

BEFORE THE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH,
NEW DELHI

ORIGINAL APPLICATION NO. 1380/2024

IN THE MATTER OF:

PANCHTATVA FOUNDATION

...APPLICANT

VERSUS

MoEF & CC & Ors.

...RESPONDENT (s)

AFFIDAVIT ON BEHALF OF RESPONDENT NO-1 -MINISTRY OF
ENVIRONMENT, FOREST AND CLIMATE CHANGE.

I, Mukesh Balodhi S/o Sh. D.N Balodhi aged about 42 years old, presently posted as Scientist 'E', Ministry of Environment, Forests & Climate Change (hereinafter referred as MoEFCC), Government of India having its office at New Delhi, do hereby solemnly affirm and declare as under:



1. That, I am well acquainted with the facts and circumstances of the present case and competent to swear this affidavit in the instant case.
2. That, the present affidavit is filed in respectful compliance of the order of this Hon'ble Court dated 23.12.2024. A copy of the order dated 23.12.2024 is **Annexed**.
3. That the present Original Application ("OA") has been filed by the Panchtatva Foundation raising concerns regarding the adverse effects of Artificial Light at Night (ALAN) on ecological and human health. The

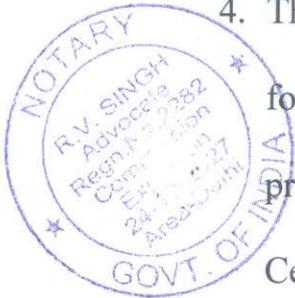
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applicant has contended that excessive and unregulated use of artificial lighting disrupts natural biological processes, including human circadian rhythms, nocturnal wildlife behavior, plant physiology, and migration patterns of species. It has also been submitted by the applicant that there is no framework regulating the use of artificial light in India, such uncontrolled illumination poses a growing threat to environmental and public well-being. The Hon'ble Tribunal, taking cognizance of these concerns, directed issuance of notice dated 23.12.2024 to the Respondents and called for responses by way of affidavit. Thereby, the reply is made in succeeding paragraphs.

4. That the Answering Respondent is engaged in, *inter alia*, policy formulation for abatement, control, and prevention of pollution and prescribing environmental standards to be implemented through the Central Pollution Control Board (CPCB) and State Pollution Control Boards (SPCBs)/ Pollution Control Committees (PCCs).

Besides, the concerned State Pollution Control Boards/Pollution Control Committees are empowered to take all such measures as are deemed necessary or expedient for the purpose of protection and improving the quality of the environment as well as prevention, control, and abatement of environmental pollution.

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5. That the answering Respondent herein respectfully submits that the purpose and objective of the **Water Act, 1974**, the **Air Act, 1981** and the **Environment (Protection) Act, 1986** are as follow:

- a. Promote the cleanliness of streams and wells in different area of the States;
- b. Improve the ambient air quality and to prevent, control, and abate air pollution in the country; and
- c. Protect and enhance the quality of the environment, and to prevent, control, and abate environmental pollution.

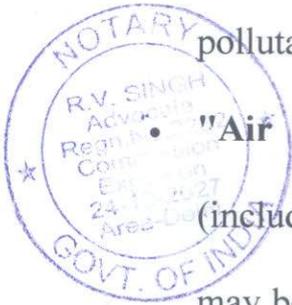
In this regard, the following statutory definitions, as contained in the aforementioned enactments, are of particular relevance:

- **“Pollution”** means such contamination of water or such alteration of the physical, chemical or biological properties of water or such discharge of any sewage or trade effluent or of any other liquid, gaseous or solid substance into water (whether directly or indirectly) as may, or is likely to, create a nuisance or render such water harmful or injurious to public health or safety, or to domestic, commercial, industrial, agricultural or other legitimate uses, or to the life and health of animals or plants or of aquatic organisms (Section 2(e), Water Act).



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- **"Sewage effluent"** means effluent from any sewerage system or sewage disposal works and includes sullage from open drains (Section 2(g), Water Act).
- **"Trade effluent"** includes any liquid, gaseous, or solid substance discharged from any premises used for carrying on any industry, operation, process, or treatment and disposal system, other than domestic sewage (Section 2(k), Water Act).
- **"Air pollution"** means the presence in the atmosphere of any air pollutant (Section 2(b), Air Act).
- **"Air pollutant"** means any solid, liquid, or gaseous substance (including noise) present in the atmosphere in such concentration as may be or tend to be injurious to human beings, other living creatures, plants, property, or the environment (Section 2(a), Air Act)
- **"Emission"** means any solid or liquid or gaseous substance coming out of any chimney, duct or flue or any other outlet (Section 2(j), Air Act)
- **"Environment"** includes water, air, and land and the inter-relationship which exists among and between water, air, and land and human beings, other living creatures, plants, micro-organisms, and property (Section 2(a), EP Act).
- **"Environmental pollution"** means the presence in the environment of any environmental pollutant (Section 2(c), EP Act).



