

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

OA No. 187/2023

Shailandra Kumar Yadav

Applicant

Versus

State of H.P.

Respondent

ACTION TAKEN REPORT IN COMPLIANCE TO THE ORDER DATED 12.07.2023 AND 03.10.2023 PASSED IN ABOVE TITLED OA ON BEHALF OF COMMITTEE CONSISTING OF PR.CHIEF CONSERVATOR OF FORESTS ,H.P. AND DIVISIONAL FOREST OFFICER SHIMLA.

RESPECTFULLY SUBMITTED:-

1. That this Hon'ble Tribunal on 12.07.2023 passed the following order:-

“4. In view of above having no specific remedial actions to be taken, we constitute a Committee consisting of Divisional Forest Officer, Shimla and Principal Chief Conservator of Forests, Shimla to hold a meeting of District Administration and after having their suggestions, take remedial measures which are required to be taken including Forest Clearance. This exercise may be completed within two months and action taken report be filed before the next date of hearing by e-mail at judicialngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

5. *List for further consideration on 03.10.2023*”

2. That thereafter on 03.10.2023 this Hon’ble Tribunal pass the following order:-

“3. *The Tribunal, in the subsequent order dated 12.07.2023 taking note of the fact that no remedial action was taken, had constituted a Committee consisting of Divisional Forest Officer, Shimla and Principal Chief Conservator of Forests, Shimla to suggest remedial measures. The action taken report was to be filed in terms of the order dated 12.07.2023 but the same had not been filed till now.*

4. *Hence, we issue notice to the Divisional Forest Officer, Shimla and Principal Chief Conservator of Forests, Shimla. Let the notice be served upon them by the Registry in accordance with rules.*

5. *List on 20.12.2023.*”

3. That an unconditional apology is tendered before this Hon’ble Court for not submitting the desired report/ suggestions of remedial measures within time as directed by this Hon’ble Tribunal in order dated 12.07.2023.

4. That as far as suggestions of remedial measures are concerned, it is submitted that the Committee constituted by this Hon’ble Tribunal visited the spot and had several stakeholder consultations. As a result of the deliberations it was observed

(i) That the total length of the mule path is 1087 meters and width 06 meters. The initial stretch of 200 meters is under the possession of CPRI Kufri and rest of 8087 meters is recorded as Reserve Forest Teer Mahasu Compartment-1, falling in Theog Forest Division.

(ii) As per record maintained by Special Area Development Authority (SADA) Kufri a total of 1029 horses have been registered and are currently plying in the supra quoted mule path.

(iii) Persons of different adjoining villages are dependent for their livelihood on plying these horses as well as other economic activities in the said area.

- (iv) The carrying capacity of horses as calculated following Cifuentes's methodology comes to 217 horses per day i.e. 27 horses per hour.
- (v) The regeneration status of trees has been assessed significantly low in disturbed sites and presence of Invasive species has also been noted.
- (vi) The Presence of Faecal Coliform has been also been confirmed in certain water samples from the area.
- (vii) The plying of horses in large numbers has been found to cause damage to the natural vegetation as well as ecology of the area.
- (viii) Some temporary and permanent structures for carrying out business activities were also found in the said site.

5. The challenges involve livelihood issues, protection of the natural forest, enhancing visitor's experience, providing better cleanliness cum garbage disposal mechanism, treatment of horse dung etc.

6. Keeping in view the multifaceted issues the following remedial measures are hereby suggested by the committee:-

- a) The horses and other tourism activities have been found operating in Reserve Forest and need to be regulated to prevent further damage to the natural flora and fauna of the surrounding forests. The Himachal Pradesh Forest department is managing various parks, Eco-tourism sites, trekking routes and various other Eco tourism activities under the ambit of Special Purpose vehicle (SPV) i.e. Himachal Pradesh Ecotourism society. Government of H.P. has framed Ecotourism Policy in this regard which aims to promote Eco-tourism activities involving local communities. The instant case involve various stakeholders and the local livelihood issues can be resolved by managing the site through ECOSOC thus there will be no such need of forest clearances in this regard.

