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Animals in the Public Debate: Welfare, Rights, and Conservationism in India

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Abstract: This paper proposes a survey of the many ways in which people look at and deal with animals in contemporary India. On the basis of ethnographic research and of multiple written sources (judgments, newspapers, websites, legal files, activist pamphlets, etc.), I present some of the actors involved in the animal debate—animal activists, environmental lawyers, judges, and hunter-conservationists—who adopt different, though sometimes interconnected, approaches to animals. Some of them look at animals as victims that need to be rescued and treated in the field, others fight for animals in Parliament or in Court so that they can be entitled to certain rights, others are concerned with the issue of species survival, where the interest of the group prevails on the protection of individual animals. In the context of a predominantly secularist background of the people engaged in such debates, I also examine the role that religion may, in certain cases, play for some of them: whether as a way of constructing a Hindu or Buddhist cultural or political identity, or as a strategic argument in a legal battle in order to obtain public attention. Lastly, I raise the question of the role played by animals themselves in these different situations—as intellectual principles to be fought for (or to be voiced) in their absence, or as real individuals to interact with and whose encounter may produce different kinds of sometimes conflicting emotions.

Keywords: animal welfare; animal rights; conservationism; hunters; Hinduism; India; court cases; Tibetan diaspora

1. Introduction

The question of how to deal with animals and of which legal and moral status should be attributed to them has been the subject of fervent debate in India over the last few years, which has taken multiple forms and has involved people from various backgrounds and with different motivations. The 'animal cause' has been popularized to such an extent that it has also become a fashionable issue. Bollywood celebrities, solicited by PETA (People for the Ethical Treatment of Animals), recently posed for a powerful and colorful advertising campaign, each advertisement sending out a specific message: 'Be an Angel for Birds. Don't cage them' urges the actor John Abraham, standing with large powerful outstretched wings;[1] 'Let Vegetarianism grow on you' says the former Miss Universe and actress Lara Dutta, dressed in a close-fitting gown made of vegetable leaves,[2] and as a protest against the exotic skin trade, the actress Dia Mirza poses clothed in a blood-stained leopard skin[3]. The animal–human conflict issue too has arrived at the door of film studios. In 2014, a Marathi movie narrated the story of a leopard, Ajoba, whose movements had been monitored via a GPS collar by a research team headed

[1] http://in.rediff.com/movies/2008/jun/25look.htm (accessed on 13 February 2019).
[2] http://4.bp.blogspot.com/_J2OAFC9RrpI/TEXyUZkXvsI/AAAAAAAAAVA/vWt6VNTLHvg/s1600/lara+peta+2.jpg (accessed on 13 February 2019).
[3] https://www.petaindia.com/blog/dia-mirza-urges-fans-shed-skins/ (accessed 13 February 2019). See also Sharma (2014).

by Vidya Athreya, a well-known wildlife biologist and conservationist who studies leopards' behavior (Kumar 2013).

The growing popularity the animal cause has encountered in India can be seen in the number of animal welfare and animal rights organizations that have popped up in recent years, each with its own website and Facebook page. Some are branches of international organizations such as PETA or WWF (World Wildlife Fund), others have been set up at a national level, or they are linked to a specific locality. Members of these organizations focus on rescuing, treating, and feeding animals; some are also engaged in filing lawsuits to demand that the court abolish practices involving animal cruelty or that it acknowledges that animals have certain rights. Courts of law which, in their present form, were set up in India during the colonial period, represent in fact a specific forum in which the battle for animal issues takes place, a battle which involves not only activists but lawyers and judges, some of whom are personally committed to the animal cause. The common law procedure that these courts follow, notably the system of precedence, has itself been a vehicle for international principles and ideas to circulate among these activists and within legal circles.

Another legacy from the colonial period that has had an impact on the current public debate about animals in India, especially with regard to conservationism, concerns the hunter (Mathur 2014), a figure whose role, already in the later colonial period, had begun to shift from hunting animals to protecting (and photographing) them. Although hunting has been forbidden (save a few exceptions) in India since the introduction of the Indian Wildlife Act in 1972, these hunters are occasionally employed today by the wildlife administration whenever a conflict arises in a particular locality and whenever an animal whose behavior has become dangerous has to be captured or eliminated. These hunters also regard themselves as engaged in the animal cause—although their commitment to conservationism is seen by others as contradicting their 'nostalgic' passion for hunting game and for challenging (and killing) dangerous beasts.

The diversity of roles and of perspectives that characterize the animal debate in India is thus linked to many historical factors: (1) a proliferation of religious or philosophical movements, some of them putting forward the importance of certain animals or the idea of not killing them, (2) colonial history which, along with interpreting such religious concepts from an orientalist point of view, has also set up a secular structure of institutions engaged in addressing the animal issue, and (3) the global circulation of ideas—regarding rights, conservatism, and scientific discoveries—which has recently increased due to the internet and social media. Thus, finding a single universally representative perspective is impossible.

In this contribution, my aim is to survey this diversity of actors on the basis of ethnographic research conducted in 2016 and 2017 (in Delhi, Dehradun, and Shimla) and of multiple written sources (judgments, newspapers, websites, legal files, activist pamphlets, etc.)[4]. It does not claim to be exhaustive and focuses on only some of the actors involved in this debate.

In the first section, I look at the animal welfare discourse as put forward by some members of government and non-government organizations. Here, animals are generally portrayed as 'victims', as sensitive beings who must be protected and must not be treated cruelly. I will show how the animal welfare movement in India, which was set up during the colonial period, has been nurtured by both philosophical and religious ideas from the West—some of which were influenced by India. The mirror images that have resulted from this encounter have also been used, in some cases, to support ideological

[4] The data analyzed in this paper was collected during three short periods of fieldwork in India between November 2016 and March 2018. Along with informal discussions and interviews (often tape-recorded) I have used multiple written sources—judgments, newspapers, websites, legal files, activist pamphlets, etc. For the Tibetan section, most of the interviews were conducted in the Tibetan community of Dehradun. For the hunter section, interviews were held in Dehradun and in various places in Himachal Pradesh. The interviews in the section on activists and on the judiciary were conducted in Delhi. For the legal section, I would like to thank the lawyer Ritwick Dutta for his insights and for sharing with me most of the cases he handles in his work.

and political movements—as shown by the case of Hindu reform or Hindu nationalism movements as well as of the Tibetan diaspora movement, mentioned below.

