, *available at*: <http://web.delhi.gov.in/wps/wcm/connect/d33aa9804bb85b5baa22eb788745c51a/Quart.+Report+Vol+1.PDF?MOD=AJPERES&lmod=-926743628&CACHEID=d33aa9804bb85b5baa22eb788745c51a> (last visited on July 12, 2024).

88 Status of Annual Reports of CPCB is *available at*: [https://cpb.nic.in/uploads/MSW/MSW\\_AnnualReport\\_2017-18.pdf](https://cpb.nic.in/uploads/MSW/MSW_AnnualReport_2017-18.pdf)(last visited on May 12, 2024).

89 Armin Rosencranz and Vidheh Upadhyay, 'Some Suggestions and Recommendations towards a Model State Pollution Control Board (SPCB in India)' 1 *ELPR* 106(2011).



Rules, this coordination seems to be lacking. This may be why the National Green Tribunal had to constitute an Apex Monitoring Committee, Regional Monitoring Committees, and State Level Committees to oversee the efforts of various authorities in implementing the rules.<sup>90</sup> These Committees are required to meet frequently amongst themselves and separately also. For the first time the Tribunal observed that the meeting should not be held once in a blue moon, but it must be held once in a month for two days to take stock of the progress and fix new targets. The Rules of 2016 do not envisage reporting of the progress made in its implementation to the green tribunal. In the Rules, report has to be submitted by local bodies to the state pollution control board/ committee and the state pollution control board/committee has to submit annual report to the Central Pollution Control Board. Accordingly, there was no reporting mechanism mandated for any of these authorities directly to the green tribunal. Now after this order the green tribunal, the apex monitoring committee has to report directly to green tribunal once in a quarter by e mail. Thus, the reporting mechanism has been judicially altered.

Accordingly, the apex monitoring committee is constituted of four members and four special invitees: (i) H M J. D.K.Jain, (ii) Chairman of CPCB (iii) JS, MoEFCC (iv) JS and MD SBM, MoHUA (v) Principal Secretary, Urban Development, Goa (vi) Ritu Sain, Addl. Resident Commissioner, Chhattisgarh Government (vii) Asad Wari, Team Leader, SBM, Indore Municipal Corporation (viii) Srinivasan, Project Director SLRM, Vellore. In the Regional Monitoring Committee constituted by the Tribunal, 18 members would be present: (i) Mrs Rajwant Sandhu, Chairperson, (ii) Principal Secretary, UD Government of Punjab, (iii) Principal Secretary of UD of 6 states of North India and 1 UT of Chandigarh (iv) Member Secretaries, State PCB/ PCC of 7 States and 1 UT of Chandigarh (v) Representative of CPCB.

In addition to the apex level monitoring committee, regional level monitoring committee, state level committees were also constituted by the green tribunal. Such State Level Monitoring Committee would be headed by Secretary UD and having member from environment department. The CPCB and SPCBs/PCCs would help the State Level Committees. The Local Bodies and state level committees have to interact every two weeks and submit report to the state committee two times in a month. The local bodies may appoint nodal officers to monitor the implementation of 2016, Rules. The State Level Monitoring Committee has to submit report to the Regional Monitoring Committee every month.<sup>91</sup>

Accordingly, the government of the National Capital Territory of Delhi has constituted the State Level Monitoring Committee under the chairmanship of Chief Secretary

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90 In the matter of: Compliance of Municipal Solid Waste Management Rules, 2016, O.A. No. 606 of 2018.

91 *Supra* note 90 of Order of Aug. 20, 2018.



on February 15, 2019.<sup>92</sup> Apart from the Chief Secretary, 13 other members are also there. Those are: (i) Secretary, UD (ii) Divisional Commissioner (iii) Secretary Environment (iv) Member Secretary DPCC (v) Member Secretary, CPCB (vi) Secretary Health (vii) Commissioner Department of Industries (viii) Chairman New Delhi Municipal Corporation (ix) Commissioner SDMC (x) Commissioner NDMC (xi) Commissioner EDMC (xii) CEO Delhi, Cantonment Board (xiii) Development Commissioner. This committee has submitted its report to the regional monitoring committee. Affidavit relating to the submission of these reports has also been filed in the green tribunal. The State Level Committee has not been dissolved till now. It can be dissolved only after the permission of the National Green Tribunal.