- b) To address the local issues such as collection of entry fee, proper cleanliness of the site, garbage disposal, fixation of routes, providing minimum basic facilities to the visitors etc., constitution of Eco Development Committee (EDC) for the said area is hereby suggested and in this regard it is further submitted that Theog Forest Division has already prepared the draft of the bylaws of EDC (Attached as Annexure- R) in consultation with all the stakeholders. The revenue sharing mechanism will be as per the HP Ecotourism Policy i.e. 60:40 ratio. 60% of the total revenue generated from the site will be utilized at the same site for providing better facilities and maintaining the assets etc, while 20% will be deposited in govt. exchequer as revenue and 20% will be go to HPECOSOC.
- c) As large number of horses are operating in the said area beyond the carrying capacity and to reduce the same, several meetings has been organized with the horse owners. With regard to restricting the number from 1029 to 217 as per the determined carrying capacity, the horse owners need to be convinced and as per the discussions held with them it is submitted that the same cannot be done in one go as it will affect livelihood of large number of persons. So it may be that firstly the number can be reduced up to 500 numbers and gradually the number can be reduced up to 217 with gradual decrease of 10 % in each of the coming years.
- d) A plant for treating horse dung can be established at the site or near the site which can also generate employment to the persons who will be deprived from running their horses in the circumstance mentioned in para-(c) above.
- e) Adjoining to the area there exists Wild Life Sanctuary namely Shimla Water Catchment Sanctuary, so the horses which sometimes will run there for grazing be immunized as per the mandatory provisions under the Wild Life Protection Act, 1972.

- e) An Alternate walking path can also be developed for trekking on which plying of horses not to be allowed.
- f) Other eco-friendly activities such as battery operated/electric small vehicles which can generate employment to the horse runners who will be deprived to run their horses as above can also be explored.
- g) The other business activities which are running at the spot can also be regulated so that they may be on Eco-friendly lines, maintain clean lines, having solid waste management measures that enhances the visitor experience, while preserving the ecology of the area.

That in view of the above, it is submitted that the present report may kindly be taken on record.



Sh. Krishan Kumar (IFS)
Dy. Conservator of Forests
Shimla Forest Division.



Sh. Rajiv Kumar (IFS)
Pr. Chief Conservator of Forests (HoFF)
Himachal Pradesh Shimla-1.



HIMACHAL PRADESH

FOREST DEPARTMENT

PROPOSAL FOR CONSTITUTING

**ECO-DEVELOPMENT
COMMITTEE
KUFRI-MAHASU**

THEOG FOREST DIVISION

THEOG

BYELAWS FOR ECO-DEVELOPMENT COMMITTEE KUFRI-MAHASU

Shimla is famous for tourist destination and more for its green scenic landscapes and forests. The world famous 'Kufri' and 'Mashobra' near Shimla, are centers of great tourist attraction on account of their scenic grandeur and cedar forest. With reference to Kufri, the seasonal character of tourism here, a large number of visitors arrive here in the peak season in comparison to the lean season time. Tourists generate and leave behind a great deal of waste in the form of plastic-wrappers, bottles etc. and this practice is degrading the local environment and native vegetation. The unregulated plying of ponies on the poorly maintained trail often leave behind bio-waste that adds to the detrimental impact on the native bio-diversity. In order to generate facilities and services that would play an important role to create opportunities not only for incoming tourist influx but also to promote Community based Eco-tourism for sustainable development of the forests and thus generating revenue for the State as well as for the local Communities in addition to services being provided to tourists. There would be greater emphasis in conservation of local traditions, cultural heritage and environs, as these would be seen in aiding in local economy.

It is for this purpose that the creation of "Eco-Development Society" at Kufri-Mahasu would be taken up. The entire area of would be developed with environmentally sustainable material. The potential of the site and its nearness to the State Capital would be immense help in promoting ecological values far and wide.

OBJECTIVES

The main objective of the "Eco-Development Society" would be to depict different aspects of the environment and preserve the nature by way of –

1. Protecting and conserving the bio-diversity which is essential from ecological and economical perspective.
2. Enunciate mechanism for partnerships in eco-tourism, identify and promote activities which are tandem with the principles of eco-tourism.
3. To create and maintain eco-friendly assets as felt necessary and to ensure through the "Eco-Development Committee Kufri-Mahasu".
4. Creation of outdoor avenue for recreation for the inhabitants and visitors to Shimla in general and Kufri in particular.
5. Create suitable income generation opportunities for the members of the committee through the existing eco-tourism potential in the Kufri-Mahasu.