A second section focuses on the discourse about animal rights, which is utilized not only to protect animals from being treated cruelly (sometimes therefore overlapping the welfare discourse) but also to highlight animals' interests—their 'way of living' or their 'well-being'—as opposed to humans' interests in exploiting them. The idea of animals as rights holders, or more recently as legal persons, has been addressed at a legal and judicial level by animal-rights activists, judges, and lawyers involved in litigations. I will show how in some of these court cases, a contrast emerges between the idea of protecting individual animals by giving them rights and the idea of regarding them as 'belonging to a species', where the argument for protecting the species is in keeping with the idea of preserving their habitat.

The last section is centered on the figure of the so-called hunter-conservationist, who is sometimes appointed by the Wildlife Department in cases where capturing or killing a wild animal, particularly if it belongs to an endangered species, is presented as a necessity in order to save humans or to protect the species.

In the context of a predominantly secularist background of the people engaged in such debates, I also examine the role that religion may in certain cases play for some of them: whether as a way of constructing a Hindu or Buddhist cultural or political identity, or as a strategic argument in a legal battle in order to obtain public attention. I also raise the question of the role played by the animals themselves in these different situations—as intellectual principles to be fought for (or to be voiced) in their absence, or as real individuals to interact with and whose encounter may produce different kinds of sometimes conflicting emotions.

2. Animal Welfare and Hindu Reforms

Practices involving cruelty to animals, and in particular animal sacrifices, have been questioned in India by various philosophical or religious movements at different times and for different reasons—ideas of non-violence, of purity, and of reincarnation.[5] It was, however, in the nineteenth century and as a consequence of the colonial encounter that an 'animal welfare movement' began to develop (Dave 2014). Chakrabarti (2010) has shown how the 'dilemma' that the animal protection issue caused in the West—of seeing animals both as resources for human consumption and as 'objects of compassion'—was even amplified in India as a consequence of the complex political and socio-religious dynamics of the colonial situation. The author highlights, for example, the somehow ambiguous role that British rulers played, on the one hand, in introducing legislative acts for preventing animal cruelty (the first being passed in Bengal in 1869) and, on the other hand, in massively exploiting animals in colonial economic enterprises such as in the army and on hunting expeditions (Chakrabarti 2010, p. 139). The author also brought up the contradiction between British condemnation of native practices considered to inflict brutality on animals, which prompted them to pass the very first laws to prevent acts of cruelty, and the practice of vivisection which began to be introduced on a large scale in India in the late nineteenth century.

In some cases, this kind of contradiction was also due to the eclectic profile of British residents in India. On the one hand, for example, vivisectionists relied on easy access to stray dogs on Indian streets—in a way underlining colonial racial superiority of imported British breeds (used on hunting expeditions) over Indian dogs. On the other hand, some British residents had begun to show empathy towards local animals and had started to set up the first Indian Societies for the Prevention of Cruelty against Animals (Chakrabarti 2010, p. 130).

To further complicate the picture, religious reform movements became involved in the animal welfare debate. As happened in Britain and in the USA with Protestant and Evangelical organizations

[5] See for example Biardeau (2003). For a discussion on the place of animals in India, see Balbir and Georges-Jean (2008).

involved in the animal welfare movement (Blosh 2012, p. 12), religious reform organizations participated in the debate in India as well. These reform movements were, each in different ways, inspired by and reacted to the colonial experience, and were driven by different concerns and motivations. The Arya Samaj, for example, mainly focused on the cow protection issue, a movement that portrayed the cow as a Hindu symbol of religious and political unification rooted in political anti-Muslim and anti-colonial feelings (Freitag 1980; Gundimeda and Ashwin 2018). Other nineteenth-century religious reform organizations had a more universalistic and inclusive vision. The Ramakrishna Mission, for example, funded by Vivekananda, promoted a spiritualistic idea of an ontological unity of the universe. As we read in one of Vivekananda's works: 'from the lowest worm that crawls under our feet to the highest beings that ever lived—all have various bodies, but one soul.' (quoted in Gosling 2001, p. 39) Though it sometimes contributes to building an idealized image of India as an animal-friendly country, Vivekananda's discourse about ontological unity between living beings should not be taken, according to Gosling (2001, p. 39), as a 'primitive form of animal rights'. It is instead to be seen, he argues, as related to Vivekanada's concern about promoting equality against caste distinctions—a concern common to other nineteenth-century Hindu reform movements (Beckerlegge 2007; Gosling 2001). This idea of social justice is also linked to the concept of *seva*, intended here as a personal and collective service for those in need (Beckerlegge 2007; Gosling 2001), and of *karma yoga* (yoga of selfless action)—two concepts that were at the forefront of philanthropical programs, including animal hospitals, run by the Ramakrishna Mission. Both these ideas, of *seva* and *karma yoga*, have indeed been adopted by many animal welfare centers in India and abroad.[6]

In the aftermath of Independence, the animal welfare issue was taken up by the Indian state. At the legislative level, some regional states in the south began to discuss laws banning, for example, animal sacrifice—a practice that in some cases involves the idea of slaughtering the animal in a cruel way. The Madras (now Tamil Nadu) Legislative Assembly, for example, enacted the Madras Animals and Birds Sacrifices Prevention Act in 1950 to ban animal sacrifice. However, the debate that took place at this time did not really focus on the animals per se but on the idea of making Hinduism seem more 'respectable', on moral progress and civilization (Smith 1963, p. 235; Good).

A key figure in the push to further animal welfare legislation at the central level was Rukmini Devi Arundale, a dancer from Madras who was also a Member of Parliament. Rukmini Devi's discourse on animal protection, though still referring to the 'moral question', also focused on the animal itself, particularly on the animal's ability to suffer. As she put it in one of the speeches that she gave in 1954 before the Rajya Sabha (Upper House of Parliament): 'Animals cannot speak for themselves but can you and I not speak on behalf of them? Let us all feel their silent cry of agony and let us all help that cry to be heard in the world.'[7] Rukmini Devi's reference to animal suffering, which was aimed at promoting her welfare campaign, echoed a debate that had started to be heard in both religious and philosophical circles in Europe since the early eighteenth century. One author who is often associated with this debate is Jeremy Bentham, a jurist and social reformer whose ideas had an impact on the first legislative battles that took place in Europe in the early nineteenth century to ban practices involving cruelty to animals, such as vivisection, bull-baiting, and cockfighting.[8] The protagonists of these battles—activists, jurists, parliamentarians, social reformers, and the clergy—began to position the issue of animal suffering at the heart of court debates. Some of them tried to play on people's emotions, like Sir Richard Hill, the first Evangelical Christian elected to Parliament, who in his speech before the House of Commons gave colored descriptions of horrible scenes illustrating the cruelty of the ways in

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6 See for instance: https://triyoga.com/service-karma-yoga/ (accessed on 15 June 2019); https://www.workaway.info/829442524915-en.html (accessed on 15 June 2019); https://flexiblewarrior.com/yoga-good-karma-rescue/ (accessed on 15 June 2019); https://peepalfarm.org/volunteer (accessed on 15 June 2019).