The State Level Committee has noted that the Local Bodies did not submit the action plan on the implementation of various activities (1 to 11) as per Rules 22 of 2016 Rules with respect the time frame of implementation of these activities. It was decided that the local bodies will submit the action taken report in the first week of each month. It was further decided that all local bodies would notify three 'Model Wards' in their respective zones/circles under its jurisdiction. It was also decided that all the trains of Delhi must be installed with wire nets so that no municipal solid waste is allowed to reach rivers, lakes, ponds and water bodies.<sup>93</sup> Further, it was decided that a Special Task Force has to be constituted consisting of members from each district, Police Department, concerned in charge of DPCC, and district level service authority for conducting the awareness programme. It was further decided that the performance audit will be conducted of the functioning of local bodies and of the DPCC.

These efforts made by the National Green Tribunal and the monitoring committees constituted by the tribunal order have made significant progress in the implementation of Solid Waste Management Rules, 2016. In particular, the State Level Committee of Delhi has made concrete efforts to implement the orders of the green tribunal.

## **VII Role of Delhi State Legal Services Authority (DSLSA) in raising public awareness about segregation and sanitation**

The Solid Waste Rules mandate the local authorities to create public awareness by way of several things: (i) Information, (ii) Education, (iii) Communication campaigns.<sup>94</sup> Amongst the various items, the following items are important for the education of the public : (i) not to throw garbage on the public place, (ii) reduction of waste by the waste generator, (iii) not to throw away the garbage immediately, but try to use it

92 Office Order F. No.- DPCC/(10)/(18)/(44)/Leg-18/1175-1224.

93 Affidavit filed by the Government of NCT Delhi before the National Green Tribunal, *available at*: <http://web.delhi.gov.in/wps/wcm/connect/d33aa9804bb85b5baa22eb788745c51a/Quart.+Report+Vol+1.PDF?MOD=AJPERES&lmod=-926743628&CACHEID=d33aa9804bb85b5baa22eb788745c51a> (last visited on May 12 2025).

94 *Supra* note 71 at Rule 15(zg). (last visited on May 12, 2025).

again, (iv) trying to inculcate the habit of segregation of waste into biodegradable, non biodegradable, sanitary waste and domestic hazardous waste, (v) trying to inculcate the practice of composting at home and at community level, vermicomposting, bio gas generation, (vi) to inculcate the habit of covering the sanitary pads, diapers, napkins, masks, gloves etc and putting it in the non biodegradable waste bins, (vii) making the habit of storing the segregated waste in different bins, (viii) inculcating the practice of giving the segregated waste to waste collection agency, waste pickers, waste collectors or recyclers, (ix) making the people pay a user fee on monthly basis to the local bodies or to waste collectors. Thus, the local bodies are duty bound to spread awareness on the above points.

The Local authorities are further responsible to frame bye-laws to incorporate the provisions of these rules latest by one year from the date of notification of these rules. These local bodies are having the duty to ensure implementation of these rules in a time bound manner.<sup>95</sup> As these solid waste rules were notified on April 8, 2016, the time limit provided in the solid waste Rules was not adhered to by the local bodies.<sup>96</sup>

As the local body did not adhere to the duty of spreading ‘janjagan’ on solid waste management in Delhi, judicial intervention was needed. In *Gauri Grover v. Government of NCT of Delhi*, the High Court of Delhi directed the Delhi State Legal Services Authority to design and implement a programme for educating the citizens of Delhi about the rules and regulations on Solid Waste Management.<sup>97</sup> Thus, the State Legal Service Authority has to spread awareness amongst the public about Solid Waste Management according to the Rules. Another intervention by the judiciary was made when National Green Tribunal in the matter of Compliance of MSW Rules, 2016 (NCT, Delhi) held that a special task force will be constituted in every in every district of India.<sup>98</sup>

The directions of High Court of Delhi have been properly implemented by the Delhi Legal Services Authority. It has started a program called “Parivartan –Ek Zaroorat: From waste to wealth”. This program has been organized by the legal service authority, Delhi State at several places including courts, schools and colleges. It has also given training to sanitary inspectors of the area under the jurisdiction of district legal service authority. This task will have four members: (i) one nominated member from district magistrate, (ii) one nominated member from Superintendent of Police, (iii) Regional officer of State Pollution Control Board in concerned district, (iv) one nominated person by the chairman of district legal service authority.<sup>99</sup>

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95 *Supra* note 71 at Rule 15 (e).

