

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.08/2025/EZ
(Earlier O.A. No.1372/2024/PB)

News item titled “the last feral
horses in India” appearing in
Mongabay dated 05.11.2024

Applicant(s)

Date of hearing: 09.05.2025
Date of uploading: 14.05.2025

**CORAM: HON’BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON’BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s) : *Suo Motu*

For Respondent(s) : Ms. Malabika Roy Dey, Adv. for R-1 & 6 (in Virtual Mode),
Mr. Ashok Prasad, Adv. for R-2, 4 & 5 (in Virtual Mode),
Mr. D. N. Ray, Sr. Adv. a/w
Mr. Sourav Halder, Adv. for R-3 (in Virtual Mode)

ORDER

1. Affidavit dated 08.05.2025 has been filed on behalf of the Respondent No.1, Chief Wildlife Warden, Assam; the same is taken on record.
2. Heard Ms. Malabika Roy Dey, learned Counsel appearing (in Virtual Mode) for the Respondent Nos.1 and 6; Mr. Ashok Prasad, learned Counsel appearing (in Virtual Mode) for the Respondent Nos.2, 4 and 5; Mr. D. N. Ray, learned Senior Counsel assisted by Mr. Sourav Halder, learned Counsel appearing (in Virtual Mode) for the Respondent No.3.

(Final order of the said case will be uploaded in NGT website by separate sheets of paper).

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B. Amit Sthalekar, JM

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Dr. Arun Kumar Verma, EM

May 09, 2025,
Original Application No.08/2025/EZ
(Earlier O.A. No.1372/2024/PB)
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**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.08/2025/EZ
(Earlier O.A. No.1372/2024/PB)

In the matter of:

News item titled “the last feral
horses in India” appearing in
Mongabay dated 05.11.2024

Applicant(s)

Versus

1. Chief Wildlife Warden, Assam

Aranya Bhawan, Panjabari,
Near Srimanta Sankaradeva Kalakshetra,
Guwahati – 781037
Assam;

2. National Biodiversity Authority (NBA),

Through its Secretary,
5th Floor, TICEL Bio Park, CSIR Road,
Taramani, Chennai – 600113
Tamil Nadu;

3. Ministry of Environment, Forest and Climate Change (MoEF&CC)

Through its Secretary
Indira Paryavaran Bhawan,
Jor Bagh Road, Aliganj,
New Delhi – 110003;

4. Wildlife Institute of India,

Through its Director,
Wildlife Institute of India,
Post Box # 18, Chandrabani,
Dehradun – 248001,
Uttarakhand;

5. Zoological Survey of India,

Through its Director,
Prani Vigyan Bhawan, M-Block,
New Alipore, Kolkata – 700053;

6. Principal Secretary

Animal Husbandry & Veterinary Department,
Government of Assam

**added vide order
dated 27.02.2025)**

.... Respondents

Date of hearing: 09.05.2025

Date of uploading: 14.05.2025

**CORAM: HON’BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON’BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s) : *Suo Motu*

For Respondent(s) : Ms. Malabika Roy Dey, Adv. for R-1 & 6 (in Virtual Mode),

Mr. Ashok Prasad, Adv. for R-2, 4 & 5 (in Virtual Mode),
Mr. D. N. Ray, Sr. Adv. a/w
Mr. Sourav Haldar, Adv. for R-3 (in Virtual Mode)

ORDER

1. The Original Application No.1372/2024/PB was registered by the New Delhi Bench of the Tribunal as a *suo motu* case on the basis of a news item titled **“The Last Feral Horses in India”** appearing in Mongabay dated 05.11.2024.
2. The news item alleges that critically endangered Feral Horses in the Dibru-Saikhowa National Park in Assam, India, have survived in the wild for nearly 80 years, the said National Park is the only place in India where these horses can be found.
3. As per the article, these horses are believed to be descendants of war horses from World War II, while other theories suggest they could be descendants of China’s Przewalski’s horses. The article cites smuggling, loss of habitat, shrinking of grazing lands, floods, and neglect by conservation authorities as among the several causes behind the dwindling number of these horses.
4. The article further alleges that in 2020, the authorities allegedly apprehended a truck trying to smuggle 6 feral horses. It quotes that since feral horses are not covered under the Wildlife Protection Act, 1972 they are not considered wild animals therefore even upon arrest for acts punishable under the Wild Life (Protection) Act, 1972 getting a conviction becomes difficult.
5. Furthermore, there has been no regular census of the horses, which makes it challenging to ascertain their conservation status. It also highlights that frequent flooding of the Brahmaputra River not only damages the grazing grounds but also exacerbates the erosion of the park's land, reducing the space for the horses to survive. The horses are also stated to be under threat from reduced