7 *Animal Citizen* (2012, p. 14); see also (Ramani 2003, pp. 15–16).

8 Bentham is associated with the so-called utilitarian theory, whereby the ethical evaluation of an action results from the degree of pain and pleasure this action provokes.

which animals were treated in a variety of situations (Hill, quoted in Blosh 2012, pp. 27–28)[9]; others pointed to a religious argument, saying that 'it is our responsibility to God, who created animals, that requires us to treat them with compassion' (Lord Erskine, quoted in Blosh 2012, p. 30).

The same kinds of arguments that were used in these first legislative battles in England on the question of animal suffering were used by Rukmini Devi in the speech she gave before Parliament to defend the new bill she proposed in 1953 and where—as was written in one of her memoirs—she brought to the attention of the Indian Parliament the 'plight of the suffering animals of our land' (*Animal Citizen* 2012, p. 14).

Though Rukmini Devi was not really involved in the philosophical or juridical debate that was taking place in European intellectual circles, she had certainly been influenced by the same kind of intellectual environment which had led to these legislative battles in Europe. She herself referred to this Western influence in her speech before the Indian Parliament:

> I have known some interesting cases of kindness in Western countries. Though there are many cases of cruelty, there is a general idea of kindness in ordinary life which we do not find here. I can give you an example which happened some years ago, thousands of birds were flying away to the South because winter was coming. The winter came too early. I happened to be in Vienna, and when these birds were all falling down frozen, I saw that special airplanes were chartered in order to take these birds and fly them to the South. That was such a beautiful and such a wonderful thing that took place. It was a thing which I saw personally. How wonderful it would be if we had all those ideas of kindness in our daily life! These are the things that we can learn from the West. (Rajya Sabha Official Debates 1954, p. 1793)

Although opposing here 'Western kindness' towards animals to an 'Indian lack of kindness', in other passages of the same speech she refers to Indian traditional kindness as expressed by 'the ideas of ahimsa' and by 'the emblem of Asoka, which is in essence compassion, kindness, and justice to all' (Rajya Sabha Official Debates 1954, p. 1787).

Rukmini Devi's commitment to the animal cause was certainly molded by a spiritualistic and reformist approach. Her father was a theosophist, and her husband, an Englishman, became president of the Theosophical Society (Dave 2014). Interestingly, these 'emblems' of Indian history—*ahimsa*, Asoka, compassion—that are regularly displayed in debates on animal welfare in India, had already been put forward by Western thinkers who, through their reading of ancient Indian texts (often through the lens of Indian religious reformist authors), portrayed an idealized Indian tradition of non-violence and compassion in opposition to the West.[10] For example, the idea of *ahimsa* and compassion, as well as the meaning that these terms could take in different philosophical traditions of India had deeply influenced Albert Schweitzer who, besides being a theologian, humanitarian, and physician, was personally engaged in the animal welfare debate. Schweitzer, who was a passionate reader of Indian philosophy (as well as of authors of Indian religious reform), refers many times in his writings to the idea of compassion—and one of his famous sentences 'that man will never find peace until he extends his circle of compassion to all living things' is often quoted by animal rights activists on their websites.[11] The idea of compassion is central to animal welfare organizations in India as well. For instance, 'Compassion in action' is the motto of the Animal Welfare Board of India (AWBI), an institution set up in 1962 by Nehru and chaired by Rukmini for many years (Krishna and Gandhi 2005).

The issue of animal suffering has also been addressed by Chinny Krishna, another activist who for many years was vice-chair of AWBI. Krishna, like Rukmini, also comes from a Westernized milieu.

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[9] 'A calm and mild-natured bull not suited for the fighting pit had been stabbed with knives and pitchforks in an attempt to enrage him. The bull escaped, but was caught and restrained by means of cutting off all four of his hooves' (Hill, quoted in Blosh 2012, pp. 27–28).

[10] For a more general discussion of this point see, among others, Inden (1986); Vidal et al. (2003); for a criticism of idealized views concerning Ashoka edicts, see (Stewart 2016, pp. 16ff).

[11] https://www.all-creatures.org/aro/q-shweitzer-albert.html.

He is the grandson of the co-founders of the Blue Cross, one of the first animal welfare organizations to be set up in India. His father, a pilot trained in England, received the Queen Victoria Medal from the Royal Society for Prevention of Cruelty to Animals in 1964. In one of his contributions to the AWBI annual brochure, Krishna laid emphasis on the scientific perspective—on animals' capacities, their sensitivity, and the qualities they share with humans. As he writes in the brochure, 'Animals share with humans a common frame of consciousness (as) the absence of a neocortex does not appear to preclude an organism from experiencing affective states' (*Animal Citizen* 2012, p. 5). The communality between humans and animals is not presented here in spiritual terms, as in Vivekananda's idea of a universal oneness, but rather from Bentham's perspective, in the physiological ability to feel pain which they share. The scientific argument used to support this idea is combined here, as in Rukmini Devi's case, with a discourse on Indian religious specificity. In the same text, he recalls in fact how India, as a nation, 'brings with her a five-thousand-year-old sacred heritage of a rich, spiritual tradition of ahimsa or non-injury to other sentient beings, and has always recognized the sentience of all living beings' (*Animal Citizen* 2012). The notion of *karma* and of animals' possible rebirth as humans is also presented by Krishna to support what he describes as an 'intrinsic part of our country's religious beliefs that to cause injury to animals has always been abhorred as an action of great sin' (*Animal Citizen* 2012).

