

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
M.A. NO. 57/2025
IN
ORIGINAL APPLICATION NO. 613/2022**

**IN THE MATTER OF:
RAM MILAN SAHANI**

...APPLICANT

VERSUS

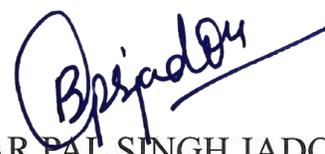
STATE OF U.P. & ORS.

...RESPONDENT(s)

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2.	A COPY OF THE MGNREGA MASTER CIRCULAR 2024-25 IS ANNEXED HEREWITH AND MARKED AS ANNEXURE-1	

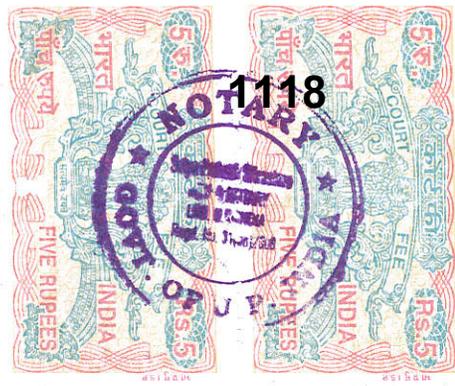
THROUGH COUNSEL



BHANWAR PAL SINGH JADON
STANDING COUNSEL FOR THE STATE OF U.P.
bhanwar09jadon@gmail.com | 6375115224

DATE: 16.03.2026

PLACE: NOIDA



ATTESTED



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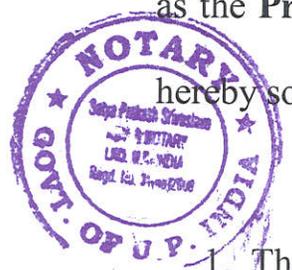
STATE OF U.P. & ORS.

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**RESPONSE BY THE STATE OF U.P. IN COMPLIANCE OF ORDER
DATED 05.12.2025 PASSED BY THE HON'BLE NATIONAL GREEN
TRIBUNAL, PRINCIPAL BENCH, NEW DELHI**

I, Sorabh Babu, aged about 49 years S/o Late Radhey Shyam, presently posted as the Principal Secretary, Rural Development Department Uttar Pradesh do

hereby solemnly affirm and state on oath as under:



1. That I, the Deponent, in the above captioned matter am fully conversant with the facts of the case and is competent and authorized to swear the present response.

2. That the above-captioned matter pertains to the O.A. No. 613/2022 "Ram Milan Sahani vs. State of Uttar Pradesh & Ors." filed before the Hon'ble National Green Tribunal, Principal Bench, New Delhi, regarding non-

SWORN & AFFIRMED
BEFORE ME
S.P.S.
Natya Prakash Srivastava
Advocate & Notary
know U.P. No.
16162/26

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compliance of provisions of the Solid Waste Management Rules, 2016 and consequential environmental degradation in the State of Uttar Pradesh.

3. That the Hon'ble Tribunal vide order dated 05.12.2025 has directed the State of UP to file their response addressing the query of the Hon'ble Tribunal regarding engagement of persons working under the MGNREGA scheme at the State level in activities relating to sanitation and collection of solid waste.

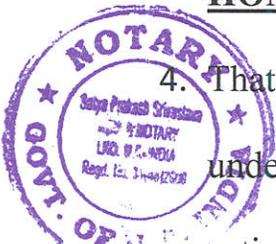
**REPLY BY THE STATE OF UP TO THE QUERY RAISED BY THE
HON'BLE TRIBUNAL**

4. That with regards to the above, it is submitted that engagement of workers under the MGNREGA scheme in sanitation and solid waste collection activities are governed by the provisions contained in the MGNREGA Master Circular 2024-25. The provisions of the Master Circular 2024-25 are as follows:

A copy of the MGNREGA Master Circular 2024-25 is annexed herewith and marked as ANNEXURE-1.

