

Bill No. 206 of 2015

THE ENVIRONMENT (PROTECTION) AMENDMENT BILL, 2015

By

SHRIMATI SUPRIYA SULE, M.P.

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BILL

further to amend the Environment (Protection) Act, 1986.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Environment (Protection) Amendment Act, 2015.

Short title and
commencement.

(2) It shall come into force on such date, as the Central Government may, by notification
5 in the Official Gazette, appoint.

Amendment of section 2. **2.** In section 2 of the Environment (Protection) Act, 1986, (hereinafter referred to as the principal Act),:— 29 of 1986.

(i) the existing clause (a) shall be re-numbered as clause (aa) and before clause (aa) so as re-numbered, the following clause shall be inserted, namely:—

‘(a) "Board" means the Central Board for the Prevention, Control and Abatement of Light Pollution constituted under section 17A;’; 5

(ii) after clause (e), the following clause shall be inserted, namely:—

‘(ea) "light pollution" means unwanted illumination by outdoor lighting fixture, which is dispersed outside the areas to which intended, particularly in cases when directed over the horizon level and/or induces negative effects on living organism;’; 10

(iii) after clause (f), the following clause shall be inserted, namely:—

‘(fa) "outdoor lighting fixture" means any type of fixed or movable lighting equipment designed or used for outdoor illumination including billboard lighting, street lights, searchlights and other lighting used for advertising purposes and area lighting but does not include lighting equipment that is required by law to be installed on motor vehicles or lighting required for the safe operation of aircraft;’; and 15

(iv) after clause (g), the following clause shall be inserted, namely:—

‘(h) "shielded" in relation to outdoor lighting fixture means a fixture that is covered in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.’. 20

Insertion of new Chapter IIIA. **3.** In the principal Act, after Chapter III, the following new Chapter shall be inserted, namely:—

"CHAPTER IIIA 25

PREVENTION, CONTROL AND ABATEMENT OF LIGHT POLLUTION

Constitution of Central Board. **17A. (1) The Central Government shall, within three months of the coming into force of the Environment (Protection) Amendment Act, 2015, by notification in the Official Gazette, constitute a Board to be known as the Central Board for the Prevention, Control and Abatement of Light Pollution for effective implementation of the provisions of the Chapter.** 30

(2) The Board shall consist of Chairperson and such other members to be appointed by Central Government in such manner as may be prescribed.

(3) The salary and allowances payable to, and other terms and conditions of services of Chairperson and members of the Board shall be such as may be prescribed. 35

Functions of Central Board. **17B. (1) The Board shall be responsible for prevention, control and abatement of light pollution in the country.**

(2) Without prejudice to the generality of the foregoing provision, the Board may perform all or any of the following functions, namely:—

(a) advise the Central Government on any matter concerning improvement of the quality of night sky and the prevention, control or abatement of light pollution. 40

(b) plan and cause to be executed a nation-wide programme for the prevention, control and abatement of light pollution;

(c) **plan and organise training of persons engaged or to be engaged in programmes for prevention, control and abatement of light pollution on such terms and conditions, as the Board may specify;** 45

(d) organise through mass media a comprehensive programme regarding prevention, control and abatement of light pollution;

5 **(e) collect, compile and publish technical and statistical data relating to light pollution and the measures devised for its effective prevention, control and abatement and prepare manuals, codes or guides relating to prevention, control and abatement of light pollution;**

(f) lay down standards for the quality of atmosphere and night sky in respect of light pollution;

10 (g) collect and disseminate information in respect of matters relating to light pollution; and

(h) perform such other functions as may be prescribed.

17C. (1) The Board shall, by notification in the Official Gazette, prescribe guidelines for shielded outdoor lighting fixtures. Guidelines for outdoor fixtures.