Another way of combining the scientific and the religious discourse can be seen in the writings of R. M. Kharb, a retired veterinary doctor who served in the Indian army and who for many years, until 2016, was chair of AWBI. Kharb's scientific approach to animals (as a veterinarian) coexists with a spiritual idea of service (*seva*) and *karma yoga*. In keeping with various religious reform movements (such as the case of Vivekananda mentioned above), the idea of 'service' is linked to the search for the personal improvement of those engaged in the work to reduce, as he wrote, 'the suffering of our animal friends.' In one of the Forewords he wrote to AWBI's Annual brochures, Kharb addressed the members of the association, asking them to look at their mental *bhav* (spiritual emotion) while engaging in Animal Welfare work. What is considered here to lead activist workers on their spiritual journey is the love and compassion they are able to feel not only for animals but also for 'wrong doers': those who commit acts of cruelty to animals and who are 'as much in need of compassion and love as the animals who are suffering', by helping them to transform their behavior and providing them with training and opportunities. Kharb emphasizes the difference between working for animal welfare as *seva* or purely as a job to be done. '*Seva* is work that is done with the spirit of surrender and selflessness, without any expectation or anticipation of the fruits of the results, in the spirit of nishkama bhavana. *Seva* then becomes yoga—karma yoga, a path to purify oneself of the mental defilements and to evolve spiritually.' He even concludes his Forewords by encouraging all animal welfare activists to 'explore their inner world, (. . .) participate in a yoga training program or any other spiritual practice and adopt a regular schedule of daily practice', which will help them to manage conflicts in a more agreeable manner (*Animal Citizen* 2012, pp. 3–4).

During Kharb's term of office, AWBI was involved in a number of landmark cases where the issue of cruelty to animals was used as an argument to contest religious or cultural practices (such as animal sacrifice or cockfighting) involving cruelty towards animals. And in particular, the case of bull races (*jallikattu*), popular in Tamil Nadu, which found itself at the heart of intense controversy between AWBI, which sought to ban the practice, and central government, that wanted to maintain it for electoral reasons. Eventually the government asked Kharb to resign, which was presented by the media as proof of its will to politicize the organization: 'AWBI's definition of (animal) cruelty cannot be different when the Congress is in power and when the BJP [Bharatiya Janata Party, a Hindu nationalist party] is in power'—could be read in one newspaper article (Ravishankar 2016). Kharb himself publicly accused ministers, criticizing political decisions based on electoral strategies for being detrimental to the well-being of animals that have 'no voice and no vote' (Vishnoi 2016).

Since Kharb's resignation in 2016, AWBI has been taken over by the current Hindu nationalist government. The new chair, S.P. Gupta, a retired government officer has been presented as having a 'cow-centric background', an expression that, as a continuation of the cow protection movement

mentioned above, points to a Hindu nationalist and anti-Muslim agenda. This politicization of AWBI has continued to provoke a backlash in mainstream media, especially after recent violent episodes in which people (often Muslims) have been lynched by 'cow vigilantes' for having supposedly eaten or killed a cow.[12] Pratab Singh, a journalist from the NDTV news channel noted that eight out of ten independent members of what he now sarcastically called the 'Cow Welfare Board of India' were associated with cow research and cow shelters, and some of them also had links with right-wing organizations (Pratap Singh 2017). Even though, as Dave (2014) argues, the politically connoted issue of cow protection needs to be distinguished from animal welfare, the decision to place the cow at the center of AWBI's program shows the will of the BJP/Hindu nationalist government to place them on an equal footing.

It is worth remembering, in this respect, that the political instrumentalization of the discourse on the 'holy cow' (or 'mother cow') is not to be confined to a Hindu nationalist, anti-Muslim agenda. Gandhi himself was involved in the cow protection movement (Chigateri 2011; Parel 1969) and the discourse about cows having special religious meaning in India has been used in political rhetoric in the past and in the recent history of the Congress party as well.[13] Within the current political context, however, given the increasing power of radical Hindu nationalist organizations and, among them, of the violent cow vigilant movement, the discourse on protecting the cow may become a delicate, ambiguous issue. One significant example in this regard is the case of Maneka Gandhi, an animal activist and a minister in four governments, who, inspired by figures of the welfare and anti-vivisection movement in the West (Dave 2014), has taken up many of the animal welfare battles launched by Rukmini Devi—she even received the Rukmini Devi Animal Welfare Award. Although Maneka Gandhi's commitment to the animal cause is certainly much broader than the cow protection issue, on the website of People for Animals, the organization she founded and which now has branches all over India, the cow is glorified as 'a symbol of the Earth, the nourisher, the ever-giving, undemanding provider. . . . The cow is 'a uniquely Indian symbol, revered and protected down the ages by Hindu and Mughal rulers alike."[14] Even if Maneka Gandhi's homage to the cow may have no anti-Muslim intention (she mentions that Mughal rulers also revered the cow), her own involvement in Hindu nationalist governments leaves some ambiguity on the special place attributed to the cow in her welfare campaign.

Numerous other welfare organizations scattered across the country are not at all concerned with religion. For example, the director of Rahat, a charitable rescue center in Dehradun, explained to me the organization's mission and criticized what she called the 'Hindu ranking system', the idea of protecting animals on the basis of their religious importance. 'I think a pig has a life just as sacred as that of a cow, a goat or a dog or a cat . . . what does it matter?' (Interview, 2017). She also opposed this 'Hindu-inspired' mindset to what she perceived to be the Buddhist way of looking at animals as being 'all about compassion'—she said.

Other animal welfare organizations across the country may be of non-religious nature despite the fact that they refer to a religious concept in their denomination—e.g., The Good Karma Shelter,[15] Compassion in Action,[16] and the Karuna Society.[17] These concepts—like that of *karma* ('action', intended here with an ethical implication) and of *karuna* ('compassion')—are also used by animal welfare organizations in the USA, although these have no connection to their Indian counterparts. Interestingly, these organizations may make explicit religious or spiritual 'Indian' references—for example, Karuna

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12 The impact of the Hindu nationalist discourse on the cow-protection issue can be seen, for example, in recent judicial decisions defending the religious discourse on the cow. See for example Gundimeda and Ashwin (2018).

13 When Congress played politics over the 'holy cow': https://indianexpress.com/article/research/congress-cow-politics-elections-manifesto-2018-5446682/.

14 https://www.peopleforanimalsindia.org/gaudaan.php (accessed on 14 February 2019).

15 http://sonalipurewal.wix.com/thegoodkarmashelter#! (accessed on 16 June 2019).

16 http://cupabangalore.org/ (accessed on 16 June 2019).

17 http://www.karunasociety.org/ (accessed on 16 June 2019).

for Animals in the USA[18] combines animal welfare with yoga and Buddhism—somehow in keeping with the Western idealized images of Indian (or Asian) religions, as mentioned before.