6. To pursue any other issue as stated in the revised Eco-Tourism Policy 2005 of the Himachal Pradesh Government.
7. Coordinate with the circle level ECOSOC in implementing various eco-tourism activities through the revenue generated from Kufri-Mahasu area.

**MEMORANDUM OF ASSOCIATION OF ECO-DEVELOPMENT
COMMITTEE, KUFRI-MAHASU (HP)**

1. The name of the Committee will be Eco-Development Committee, Kufri-Mahasu.
2. The registered office of the Committee shall be as per the following address –

Divisional Forest Office, Theog, Distt. Shimla
3. The area of operation of the Committee will be D-104 Kangar (DFP 90 ha.) R-4 Teer Mahasu C-1 (42.2 ha.) in and around the area in the State of Himachal Pradesh, with specific interest in the Teer-Mahasu.
4. The Committee has been set up with the primary objective to promote and manage eco-tourism activities in the area of operation to get optimum economic returns in environmentally and culturally sustainable way.

In furtherance of the above objectives –

- a. To create awareness amongst visitors about the potential of eco-tourism in the area and its intimate linkages with conservation of natural resources.
- b. To build capacity of the local people and concerned Government Officials in managing eco-tourism in their area of operations.
- c. To identify eco-trails and eco-parks in the area of operation and develop facilities along these trails for such eco-tourism.
- d. To manage resources to be developed by the Committee and/or taken over by the Committee from other organisations under MoU, if any.
- e. To develop and enforce protocols to minimize the negative impacts of traditional tourism on ecology and social fabric of the area.
- f. To set up nature interpretation centres and to develop educational material/s placed for benefit of tourists.

- g. To develop ways and means to attract responsible nature and adventure tourists to the identified and developed eco-trails and eco-parks.
- h. To develop the "Kufri Trail" and regulate the plying of pony riders in consonance with ecologically clean environs.
- i. To develop income generation potential for forest dependent communities, especially members of the EDC.
- j. To promote cooperatives amongst local artisans for production and sale of handicrafts/cottage level produce to get better returns to them.
- k. To promote eco-friendly means of transportation like e-vehicles.
- l. To assist or take assistance from and collaborate with other institutions with similar activities in India or elsewhere.
- m. To keep close liaison with State/Circle level Ecotourism Society of Himachal Pradesh and work under its broad policy guidelines on the subject.
- n. To engage service-providers for the purpose/s of the EDC.
- o. To do all other lawful things as may be incidental or conducive to the attainment of the above objects, especially forest laws.

The names and addresses, designations and occupations of the members of the first Governing Body, who shall hold office till a Governing Body is duly constituted under the Bye-laws of the Society, are as under –

S. No.	Name	Designation	Edu. Qual.	Address	Age	Sign.
1.						
2.						
3.						
4.						
5.						
6.						

Signed in the presence of _____

Signature and seal of the witness _____

The following persons shall subscribe their names in the above Memorandum of Association and are willing to join the EDC under the Committee Registration Act, 1860.

S. No.	Name	Occupation	Edu. Qual.	Address	Age	Sign.
1.						
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
10.						

Signed in the presence of _____

Signature and seal of the witness _____

Annual membership of Rs. 500/- for each person and Rs. 200/- for SC/ST members.

RULES AND REGULATION OF THE COMMITTEE

“ECO-DEVELOPMENT COMMITTEE, KUFRI-MAHASU”

TEHSIL THEOG, DISTRICT SHIMLA

SHORT TITLE

1. These Rules and Regulations may be called the Rules and Regulation of the “Eco-Development Committee, Kufri-Mahasu” (hereinafter called the “ EDC Rules”)

INTERPRETATION

2. Unless it is inconsistent with the subject or context –
 - the “Committee” means the Eco-Development Committee (EDC), Kufri-Mahasu
 - ‘in writing’ means including printing, lithography and typewriting.
 - ‘Year’ means the period commencing from the 1st April of the calendar year and ending with the 31st March of the next year.
 - ‘Month’ means calendar month.

