

Item No. 03

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 187/2023
(I.A. Nos. 325/2024 & 166/2024)

Shailendra Kumar Yadav

Applicant

Versus

State of H.P.

Respondent

Date of hearing: 13.02.2025

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Shailendra Kumar Yadav, Applicant in Person

Respondent: Mr. Shaurya Kuthiala, Advs. for R - 2 to 9
Mr. Divyanshu Srivastava, Adv. with Mr. Manish Rampal, DFO, Theog
(Through VC)

ORDER

1. In this original application, Applicant has raised the issue of unscientific management of the horses plying in Kufri and regulation of the tourist activities and consequential damage to the natural vegetation, local ecology and environment.

2. The Tribunal by order dated 05.11.2024 had taken note of the suggestions of the Himachal Pradesh State Pollution Control Board (HPPCB) and also considered the letter dated 08.02.2024 enclosed with the report of the State (page 122) recording the willingness of three horse unions to reduce the number of horses from 1029 to 700 and also inaction in this regard. The Tribunal had considered the report of DFO, Theog dated 01.11.2024 and had found that the report did not disclose the extent of garbage which is piled up at difference places and to be remediated and the survival of plantation for deforestation. The statement made by the DFO, Theog was recorded by the Tribunal as under:

“xxx.....xxx.....xxx

6. The DFO, Theog who is the Chairman of the Committee constituted on 29.10.2024 has submitted that the Committee will be interacting with the Horse Owners Association and will find a solution to remediate the problem. He has submitted that since the Committee has been recently constituted, therefore, till now, the Committee could not take any action.

7. He has sought two months to do the needful and submit the report. The prayer is allowed. Let the fresh report be filed by the State of Himachal Pradesh and the DFO, Theog within two months by way of affidavit keeping in view the observations which has been made above.”

3. In pursuance to the above, the report dated 10.02.2025 has been filed by the DFO, Theog mentioning the action taken by the Forest Department to remediate/manage the horse dung problem at Kufri as under:

“xxx.....xxx.....xxx

- a. The department has assessed the quantity of horse dung accumulated from February 2024 to December 2024. The total number of horse trips plied in the Kufri-Mahasu trail is 2,63,489 and assuming each horse plied thrice a day the amount of horse dung fallen in the trail is 440 MT (determined by taking into account 5 Kg/horse/day). Taking the account of trips, the horse-dung quantity fallen in the forest is estimated in the range of 400 to 500 MT.
- b. To manage the horse dung in the Kufri-Mahasu a meeting was convened chaired by the Member-Secretary of the Himachal Pradesh Pollution Control Board, Chief Conservator of Forests Shimla, DFO Theog, Environmental Engineer HPPCB on 26.11.2024 in the head-quarters of the HP Pollution Control Board (**Annexure R I**-Minutes of the meeting at the Regional Office, HP Pollution Control Board, Shimla). It was apprised by the Member-Secretary that the Uttarakhand State had managed the similar problem in Gauri Kund (Sonprayag), Uttarakhand with the help of Patanjali Research Foundation. Thereafter, it was decided to visit the Patanjali Organic Research Institute (PORI), Haridwar, Uttarakhand and to learn the efforts taken in resolving the issue of horse-dung.
- c. The team of Forest Officers Officials visited the Patanjali Organic Research Institute (PORI), Haridwar to study the process in which horse dung was converted into agriculturally useful organic manure. The detailed discussions held with the Scientists/Researchers regarding management of the collected horse dung in Kufri-Mahasu Peak based on their experience gained by Patanjali Research Foundation in the similar problem

at Gauri Kund, Uttarakhand. The details of discussion is enclosed as **Annexure R II** (Minutes of the visit of members from the Forest Department of Himachal Pradesh at Patanjali Haridwar on 09.01.2025) and based on the discussions and learnings from the visit, the following action plan was devised by the Forest Department for managing the dung is as follows:

- i. The horse dung can be used in the forest nurseries after storage in the pits at Kufri. The collected horse dung will get reduced to 70 percent of about **280-350 MT** of original mass. Later on, the stored horse dung will be treated with the earth worms for preparation of vermi-compost and the horse dung will further reduce to around 50% to about **200-250 MT** (of the original mass) which will eventually be used in nurseries @ 300-400 gms in each polythene bag to be used for raising the seedlings. The final vermi-compost will be used in the following nurseries of Theog/Shimla Forest Divisions as provided in the **Table No. 1**.