That under **Paragraph 7.9** of the MGNREGA Master Circular 2024-25, the following provision has been made:

*“Solid Waste Management (SWM) under Mahatma Gandhi NREGS
Para 4 (1) IV (i) of Schedule I of the Mahatma Gandhi NREG Act*



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BEFORE ME

Satya Prakash Srivastava
Advocate & Notary

16/05/26

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provides for rural sanitation works under Rural Infrastructure category, wherein solid and liquid waste management works (SLWM) may be undertaken amongst other listed works. Accordingly, works like construction of Individual Household Latrines (IHHLs), soak pits, village drains for disposal of grey water, stabilization ponds (3/5 ponds system) for treatment of grey water and construction of infrastructures for composting may be undertaken under Mahatma Gandhi NREGS as standalone works. For comprehensive management of solid waste, it is advised that:-

- i. SWM works should be economically viable and sustainable.
- ii. They should be user friendly and should not have any detrimental effects upon human health or to the environment.
- iii. It should be in project mode, for each GP or cluster of habitations, and should take into account sustainable sources of income through involvement of community. The guidelines of SBM (G) provides that SLWM can be taken up by the Gram Panchayat (GP) with financial assistance capped for a GP on the basis of number of households to enable all GPs to implement sustainable SLWM projects maximum of Rs.7 lakh for a GP having upto 150 households, Rs.12 lakh upto 300 households and Rs.15 lakh upto 500 households. Funding for SLWM project under SBM(G) is provided by the Central and State Government in the ratio of 60:40. SLWM project can be made financially viable by dovetailing funds from other programmes and



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Advocate & Notary

16/02/26

sources of funding like Mahatma Gandhi NREGS. Funding from programmes of other Ministries and departments may also be converged. It is clear that SWM can be taken up from SBM (G) funds and that Mahatma Gandhi NREGS is one of the many possible sources for supporting SLWM efforts of the GP/ community. The Solid Waste Management work for the GP will become self-sustainable by:-

- collecting collection charges from households, shops, hut, Government institutions,*
- Sale of recyclable / reusable waste items and sale of compost / vermi-compost.*



iv. The DPR of the SWM should cover in depth analysis of total waste generated from households, shops, schools, ICDS, hut, marriage halls etc., distance from the SWM unit, transportation and segregation, organic and inorganic (including recyclable) waste. The land requirement for compost pits, vermi-compost shed, segregation shed, tri-cycle parking space, cleaning & drying of waste, recycle waste shed, office-cum godown and other staff facilities should be incorporated. The space requirement for SWM unit and landfill area may vary from place to place depending upon the number of HHs and other criteria. The land for all these activities may be provided by the concerned Gram Panchayat.

*SWORN & VERIFIED
BEFORE ME*

*Satya Prakash Srivastava
Advocate & Notary*

16/09/26

v. *Only permissible activities/ works that are non-repetitive, durable and tangible in nature shall be taken up under Mahatma Gandhi NREGS for promoting solid waste management.*

vi. *All the durable assets like vermi-compost unit, segregation unit, tri- cycle shed, office room & store room, toilets, bathroom may be funded from Mahatma Gandhi NREGS.*

vii. *The funds from SBM-G or Finance Commission grants or other sources of revenue of the GPs may be utilized for providing e rickshaw / push cart for door to door collection, brooms, baskets, spades, safety kits, gloves, vaccinations of workers, buckets etc. including payments of wages to sanitary workers, maintenance of e rickshaws.*

viii. *The training and exposure of sanitary workers, supervisors, IEC (advertisements and awareness) initiatives may be conducted from DAY-NRLM / SPMRM/ CSR or funds other than Mahatma Gandhi NREGS, to the extent permitted therein.*

ix. *The recurring expenditures like wages to sanitary workers (waste collectors and segregators), supervisors and office accessories may be funded from any of the above listed sources, other than Mahatma*

Gandhi NREGS.

x. *In this matter guidelines have been issued by the Ministry vide letter number J-11017/41/2012-MGNREGA (UN) dated 09.02.2018."*



SWORN & VERIFIED
BEFORE ME

Satya Prakash Srivastava
Advocate & Notary

16/02/2018

6. That additionally, **Paragraph 7.10** of the MGNREGA Master Circular 2024–25 clearly clarifies as follows:

“It has been found that some States are making wages payment for sanitary workers for collection and segregation of waste and supervisors through Mahatma Gandhi NREGS, which is not permissible as per provisions of the Act, given their recurring nature. Therefore, payment of wages for sanitary workers for collection of waste and segregation and supervisors shall be stopped”

7. That as per the above-mentioned provisions, it is most humbly submitted that the sanitation and waste collection activities are of a recurring nature and, therefore, are not permissible under the MGNREGA scheme, and payment of the labour component for such works under MGNREGA is not permissible as well as admissible. **It is pertinent to note that, under the MGNREGA scheme, the works undertaken by workers shall be non-recurring and non-repetitive in nature.** Furthermore, it is to be noted that such activities are granted funds from SBM-G and Finance Commission.