PATRONS

3. Hon’ble Chief Minister of Himachal Pradesh shall be the ex-officio patron of the Committee.

MEMBERS

4. All the citizens of India residing in the operational area of the Eco-Development Committee can become member after paying prescribed fee annually.
5. Non-official members of Governing Body/Executive Committee shall be eligible for admission to the Committee, if he/she is –
 - i.) Over 18 years of age and of sound mind
 - ii.) Ordinarily resident in the area of operation of the EDC
 - iii.) Of good moral character
 - iv.) Interested in furthering the cause of the society
6. No individual shall be eligible for admission as non-official member of the GB/EC, if –
 - a) He/she has applied for bankruptcy; or
 - b) He/she has been declared as an insolvent; or

- c) He/she has been sentenced for any offence involving dishonesty or moral turpitude within 5 years preceding the date of his application for admission as a member.

ORGANIZATIONAL STRUCTURE

7. The Committee shall have two tier structure as under –
- a) Governing Body
 - b) Executive Committee

GOVERNING BODY

8. The Governing Body shall consist of the following 11 members, including the Chairman and Executive Secretary

a) Official Members

- | | |
|------------------------|--|
| 1. Chairman | Chief Conservator/Conservator of Forests,
Shimla Circle |
| 2. Executive Secretary | Divisional Forest Officer Theog |
| 3. Member | Divisional Forest Officer Shimla Rural. |
| 4. Member | Divisional Forest Officer Wild Life Shimla |
| 5. Member | Representative of DC Shimla not less than the
rank of SDM |
| 6. Member | District Tourism Development Officer Shimla |

b) Non-Official Members

- | | |
|-----------|--|
| 1. Member | Representatives of local Zila Parishad |
| 2. Member | Panchayat <i>Pradhans</i> of Kufri, Nallah and Makhrol |
| 3. Member | Representative of the local BDC. |

Executive Secretary of the Governing Body shall also be the ex-officio Director of the Executive Committee.

The Governing Body shall be empowered to co-opt a maximum of two members to act as experts on the subject, if required any.

9. Whereas, the entire official members shall be ex-officio member of the Governing Body, all the non-official member shall normally hold office for a period of two years from the date of their nomination to the Governing Body.
10. Any of the non-official members who fail to attend three consecutive meetings of the Governing Body without proper cause shall cease to be member thereof.
11. The Chairman shall preside over the meeting of the Governing Body. In his absence, the members present shall elect a Chairman for the meeting.
12. $\frac{1}{2}$ members (50%) of the Governing Body present in person shall constitute the quorum at any meeting of the Governing Body.
13. Not less than seven clear days' notice of every meeting of the Governing Body shall be given to each member at their address.
14. The Governing Body shall meet at least twice every year.
15. Each member of the Governing Body, except the co-opted member if any, including the Chairman shall have one vote and majority decision shall prevail. In case of equality of votes on any question, the Chairman shall have to cast the decisive vote.
16. Any of the non-official member may be removed from the Society by the resolution of the Governing Body passed by majority of at least $\frac{3}{4}$ of the members present and voting at the special meeting of the Governing Body of which no less than 14 days pervious notice shall be given to the member whose removal is in question and to all members of the Governing Body. Such notice shall include a copy of the proposed resolution for removal of the member. However, the member against whom the action is envisaged will not be entitled to vote.
17. The Governing Board shall carry out the following functions –
 - a) To carry out the objectives of the ED Committee as set forth in the Memorandum of Association of the Committee.
 - b) To manage the affairs and funds of the Committee and exercise all powers of the Committee in accordance with rules of the EDC.
 - c) To approve the annual profit and loss account and audited balance-sheet of the ED Committee.