Table 1 – Proposed use of composted horse-dung in various nurseries

Sr. No	Name of the Nurseries	Plants available in the nursery	Average plants raised in the last three years.	Quantity of horse dung to be consumed.
1	Sainj	07 Lakhs	02-03 Lakhs	80-120 MT
2	Nahol	02 Lakhs	0.7-1.0 Lakhs	30- 40 MT
3	Reoghathi	01 Lakhs	0.5-0.7 Lakhs	20-35 MT
4	Dhanain	02 Lakhs	0.7-1.0 Lakhs	30-40 MT
5	Thachi	01 Lakhs	0.5-0.7 Lakhs	20-35 MT
Proposed consumption of Horse dung				180-270 MT

- ii. In the forest area nearby Kufri, an earlier dug pit (**Annexure R III** - Photograph of the pit (5 x 5 x 2 m) deposited with horse-dung) was modified with new dimensions 5 x 5 x 2 m. The accumulated horse-dung in Kufri was collected mechanically and dumped in the newly modified pit. Another pit with size 3 x 3 x 2m (**Annexure R IV** - Photograph of two pits (3 x 3 x 2 m) created for transferring composted horse-dung from the pit in Annexure III) was dug for shifting from the first pit after 15-20 days for self-composting in the newly dug pit.

- iii. Two samples were collected from the field (fresh sample and 10 days old) and these were sent to the Patanjali Research Foundation for getting the analysis report to determine the physiochemical-composition of the horse-dung(Annexure RV-Copy of letter regarding analysis of samples of horse dung sent to Patanjali Research Foundation, Haridwar), in order to corroborate the claim of Patanjali Research Foundation upon the effect of time period on the usefulness of the horse-dung. First sample was taken on 01.02.2025 and the second sample was collected from the pit in which the horse-dung was dumped on 20-1-2025.
- iv. The possibility of using the manure for nurseries in the other forest divisions and in the agriculture land of farmers on the commercial lines will also be explored in future, if the results are in consonance with the claims of the usefulness of the composted horse-dung. Since, the cow-dung is expensive; the self-composted horse-dung will be used as a substitute and will also help in saving the money spent on purchasing the cow dung for the forest nurseries.
- v. In order to test the calorific value of the horse-dung, the sample of horse-dung was sent to the Nalagarh based Shiwalik Solid Waste Management Limited Laboratory. The calorific value of sample (Annexure R VI Copy of test report for the calorific value of horse dung) was found to be 2930 cal/gm. It was suggested by the HP Pollution Control Board officers that the calorific value of the sample should be higher than 2500 cal/gm thus suggesting the sample eligible for use in the boilers. Therefore, the Forest Department has another option for disposal by briquetting of the horse-dung. During discussion with the team of Patanjali Organi Research Institute (PORI), Haridwar, they offered the role of an Advisory for setting up of plant for briquetting of dried horse-dung using dryer similar to the dryer-plant set up at the Patanjali Food Park in Haridwar. The establishment of this plant would cost at least **Rupees 70 crores.**
- vi. During the visit to the Patanjali Institute, Haridwar, the Department was provided with two options. The first option for disposal of horse-dung was by using it as manure in the Forest Nurseries. It is the cost-effective method involving less labour. The process would involve storage of horse-dung in the pits and thereafter carriage of dried horse-dung to Nurseries for vermi-composting. The only pre-requisite is that of the preparation of the pits, which the Department had already dug out (**Annexure III and IV**). There are numerous nurseries in the Department using manures for raising of seedling and there is continuous annual demand of manures. The availability of horse-dung as a free raw-material round the year would certainly help lowering the cost of raising of plants. Keeping in view the requirement of vermi-compost in the Nurseries of Theog and Shimla Forest Division, as shown in **Table No. 1**, the