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- **“Environmental pollutant”** means any solid, liquid, or gaseous substance present in such concentration as may be, or tend to be, injurious to the environment (Section 2(b), EP Act).

It is respectfully submitted that while the statutory framework under the aforesaid Acts comprehensively addresses pollution arising from water, air, and various waste streams, **it does not encompass the impact of Artificial Light At Night (ALAN) or covered in definitions** provided under these statutes.

6. That the **Bureau of Indian Standards (BIS)**, National Standard Body of India, established under the Bureau of Indian Standards Act, 2016, to facilitate the harmonious development of the activities of standardization, conformity assessment and quality assurance of goods, articles, processes, systems and services and for matters connected therewith or incidental thereto. In pursuit of this mandate, the BIS has formulated various standards for artificial lighting systems to ensure their effective, efficient, and context-specific application across sectors.



Some of the key Indian Standards relevant to artificial lighting are

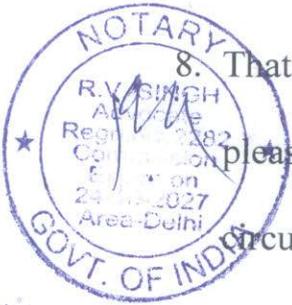
as follows:

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- a. **IS 18807 (2024)** – This standard pertains to artificial lighting systems used in **protected cultivation** covering parameters such as light quality, intensity, photoperiod, and uniformity to optimize plant growth.
- b. **IS 3646-1 (1992)** – This code of practice provides **general requirements for interior illumination**, emphasizing visual comfort and appropriate lighting levels for various functional spaces such as offices, industrial units, and public buildings.
- c. **IS 6665 (1972)** – This standard provides a code of practice on **industrial lighting, offering guidance** on safe, efficient, and environment-appropriate lighting systems for industrial applications.

7. That, the Answering Respondent reserves its right to file additional information before the Hon'ble Tribunal, if required, till *Pendente-Lite*.

8. That, in view of the foregoing submissions, this Hon'ble Tribunal may be pleased to pass such or further orders as it may deem fit in the given circumstances of the case



I identified the deponent/executor who has signed in my presence

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VERIFICATION:

Verified at New Delhi on the 16th April, 2025 that the contents of the above affidavit are true and correct to the best of my knowledge and belief and nothing material has been suppressed or concealed therein.

solemnly affirmed before me, read over & explained to the deponent

[Signature]

Notary Public, Delhi

M Balodhi

DEPONENT
(मुकेश बालोधी)
(MUKESH BALODHI)
वैज्ञानिक 'ई'/Scientist 'E'
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Min. of Environment, Forest and Climate Change
भारत सरकार, नई दिल्ली
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Govt. of India, New Delhi

16 APR 2025



S S <satyapriyashilpi@gmail.com>

Service of Reply on behalf of Respondent No. 1 - MoEF & CC in OA No. 1380/2025

SHILPI SATYAPRIYA SATYAM <satyapriyashilpi@gmail.com>

Wed, Apr 16, 2025 at 5:04 PM

To: email@panchtattva.org, nv@ptalaw.in

Cc: dstsec@nic.in, ccb.cpcb@nic.in, Legal Monitoring Cell <lmc.moefcc@gov.in>, pritysinghcnlu <pritysinghcnlu@gmail.com>, PRITY SINGH <prity.singh@nic.in>

To,

1. The Applicant
2. Advocate for the Applicant
3. Respondent Nos. 2 & 3

Dear Sir,

Please find attached herewith the Copy of Reply on behalf of Respondent No. 1 - MoEF & CC proposed to be filed in OA No. 1380/2024 pending before Hon`ble NGT, Principal Bench, New Delhi.

Thanking You,

SHILPI SATYAPRIYA SATYAM*Advocate-on-Record & Mediator**Supreme Court of India***Counsel for MoEF & CC (R-1)**

Mob : 9810445088

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