

---

# **MUNICIPAL LIABILITY UNDER ENVIRONMENTAL LAW: EXAMINING THE LIABILITY OF MUNICIPALITIES IN SOLID WASTE MISMANAGEMENT**

---

Dharitri Joshi, School of Law, M.S. Ramaiah University of Applied Sciences

## **ABSTRACT**

Managing municipal solid waste is a persistent challenge in India's rapidly growing urban areas. Increasing population, urbanization, and changes in consumption patterns have led to higher volumes of waste, which cities struggle to handle efficiently. While constitutional provisions under Articles 21, 48A, and 51A(g) provide a foundation for environmental protection, and laws such as the Solid Waste Management Rules, 2016, set out clear responsibilities for municipal authorities, practical implementation often falls short. Issues such as limited finances, inadequate infrastructure, weak public awareness, and governance gaps contribute to ineffective waste management. Judicial interventions, including decisions by the Supreme Court and the National Green Tribunal, have emphasized the accountability of municipal authorities and the importance of enforcing regulations. The newly introduced Solid Waste Management Rules, 2026, strengthen monitoring, introduce digital tracking, and hold officials personally responsible for compliance. This paper examines the legal framework, judicial oversight, challenges in municipal liability, and proposes measures to improve performance, including better accountability, community engagement, sustainable practices, and capacity-building of officials. Coordinated efforts between authorities, regulatory bodies, and citizens are essential to safeguard public health and ensure environmental sustainability.

## Introduction

Solid waste management remains one of the most pressing challenges in urban cities of India. Increasing urbanisation, growth in population and changing patterns in consumption have resulted in an increase in volume and complexity of municipal waste.<sup>1</sup> While cities have been developing economically through urbanisation, the systems required to collect, segregate, and dispose of waste have not been able to meet the requirements of present urban demands. Its consequences can be observed in open dumping, recurrent landfill fires, and contamination of soil and groundwater creating serious environmental and health concerns.

According to Annual Report of the CPCB on Solid Waste Management (2022–2023), the country generates approximately 1,70,939 tonnes of municipal solid waste each day, of which about 96% is collected. However, only around 61% of the waste is processed or treated, indicating a considerable gap in effective waste management.<sup>2</sup>

Waste mismanagement also has significant public health implications. Improper disposal of solid waste creates a breeding ground for disease-causing insects and rodents which may result in the spread of communicable diseases such as dengue, cholera and other health issues. If solid waste gets accumulated near residential areas, it may expose communities to harmful pathogens and toxic substances. Burning waste in the open may release harmful gases in the atmosphere, adversely affecting the air quality and increasing the risk of respiratory disorders.<sup>3</sup> Thus, solid waste mismanagement is not merely an environmental issue, but also a significant public health challenge. This further raises concerns about environmental protection and thus, the lack of systematic segregation and disposal may increase the burden on existing waste processing facilities. These issues reflect not only shortcomings in infrastructure but also loopholes in governance and accountability.

In the Indian framework, urban local bodies play an important role in ensuring that solid wastes are collected, segregated, transported and disposed of in a proper way. Municipalities and

---

<sup>1</sup> PLANNING COMMISSION, GOVERNMENT OF INDIA, REPORT OF THE TASK FORCE ON WASTE TO ENERGY, VOL. I, 1 (2014).

Report of the Task Force on Waste to Energy (W to E).

<sup>2</sup> CENTRAL POLLUTION CONTROL BOARD, GOVERNMENT OF INDIA, ANNUAL REPORT (2022-2023) ON IMPLEMENTATION SOLID WASTE MANAGEMENT RULES, 2016, 1-6 (2022-2023).  
MSW\_AnnualReport\_2022-23.pdf.

<sup>3</sup> Sadguru Prakash, Solid Waste Management and Its Impact on Public Health: A Review, 1 IRE 102, 103-104 (2017), Solid Waste Management and Its Impact Public Health: A Review.

municipal corporations are the authorities which primarily manage the segregation and disposal of solid wastes in cities. Various laws and rules, such as the Solid Waste Management Rules, 2016,<sup>4</sup> have been enacted at the Central and State levels by the respective governments, which impose duties on these authorities to manage solid waste and its disposal. These regulatory frameworks seek to ensure that the municipalities adopt scientific waste management practices such as segregation at source, proper transportation and disposal systems.

Despite statutory provisions and regulatory frameworks, the municipal bodies have not been able to manage solid waste efficiently. Courts, in various instances, have pointed out the negligence and inability of authorities in maintaining sanitation, raising questions about the extent of municipal liability under environmental law. Thus, it becomes necessary to examine the statutory obligations and the extent to which the municipal authorities can be held liable.

