



ENVIRONMENTAL LAW

Woes of being blinded by the light

Light pollution in context

Several countries across the globe have incorporated provisions regarding light pollution in their laws but Bangladesh is yet to do so. It is high time we incorporated provisions regarding light pollution control in our environmental laws.

AORPA SAHA

Light pollution refers to the usage of excessive artificial light that is neither necessary nor energy efficient. At present, nearly 83 percent of the world's population live under skies polluted by light—as artificial light goes on to engulf the sky's entire terrain.

Climate stability of the world is already hanging by a thread; hence shifting attention to light pollution might seem like a utopian discussion but it is not. This article attempts to illustrate why we need laws to address light pollution for a better tomorrow. Apart from disrupting our ability to observe the night sky, light pollution adversely affects human health, meddles with the equilibrium of ecosystem, hinders astronomical research, and also contributes to energy wastage. Immediate measures are needed to tackle this anthropogenic disaster. But do we have any provisions on addressing light pollution within our environmental legislative landscape? Unfortunately, we do not.

Constant exposure to artificial light disrupts the circadian rhythm in human beings, causes headaches, sleep disorders, cardiovascular diseases, and other often fatal ailments. Alongside that, artificial light hinders melatonin production, a hormone that regulates some of the cardinal neuroendocrine functions of human body. In recent times, research has found correlation between melatonin deficiency and the prevalence of breast and prostate cancer. To make things worse, light pollution wreaks havoc on the wildlife as well. Over-

illumination, for instance, has forced many species to lose their habitats and pushed them to the verge of extinction. Thus, the deleterious consequences associated with light pollution are responsible for getting millions of living beings on earth killed every year. However, measures to curb or regulate the use of artificial light are yet to be introduced— both at the national and the local levels.

Light pollution is also not a standalone hazardous phenomenon. Excessive artificial light destroys nitrate radicals and prevents the normal night-time reduction of atmospheric smog emitted from vehicles and factories, thereby leading to air pollution. Consequently, the major cities of our country always top the charts of the worst air equality indexes. That is how seemingly harmless over-illumination cater to debilitating condition of other elements of the environment.

Research opportunities are already nominal in our country. A dark sky aloof from artificial light is a prerogative for astronomical research. However, this seems like a rarity at present. Our youth is incredibly capable, and for the past few years they have been achieving brilliant feats in across dynamic research fields. Hence, it is our collective responsibility to ensure the best circumstances suited for astronomical research by opting for energy efficiency. International Dark Sky Association estimates that 35% of artificial light is wasted just by being poorly aimed or unshielded. A country like ours cannot afford to waste a huge chunk of electricity on over-illumination because power shortage already looms large as a major issue of concern.

Solution to curb light pollution starts with very easy methods like changing the light fixtures, using electricity when it is in fact needed, and adhering to rules regarding using artificial illumination sources. Light levels can be quantified by field measurement or mathematical modelling using isophote maps or light contour maps. International organisations like IDA and NASA are trying to raise awareness about the consequences of light pollution and its correlation with climate change. It is about time we started to initiate campaigns to educate general mass about light pollution. The primary requirement is the willpower to shift the paradigm.

Invention of light bulbs have changed the trajectory of modern science, but over usage of any resource is bound to beget miseries. Therefore, we have to be responsible while using electricity and illumination sources to save our present, and the future generations to come from the woes of being blinded by light. Several countries across the globe have incorporated provisions regarding light pollution in their laws but Bangladesh is yet to do so. The Environment Conservation Act 1995, the Wildlife (Conservation and Security) Act 2012, and the Bangladesh Biodiversity Act 2017 form part of the environmental legislative landscape of Bangladesh, but unfortunately, they are failing to keep up with international standards. It is high time we incorporated provisions regarding light pollution control in our environmental laws.

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FOR YOUR INFORMATION

Protection of minority shareholders

ATIQUR RAHAMAN

A minority shareholder is an individual or entity that owns a minority stake in a public or private company. They provide capital to businesses, which eventually helps in creating jobs and boosting the economy. The protection of minority shareholders is also an important issue for investors as they are more likely to invest in companies that have strong protections for minority shareholders. Therefore, it is always important to protect the rights of minority shareholders of companies.

Minority shareholders are often at a disadvantage compared to the majority shareholders. This is because minority shareholders typically own a smaller percentage of the company's shares, which gives them less voting power and influence over the company's management. On the other hand, the majority shareholders can control the company's board of directors and make decisions that benefit them at the expense of the minority shareholders. Minority shareholders may be subjected to unfair treatment by majority shareholders, such as being denied dividends or being excluded from decision-making. As a result, it creates an issue of trust between majority shareholders and minority shareholders.