SWORN & VERIFIED
BEFORE ME

88 Hence, the present affidavit is being submitted for the kind perusal of this Hon'ble Tribunal. It is prayed that the same be taken on record.

Satya Prakash Srivastava
Advocate & Notary

16/02/2025

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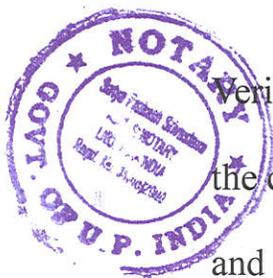
9. I state that everything stated above has been stated by me in my official capacity on and derived from the official record and I state that nothing material has been concealed therefrom.

[Handwritten signature]

DEPONENT

VERIFICATION

Verified at 10:30 AM on this 16th day of 16/02/26, 2026, that the contents of the above affidavit from paragraphs 1 to 9 are believed to be true and correct to the best of my knowledge and belief. No part of it is false and nothing material has been concealed therefrom.



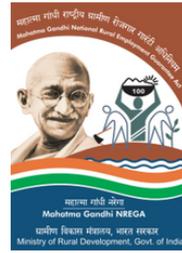
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DEPONENT

**SWORN & VERIFIED
BEFORE ME**
[Signature]
Atya Prakash Srivastava
Advocate & Notary
16/02/26

[Handwritten mark]

[Signature]
I have read and identify the deponent
and signed/put T! before me



**MAHATMA GANDHI
NATIONAL RURAL
EMPLOYMENT GUARANTEE
ACT, 2005**

**ANNUAL MASTER
CIRCULAR
2024-25**

**MINISTRY OF RURAL DEVELOPMENT
DEPARTMENT OF RURAL DEVELOPMENT
GOVERNMENT OF INDIA**

can be taken up for promotion of aquaculture after approval of Fishery department of the State, both for fish seed rearing and table fish production depending on the size and depth of the pond, water holding capacity, water retention period etc.

Following parameters need to be followed for taking up these kinds of works:-

- 1) In case of excavation / renovation / modification of ponds under Mahatma Gandhi NREGS, all prescribed norms and processes as per the Mahatma Gandhi NREG Act 2005, and its Schedules as well as AMC will be followed.
- 2) Under no circumstances the input cost of fingerlings, manures etc. will be met from Mahatma Gandhi NREGS.
- 3) Re-excavation/renovation of individual farm ponds are not a permissible activity under Mahatma Gandhi NREGS.
- 4) The maintenance of community assets (ponds on public lands in this case) is allowed under Mahatma Gandhi NREGS.
- 5) The maintenance of all individual assets, including farm ponds on individual land) is not allowed under Mahatma Gandhi NREGS, if an individual farm pond has been excavated under Mahatma Gandhi NREGS and the same has to be renovated for the purpose of aquaculture / fisheries, the cost of renovation will be borne by the beneficiary or through any other source other than Mahatma Gandhi NREGS. However, the renovation/ customization of water bodies / ponds on public lands can be taken up for aquaculture / fisheries under Mahatma Gandhi NREGS.

7.9 Solid Waste Management (SWM) under Mahatma Gandhi NREGS

Para 4 (1) IV (i) of Schedule I of the Mahatma Gandhi NREG Act provides for rural sanitation works under Rural Infrastructure category, wherein solid and liquid waste management works (SLWM) may be undertaken amongst other listed works. Accordingly, works like construction of Individual Household Latrines (IHHLs), soak pits, village drains for disposal of grey water, stabilization ponds (3/ 5 ponds system) for treatment of grey water and construction of infrastructures for composting may be undertaken under Mahatma Gandhi NREGS as standalone works. For comprehensive management of solid waste, it is advised that:-