### **Legal Framework for Solid Waste Management**

In the Indian legal system, environmental protection is supported both by the constitutional provisions and statutory regulations. The Indian Constitution, through Article 21, secures the fundamental right to life and personal liberty of every individual,<sup>5</sup> and this right has been interpreted expansively to include the right to live in a healthy and clean environment. The courts have recognised that unenumerated rights, guided by directive principles, fall within the interpretation of life and personal liberty. The scope of Article 21 has expanded over time and it is now well established that the right to life includes the right to live with dignity in a proper environment, free from health hazards.<sup>6</sup> The Supreme Court interpreted that the right to life under Article 21 comprises of the right to enjoy a pollution free environment in the case *Subhash Kumar v. State of Bihar (1991)*.<sup>7</sup> This case established the foundation for constitutional interpretation for environment protection and strengthened the obligations of authorities including municipalities to ensure proper waste management.

The directive principle under Article 48A places a duty on the government to take steps towards protecting and improving the environment.<sup>8</sup> Although Directive Principles are not directly enforceable, they play an important role in guiding environmental governance and legislations.

---

<sup>4</sup> Solid Waste Management Rules, 2016, Gazette of India, pt.II sec. 3(ii) (April. 8, 2016).

<sup>5</sup> INDIA CONST. art. 21.

<sup>6</sup> DR. PARAMJIT S. JAISWAL, ET. AL., ENVIRONMENTAL LAW 56 (5<sup>th</sup> ed. 2021).

<sup>7</sup> *Subhash Kumar v. State of Bihar*, 1991 AIR 420.

<sup>8</sup> INDIA CONST. art. 48A.

In the *Vellore Citizens Welfare Forum v. Union of India*,<sup>9</sup> the Supreme Court emphasized environmental protection as an essential component of sustainable development and introduced the Precautionary principle and the Polluter pays principle into Indian environmental law.

The Constitution, under Directive Principles of State Policy, also recognizes the responsibilities of citizens in environmental protection. The citizens of India are obliged under Article 51A (g) to conserve and enhance the natural environment, particularly forests and wildlife.<sup>10</sup> This provision emphasizes that environmental protection is not only the duty of the State, but a shared responsibility between the State and the citizens.

The 74<sup>th</sup> Amendment of the Constitution, enacted in the year 1992, gave legal recognition to Urban Local Bodies in India and strengthened the role of local governance in addressing urban environmental issues.<sup>11</sup> This Amendment introduced Part IXA “The Municipalities” and the 12<sup>th</sup> Schedule to the Constitution, which specifically included the functions of local authorities including sanitation, public health and solid waste management.<sup>12</sup> The amendment sought to ensure that the authorities are directly held accountable for such functions by constitutionally recognising them.<sup>13</sup> It mandated the creation of three distinct municipal institutions which are the Nagar Panchayats, Municipal Councils and Municipal Corporations.<sup>14</sup> The main purpose of this Amendment was to decentralize powers and functions of the municipalities and strengthen the democratic governance of local bodies.

While the Constitution provides for the institutional basis for functioning of Urban Local Bodies, effective environmental governance can only be achieved by the enactment of statutory legislations. Legislations are instrumental in regulating activities which may be harmful to the environment. Over time, various laws have been enacted by the legislature to address environmental protection and waste management in India. These statutes ensure that the constitutional provisions are enforced by providing detailed regulations and duties to the officials responsible for environmental management.

The enactment of the Environment (Protection) Act, 1986<sup>15</sup> marked an important step in

---

<sup>9</sup> *Vellore Citizens Welfare Forum v. Union of India*, 1996 (5) SCC 647.

<sup>10</sup> INDIA CONST. art. 51A(g).

<sup>11</sup> The Constitution (Seventy-Fourth Amendment) Act, 1992 (India).

<sup>12</sup> INDIA CONST. pt. IXA, sched. 12, inserted by the Constitution (Seventy-Fourth Amendment) Act, 1992.

<sup>13</sup> INDIA CONST. art. 243W, amended by the Constitution (Seventy-Fourth Amendment) Act, 1992.

<sup>14</sup> INDIA CONST. art. 243Q, amended by the Constitution (Seventy-Fourth Amendment) Act, 1992.

<sup>15</sup> The Environment (Protection) Act, 1986, No. 29, Acts of Parliament, 1986 (India).

establishing a legal framework with the objective of protecting and enhancing the environment. It provides wide powers to the Central government to regulate various activities that may adversely impact the environment. The Act also serves as a primary legislative framework for environmental protection in India.