In Bangladesh, the Companies Act, 1994 offers certain safeguards for minority shareholders. According to section 233 of the Act, minority shareholders have the right to approach the court and seek remedies if they believe they have been prejudiced by the decisions of the majority shareholders. Subsequently, the court has the authority to issue orders aimed at safeguarding the interests of the minority shareholders. However, to avail this remedy, the minority shareholders would need to hold at least ten percent of the shares in a company with share capital, either individually or jointly. Therefore, when the minority shareholders are discriminated against by the majority shareholders, a petition can be filed under section 233.

If the court is satisfied that the minority shareholders have been oppressed, the court may modify the resolution, regulate the conduct of the company's activities, or amend any provision of the memorandum and articles of association of such company. If the court orders to modify the memorandum or articles of association, such changes may not be reversed without the permission of the court. Acting in contravention to an order passed by the court for protection of minority shareholders would be deemed to be contempt of court and is punishable.

Protecting the rights of minority shareholders means educating them about their rights and encouraging them to participate in the corporate company processes. This will help ensure that minority shareholders are aware of their rights and are able to protect themselves from getting exploited.

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LAW LETTER

A case for PIL against municipalities

PIL may be utilised to initiate proceedings against public bodies in instances where they derogate from their responsibilities or act in contravention to the same. However, in this regard, it is also necessary that the judgments of the court are monitored while getting implemented.

MD. SHAMSUL HUDA SHAON

The negligence of municipalities in proper management of roads, drainage, water, and waste management is a cause for significant concern. In rainy seasons, even the slightest of raining causes flooding. The waste-disposal measures are inadequate and cause severe hindrance to movement and livelihood of residents of many municipalities of Bangladesh. Potholes and broken roads contribute to road accidents. Even though residents pay bills and taxes to the local government bodies for their services, they frequently have to bear the brunt of poor management in the municipalities. The local government laws clearly outline the responsibilities of the municipalities. Section 50 of the Local Government (Municipalities) Act, 2009 lays down the general duties and responsibilities of the municipalities which include water and sewage system management, and waste disposal. As such, failure to properly manage these systems are contradictory to their statutory responsibilities. This article explores whether PIL can be a useful tool in



holding municipalities accountable for failure to perform their statutory responsibilities.

A public interest litigation (PIL) is when individuals or groups move the High Court Division on behalf of the public. PIL in Bangladesh has addressed a wide range of human rights concerns including police brutality, unlawful imprisonment, consumer protection, health rights as

well as the rights of children, women, and other sections of minority.

The early foundations of PIL are attributed to the *Kazi Mukhlesur Rahman v Bangladesh* case in which the court explored the possibility of violations of fundamental right affecting the general public. Later, it found its foothold in the landmark decision delivered by the Appellate Division in *Dr. Mohiuddin Farooque*

v Bangladesh, where the court made a much-anticipated declaration in stating that when “a public injury or public wrong or an infraction of fundamental right affecting an indeterminate number of people is involved...any member of the public, being a citizen...or an indigenous association...has the right to invoke the court's jurisdiction.” Over the years the ambit of PIL has only expanded in the context of Bangladesh. Besides on the application of one who is aggrieved, the court can also go on to redress mass constitutional grievances *suo motu* upon taking constructive notice of rights violation..

PIL has many positive aspects, such as ensuring judicial protection for the marginalised groups, ensuring government accountability and transparency, addressing democracy deficits, fostering judicial institution efficiency, enabling defused interests' representation, ensuring access to justice, fostering participatory justice, enforcing legal norms, and defending democratic governance and the rule of law. As such, PIL may be utilised to initiate proceedings against public bodies

in instances where they derogate from their statutory responsibilities or act in contravention to the same. However, in this regard, it is also necessary that the judgments of the court are monitored while getting implemented. Rolling or continuing *mandamus* (i.e., in which the court continues to oversee the implementation of its judgments) could be a way forward in this regard.

Municipalities and other local governments lack the appropriate capacity, resources or authority needed to adequately perform their functions. This is evident from poor road conditions, drainage systems, and water and waste mismanagement issues across the country. The inadequacies of municipalities have the potential of decreasing the positive impacts sought to be brought about through development initiatives of the government. It is high time judicial redress were explored to ensure increased accountability of the local governments.

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