annual production of horse-dung would suffice the requirement of dung for use in vermi-compost. If in case there more collection of the horse-dung it can be supplied to Nurseries of other Forest Divisions of Himachal Pradesh. Whereas on the other hand, the method involving the briquetting of horse-dung is capital intensive and costly method added with higher recurrent cost involving wear and tear of machinery and higher bills of electricity. The availability of at least 1 hectare of land for establishment of the dryer-plant and the skilled labour would be a pre-requisite. Therefore, the benefits of the first option of using the horse-dung for vermi-composting outweighs the second option of briquetting of dung using the dryer-plant.

- (3) The report also states about the regulation of movement of horses and restricting their time between 10:00 AM to 5:00 PM. We find that earlier, the action taken report was submitted by the State of Himachal Pradesh stating that the meeting of the Chief Secretary with the concerned Department was held on 02.02.2024, and a remedial measure of reducing 10% horses in each subsequent year was reported.
- (4) The said report of the State encloses a letter dated 8.02.2024 (page 122) submitted by all three horse Unions expressing their readiness and willingness to reduce the number of horses from 1029 to 700. Though almost months have passed thereafter, the number of horses has not been reduced.

As per the directions of Hon'ble Tribunal, in order to conduct the census of horses plying over the Kufri-Mahasu trail, the Forest Department advertised (Annexure R VII - Notice for inviting applications from horse-owners and media coverage) in the news daily/notice boards of prominent offices and places to submit applications to the office of DFO, Theog Forest Division for plying horses in the Kufri-Mahasu Peak. In response to the applications received, a Committee was constituted by the Chief Conservator of Forests vide office-order No. 96 dated 29.10.2024 (**Annexure R VIII**- Copy of the order of constitution of screening committee for physical verification of horses) to physically verify the each horse plying in the horse trail. The detail of committee members is as follows:

1. DFO Theog/ Chairman
2. RFO Theog/ Member
3. RFO Kufri(WL)/ Member
4. Veterinary Officer/ Member
5. Block Officer Cheog/ Member Secretary.

The department received 547 applications from the owners of 1091 horses. Whereas, the verification in the field revealed that the actual number of horses was only 936 of 496. applicants/horse-owners (as provided in Table No. 2) and the remaining horses were not physically produced/present during verification and the detail is given below:

Table 2 – Verified number of horse-owners’ applications and verified horses

Sr. No	Name of the Panchayat	Distance from	Tehsil	Distt.	Verified applications	Verified No. of
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		Kufri				horses
1.	Bani	17	Theog	Shimla	25	42
2.	Barog	32	Theog	Shimla	11	22
3.	Bhogra	33	Sunni	Shimla	1	2
4.	Cheog	11	Theog	Shimla	29	52
5.	Dadas	23	Theog	Shimla	4	7
6.	Darbhog	7	Shimla Gramin	Shimla	84	160
7.	Dehna	12	Theog	Shimla	49	88
8.	Dhamandari	40	Theog	Shimla	20	37
9.	Dharech	45	Theog	Shimla	1	2
10.	Fagli	25	Shimla Shahri	Shimla	1	2
11.	Jais	50	Theog	Shimla	1	2
12.	Jogindernagar	197	J/Nagar	Mandi	1	2
13.	Junga	28	Shimla Gramin	Shimla	3	6
14.	Koti	19	Shimla Gramin	Shimla	1	2
15.	Kufri/Shwah	3	Shimla Gramin	Shimla	69	136
16.	Majhar	12	Theog	Shimla	78	151
17.	Makhrol	12	Theog	Shimla	45	84
18.	Baldeyan	24	Shimla Gramin	Shimla	2	3
19.	Moolkoti	4	Shimla Gramin	Shimla	1	2
20.	Mogra	30	Sunni	Shimla	1	2
21.	Nala	5	Shimla Gramin	Shimla	24	46
22.	Neen	8	Shimla Gramin	Shimla	3	6
23.	Sanjauli	10	Shimla Gramin	Shimla	2	4
24.	Satog	20	Theog	Shimla	1	2
25.	Sunni	35	Sunni	Shimla	2	4
26.	Devrighat	8	Theog	Shimla	1	2
27.	Shatayan	3	Theog	Shimla	33	63
28.	Tiyali	19	Theog	Shimla	1	2
29.	Patgair	8	Shimla Gramin	Shimla	2	3
Total					496	936