- d) To look for other avenues to raise funds for the EDC and to accept grants or financial aid from the Government and donations from other public bodies, Corporations, Companies, persons, national or international, for the purposes of Eco-Tourism on such conditions as may be agreed to.
 - e) To borrow or raise funds that may be required by the EDC on such terms and conditions as may be deemed advisable.
 - f) To prescribe rates/fees for the services provided to the eco-tourist.
 - g) To approve the work program and list of activities submitted by the Executive Committee of the EDC and periodically monitor the same.
 - h) To acquire for the EDC any assets, moveable or immovable, on such terms and conditions, as it deems fit, including by way of purchase or entering into agreements (MoUs) for this purpose. Chairman of the Governing Body shall be authorized signatory for this purpose.
 - i) To enter into and secure the fulfilment of any contracts/engagements on behalf of the EDC and to institute/defend/compound or abandon any legal proceedings by or against the EDC and to refer any matters, claims or demands to arbitration and observe and perform the Awards.
 - j) To engage such service providers as may be necessary to carry out the objective of the EDC and to pay them such remuneration as may be considered expedient.
 - k) To develop, erect, alter, improve and maintain any of its assets and to manage, develop, all or part of the assets for cash or any other consideration to promote the objects of the EDC.
18. The Governing Body shall constitute an Executive Committee and delegate to it such powers and functions, as it considers fit.
19. All business discussed or decided at a meeting of the Governing Body shall be recorded in a *Proceedings Book*, which shall be signed by the Chairman of the meeting and all members present.
20. **EXECUTIVE COMMITTEE**
- The Governing Body shall constitute an Executive Committee for day to day functioning of the EDC.

21. The Executive Committee shall comprise of the following members –

- | | | |
|----|---|------------------|
| 1. | Divisional Forest Officer, Theog For. Div., Theog | Director |
| 2. | Range Forest Officer, Theog | Member Secretary |
| 3. | Range Forest Officer, Shimla Water
Catchment Wild Life Sanctuary | Member |
| 4. | Range Forest Officer, Mashobra | Member |
| 5. | Representatives of local Panchayat | Members |
| 6. | Elected representatives of Horse Owners'
Association, Photographers' Association, and
Telescopic Association. | Members |
| 7. | Nominee of the Director | Member |

The Director of the Executive Committee shall also be the Executive Secretary of the Governing Body.

22. The Executive Committee shall be responsible for –

- a) Implementation of decisions taken by the Governing Body.
- b) Preparing proposals for activities to be taken up by the EDC and submitting the same to the Governing Body for approval.
- c) Efficient utilization of funds put at its disposal by the Governing Body.
- d) Developing publicity and nature education material for the eco-tourists.
- e) Maintenance of assets, both moveable and immovable, of the Society.
- f) Identification of facilities/services to be provided to the eco-tourists and providing the same.
- g) Capacity building of members of the Society by organizing appropriate training programmes for them in different disciplines viz. Cooperative management, catering, guides, guest/rest house management, management of horses/ponies, porters, management of interpretation centers, nature park management etc.

23. The Executive Committee shall meet at least once in three months to take stock of the progress of various works.

24. Every meeting of the Executive committee shall be presided over by the Director and in his/her absence, by a member chosen by the members present at the meeting to chair for the occasion. Half ($\frac{1}{2}$) of the member(50%) of the Executive Committee present shall constitute a quorum at any meeting of the Executive Committee.
25. Any of the non-official member may be removed from the Society by the resolution of the Executive Committee passed by majority of at least $\frac{3}{4}$ of the members present and voting at the special meeting of the Governing Body of which no less than 14 days previous notice shall be given to the member whose removal is in question and to all members of the Executive Committee. Such notice shall include a copy of the proposed resolution for removal of the member. However, the member against whom the action is envisaged will not be entitled to vote.
26. Not less than three clear days' notice of every meeting of the Executive Committee shall be given to each member of the Executive Committee provided that –
 - a) The Director may call an emergency meeting at notice of one day, and
 - b) Any inadvertent omission to give notice of the meeting shall not invalidate the proceedings of the meeting.
27. It shall keep record of all such meetings in the prescribed format and send minutes of these meetings to the Governing Body.

FUNDS OF THE SOCIETY

28. The Society shall raise funds as follows –
 - a) Funds received from the Circle-level Eco-Tourism Society (ECOSOC)
 - b) Grants made by the Government or donations received.
 - c) Contributions from other sources.
 - d) Income from investments.
 - e) Receipts of the EDC from tourists and other sources.
 - f) Loans from financial institutions.
 - g) Project based funding from national/international donor agencies.
29. Funds received on account of the horses/ponies plying over the "Kufri Trail" shall be maintained separately and shall be reimbursed to the concerned horse/pony owner/s at the day end or as per convenience.