3. Animal Rescue and 'Go Vegan' Campaigns in the Tibetan Diaspora

One aspect of the animal welfare movement that is not particularly charged with religious meaning in a Hindu milieu and which is often shared by Hindu and Buddhist welfare organizations alike is the veganism movement. In a Hindu milieu, the movement is particularly associated with the name of Maneka Gandhi, and her book *Heads and Tails* (Gandhi 2001) is often mentioned by animal activists in India as a source of inspiration.

The combination between animal welfare activism and the vegetarianism-veganism campaign lies at the heart of the animal welfare movement in a Buddhist diaspora milieu. One example is Tibetan Animal Lovers, an NGO situated in the Tibetan Settlement of Dehradun in northern India. The organization is run by Yeshi Kalsang, a young Tibetan man dedicated not only to rescuing animals—especially dogs—but also to promoting vegetarianism/veganism within the Tibetan community. 'In every Tibetan there is love and compassion but you have to awaken them', he told me, showing me pictures of the organization's past events.

Yeshi's discourse is part of a recent, much broader movement, pertaining to cultural identity, which has emerged over the last decades and is spreading rapidly among Tibetan refugee settlements in Asia and in the rest of the world. Various authors have shown how, since the mid-1980s, Tibetan elites in exile have started to promote the image of a 'Green Tibetan Buddhist Cultural Identity', according to which Tibetans are portrayed as 'ecologically aware and environmentally sensitive since time immemorial because of their Buddhist faith' (Asfuroglu 2012; see also Huber 1997; Barstow 2018). The discourse on 'vegetarian awakening', as well as on compassion and non-violence, is also presented as an essential component of Tibetan Buddhist teachings. Different figures have been put forward as the authoritative voices of this movement. First of all, the Dalai Lama and the Tibetan Government in exile launched a campaign in the late 1990s and early 2000s to encourage the Tibetan population to embrace a vegetarian life-style. As part of the campaign, several prominent religious and secular leaders of the Tibetan community in exile have delivered speeches to promote a vegetarian diet as a healthier, ethical, and environmentally friendly option (Asfuroglu 2012). In 2005, for instance, the Dalai Lama gave a speech before an assembly of Tibetan leaders where he presented vegetarianism as individual moral progress which had to be handed down to young Tibetan refugees who 'must inculcate these principles (of vegetarianism) for their own development and to have peace of mind'. The message of *mahakaruna* (Sanskrit: 'great compassion') clearly asks us to follow and preach love and compassion for all living beings.[19]

Another major figure of this movement at the international level is the monk Geshe Thupten Phelgye, a former member (representative of Gelugpa tradition) of the Tibetan Parliament in exile in Dharamsala who, after spending five years in retreat, founded the Universal Compassion Movement in 1998, a charitable organization[20] whose mission—'to engage in compassion towards those suffering beings who cannot speak'—clearly echoes a common discourse in animal-welfare milieus. The foundation's website reports one of the Dalai Lama's phrases encouraging 'the Tibetan people and all people to move toward a vegetarian diet that doesn't cause suffering', as well as a reference to Buddha suggesting that he strictly condemned eating meat every day. The organization is based in the USA where Geshe Thupten Phelgye teaches. He was also involved in legislative reforms within the Tibetan community in exile: in 2003 he proposed a bill to encourage vegetarianism in

[18] https://www.karunaforanimals.com/yoga-as-activism.html (accessed on 13 February 2019).
[19] http://www.godsdirectcontact.org.tw/eng/news/160/vg6.htm (accessed on 14 February 2019).
[20] https://www.universalcompassion.org/ (accessed on 14 February 2019).

Tibetan communities, a bill which is presented on Tibetan activist websites as 'the greatest law of this type since the Ashokan Edict of 200 B.C., which established vegetarianism in India.'[21]

The idea of compassion linked to the figure of Ashoka, often used for suggesting an ancient and specifically Indian condemnation of cruelty, here becomes part of a universal message to be spread through Buddhist communities in exile throughout the world. A representative figure of this international movement in Dehradun is Tenzin Kunga Luding, the son of a Member of Parliament of the Tibetan government in exile. In May 2018, the *Times of India* published an article about him with the title: 'Man with a mission to save earthworms and snails', in which he explained the reason for his practice of collecting one or two thousand snails and earthworms every day and of releasing them into the jungle:

> I was taking a walk one morning almost ten years ago when I came across hundreds of snails lying dead on the road. They had been crushed under passing vehicles. I felt an urge to do something to save these creatures since many people perhaps are not even aware that they are inadvertently killing them.[22]

Tenzin's daily mission to save earthworms and snails can partly be interpreted in the light of the Tibetan Buddhist practice of *tsethar*, in which the idea of freeing living beings from imminent slaughter and death[23] is a merit acquisition technique that is still followed by Tibetan Buddhists both in Asia and the Western world.[24] Tenzin's discourse, however, focused less on religious merits than, as evident in the article, on promoting compassion as well as environmental protection. 'Earthworms'—he said in the interview—'are regarded as a farmer's best friend since their faeces help to increase the fertility of the soil. It's a similar thing with snails too, whose shells contain calcium that adds to the nutrient quality of the soil after they are dead.'[25]

In 2004, Tenzin founded the Tibetans for Vegetarian Society, whose mission is to change 'the perception people have that Tibetans are meat-eaters.'[26] Like other leaders of this movement, he recounts in his speeches how as a child, he was 'extremely fond of meat' and then he turned vegetarian when someone told him 'how cattle were packed in trucks, unloaded, and mercilessly slaughtered'. He referred to Maneka Gandhi's book *Heads and Tails* (Gandhi 2001) as the 'turning point' in his life, which prompted him to become a vegan. He also realized that 'compassion and loving-kindness form the core teachings of our Buddha Dharma' and therefore, to get things started, he founded the Society, for 'the development of a globally healthy, happy, and humane environment'. The media welcomed this as 'A Small Step for the Tibetan Vegetarian Movement, a Giant Leap for Tibetan Civil Society.'[27]