After completion of scrutiny, the Executive Committee meeting was conducted on 23.01.2025 with stakeholders to reduce the horses' number to 700 as per the readiness and willingness of three horse unions. Leaders of the horse-owners groups stated that their Ld. Counsel will plead the case for horses before the Hon'ble Tribunal and they did not agree for the reduction of the number of horses (**Annexure R IX**-Copy of proceedings of the meeting with owners of horse-groups held on 04.02.2025). Based on the verification of applications and horses, it was revealed that most of the horses plying in the trail were from 29 Panchayats covering 4

Tehsils of District Shimla and 1 Tehsil of District Mandi (about 200 km from Kufri). Hence it is pleaded before the Hon'ble NGT that the horses from the Eco Development Committee / Watershed area i.e. D 104 Kangar (90 ha) and R IV Teer-Mahasu C1 (42.2 ha) only may be allowed to operate in the trail. The details of horses that may be allowed to move in the Kufri-Mahasu trail based on the area of operation of the Eco-Development Committee is given in **Table No. 3** below:

Table 3 – Proposed list of applicants and horses to ply in Kufri-Mahasu trail

Sr. No.	Name of the Panchayats	Distance from Kufri (KM)	Tehsil	District	No. of applications	No. of horses
1.	Darbhog	7	Shimla Gramin	Shimla	84	160
2.	Dehna	10	Theog	Shimla	49	88
3.	Kufri/Shwah	3	Shimla Gramin	Shimla	69	136
4.	Majhar	12	Theog	Shimla	78	151
5.	Makhrol	12	Theog	Shimla	45	84
6.	Moolkoti	4	Shimla Gramin	Shimla	1	2
7.	Nala	5	Shimla Gramin	Shimla	24	46
8.	Neen	8	Shimla Gramin	Shimla	3	6
9.	Shateyan	3	Theog	Shimla	33	63
Total					386	736

It is prayed before the Hon'ble Tribunal that the remaining Panchayats which falls far away from the EDC/Watershed area may not be allowed to operate in the trail. As per the preamble of the Re-revised HP Eco Tourism Policy 2017 (Annexure R X Copy of the preamble of the Re-revised Policy on Development of Eco-Tourism in Himachal Pradesh, 2017), the main objective was to create the livelihood opportunities for the local communities and commercial interests cannot be allowed operate. In order to comply with the reduction of horses, it is submitted before the Hon'ble Tribunal that every household that operates two horses, it may be allowed to operate one horse per household i.e. 386 horses on rotation basis up to the carrying capacity. It is further submitted before the Hon'ble Tribunal that the horse-owner may not be allowed to replace the dead or infirm horse.

3. Learned Counsel appearing for Horse Union has submitted that each horse owner is paying ₹50 per horse per trip to the Forest Department, therefore, the Forest Department is collecting Rs.1 lakh per day which can be utilized for managing the cow dung and remediating the problems in that area. The factum of collection of ₹50 per horse per trip is not denied by DFO, Theog appearing virtually. Therefore, the State is directed to produce a complete account of the amount which has been collected from the horse owners in the last five years and its utilization for remediating the problem.