The Solid Waste Management Rules, 2016, passed under the Environment (Protection) Act, 1986, provide a detailed framework of the collection, segregation and disposal of municipal solid wastes in India. These regulations impose an obligation on the municipal authorities for proper management and scientific disposal of solid wastes. Rule 15 provides for the duties and responsibilities imposed on municipal bodies which include collection of solid wastes from households, directing waste generators to segregate the waste at source, collection and segregation of bio-degradable wastes and transporting them to compost plants or bio-methanation plants, where it can be processed into manure. It also includes educating workers and creating public awareness about segregation of waste and its collection.<sup>16</sup> The regulatory framework imposes obligations not only on the authorities, but also the waste generators and attempts to create a comprehensive system of waste management.

However, despite the existence of these provisions, the implementation of the rules remains inconsistent across states and union territories. In many urban areas, segregation of waste at source has not been fully adopted and bulk quantities of mixed waste continue to be collected and transported directly to landfills. This indicates the main issue lies with the ineffective implementation and monitoring of existing regulations.

Superseding the SWM Rules of 2016, the Parliament has passed the Solid Waste Management Rules, 2026<sup>17</sup> which shall be enforced from 1 April, 2026. The new regulation mandates the segregation of waste into four types which include dry waste, wet waste, sanitary waste and special care wastes. It also provides for a centralized online portal for digital tracking of collection and disposal of waste.

### **Judicial and Tribunal Oversight in Solid Waste Management**

Judicial institutions have played an important role in ensuring the implementation of the rules and regulations framed for environmental protection and strengthening the accountability of

---

<sup>16</sup> Solid Waste Management Rules, 2016, Gazette of India, pt.II sec. 3(ii) Rule 15 (April. 8, 2016).

<sup>17</sup> Solid Waste Management Rules, 2026, Gazette of India, pt.II sec. 3(ii) (January. 27, 2026).

municipal bodies in waste management. In various instances, the courts have emphasized the importance of waste management and have intervened due to failure of the local authorities to implement waste management regulations.

*Almitra H. Patel v. Union of India (1998)*<sup>18</sup> is one of the landmark cases that addressed the liability of municipal authorities in proper waste management. In this case, Almitra Patel, an environmental activist, filed a suit under Article 32 of the Constitution<sup>19</sup> regarding the pollution in Delhi. It addressed the failure of the Municipal Corporation of Delhi to fulfill its statutory duties provided under the Delhi Municipal Corporation Act, 1957.<sup>20</sup> The Supreme Court constituted a committee to supervise waste management in cities with population of more than one lakh, its functions including examining and recommending waste management practices. It highlighted the alarming condition of garbage disposal in cities and held the municipal bodies accountable, directing them to adopt systematic methods for collection, transportation and disposal. This judicial decision marked a significant step towards environmental governance in India by emphasizing that municipal authorities had a continuing legal obligation to ensure proper waste management. It also paved the way for the development of modern waste management frameworks such as the Solid Waste Management Rules, 2016 in India.

In *Municipal Council, Ratlam v. Shri Vardhichand (1980)*,<sup>21</sup> the residents of Ratlam approached the court complaining of open drains, accumulation of filth and stagnant water causing health hazards. The Supreme Court held that municipal authorities have a statutory obligation to maintain sanitation and prevent public nuisance, and financial constraints cannot be a ground for avoiding such obligations. This case highlighted that the municipal bodies can be held accountable for matters relating to sanitation and public health.

Recent rulings of the Supreme Court of India mandate strict compliance with the Solid Waste Management Rules, 2026 which shall be in force from 1 April, 2026 and have emphasized personal liability of the municipal officials. In *Bhopal Municipal Corporation v. Dr. Subhash C. Pandey*,<sup>22</sup> the Supreme Court issued nation-wide directions for the implementation of the Solid Waste Management Rules, 2026. The Court, after observing that the regulations of the 2016 framework had not been complied with, introduced a three-tier enforcement mechanism:

---

<sup>18</sup> *Almitra H Patel v. Union of India*, 2000 (2) SCC 679.

<sup>19</sup> INDIA CONST. art. 32.

<sup>20</sup> The Delhi Municipal Corporation Act, 1957, No. 66, Acts of Parliament, 1949 (India).

<sup>21</sup> *Municipal Council, Ratlam v. Shri Vardhichand*, 1980 AIR 1622.

<sup>22</sup> *Bhopal Municipal Corporation v. Dr. Subhash C. Pandey*, CIVIL APPEAL NO. 6174 OF 2023.

Tier I being immediate imposition of fines for non-compliance with the rules, tier II being criminal prosecution under environmental laws and tier III holding the public officials including municipal officials accountable for non-compliance.