30. Out of total funds received from various sources under Clause 28, will be sent to the account of the Circle-level ECOSOC and in turn the Circle will reimburse the 60% of the receipts based on the approved work-programme of GB. The balance 40% will be transferred to the Govt. of Himachal Pradesh (20%) and State-level Eco-Tourism Society of Himachal Pradesh (20%).
31. The annual plan of operation will be prepared by the Executive Committee in its jurisdiction based on funds received from various sources and those will be approved by the Chairperson of the Governing Body.
32. No portion of the income and property of EDC shall be paid or transferred directly or indirectly, by way of dividend, bonus or otherwise, howsoever by way of profit, to the persons who at any time have been member of the Society or to any of them or to any person claiming through them provided that nothing herein contained shall prevent the payment in good faith of remuneration to any member thereof or other persons in return for any service rendered to the Society or travelling allowance, halting or other charges.
33. The EDC shall maintain proper accounts and other relevant records and papers and prepare an annual statement of accounts in such form as may be prescribed by the Chartered Accountant. The accounts of the Society shall be audited annually by the Chartered Accountant and any expenditure incurred in connection with the audit of accounts of the Society shall be payable by the Society.

ACCOUNTS AND AUDIT

34. The Society shall maintain such account and other records connected with accounts in such form or manner as may be directed by the authority competent to do so under the Co-operative Societies Act.
35. The Society shall prepare and submit returns and statements as the Registrar may from time to time specify.
36. Accounts of the Society shall be audited annually by Chartered Accountants. The Executive Committee shall record its observations on the audited accounts and forward these to the Governing Body for ratification.

ANNUAL REPORT

37. Draft Annual Report on the working of the Society shall be prepared by the Executive Committee, and shall be placed before the Governing Body for consideration and approval. Copies of the approved Annual Plan shall be supplied to the members of the Society and other concerned.

MISCELLANEOUS

38. No addition, alteration or amendment shall be made to the Rules and Regulations of the Society in force, except by resolutions passed at a meeting of the Governing Body by a two-third majority of the members present.
39. All the elected representatives of Horse-owners' Association, Telescope Association and Photographers' Association to the non-officials members of Executive Committee, will be elected through voting by the members of EDC.
40. Horse Owners presently registered with SADA will only be eligible to become members of EDC, no new membership is allowed.
41. The EDC, may, in the circumstances specified under the relevant provisions of the Co-operative Societies Act, 1860, be wound up and cancelled by the Registrar in accordance with the procedure laid down by such an Act and the rules framed there under.
42. In case the EDC is wound up or dissolved, the Government assets taken over the by the EDC under MoU, shall revert to the Himachal Pradesh Forest Department and any other assets, if remaining after clearing of all debts and liabilities, shall be vested in the Government.
43. All provisions of the Societies Registration Act, 1860 shall apply to Eco-Development Committee, Kufri-Mahasu

This is to certify that the above is a certified copy of the Rules and Regulations of the "Eco-Development Committee, Kufri-Mahasu"

Bye-laws are approved and are acceptable to us.

<u>S. No.</u>	<u>Name</u>	<u>Signature</u>
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Subject: Direction by Hon'ble NGT in OA No. 187/2023-titled as Shailendra Kumar V/s State of HP.

Proceedings of the meeting chaired by Sh. Rajiv Kumar, IFS in his chamber on dated 12th Oct, 2023.

Meeting started with welcome address of the Sh. Rajiv Kumar, IFS, worthy PrCCF (HoFF), under his chairmanship in his chamber on dated 12th October 2023 at 11 am. All those presented gave their introduction prior to the meeting. Other than the worthy chairman, those present were

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|----|--------------------------------|----------------------------|
| 1. | Sh. Pushpendra Kumar Rana, IFS | CCF Management |
| 2. | Sh. Krishan Kumar, IFS | DCF Shimla Forest Division |
| 3. | Smt. Jyoti Rana, HAS | ADM Shimla |
| 4. | Dr. Manish Rampal, HPFS | DFO Theog Forest Division |
| 5. | Sh. Lalit Thakur | Rep. Member-Secy, HPPCB |