The information stated by the Learned Counsel appearing for Horse Union before the Hon'ble Tribunal regarding the entry fee is not correct. The entry fee at the rate of Rs. 50 per tourist is collected by the Forest Department from tourists directly. As per the knowledge of the deponent, the horse-owners were previously registered with SADA (Special area Development Authority) and they used to pay Rs. 100 per horse annually to SADA for renewal of registration. Since 2023, the renewal of registration was not done by SADA thereafter. At present these horse-owners do not pay anything to the Eco-Development Committee. The department registered Eco-Development Committee, Kufri-Mahasu on 8-2-2024 (**Annexure R XI** - Copy of the certificate of the registration of the "Eco-Development Committee, Kufri-Mahasu" under Himachal Pradesh Societies Registration Act, 2006) as per H.P Eco-tourism Re-revised Policy, 2017 and H.P Societies Registration Act, 2002. The detail of revenue generated from entry-fee since February, 2024 to December 2024 as given Table No. 4 below:

Table 4 – Revenue generation and its distribution as per Re-revised Eco-Tourism Policy, 2017

Sr. No	Month	Gross Income	No. of Tourists visited	Revenue Generation Details			
				GST 18%	20 % State Govt. Share	20% State HP ECOSOC	60% Division Share
1	Feb. 2024	514585	10291	92625.30	102917	102917	308751
2	Mar. 2024	1177360	23547	211924.80	235472	235472	706416
3	Apr. 2024	1671750	33435	300915.00	334350	334350	1003050
4	May. 2024	3574550	71491	545270.00	714910	714910	2144730
5	Jun. 2024	2255000	45100	0	451000	451000	1353000
6	Jul. 2024	538608	10772	0	107721.6	107721.6	323164.8
7	Aug. 2024	282837	5656	0	56567.4	56567.4	169702.2
8	Sep. 2024	431989	8639	0	86397.8	86397.8	259193.4
9	Oct. 2024	1016725	20328	0	203345	203345	610035

10	Nov. 2024	1711650	23552	0	342330	342330	1026990
11	Dec. 2024	1772500	35450	0	354500	354500	1063500
Total		14947554	288261	1150735	2989511	2989511	8968534

*It is submitted before the Hon'ble Tribunal that the Eco-Development Committee, Kufri-Mahasu has been collecting the entry-fee since its constitution from the in-coming tourists from February 2024 onwards till December 2024. Thus the data of entry-fee collection from February 2024 to December 2024 is provided in the **Table No. 4**, therefore data of entry-fee for the last five years is not available and hence it cannot be provided. The total monthly collection since February 2024 to December, 2024 is ₹1.49 crores and the detail has been listed and compiled in the **Table No. 4**. As per item No. 30 of the approved byelaws of the Eco-Development Committee, Kufri-Mahasu (**Annexure R XII** - Copy of bye-laws of the Eco-Development Committee, Kufri-Mahasu with clause No. 30 depicting sharing mechanism of revenue), out of the total revenue collection, 20% share amounting to ₹29.89 lacs was transferred to the Himachal Pradesh Government, and the other 20% amounting to ₹29.89 lacs was transferred to the State level Eco-Tourism Society of Himachal Pradesh (ECOSOC) and ₹11.50 lacs was deposited as GST till the month of May 2024. The balance amount of 60% amounting to ₹89.68 lacs of the total revenue collection is being utilized in the activities for the as per the "Action Plan" that was submitted before the Hon'ble Tribunal for development of Eco-Development Committee, Kufri-Mahasu. These activities are detailed in **Table No. 5** below –*

Table 5 – List of activities undertaken since February, 2024

S. No.	ACTIVITY	AMOUNT
1.	<i>Cobbling of Bridle-Path/Horse-Trail</i>	28,62,011.00
2.	<i>Railing along the Horse Trail</i>	6,97,340.00
3.	<i>Improvement of Walking Trail</i>	4,78,600.00
4.	<i>Removal/Transportation of Horse Dung</i>	4,25,250.00
5.	<i>Sign-Boards and Awareness Material</i>	2,62,400.00
6.	<i>Protective terracing around the Trees</i>	1,60,425.00
7.	<i>Sculpture</i>	4,64,626.00