biodiversity in their ecosystem, which further limits food availability. Apart from that, various human activities and cattle farms from nearby forest villages are alleged to degrade their habitat. Conservationists argue that without urgent intervention, these unique animals face extinction.

6. Thereafter, vide order dated 16.12.2024, the said Original Application was transferred by the New Delhi Bench of the Tribunal to the Eastern Bench of the Tribunal at Kolkata and the case has now been re-numbered as Original Application No.08/2025/EZ.
7. The Ministry of Environment, Forests and Climate Change, Respondent No.5 has filed affidavit dated 07.05.2025 and it is stated that the Feral Horses present in the Dibru-Saikhowa National Park, Assam are currently not listed under any of the Schedules of the Wild Life (Protection) Act, 1972 and in the absence of established taxonomic clarity or genetic evidence regarding their ancestry or status as wild species, the Zoological Survey of India (ZSI), being a scientific and faunal taxonomic organization under the Ministry of Environment, Forest and Climate Change presently does not hold any formal jurisdiction or mandate or stake in the management or protection of Feral Horse population.
8. The Principal Chief Conservator of Forests, Wildlife & Chief Wildlife Warden, Assam, Respondent No.1 in his affidavit dated 08.05.2025 has stated that there are various opinions about the origin of these Feral Horses of Dibru-Saikhowa National Park and the Dibru-Saikhowa Biosphere Reserve, one of which is that these horses are believed to be the descendants of horses left behind by the British army during World War-II. Another opinion is that these horses are believed to be the abandoned escaped cart horses from the nearby tea gardens and villages. There is another theory that these horses

are originally the descendants of China's Prezewalski's horses. However, it is stated that there is no concrete/scientific proof of the origin of the Feral Horses, due to lack of scientific study but it is a fact that the abandoned or escaped horses have adapted to the wild habitat and formed their own free-ranging population in the surrounding grasslands and chaporis (sand bars) of the Dibru-Saikhowa National Park. It is also stated that these Feral Horses are presently found in the sand bar and grasslands of core areas such as Lanka, Tapu, Laika Chapari of Dibru-Saikhowa National Park and buffer areas such as Baghini Chapari, Surkhe Chapori, Shivguri, Paglam of Dibru-Saikhowa National Park. It is further stated that the Feral Horses are generally found confined in the core area during dry and lean season for fresh grasslands as well as for water.

9. It is stated that field observation suggests that shrinkage of habitat of Feral Horses as well as other wild animals are mainly caused by annual flood, occurring within and surrounding the landscape of the Dibru-Saikhowa National Park which causes submergence of grasslands and forest vegetation, heavy siltation with sand, silt and debris by way of erosion, annual shifting of floodplains, sand bars etc. Thus, it is stated that the loss of area of Dibru-Saikhowa National Park is due to erosion which is a natural calamity which reduces the habitat of the wild animals as well as Feral Horses.
10. It is stated that the entire area is naturally protected as it is an island surrounded by rivers and public intervention inside the Dibru-Saikhowa National Park is difficult; even during the flood, the whole area is not inundated and the Feral Horses move to the higher land. It is also stated that in the Dibru-Saikhowa National Park and Dibru-Saikhowa Biosphere Reserve, there are about 175-