The committee discussed in detail the decision delivered by Hon'ble NGT in OA No. 187/2023-titled as Shailendra Kumar V/s State of HP. The area in question was being managed under SADA and the application attracted provisions of Indian Forest Act (as the areas where contravention reported were Reserve Forests); Eco-Sensitive Zone; and the Environment (Protection) Act. Further, it was specified that as per determination of land on the map, the "Kufri Trail" fall in the jurisdiction of the CPRI (Shimla) and Theog Forest Division. The following issues were emerged during the meeting:

- Smt. Jyoti Rana, ADM Shimla apprised the committee that the excessive plying of horses in the area under consideration needs

to regulated as per the orders. As per the Order of NGT, a cap of 217 horses per day needs to be enforced on the “Kufri Trail”. For this, a regulatory mechanism needs to be exercised by the SADA for the control of registration of the horses that will ply over the “Kufri Trail”. As per the registration done by the SADA, there are at present 1029 horses. Due to such high number, cleanliness issues crop up and the area is required to be cleaned and managed regularly. Moreover, there is damage to the surrounding forest areas. There should be limit over the number of horses registered for each individual horse-keeper in the area.

- As per PCCF (HoFF), in order to follow guidelines of NGT, roster for plying 217 horses need to be exercised. Meeting demand of the tourists is also very important and the corresponding decrease in the number of horses on “Kufri Trail” needs to be compensated by a hike in riding charges per horse i.e. 500 rupees per horse. **It will be the prime responsibility of the staff of the HP Forest Department to prevent grazing in the Reserve Forest area.** Cleanliness needs to be ensured at all costs in and around the “Kufri Trail”.
- As per Sh. Lalit Thakur, Gram Panchayats around “Kufri Trail” should collect the solid-waste, whereas there is no provision for the collection of bio-degradable. “Healing Himalayas”, an NGO, working in the area can be linked for management of wastes generated by the horses plying over the “Kufri Trail”.

- As per Sh. Krishan Kumar, there are three Gram Panchayats collect entry-fee at various points of entrance to the “Kufri Trail”. On this, PCCF (HoFF) suggested that there needs to be one entrance that need to be controlled by the HP Forest Department and an entrance-fee @ 600 rupees needz to be charged from each tourist and the revenue proceeds needs to be distributed amongst horse-union and Gram Panchayats in ratio of 500 rupees (horses)+ 100 rupees (Gram Panchayats). In the peak tourist season, each horse ply 8-10 rounds per day over the “Kufri Trail”, thereby earning revenue upto about `4000 to `5000 rupees per day.
- Sh. Krishan Kumar mentioned that Reserve Forests in and around “Kufri Trail” are being destroyed by the horses due to grazing.
- As per Smt. Jyoti Rana, initially the tagging was done of all horses plying over the “Kufri Trail”, however it was later on ceased due to numerous “health” issues. Afresh tagging could again be started by involving concerned Gram Panchayats. SADA could be involved to impose penalties on those horse-owners contravening the NGT/Government orders. Gram Panchayats should be made responsible to ensure cleanliness in and around the “Kufri Trail”.
- As per Mr. Munish Rampal, mesh fencing needs to be done to prevent the horses grazing into the Reserve Forests. “Kufri Trail” is in a really bad condition and it immediately requires soling in order to address cleanliness issues arising due to

wastes generated by the plying horses. Gram Panchayats have given their consent for a unified “ticket-counter” to charge entrance-fee from the tourists.

- As per Krishan Kumar, the horse-unions should decide which horse to go according to the roster. Collection of entrance-fee should be done at one point and funds so collected should be utilized on the area under jurisdiction of the “Eco-tourism Society”. Statute restrictions as directed by the NGT, need to be imposed.
- As per PCCF (HoFF), action to reclaim the Reserve Forest needs to be taken gradually. “Eco-tourism” mode needs to be imposed/explored. Revenue, so collected need to be shared amongst all stakeholders and its proper distribution needs to be ensured. Mechanization plant for bio-degradable waste disposal should be established by the HP Pollution Control Board. Representatives of CPRI and HFRI needs to be called in the next meeting. Next meeting on this issue should be called within 15-20 days. Fencing of the Reserve Forests should be done by the DFO (WL) Shimla and Theog Forest Division. **Vaccination** and **Tagging** should be initiated by the SADA.

The meeting ended by a note of thanks to the worthy Chairman.