As in the practice of 'freeing animals from death' mentioned above, which was linked to benefits for the environment, vegetarianism is presented here not so much as being religiously motivated as being linked to the idea of fostering good health. However, in spite of Tenzin's claim that what he is doing 'has always been there in our Buddhist scriptures'[28], the vegetarianism movement he promotes differs from earlier forms of vegetarianism. Buddhist Studies scholars have written about the Buddha's ambivalent attitude toward vegetarianism in canonical texts (Stewart 2016, p. 212) and about the fact that up until recently, vegetarianism did not meet with great popularity (Barstow 2013, p. 21). According to Gaerrang (2016), in contrast to earlier vegetarian movements which, as argued by Barstow (2013),

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21 http://godsdirectcontact.eu/eng/veggie/veg-himalayas.htm (accessed on 14 February 2019).
22 https://timesofindia.indiatimes.com/city/dehradun/Man-with-a-mission-to-save-earthworms-and-snails/articleshow/55017929.cms (accessed on 14 February 2019).
23 See Chophel et al. (2012).
24 See for instance https://www.lotusgardens.org/on-rinpoches-birthday-an-offering-of-life/ (accessed on 14 February 2019).
25 https://timesofindia.indiatimes.com/city/dehradun/Man-with-a-mission-to-save-earthworms-and-snails/articleshow/55017929.cms (accessed on 14 February 2019).
26 http://www.phayul.com/news/article.aspx?id=8603&t=1 (accessed on 14 February 2019).
27 ibid.
28 ibid.

were mainly grounded in religion and politics, the contemporary Tibetan vegetarian movement is presented as being based on a scientific argument linked to the idea of medical health, and in particular to nutritional science (also Asfuroglu 2012, p. 70). This nutrition-oriented vegetarianism has also emerged in response to the Chinese Buddhist discourse on widespread meat consumption within Tibetan Buddhism and as a way of contrasting healthier, more ethical, and more compassionate eating habits with what is often presented as Chinese 'unethical' habits involving brutality and the abuse of animals (Asfuroglu 2012, p. 71)

The health argument is at the very center of the campaign for vegetarianism promoted by the Tibetan Animal Lovers organization. As Yeshi told me: 'We say to people that there is this disease in the meat, that you must be health conscious, that in chicken there is bird flu and in this way we make them understand'.[29] Yeshi told me he became vegan after his friend Tenzin, mentioned above, showed him ugly video clips about animals used for food and how 'animals are in pain'. The Tibetan Animal Lovers website explains why people should go vegan: 'for the animal', 'for your health', and 'for the environment'. This combines the three objectives of the organization with the 'ultimate goal': '(to) build (. . .) awareness among children, youth, and adults that animals are sentient beings, (that they) are part of the same environment that we share, and that we are all inter-dependent'. As James Stewart observed in Sri Lanka, there is in fact a 'proselytizing aspect' of the vegetarian movement which the author interprets as specific to Buddhism's insistence on 'persuad(ing) others' (Stewart 2016, p. 173). Yeshi constantly referred to the persuasive aspect of his campaign: organizing a vegetarianism class and competitions at schools and sending letters to the organizers of public events to encourage them to offer vegetarian food.[30]

These examples show how the animal welfare movement in the Tibetan diaspora in India, without necessarily implying a religious commitment as in the case of the cow protection movement in a Hindu milieu, is aimed at promoting the idea of a compassionate, animal-friendly, and vegan- oriented Tibetan culture. The cultural identity aspect of the animal welfare movement in the Tibetan diaspora is also combined here with a globalized and delocalized discourse on (Tibetan) Buddhism, which goes beyond creating cultural unity for communities in exile to being presented as a universal vision of the world that links together all living beings. A flyer from the Tara Foundation—Compassion in Action, another animal welfare organization recently created in Dehradun, specifically addresses this point by explaining how the aim of the organization is 'the propagation of peace and harmony in the world through Buddhism by promoting compassion, loving-kindness, and wisdom . . . to lead a happy and meaningful life and to be of service to all sentient beings.'

On a practical level, these organizations mostly focus on providing rescue and veterinary services for stray animals that are injured or dying on the streets. Although most of them are not actually involved in the animal rights debate, they may occasionally contribute to it to support court battles.[31] For example, Tibetan Animal Lovers took part in a peaceful protest march, 'Voicing for the voiceless', against a High Court order to cull stray dogs and in the national protest 'Seeking Justice for Avni's cubs' regarding a case that had recently made the headlines in India where a tiger that had supposedly become a 'man-eater' had been unlawfully killed by a forest official.[32]

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[29] As of February 2019, the association's website could no longer be accessed safely, as it had been hacked. This quote and the following quotes come from previous visits (in early 2018) to the web page.

[30] Though the combination of vegetarianism or veganism and animal welfare is central to this kind of movement, the two issues do sometimes correspond to two very different mindsets. For example, a Tibetan nun whom everybody knew in the town for the way she cared for animals—she had even succeeded in convincing her superior to let her keep some dogs on some conditions—confided in me that she was the only nun in the nunnery not to be vegetarian.

[31] Larger organizations, like *People for Animals*, have a legal team in Delhi which deals with these cases.

[32] https://timesofindia.indiatimes.com/life-style/spotlight/animal-lovers-up-in-arms-against-call-to-put-down-alleged-man-eater-avni/articleshow/66098009.cms (accessed on 15 February 2019).

In the next pages, we shall see how the animal welfare discourse—focusing on the idea of compassion and based on services to animals—may also overlap with a more assertive discourse about rights.

4. Animals as Rights Holders

Courts are another platform where the debate on animal issues takes place. As in the case of animal welfare activists, judges and lawyers involved in this debate far from constitute a homogeneous sphere, though the fact that they follow legal reasoning when dealing with questions related to animal suffering provides common ground.

Over the last twenty years there has been a series of court rulings that have recognized different kinds of rights for various animal species—buffalo, elephants, monkeys, birds—, for example, the right to live, to dignity, or to well-being. In some of the arguments presented in court, animal rights appear to stem from the duties of human beings: '(the) duties of persons in charge of animals (. . .) confer the corresponding rights on animals.'[33] In other cases, the focus is on the rights of the animal itself, which are to be given according to its particular needs, as in a case where the judge recognized birds' fundamental rights to live with dignity, which entails their right to 'live freely in the open sky.'[34]

Lawyers who have been arguing animal-related cases in court are often committed to the animal cause. Some are reputed figures whom legal professionals immediately associate with landmark rulings or with major animal-welfare associations such as PETA.