15 (2) In particular and without prejudice to the generality of forgoing provisions, the guidelines shall provide for—

(a) compulsory shielding of all public outdoor lighting fixtures using prescribed power consumption;

(b) replacement of unrepairable shielded outdoor lighting fixtures; and

20 (c) restricted use of shielded outdoor lighting fixtures for outdoor recreational facility from midnight till 0500 hrs. except for national or international events.

17D. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide such sums of money as it may think fit for being utilised for the purpose of this Act. Central Government to provide fund.

17E. The provisions of this Act shall not apply to—

25 (a) existing shielded outdoor lighting fixtures which were legally installed prior to the commencement of the Environment (Protection) Amendment Act, 2015;

(b) navigational lighting systems at airports and other lighting necessary for aircraft safety;

(c) outdoor lighting fixtures necessary for national safety; and

30 (d) outdoor lighting fixtures necessary for safety of workers engaged at farms, dairies, industries, mining, oil sector and natural gas facilities.

17F. Whoever contravenes the provisions of this Chapter shall, for a first offence, be issued a warning, and for second or subsequent offence be punished with a fine, which shall not be less than one lakh rupees. Penalty.

35 17G. The provisions of this Chapter shall have effect notwithstanding anything inconsistent therewith contained in this Act or any other law for the time being in force." Act to have overriding effect.

STATEMENT OF OBJECTS AND REASONS

The unrestricted use of artificial lights and human's dependence on electricity has resulted in problems that we have become oblivious to. Though we may have conquered the demons of darkness and illuminated our cities, towns and villages, we have done so at a huge expense. We have surpassed levels of light hundreds and thousands of times higher than the natural level during the night thereby causing light pollution.

The biggest victim of light pollution is science of astronomy. Sky glow (the scattering of light in the atmosphere) reduces the contrast between stars and galaxies and the sky itself, making it much harder to see fainter objects. Astronomers need to have a clear view of the stars and planets above. Dark sky friendly lighting does not mean dark ground. Light pollution not just concerns astronomers but also animals and plants. It poses a serious threat to nocturnal wildlife. About thirty per cent. of vertebrates and more than sixty per cent. of invertebrates are nocturnal and many of the rest are crepuscular-active at dawn and dusk. Light pollution is known to have caused confusion to animal navigation and changed predator-prey relations amongst other things. Thus light pollution has an endangering effect on the ecosystem around us.

The Bill aims to ensure that outdoor light at night is illuminated at an appropriate lighting levels or use fully shielded, light efficient fixtures aimed downward where it is needed. The relatively simple act of shielding our lights, installing or retrofitting lamp fixtures that direct light downward to its intended target, represents our best chance to control light pollution. While we seldom leave our interior light bare, most of our outdoor lighting remains unshielded, sending light straight into the sky, into our eyes, into our neighbours' bedrooms. Moreover, shielded lights do their job more efficiently as they shine more brightly on what want to be lit. More efficient lighting also saves energy, reduce costs and conserve natural resources.

In various countries, there are laws to preserve and enhance country's dark sky. But light pollution is hardly discussed in our country and in fact it is nobody's responsibility. The problem of light pollution is worsening as our country is becoming increasingly affluent and urbanized. It is, therefore, high time that matter may be regulated before the situation becomes alarming.

NEW DELHI;
June 29, 2015.

SUPRIYA SULE

FINANCIAL MEMORANDUM

Clause 3 of the Bill seeks to insert sections 17A to 17G in the Environment (Protection) Act, 1986. Proposed section 17A provides for constitution of a Central Board to prevent, control and abate light pollution. Proposed sections 17B provides for steps to be taken by the Central Board for such training, mass media programme and compilation of data relating to prevention, control and abatement of light pollution. Proposed section 17C provides for replacement of existing lamps after being irreparable. Proposed section 17D provides that the Central Government shall provide adequate funds to carry out the purposes of the Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about fifty hundred crore will be incurred per annum.

A non-recurring expenditure of rupees one hundred crore is also likely to be involved.

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further to amend the Environment (Protection) Act, 1986.

(Shrimati Supriya Sule, M.P.)