8.	<i>Expenditure on Entry ticket/Machines etc.</i>	<i>1,80,781.00</i>
9.	<i>Meetings (Governing Body/Executive Committee/Stakeholders)</i>	<i>46,957.00</i>
10.	<i>Barriers for regulation of Horses/Tourists -3 Nos</i>	<i>1,39,800.00</i>
11.	<i>Security Cabin (Gumti)</i>	<i>5,97,881.00</i>
12.	<i>Service provider for Entry ticket regulation/collection.</i>	<i>22,000.00</i>
13.	<i>Preparation of Action Plan</i>	<i>37,000.00</i>
14.	<i>Purchase of Equipment</i>	<i>67,918.00</i>
15.	<i>Preparation of Estimates</i>	<i>9,899.00</i>
16.	<i>Development of Entry Gate No.-1</i>	<i>8,80,000.00</i>
17.	<i>Development of Toilet facility* (expenditure to be incurred as tenders opened on 06.02.2025)</i>	<i>10,65,000.00</i>
	Grand Total	83,97,888.00

**Tenders were opened on 6-2-2025*

The activities that are in progress it is planned to spend the amount detailed below –

Table 6 – Proposed list of activities to be undertaken in Eco-Development Committee, Kufri-Mahasu

S. No.	ACTIVITY	AMOUNT
1.	<i>Development of Entry Gate No. 2</i>	<i>15,23,000.00</i>
2.	<i>Ticket Counter @ Entry Gate No. I</i>	<i>7,52,000.00</i>
3.	<i>Cobbling of horse-trail (100 m) at Mahasu</i>	<i>39,00,000.00</i>
4.	<i>Cobbling of Horse-trail (100 m) at Kufri</i>	<i>25,00,000.00</i>
5.	<i>Development of Animal sculptures</i>	<i>10,00,000.00</i>
6.	<i>Providing gazebos at Mahasu</i>	<i>7,00,000.00</i>

The detail of expenditure being spent in the area of Eco-Development Committee is hereby provided and the amount of ₹ 83,97,888.00 was utilized according to the earlier submitted **Action Plan**. It is submitted before the Hon’ble Tribunal that as the revenue collection progresses the activities pertaining to the sanitation, development and beautification of the Eco-Development Committee, Kufri-Mahasu, will continue and the pictures of the works carried out in the field is included as **Annexure R XIII** (Photographs of works being carried out in the Eco-Development Committee, Kufri-Mahasu).”

4. In the above report, it has been disclosed that the two options are available to dispose of the horse dung generated in the Kufri track in question.

5. Learned Counsel appearing for the State has submitted that out of the two options, firstly composting the horse dung and, secondly disposal by briquetting the horse dung, it has been found that the first option of composting is cheaper and is acceptable.

6. We find that no detailed plan for composting has been placed on record which would take into account the total quantity of generation of horse dung, its collection point, feasibility of its transportation to the pits where composting is to be done, the manner of transportation and the transportation cost, the availability of land for composting pit, the design of composting pit and also the time which will be taken for composting and the extent and number of composting pits which are required considering the horse dung generated per day and the number of days which will be taken for composting and also the manner of disposal of compost, the entities who will be using/buying the compost, their requirement and if the entire compost will be utilised and the overall fixed as well as working cost of the project. It has been candidly admitted that no cost analysis has been done. Therefore, we find that the cheaper option cannot be ascertained unless the cost analysis is done and detailed plans for both the options are examined, by taking into account not only the short term cost, but the cost benefit analysis in the long run.

7. The DFO, Theog appearing virtually has submitted that now this exercise will be done and a detailed plan will be placed before the

Tribunal. The DFO, Theog has stated that he is the deciding authority on the above aspects.

8. Learned Counsel appearing for 8 of the horse unions submits that he has recently received the report, and he does not have instructions and seeks and granted four weeks time to obtain instructions and file response thereto.

9. It will also be open to the Applicant to file response to the report of the DFO, Theog, dated 10.02.2025.

10. In the next report, the DFO, Theog will clearly disclose the carrying capacity of Kufri in reference to the horses and tourists. Let fresh report be filed by the DFO, Theog within 8 weeks.

11. List on 22.04.2025.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

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