

JSA Prism Environmental Law



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Solid waste management moves from collection-centric governance to segregation-centric and accountability-based waste management

The Ministry of Environment, Forest and Climate Change has notified the Solid Waste Management Rules, 2026 ("**SWM Rules, 2026**") on January 28, 2026, superseding the Solid Waste Management Rules, 2016. The SWM Rules, 2026 have been issued under the Environment (Protection) Act, 1986 and will come into force from April 1, 2026. The revised framework seeks to strengthen urban waste governance through mandatory source segregation, expanded accountability for waste generators, and technology-enabled monitoring mechanisms.

The SWM Rules, 2026 integrate principles of circular economy and extended producer responsibility, with a regulatory emphasis on waste reduction, decentralised processing and scientific disposal. The SWM Rules, 2026 also introduce environmental compensation based on the polluter pays principle, clearer allocation of responsibilities among regulators and waste generators, and mandatory digital reporting of waste management activities across the country.

Salient features

- Mandatory four-stream segregation at source:** The SWM Rules, 2026 make segregation of waste at source mandatory into 4 (four) streams, i.e. wet waste, dry waste, sanitary waste and special care waste. Wet waste such as food and vegetable matter must be composted or treated through bio-methanation at nearby facilities, while dry waste including plastic, paper, metal and glass must be sent to Material Recovery Facilities ("MRFs") for recycling. Sanitary waste must be securely wrapped and stored separately, and special care waste such as medicines, bulbs and paint containers must be collected by authorised agencies. This provision establishes segregation as the foundation of the waste management system.
- Environmental compensation based on the polluter-pays principle:** The SWM Rules, 2026 provide for levy of environmental compensation in cases of non-compliance, including operation without registration, false reporting or improper waste handling. The Central Pollution Control Board ("CPCB") will issue guidelines, while State Pollution Control Boards ("SPCBs") and pollution control committees will impose and recover compensation. The framework institutionalises financial liability as an enforcement mechanism to ensure compliance.
- Defined responsibilities of bulk waste generators:** The SWM Rules, 2026 introduce a clear definition of bulk waste generators, covering entities generating at least 100 (one hundred) kilogram of waste per day, consuming 40,000 (forty thousand) litres of water daily, or occupying premises of 20,000 (twenty thousand) square metres or more. These entities, including institutions, commercial establishments and residential societies, must ensure environmentally sound collection, transportation and processing of waste. The SWM Rules, 2026 also introduce Extended Bulk Waste Generator Responsibility ("EBWGR"), requiring on-site wet waste processing or

procurement of an EBWGR certificate, thereby promoting decentralised waste management and reducing dependence on local bodies.

4. **Online tracking and monitoring of the entire waste management chain:** The SWM Rules, 2026 mandate creation of a centralised online portal to track waste generation, collection, transportation, processing, disposal and remediation of legacy dumpsites. Registration, authorisation and reporting by waste processing facilities must be undertaken digitally, and audit reports are required to be uploaded on the portal. This replaces physical reporting processes and introduces a national-level digital compliance monitoring framework.
5. **Faster land allocation and buffer zone framework:** To facilitate establishment of waste processing facilities, the SWM Rules, 2026 introduce graded criteria for development around such facilities and require maintenance of buffer zones within allotted land for plants exceeding 5 (five) tonnes per day capacity. The CPCB will issue guidelines specifying permissible activities and buffer zone size, enabling states and union territories to expedite land allocation for waste infrastructure.
6. **Recognition of MRFs and duties of local bodies:** MRFs are formally recognised as sorting facilities within the municipal waste ecosystem and may also function as deposition centres for e-waste, sanitary waste and special care waste. Local bodies are responsible for coordinated collection, segregation and transportation of waste and are encouraged to generate carbon credits. Special focus has also been mandated for peri-urban and rural areas.
7. **Mandatory use of Refuse Derived Fuel ("RDF") by industries:** The SWM Rules, 2026 define RDF as processed high-calorific municipal waste and mandate industries using solid fuel, including cement and waste-to-energy plants, to substitute conventional fuel with RDF. The substitution rate is to increase from 5% to 15% over 6 (six) years, creating a structured market for waste-derived fuel.
8. **Restrictions on landfilling and remediation of legacy waste:** Landfills are now restricted to inert and non-recyclable waste that cannot be processed or used for energy recovery. Higher landfill fees are prescribed for unsegregated waste to discourage dumping. The SWM Rules, 2026 mandate mapping of legacy dumpsites and require time-bound biomining and bioremediation with quarterly reporting through the online portal, along with annual landfill audits by SPCBs under the supervision of district authorities.
9. **Special provisions for hilly areas and islands:** The SWM Rules, 2026 introduce region-specific measures, including tourist user fees, decentralised processing by hotels and restaurants, and designated collection points for non-biodegradable waste. Local bodies may regulate tourist inflow based on waste management capacity, recognising the ecological sensitivity of such regions.
10. **Institutional implementation framework:** Central and State-level implementation committees have been established. At the State or Union Territory level, a committee chaired by the Chief Secretary or administrator will coordinate implementation and recommend measures to the CPCB for effective enforcement of the SWM Rules, 2026.
11. **Impact on business:** The compliance obligations under the SWM Rules, 2026 are expected to increase operational and reporting costs for companies. At the same time, the framework strengthens the environmental economy in India by signalling a shift towards circular resource utilisation and encouraging the development of new methodologies and markets for environmental assets.

Conclusion

Solid waste management moves from collection-centric governance to segregation-centric and accountability-based waste management. Through mandatory source segregation, digital monitoring, extended responsibility for waste generators and financial liability for violations, the SWM Rules, 2026 aim to reduce landfill dependence and enable circular utilisation of waste. While the framework strengthens enforcement and infrastructure development, its effectiveness will depend on municipal capacity, compliance by bulk generators and consistent regulatory oversight across States.

Environmental Law, Climate Change and Energy Transition Practice

The Firm advises and acts in proceedings, arising in relation to various environmental statutes, before the National Green Tribunal, High Court/s and Supreme Court of India. We have done critical review of major environmental laws and an assessment of their assigned objectives. The firm has been regularly advising clients in matters relating to climate change and energy transition.

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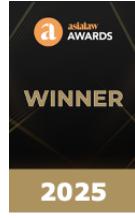


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