No. Ft. 42-1789/2023 (Mgt.) Shailendra Kumar

Himachal Pradesh Forest Department.

Dated Shimla-1, the

From: Pr. CCF (HoFF)
Himachal Pradesh.

To: i) CCF Shimla.
ii) CCF (WL) Shimla.

**Subject: Meeting notice regarding Direction by Hon'ble
Hon'ble NGT in OA No. 187/2023-titled as Shailendra
Kumar V/s State of HP.**

Memo:

It is informed that, Pr. CCF (HoFF) HP wants convene a meeting with all stakeholders involved in case of OA No. 187/2023 titled as Shailendra Kumar Yadav V/s State of HP on 29.11.2023 at 12:00 AM at Forest Rest House Kufri

You are, therefore, requested to arrange the above meeting on scheduled date, time and inform the stakeholders for attending the meeting.

Chief conservator of Forests (Management)

Endst: No. As above _____ Dated Shimla-1, the
Copy is forwarded to DFO Shimla and DFO (WL) Shimla
for information and similar necessary action.

Chief conservator of Forests
(Management)

Meeting started with brief introduction and welcome of Chief guest, Sh. Rajiv Kumar, IFS, worthy Pr. CCF (HoFF), along with following Officers and all the stake-holders involved in the case of OA No. 187/2023 (titled as “Shailender Kumar Yadav vs State of Himachal Pradesh”) at the 3-D hall of Kufri Zoo on dated 29th November 2023 at 12.45 pm. All other Officers that were present in the meeting were

—

1. Sh. Pushpendra Rana, IFS	CCF Mgt
2. Sh. Krishan Kumar, IFS	DCF Shimla Forest Division
3. Sh. Ajit Kumar Bhardwaj, HAS	ADM Shimla
4. Sh. Manish Rampal, HPFS	DFO Theog Forest Division

A. Sh. Rajiv Kumar, Pr. CCF (HoFF) gave brief introduction to the application of the petitioner in which his grievances were addressed and thereby orders were passed by the Hon’ble NGT to take remedial measures as suggested by the report of the Joint Committee constituted vide order dated 13-3-2023. It was advised by the Chief Guest that environmental regulations were required to be followed. Since employment of many stakeholders is being affected, a mid-path is required to followed, keeping in view the environmental protection of the area concerned. In the present situation, this could be done adopting the following remedial measures—

- i. By limiting the number of horses from 1029 to 217 and regulating the number of horses plying over the Kufri-trail by an annual reduction of 10% in each of the following year.
- ii. By constituting the Eco-Development Committee, Kufri-Mahasu.
- iii. By regulating the fee-structure and utilizing it for the improvement of the degraded site and its subsequent development.
- iv. Starting a roster for horses plying over the Kufri-trail.
- v. Distribution of the revenue collected in the ratio of 60:40 to the EDC and ECOSOC & HP Govt., respectively.

vi. Construction of public conveniences in consultation with HP Pollution Control Board, by installation of the digester. Thereby, horse dung disposal plant could be installed and become operational.

vii. Fencing of the Reserve Forest area and pasture development.

viii. Number of horses per person need to rationalized keeping view the carrying capacity of the area concerned.

ix. Provision of “Foot ecologists” that would create new employment opportunities in the area concerned.

B. Stakeholders, in response to the above said measures suggested by the Chief-guest gave the following suggestions to be kept in view while submission of reply on 20-12-2023–

i. Provision of fodder and water to the horses plying over the Kufri trail.

ii. Instead of cutting down the plying strength of horses 217 per day it may be considered to 500 horses per day, keeping in view the persons dependent upon them for employment.

iii. Since SADA was dissolved, the sanitation could be entrusted to the Eco-Development Committee Kufri- Mahasu, after its registration.

iv. Maintenance and upkeep of the Kufri Trail may be done regularly.

v. Provision of “Horse sadans” may be done for those horses which are kept at rest due daily-roster.

vi. New trekking may be provided so that new avenues for horse-owners could create new opportunities of employment in the nearby areas under eco-tourism.

vii. Representation for nearly hotel/ home stay to be included in the EDC.

Later on the meeting with vote of thanks to the Chief Guest, all participant officers and the stakeholders involved in the case of OA No. 187/2023.