96 It may be noted here that the bye-laws are notified by the Lieutenant-Governor of Delhi in early 2018. This bye-law is discussed in the next section in this thesis.

97 Writ petition (civil) 8917 of 2015, High Court of Delhi.

98 Original Application No-606 of 2018.

99 *Id.* of Order dated Jan. 16, 2019.

The Delhi Government has constituted Special Task Forces (STF) for each district of Delhi.<sup>100</sup> These STFs have started functioning and the concerned District Magistrates are given the duty to ensure the organizing of awareness program in their districts. The STFs would submit the action taken report to the Delhi Pollution Control Committee by the end of first week of each month.<sup>101</sup>

The Delhi State Legal Services Authority has conducted various public Awareness programs to promote solid waste management, focusing on educating citizens about waste segregation, reduction, and recycling practices. These initiatives were taken in collaboration with local authorities and experts, target different segments of society, including school, residential communities, and *Anganwadi* workers.<sup>102</sup> The effectiveness of these programs can be seen through increased community engagement in waste segregation and responsible disposal, as well as greater participation in local clean-up drives.<sup>103</sup> According to reports,<sup>104</sup> session conducted by DSLSA have successfully raised awareness, with residents being more informed about waste management laws and the environment impact of improper disposal. Moreover, DSLSA's use of multi-channel communication through pamphlets, workshops, and public outreach has helped reach a broader audience, ensuring the message of sustainable waste practices is widely disseminated across Delhi. However, challenges remain in ensuring consistent behavior change, and the reports stress the need for continued efforts to strengthen public participation in waste management.

### VIII Conclusion and suggestions

After exploring the reasons of anomalies lying in the administrative structures of Delhi, it can be seen that after the insertion of Article 239AA in the Constitution of India 30 years from now, the residents of Delhi got their elected legislature. However, this legislature had no power to make laws relating to police, land and, public order. The Lieutenant Governor (LG) of Delhi enjoys lot of power as without his prior approval, no bill can be introduced in the assembly. The Legislature of Delhi has the power to make laws to regulate municipality in Delhi but such power is subject to the conditions imposed by the President of India. The Chief Administrator of Municipalities of Delhi is appointed by the Central Government. Mayor is elected but has to depend on the commissioners appointed by the Central Government. The

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100 Environment Department of Government National Capital Territory of Delhi, Office Order, dated March 7, 2019.

101 *Supra* note 93.

102 Available at: [https://drive.google.com/file/d/0B59i\\_\\_RIZRzWb1aZFFndURRU1E/view?resourcekey=0-A0t0XWnOABnEySubz1V5Q](https://drive.google.com/file/d/0B59i__RIZRzWb1aZFFndURRU1E/view?resourcekey=0-A0t0XWnOABnEySubz1V5Q) (last visited on May 12 2024).

103 Available at: <https://dlsa.org/2022/06/02/webinar-on-environmental-legal-literacy-zero-waste-life-style/> (last visited on May 12, 2024).

104 Available at: [https://drive.google.com/file/d/0B59i\\_\\_RIZRzWb1aZFFndURRU1E/view?resourcekey=0-2HxgM71xFinx4F8ZVadwdg](https://drive.google.com/file/d/0B59i__RIZRzWb1aZFFndURRU1E/view?resourcekey=0-2HxgM71xFinx4F8ZVadwdg) (last visited on May 12, 2024).

local government of Delhi does not have the power to allocate land for the purpose of making new landfills. It has to apply to DDA for getting the land, and (DDA) is under the Central Government. The Lieutenant Governor is also an appointee of Central Government. He can notify the byelaws on Solid Waste Management not under the Municipal Corporation Act of 1957 but under the Environment (Protection) Act, 1986, which is a central legislation.