There has also been an effort within the judiciary to raise awareness about the importance of the animal rights issue and about the need to improve and amend the already existing animal rights law.[35] One example is the 'Training of Trainers' workshop that was organized in 2016 by the National Judicial Academy to discuss 'Landmark Judgments in Animal Welfare' (Nasir 2016). One case that is regularly quoted concerns the ban on bull races, already mentioned, a judgment written in 2014 by Justice Radhakrishnan who is known for being very proactive in promoting the animal cause. The bull-race ruling is frequently mentioned in relation to the idea that it introduces a shift from an 'anthropocentric' to an 'eco-centric' view, an idea taken from international principles such as *The World Charter for Nature*, a code of conduct developed by the United Nations in 1982 which establishes 'the intrinsic value and worth of animals' (*Animal Welfare Board of India* 2014, para. 46). In this and other rulings, a welfare logic where animals are presented as 'speechless' or 'silently crying' overlaps with a shift to the animal itself—its suffering, its stress, and even its voice. In the bull race case we read for example:

> Jallikattu and other forms of Bulls race (. . .) causes (*sic*) considerable pain, stress and strain on the bulls. Bulls, in such events, not only move their heads, showing that they do not want to go to the arena (. . .) Bulls, in that situation, are stressed, exhausted, injured and humiliated. The frustration of the Bulls is noticeable in their vocalization and, looking at the facial expression of the bulls, an ethologist or any ordinary man can easily sense their suffering. (*Animal Welfare Board of India* 2014, para. 63)

Not only are bulls supposed to react to the cruelty inflicted upon them. Their suffering is also said to change their natural character:

> Bulls otherwise are very peaceful animals dedicating their life for human use and requirement, but are subjected to such an ordeal that not only inflicts serious suffering on them but also forces them to behave in ways, namely, they do not behave, force them into the event which they do not like and, in that process, they are being tortured to the hilt (*sic*). (*Animal Welfare Board of India* 2014)

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33 (*Animal Welfare Board of India* 2014, para. 27).
34 (*Abdulkadar* 2011, para. 7.01).
35 For a similar case in Uttarakhand, see Govindarajan (2018).

This kind of argument, focusing for example on the animal's own nature, recalls equivalent battles in Britain[36] and, like those battles, is in keeping with the emotional description of the animal's suffering. In a case for banning animal sacrifice, for example, we read how animals are 'capable of understanding' that they are going to die. As reported in the file, the petitioner 'had seen many time goats, sheep and rams suffering in agony and crying out in pain during performance of sacrifice. The animals are sacrificed in the presence of other animals. It fills them with fear and dread and becomes a very depressing and painful sight to watch (*sic*)' (*Ramesh Sharma* 2014, para. 9).

If in these descriptions the animals' similarity to humans is related to their common physiological capacity to suffer, some of the arguments used in court point to a cognitive and moral similarity between them. For example, in a ruling dated 2016 at Himachal Pradesh High Court against the government's decision to temporarily declare monkeys 'vermin', the petitioner noted how these animals:

> Have demonstrated a variety of complex cognitive abilities including the ability to make different judgments, understand simple rules, self-agency, and an important type of self-awareness. In 2014, onlookers at a train station in Kanpur India documented a Rhesus Monkey that had been knocked unconscious by overhead power lines and was revived by another Rhesus Monkey that systematically administered a series of resuscitative actions. They share nearly 92% of their DNA sequence with humans. (*Rajeshwar Singh Negi* 2016, court file)

Although the argument put forward in these rulings is the need to acknowledge that animals have certain rights, in none of them, at least until very recently, did the argument imply the issue of changing the animal's legal status. If according to current legislation, in India as in other parts of the world, an animal is 'a thing' that may be owned and used, this idea has recently begun to be challenged by some figures in the international animal rights debate. A key figure which had an impact on the animal welfare movement in the USA as well as in India is Tom Regan, an American philosopher who in 1983 published *The Case for Animal Rights* (Regan [1983] 2004), in which he argued that each animal has a unique life story, with complex feelings and experiences, possessing intrinsic moral rights that extend beyond their ability to suffer.

Besides the intellectual debate they provoked in scholarly and professional circles, Regan's ideas have clearly inspired welfare organizations, for instance the Institute for Animal Happiness, a microsanctuary for 'abused chickens' in the USA. The organization's motto—'Every one, an Individual'—is outlined on the website by a number of individual chickens, each with a name (Larry, Blanche, Honey, etc.), their picture, and their personal story. Even chickens who have passed away have a place on the website in the section 'In Memoriam' where their qualities and personal story are also remembered.[37]

Tom Regan's work is regularly quoted in animal welfare websites in India along with Peter Singer,[38] an Australian philosopher, author of *Animal Liberation* (Singer [1975] 2002), and another key figure in this movement who popularized the concept of anti-speciesism, against discriminations based on species, and argued in favor of the extension of legal personhood to include nonhumans. Singer's philosophical ideas have been taken up at the juridical level by Steven Wise, who set up the Non-Human-Rights-Project in the USA, and whose theories are also influencing the Indian debate. Wise has been working over the last thirty years on building legal cases to get the court to recognize the 'bodily liberty' (*habeas corpus*), and thus legal personhood, for some specific animals—neither for all animals in general nor for a particular species. He calls these individuals 'his clients' (e.g., Tommy,

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36 Erskine, quoted in Blosh (2012, pp. 29–30).

37 Like in Nelly's memory we read: 'Gone but never forgotten, Nelly was a little rooster who overcame so much. He was fierce and loving and cuddling and insisted on being recognized and understood and never taken for granted.' http://www.instituteforanimalhappiness.com/meettheresidents (accessed on 15 February 2019).

38 Both Tom Regan and Peter Singer's theories are mentioned on animal welfare websites in India. See for example http://www.fiapo.org/fiaporg/news/your-voice-stop-animal-cruelty-go-vegan/.

Kiko, Hercules, Leo, Happy), mostly chimpanzees and elephants that are kept in captivity. Wise characterizes these individual animals, on the basis of scientific findings, as self-aware and autonomous beings that have a 'theory of mind'—not only have they a mind but they know that others have a mind (Wise 2000, p. 146). Interestingly, among the arguments used by Wise before the New York court to justify the possibility of acknowledging legal personality to a non-human was a reference to the Indian case law in which Hindu idols have been recognized as legal persons (Wise 2000, p. 247)[39].