Apart from the Supreme Court, the National Green Tribunal has played a crucial role in monitoring compliance of local authorities with the rules and regulations for environmental protection, particularly those concerning solid waste management. Established under the National Green Tribunal Act, 2010,<sup>23</sup> the National Green Tribunal has taken action against municipal authorities repeatedly due to their inability to efficiently implement the provisions of the 2016 regulations.

In *Municipal Corporation of Greater Mumbai v. Ankita Sinha (2021)*,<sup>24</sup> the National Green Tribunal ordered the Greater Mumbai Municipal Corporation to pay an amount of Rs. 5 Crore due to the failure of the corporation to install a sewage treatment plant to manage solid waste. This matter was brought to attention due to a newspaper report and the National Green Tribunal took cognizance of the matter on its own volition. The Supreme Court reaffirmed that the National Green Tribunal possesses the power to take suo motu cognizance of any matter concerning the environment and environmental protection. This case expanded the scope of the tribunal's powers and strengthened the role of National Green Tribunal in environmental governance.

The National Green Tribunal, in *Puducherry Environment Protection Association v. Chief Secretary (2018)*,<sup>25</sup> highlighted long term failure of waste management in the Union Territory, due to untreated waste and lack of infrastructure. The tribunal found the local authorities to be lethargic in their duties and demanded accountability from municipal authorities. It also ordered to establish functional and efficient waste processing facilities in the Union Territory. This case reflects the effort of the National Green Tribunal to ensure that all the states and union territories comply with national waste management regulations.

Courts and environmental tribunals have therefore emerged as significant actors in strengthen environmental governance in India. Through judicial pronouncements and tribunal proceedings, the judicial bodies have expanded the accountability of municipal officials and

---

<sup>23</sup> The National Green Tribunal Act, 2010, No. 19, Acts of Parliament, 2010 (India).

<sup>24</sup> *Municipal Corporation of Greater Mumbai v. Ankita Sinha* AIR ONLINE 2021 SC 861.

<sup>25</sup> *Puducherry Environment Protection Association v. Union of India*, O.A. No. 606/2018.

ensured that the statutory obligations of such officials are not ignored. Judicial intervention had resulted in the formation of monitoring committees and compliance reports of municipal authorities. These measures reflect the role of courts and tribunal in supervising environmental governance and ensuring compliance of municipal authorities with the regulatory frameworks relating to waste management.

### **Challenges in Municipal Accountability**

Despite the existence of a detailed framework governing solid waste management in India, effective implementation remains a challenge. Municipal authorities often face financial and administrative challenges in implementing the regulations across cities, preventing them from fulfilling their statutory obligations. These challenges arise not only from lack of funds, but also from lack of coordination between different departments, inadequate public participation and governance issues. Understanding these challenges is crucial to evaluate the extent of municipal liability and practical difficulties in implementation of environmental regulations.

#### **1. Lack of accountability and enforcement mechanisms**

One of the major challenges in municipal liability is the lack of effective accountability mechanisms when the municipal authorities fail to fulfil their waste management duties. While there are statutory provisions which make the municipal bodies responsible for effective management of waste under the Solid Waste Management Rules, 2016, enforcement of these provisions remains to be weak. There are many instances where the municipal bodies have been negligent in their duties without facing legal consequences. Such weak enforcement allows the negligence of municipal bodies to continue and reduces the effectiveness of environmental laws.

#### **2. Financial and infrastructure restraints**

The municipal authorities often argue that they lack the financial resources, infrastructure and trained personnel to manage waste efficiently. Facilities such as segregation systems, waste processing plants and maintenance of landfill sites require enormous financial resources. These financial limitations often become a practical obstacle in enforcing municipal liability as the local authorities rely on lack of resources as a defence for non-compliance. The Supreme Court has emphasized that financial

limitations cannot justify the failure of municipal bodies to carry out their statutory obligations, especially when it is concerned with public health in *Municipal Council, Ratlam v. Vardhichand (1980)*.<sup>26</sup>

### **3. Lack of public engagement and awareness**

Effective waste management requires cooperation between the public and the authorities. While the Constitution of India imposes a duty on the citizens towards the protection of environment under Article 51A (g), the 2016 framework highlights the role of the waste generators in management of solid wastes. However, the municipal authorities often fail to effectively communicate and engage with the public regarding waste segregation and disposal. The rules mandate the segregation of waste at the point where it is generated, but the municipal bodies are also responsible for conducting awareness programs and providing the necessary infrastructure. Lack of consistent public outreach often results in weak compliance and mixed waste disposal, thereby increasing the pressure on landfills.

