



Finer nuances of legal rights of an encaged animal came under focus with BBC News, Latin America and Caribbean announcing last Sunday: "Court in Argentina grants basic rights to orangutan."

Lawyers argued that Sandra who spent 20 years in a zoo was being illegally detained and that she must be freed now. The court in a stand-out ruling declared she is entitled to some legal rights enjoyed by humans. However, should the zoo authority opt not to appeal, the ape would be headed for a sanctuary in Brazil where 'she will enjoy greater freedom.'

It is interesting to note that orangutans live up to 50 years in captivity. Ironically, though not inexplicably, they have a shorter life-span in the wild—only 30-35 years. So Sandra has pretty much a longer lease of life, some 30 years, to live. In that backdrop, the move to get her a relaxed environment to stretch her body around is sensible and meaningful no doubt.

That said, an obvious question cannot be shrugged off: Why after 20 years of captivity the legal sensibilities of an animal rights lawyer have been aroused with such gusto to try and set Sandra free? An answer to this can be the clichéd one liner—better late than never. But in my mind, perhaps they have taken pity on her seeing the shy primate avoiding public in her enclosure in a silent protest against the boring, unappealing captivity.

Indeed, the November "habeas corpus" writ which succeeded after several rejected submissions before the court contained a convincing plea— "the unjustified confinement of an animal with probable cognitive capability."

Legal Rights of Sandra, an Orangutan

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You come by a fascinating legalistic jugglery of words; for instance, the unique point of determination was whether an animal was a 'thing' or 'a person'. Somewhat in keeping with her animate status she has been adjudged as a "non-human person."

Animal lovers may be cheered by the recognition of individuality or personality of Sandra. Yet it is equally, if not more important to realise that

the court ruling does signal any less objectification of the animal than before. The fact is animals, especially the great ape, are crowd-pullers in zoos. Picked up from their natural habitat, kept in simulated environment, they are simply showcased as objects. But they carry commercial, entertainment and educational values, a whole lot better and progressive an option than animal poaching and decapitation of body parts for sale, endangering the species to extinction.

The 'thing' connotation to animals remains undiminished after all. Just consider this: In December, a New York court debunked a request to free a privately owned chimpanzee 'arguing that the animal was property and had no legal rights. 'Thus the right to domesticate animals as pets remains intact so long as they are properly treated; otherwise they may be impounded for safe-keeping.

The Argentinian court ruling, La Nacion newspaper quoted a noted lawyer as saying, "Opens the way not only for other Great Apes, but also for other sentient beings which are unfairly and arbitrarily deprived of their liberty in zoos, circuses, water parks and scientific laboratories. "That is how the ruling on Sandra promises to be a landmark one.

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