- i. SWM works should be economically viable and sustainable.
- ii. They should be user friendly and should not have any detrimental effects upon human health or to the environment.
- iii. It should be in project mode, for each GP or cluster of habitations, and should take into account sustainable sources of income through involvement of community. The guidelines of SBM (G) provides that SLWM can be taken up by the Gram Panchayat (GP) with financial assistance capped for a GP on the basis of number of households to enable all GPs to implement sustainable SLWM projects maximum of Rs.7 lakh for a GP

having upto 150 households, Rs.12 lakh upto 300 households and Rs.15 lakh upto 500 households. Funding for SLWM project under SBM(G) is provided by the Central and State Government in the ratio of 60:40. SLWM project can be made financially viable by dovetailing funds from other programmes and sources of funding like Mahatma Gandhi NREGS. Funding from programmes of other Ministries and departments may also be converged. It is clear that SWM can be taken up from SBM (G) funds and that Mahatma Gandhi NREGS is one of the many possible sources for supporting SLWM efforts of the GP/ community. The Solid Waste Management work for the GP will become self-sustainable by:-

- collecting collection charges from households, shops, hut, Government institutions,
 - Sale of recyclable / reusable waste items and sale of compost / vermi-compost.
- iv. The DPR of the SWM should cover in depth analysis of total waste generated from households, shops, schools, ICDS, hut, marriage halls etc., distance from the SWM unit, transportation and segregation, organic and inorganic (including recyclable) waste. The land requirement for compost pits, vermi-compost shed, segregation shed, tri-cycle parking space, cleaning & drying of waste, recycle waste shed, office-cum godown and other staff facilities should be incorporated. The space requirement for SWM unit and landfill area may vary from place to place depending upon the number of HHs and other criteria. The land for all these activities may be provided by the concerned Gram Panchayat.
 - v. Only permissible activities/ works that are non-repetitive, durable and tangible in nature shall be taken up under Mahatma Gandhi NREGS for promoting solid waste management.
 - vi. All the durable assets like vermi-compost unit, segregation unit, tri-cycle shed, office room & store room, toilets, bathroom may be funded from Mahatma Gandhi NREGS.
 - vii. The funds from SBM-G or Finance Commission grants or other sources of revenue of the GPs may be utilized for providing e-rickshaw / push cart for door to door collection, brooms, baskets, spades, safety kits, gloves, vaccinations of workers, buckets etc. including payments of wages to sanitary workers, maintenance of e-rickshaws.
 - viii. The training and exposure of sanitary workers, supervisors, IEC (advertisements and awareness) initiatives may be conducted from DAY-NRLM / SPMRM/ CSR or funds other than Mahatma Gandhi

NREGS, to the extent permitted therein.

- ix. The recurring expenditures like wages to sanitary workers (waste collectors and segregators), supervisors and office accessories may be funded from any of the above listed sources, other than Mahatma Gandhi NREGS.
- x. In this matter guidelines have been issued by the Ministry vide letter number J-11017/41/2012-MGNREGA (UN) dated 09.02.2018

7.10 Payment of wages of Sanitary Workers: It has been found that some States are making wages payment for sanitary workers for collection and segregation of waste and supervisors through Mahatma Gandhi NREGS, which is not permissible as per provisions of the Act, given their recurring nature. Therefore, payment of wages for sanitary workers for collection of waste and segregation and supervisors shall be stopped.

7.11 Strategy for completion of incomplete work

It should be ensured that works are available on continuous basis to the wage seekers and there is emphasis on completion of ongoing and incomplete works. Without undermining the entitlement of wage seekers, the GP should first allocate works that are incomplete and have the required labour employment potential before opening new works.

The Incomplete works can be categorized in to two broad categories:-

- (1) categorization according to the varying levels of completion,
- (2) categorization according to the nature of work viz. Roads, ponds, individual assets etc.

The State strategies must keep both the aspects in mind to complete these works.

The works according to category (1) can be subdivided into following subcategories:

- a. Expenditure more than 100%
- b. Expenditure more than 75%
- c. Expenditure is 0% in last one year
- d. Expenditure on material component only.

The NREGASoft report no. (R.6.2 .6.18, 6.19) has the necessary details which can be drilled down to the GP level.

The works according to category (2) can be subdivided into following subcategories:

- a. Rural infrastructure