### **4. Institutional and Governance Challenges**

While there are legal statutes and regulations providing for the functions of municipal authorities, poor coordination among different departments and government agencies results in weak implementation of waste management policies. Insufficient planning, lack of coordination and monitoring systems, bureaucratic delays often prevent municipalities from effectively implementing strategies for waste management. These institutional challenges further affect the enforcement of municipal liability in environmental law.

## **Recommendations**

While the Solid Waste Management Rules, 2026 strengthen the monitoring mechanisms and introduce personal liability of municipal officials, further reforms are necessary to ensure compliance with the new regulations.

---

<sup>26</sup> Municipal Council, Ratlam v. Shri Vardhichand, 1980 AIR 1622.

### **1. Strengthening Institutional Accountability**

The new regulations provide for digital tracking for collection and disposal of waste, which must be practically implemented by the municipalities to ensure that these steps are in compliance with the rules. Clear accountability systems must be developed and specific officials must be appointed for different aspects of waste management such as collection, transport and final disposal. The establishment of internal monitoring systems and evaluation of performance of municipal officials can help ensure the accountability of the officials for any mismanagement. Public access to such data can help in promoting transparency between citizens and authorities.

### **2. Enhancing financial capacity of the municipal authorities**

Adequate financial resources are necessary for the establishment of different systems required for the collection, treatment and scientific disposal of waste. The governments should allocate sufficient funds for the establishment of recycling plants, waste treatment facilities and for the management of landfills. Partnerships between private and government agencies should also be encouraged to gain access to modern technologies for waste treatment and disposal.

### **3. Promoting community participation and awareness**

The municipal authorities must conduct awareness programmes regarding waste segregation and responsible waste disposal. The municipal bodies must co-ordinate with educational institutions, different communities and resident welfare associations to educate them about importance of segregation of waste at the point of its generation and proper waste disposal. It can significantly improve compliance with the regulations and reduce the burden on landfill sites.

### **4. Encouraging sustainable waste management practices**

Sustainable practices of waste management such as composting, recycling and waste-to-energy initiatives must be prioritized by the municipal authorities to reduce the quantity of waste in landfill sites. Traditional practices often focus more on collection and disposal, which results in bulk of waste reaching the landfills leading to degradation of the environment. The municipalities must promote decentralized systems such as

community composting, material recovery facilities and bio-methanation plants for biodegradable waste. Additionally, waste-to-energy initiatives can be encouraged to minimize dependence on landfill sites. These practices would align with the objectives of the Solid Waste Management Rules, 2016 and help in minimizing harm to the environment.

#### **5. Strengthening monitoring mechanisms through supervision of courts and tribunals**

The environment regulatory authorities or tribunals may regularly monitor the functioning of the waste management systems to improve compliance with the regulations. Periodic reporting by the municipalities can help in holding the officials accountable and promote transparency. Independent audits by private institutions may also be considered to improve the waste management policies and address shortcomings in the municipal operations.

#### **6. Enhancing capacity of officials**

Effective implementation of the Solid Waste Management Rules, 2016 also depends on the capacity and skills of the municipal officials. Well-trained officials and staff are better equipped to carry out their statutory duties, accurately maintain records and implement waste segregation and collection protocols. Conducting regular training programs, exposing them to modern technologies for waste management and monitoring training can ensure that officials cannot claim of ignorance or incompetence in case of non-compliance. This helps in strengthening the enforcement of municipal liability, while complementing monitoring and enforcement mechanisms.

Effective implementation of waste management regulations ultimately depends on a coordinated effort between different municipal regulatory authorities and citizens. While legal frameworks establish the duties of the authorities, long-term success can be obtained by public participation administrative commitment and continuous monitoring by regulatory authorities.

### **Conclusion**

Municipal liability in managing solid waste reflects broader challenges in India's environmental governance. Despite a strong legal and constitutional framework, municipal

authorities face obstacles such as financial limitations, insufficient infrastructure, and poor coordination among departments, which hinder effective implementation. Judicial and tribunal oversight has been vital in clarifying responsibilities and ensuring compliance. The Solid Waste Management Rules, 2026, with their stricter monitoring and personal accountability provisions, present an opportunity to strengthen enforcement. However, achieving long-term success requires more than legal measures. Municipalities must prioritize institutional accountability, community engagement, sustainable waste management practices, and capacity-building of officials. A collaborative approach, involving citizens, municipal authorities, and regulatory bodies, is essential to address urban waste challenges, protect public health, and promote environmental sustainability. With coordinated action, India's urban centers can move towards cleaner, healthier, and more sustainable cities.