Other central laws in the field of pollution control are the Water Act, the Air Act, and the Noise Pollution Act. To oversee the implementation of these acts in the National Capital Territory (NCT) of Delhi, Delhi Pollution Control Committee was established in the year 1991. It has the power to authorise the establishment of treatment, processing or disposal facilities. It has also the power to renew this authorisation. However, it does not have powers to impose fines or other civil penalties on defaulting industrial units violating the authorisation agreement. It has also a duty to submit annual report to CPCB and to MOUD regarding implementation of SMW Rules, 2016. It has been found in this research that the DPCC gives very small space in its annual report regarding matters relating to solid waste management. This committee is composed of the chairperson, members and secretariat. According to a judgement of Supreme Court, the chairperson of this committee should be appointed by the government after lot of deliberation. It has also been found that the chairperson of this committee has been appointed on *ad hoc* or temporary basis and not on a fixed tenure basis.

Apart from DPCC, the NGT constituted three committees, namely, Apex Level Monitoring Committee, Regional Level Monitoring Committee and State Level Monitoring Committee, to supervise the efforts made by different authorities to implement the 2016 Rules. The State level monitoring committee of Delhi has been constituted in February 2016 consisting of Chief Secretary and 13 other members. It has work to ensure that the local bodies submit its report on the implementation of various activities (1 to 11) as per Rule 22 of MSW Rules, 2016.

There is a need for more awareness on disposal and treatment of household waste, menstrual waste and sanitary diapers. In the field of spreading awareness in Delhi on Solid Waste Management, the role of Delhi Legal Services Authority (DLSA) is also found to be important. It has started a programme called 'Parivartan – ek zaroorat: from waste to wealth' for spreading awareness on this subject. It has given training to sanitary inspector working in every District Legal Service Authority. Apart from DLSA, the Delhi Government has constituted special task forces for each district of Delhi. These task forces are required to submit action taken report to the DPCC on a monthly basis. Therefore, it is mandatory that all wings of government should act effectively to maintain and improve the environment and human health.

To implement MSW Rules 2016 in Delhi, the LG of Delhi notified the Municipal Council Solid Waste Management Bye Laws, 2017 on January 15, 2018. This bye

law is applicable to all other municipal corporation of Delhi. Thus, the MSW Rules of 2016 are now fully adopted at the level of municipal corporations of Delhi for the last three years covering more than 2 crores people of Delhi. To manage the solid waste in Delhi, proper planning is also important. The latest Master Plan of Delhi expects marginal increase in Delhi population by 2021. The imposition of fee for the domestic waste generator can prove to be a game changer as it would change the behaviour pattern of the people at large in the NCT of Delhi. However, the needs of power, water and sanitation of Delhi's expected population were not properly planned.

Some of the key suggestions which can be given on the basis of the above research is that given the key position enjoyed by the Lieutenant Governor, the action taken report with respect to the relevant rules of Solid Waste Management Rules, 2018 relating to segregation, processing and energy generation from the waste produced should be submitted in the public domain. The bureaucracy, especially the Chief Secretary, has to ensure that this report should be tabled in the State legislature. Further, the DPCC has to be more transparent in making its decisions taken in different meetings regarding consent to establish, authorise to operate the WtE plant, other processing facilities uploaded on its website in public interest. The DPCC must be given the power to impose fines or other civil penalties on the defaulting industrial units. In its Annual Report submitted to the CPCB, it must specify how much environmental standards were complied with by the processing and disposal facilities. Further, it must also specify how many times it inspected the processing and disposal facilities during the given year. Furthermore, it must also give the status of the adoption of new technology by the proposed processing and disposal centres. The role of the NGT in relation to NGT has been also important and it should take *suo motu* action if the Solid Waste Management Rules, 2016 are not implemented even after the constitution of the State Level Committee. It must be ensured by the State Level Committee that if local bodies do not submit reports to it regularly, the highest-ranking officer would be held responsible. The DSLSA must ensure that at least a legal awareness program should be held in each *mohalla* at every quarter relating to sanitation and waste management rules. While doing so, the partnership with para-legal volunteers, non-governmental organisations working in the field of waste management, and law colleges must be ensured.