

**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE, KOLKATA  
IN  
ORIGINAL APPLICATION NO. 08 of 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**

**...SUO MOTU**

**-VERSUS-**

**CHIEF WILDLIFE WARDEN ASSAM AND ORS.**

...  
**RESPONDENTS**

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Place: Guwahati  
Date: 04-04-2025

**For Respondent MoEF&CC**  
Filed through

Mr. Dibyendra Narayan Ray  
Advocate

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Counter Affidavit on behalf of the Ministry of Environment, Forest and  
Climate Change, New Delhi (Respondent No. 3).

**MOST RESPECTFULLY SHOWETH:**

I, Hemen Hazarika, son of Late Harakanta Hazarika, aged about 44 years, presently posted as Scientist "E" in the Sub-Office, Guwahati under Regional Office Shillong, Ministry of Environment, Forest & Climate Change, Government of India at 4<sup>th</sup> Floor Housefed Complex, Rukminigaon, Six Mile, G.S. Road, Guwahati-781022, do hereby solemnly affirm and state as under:

1. That I am duly authorized to swear this affidavit and as such I am conversant with the facts of the present case and competent to swear the present affidavit.



2. That I have read and understood the contents of the accompanying reply and state that the same has been drafted under my instructions based on the official records.

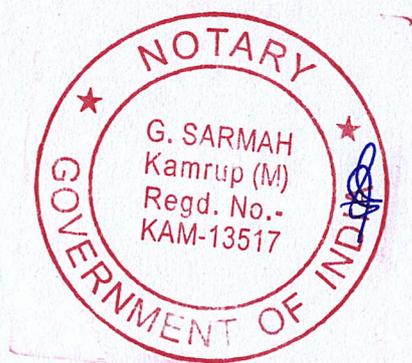
**STATEMENT OF FACTS:**

3. That the Original Application has been registered in exercise suo-motu on the basis of the news item titled "The Last Feral Horses in India" appearing in Mongabay dated 05.11.2024. The matter relates to the critically endangered status of the feral horses in the Dibru-Saikhowa National Park (DSNP) in Assam, India, which have survived in the wild for nearly 80 years and the national park is the only place in India where these horses can be found.

**REPLY ON MERIT:**

4. It is respectfully submitted that in the court order the feral horse population has been mentioned as "Critically Endangered". However, this population of horse is not listed under any IUCN (International Union for Conservation of Nature) criteria. These horses are also not listed under any of Schedules of Wild Life (Protection) Act, 1972.

5. It is submitted that the Section 35(6) of the Wild Life (Protection) Act, 1972 (hereinafter called as "Act") prohibits the destruction, exploitation, or removal of any Wild Life or forest produce from a National Park unless authorized by the authorities. Even when the horses are not specifically protected under the Act, their removal from the Protected Area would still violate the provisions of the Act governing the management of protected areas. As per the news article, the horses were procured from the National Park which amount to the violation of the act.

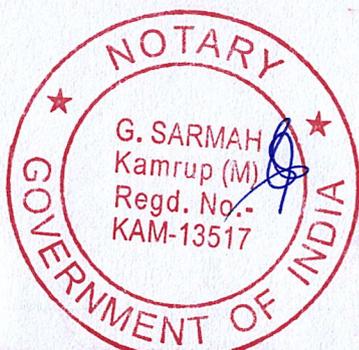


6. It is further submitted that as per the article, these horses are believed to be descendants of cart horses used in the World War II or possibly linked to China's Przewalski's horses (*Equus ferus ssp. Przewalskii*). However, without a genetic study, their actual identity will be difficult to determine at this stage. Therefore, any assumptions regarding their origin and classification remain speculative.

7. It is submitted that the annual flooding is a regular natural feature in Brahmaputra Riverine system. While high flood may be a threat to small surviving population of feral horses, 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. If needed, as per the management plan prescriptions, the local management authorities may explore possibilities of constructions of earthen highlands as refugia for these animals during flood season, mitigating the adverse impacts of flooding on their survival.

8. It is most respectfully submitted that there is no concrete information on the population demography, which is crucial for understanding of the effective population size. The current population status of these horses across various chaporis of the DSNP using established scientific techniques has not been determined.

9. It is submitted that it is essential to determine the genetic and health status of this feral horse population to ascertain their fitness. This would help determine whether the population is viable in the long term and provide insights into any potential conservation measures that may be necessary. It is



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Date 4/4/25

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also submitted that the impact of these feral horses on the native wild life also requires studies.

10. It is humbly submitted that the answering Respondent is duty-bound and fully committed to the Conservation of flora and fauna of the country. That in light of the aforementioned facts and circumstances it is respectfully prayed that this Hon'ble Tribunal may pass any order as it deems fit.

*(Signature)*  
Dr. Homen Hazarika

**DEPONENT**

**VERIFICATION**

Verified at Guwahati on this 4<sup>th</sup> day of April, 2025 that the contents of the above affidavit are true and correct to the best of my knowledge based on records and no part of it is false, and nothing material has been concealed therefrom.

**Identified by:**

*Mehboob Alam*

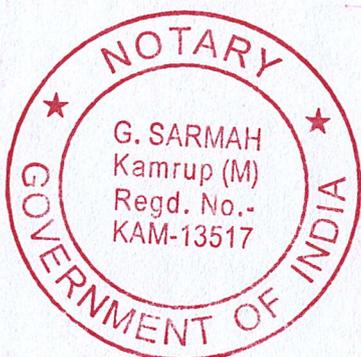
**MEHBOOB ALAM**

**Advocate**

**Enrolment No. 571 of 2017**

*(Signature)*  
Dr. Homen Hazarika

**DEPONENT**



*Mehboob Alam*  
Advocate  
Guwahati High Court

NOTARY PUBLIC : OATH COMMISSIONER  
Solemnly affirmed before me on this day, I certify that I read over and explained the contents to the declarant and that the declarant seemed perfectly to understand them.

*(Signature)*  
GITANJALEE SARMAH  
NOTARY  
Guwahati, Kamrup (M)  
Regd. No.- KAM-13517  
GOVT. OF INDIA