250 Feral Horses residing in the core and buffer areas of the Dibru-Saikhowa National Park.

11. It is stated that poaching of Feral Horses has never been reported till date and the forest officials and frontline staff of the Tinsukia Wildlife Division regularly conducts patrolling duty inside the Dibru-Saikhowa National Park as well as in buffer areas of the park in order to control the poaching of wild animals including Feral Horses and such patrolling duty is done by boat as well as on foot; stationing of anti-poaching camps inside and outside the Dibru-Saikhowa National Park. It is also stated that the Dibru-Saikhowa National Park is managed on the basis of Management Plan taking into consideration of all the wildlife flora and fauna in the Dibru-Saikhowa National Park which also include Feral Horses.
12. It is, however, stated that since the Feral Horses are not listed as scheduled species under the Wild Life (Protection) Act, 1972, several challenges are being faced by the field officials and staff in the matter of conservation and protection of Feral Horses and it is suggested that if the Feral Horses are included in the Schedule, it will be more helpful in conservation and protection of the Feral Horses. It is stated that literature for conservation of Feral Horses in-situ, population, dynamics, their habitat preferences etc. are not available like other wildlife species and, therefore, it is suggested that a scientific organization like the Wildlife Institute of India (WII), Dehradun be requested to undertake studies which will be useful for proper management of Feral Horses.
13. The Ministry of Environment, Forests and Climate Change, Respondent No.3 in its further affidavit dated 04.04.2025 has referred to the provisions of Section 35 (6) of the Wild Life (Protection) Act, 1972 which protects the destruction, exploitation,

or removal of any wild life or forest produce from a National Park unless authorized by the authorities. It is stated that even if the Feral Horses are not specifically mentioned in the Schedule of Wild Life (Protection) Act, 1972 and, therefore, not protected under the Act, their removal from the Protected Area would still violate the provisions of the Act governing the management of protected areas. It is stated that the Chief Wild Life Warden is empowered under Section 33 of the Wild Life (Protection) Act, 1972 to control, manage and protect all protected areas notified under the Act in accordance with such management plans for the protected areas approved by him. It is also stated that the local management authorities may explore possibilities of construction of earthen highlands as refugia for these animals during flood season, mitigating the adverse impacts of flooding on their survival.

14. We have the learned Counsel for the parties and perused the documents on record.
15. The consistent stand of the Respondents is that the origin of the Feral Horses in the Dibru-Saikhowa National Park is not known and there are theories that they may be descendants of horses left behind during World War-II or from the tea gardens or may be descendants of China's Przewalski's horses. There are only about 175-250 Feral Horses residing in the core and buffer areas of the Dibru-Saikhowa National Park. The habitat of the Feral Horses is acknowledged by the Respondents authorities to have been threatened by annual flooding. The stand of the Respondents is that at present Feral Horses are not mentioned in the Schedule of the Wild Life (Protection) Act, 1972 but nevertheless, their protection can still be undertaken under the Management Plan by the Dibru-Saikhowa National Park as stated in the affidavit of the

Principal Chief Conservator of Forests. He has also suggested that a request may be made to the Wildlife Institute of India (WII), Dehradun for carrying out a scientific study for the proper management of Feral Horses.

16. The Ministry of Environment, Forests and Climate Change also has suggested that the Principal Chief Conservator of Forests is empowered under Section 33 of the Wild Life (Protection) Act, 1972 to control, manage and protect all protected areas notified under the Act in accordance with such Management Plan.
17. In this view of the matter, we dispose of this Original Application with a direction to the Respondent No.1, Chief Wildlife Warden, Assam who is also the Principal Chief Conservator of Forests, Wildlife & Chief Wildlife Warden, to take steps for protection of the Feral Horses as per Management Plans of the Dibru-Saikhowa National Park.
18. We also direct the Respondent No.3, Ministry of Environment, Forests and Climate Change, to take into consideration the request of the Chief Wildlife Warden, Assam for undertaking a scientific study by referring the same to the Wildlife Institute, Dehradun, which will be useful for the proper management of the Feral Horses.
19. I.As. if any, stand disposed of accordingly.
20. There shall be no order as to costs.

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B. Amit Sthalekar, JM

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Dr. Arun Kumar Verma, EM

May 09, 2025,
Original Application No.08/2025/EZ
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