The idea of recognizing animals' legal personality has begun to be discussed in India as well. Within animal rights circles, a move in that direction has come from the Federation of Indian Animal Protection Organizations (FIAPO), with the aim of establishing a legal framework granting legal personhood to animals. The motto displayed on FIAPO's website, 'Animals feel. They think, they know, they suffer', appears to refer to the key issues of the international philosophical and scientific debate. In 2018, FIAPO organized the first 'National Consultation on Rights and Personhood for Animals' in Delhi. The workshop included figures who have played a role in the animal welfare movement in India—such as Chinny Krishna and Judge Radhakrishnan, both involved in the bull race case—but also international figures, including Steven Wise himself.[40]

FIAPO's action is presented as deriving from both the Western-initiated fight for Personhood for Animals and India's tradition as a country that 'has always had a welfare-centric attitude towards animals—a very different approach in comparison to the rest of world.' (Priya Sanal 2018) The quest for modernity and progress combines, as in the welfare debate discussed above, with a discourse on an idealized past where 'Animals have traditionally been treated with dignity and accorded the status of a family member in most Indian families.' (Priya Sanal 2018).

Interestingly, Steven Wise himself refers to India as a model, and in the arguments he uses in court to support legal personhood for his 'clients'—elephants and chimpanzees—he refers to the fact that in India gods' idols are considered legal persons—a juridical fiction introduced during colonial rule (Wise 2000, p. 267). It was by referring to the legal personality of gods' idols too that an Indian High Court judge, Rajiv Sharma, also inspired by a recent New Zealand law, decided in 2017 to recognize two rivers, the Ganges and the Yamuna, as legal persons.[41] Although the Supreme Court of India has put a stay on this ruling, the decision is mentioned on the Nonhuman Rights Project's website and presented as being 'functionally similar' to the idea of acknowledging legal standing for certain animals (Schneider 2017).

The same judge who declared the Ganges and Yamuna legal persons, ruled in two other cases at state level that all members of the 'animal kingdom' have similar rights to humans' and should be treated as legal entities with the corresponding rights, duties, and liabilities of a living person.[42] This ruling came somewhat as a surprise in India. The judgment was seen by many as the judge's personal will to adhere to the international debate without elaborating either on the legal meaning or on the practical consequences of the issue. In fact, the judge's move to declare animals as legal persons appears to be quite different from Steven Wise's longstanding battle to obtain bodily freedom for Tommy, Kiko, Hercules, Leo, and Happy—that is, individual animals with a name, a court file, and each represented in court by Wise. In the two Indian judgments mentioned it is the 'entire animal kingdom' (though within the limits of two separate states of India) that has been declared a legal

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[39] On this specific topic, see for example, (Davis 2010; Berti 2016). Despite the visibility that Wise has achieved in the international debate, American courts have so far refused to recognize *habeas corpus* to Wise's 'clients'. One argument used by one of the judges for this refusal—that this would imply that the animal is entitled not only to rights but also to duties and responsibilities (Choplin 2017)—has been contested by Wise who argues that human infants or mentally disabled persons have rights but no duties and responsibilities (Wise 2000).

[40] http://fiapo.org/personhood-for-animals/ (accessed on 15 February 2019). Currently FIAPO's campaign has also garnered support from the likes of Peter Singer, Paola Cavalieri (founder of the Great Ape Project), and Suparna Ganguly, the 'leading voice for elephants in India'.

[41] High Court of Uttarakhand, *Mohd Salim v State of Uttarakhand & others*, Writ Petition (PIL) No. 116 of 2015, 20 mars 2017; also High Court of Uttarakhand, Writ Petition (PIL) No. 140 of 2015, 30 mars 2017.

[42] (*Narayan Dutt Bhatt* 2018, paras. 12, 99; *Karnail Singh* 2019, para. 29).

person—without even clarifying which animals the ruling refers to. Moreover, whereas the main argument used by Wise in the USA is that Tommy, Kiko, Hercules, Leo, and Happy are legal persons because they are 'self-conscious autonomous individuals' (which, according to him, would show the need to 'move the boundary between humans and animals'), the Indian case remains confined to an animal welfare logic or to a 'human-duty' logic—the court has a duty to take care of animal rights, 'since animals are unable to take care of themselves' (*Narayan Dutt Bhatt* 2018, para. 33).

The rulings declaring the animal kingdom as a legal person provoked a mixed reaction in Indian legal milieus, particularly because it was not at all clear what consequences the ruling would entail and how it would be possible to enforce it.

5. The Animal–Environment Entanglement

By focusing on the question of protection and rights, both animal welfare and animal rights activists look at animals at an individual level—as sensitive beings who need to be taken care of, to not be treated cruelly, to live their life with dignity. Another way of looking at the animal issue, however, is to focus on animals in terms of species that are considered as 'being endangered', either in terms of their number or because they are deprived of their natural territory.

The issue of endangered species conservation in India has a complex history, which has followed a different, though parallel path compared to the animal welfare and animal rights debate (Rangarajan and Sivaramakrishnan 2014). Rajamannar (2012) has shown how the conservationist issue directly draws on colonial practices of hunting, involving both Indian princes and British officers, and is also closely interrelated to a multiplicity of other issues—agrarian practices, the East India Company's policy toward missionaries, military events, etc. The author has shown, for example, how the conservationist movement, partly as a consequence of the development of the animal rights movement in the West, emerged in India from 1920 onward when 'hunting began to lose some of its glamor, and the protection of (at least some) animals became the new mark of civilization.'[43] A name commonly evoked in reference to this page of history is Jim Corbett, an Indian-born British hunter who is often presented as a pioneering figure in the movement that turned hunters (both colonials and Indians) into conservationists-*cum*-photographers. The change was motivated not only by concerns about cruelty to animals but also by the 'growing realization that unless stringent measures were taken, entire species would disappear from India.' (Rajamannar 2012, p. 125).

Another icon of the conservationist movement is Salim Ali, a well-known ornithologist[44] who was crucial in creating various bird sanctuaries in the post-Independence period (Saberwal and Rangarajan 2005). Salim Ali had considerable influence over former prime minister Indira Gandhi whom he knew well, as notably emerges from her recent biography written by Ramesh (2018) that underlines the legacy she left in wildlife conservation history. Though Ramesh's biography, based on epistolary exchanges, emphasizes Indira Gandhi's personal passion for wildlife, it also shows the impact her policy had on wildlife legislation. Not only is her name associated with the first large wildlife conservation program, the 'Project Tiger', but it was under her government in 1972 that Parliament passed the Wildlife (Protection) Act, which introduced an almost total ban on hunting in India and opened the way to creating protected areas such as national parks and sanctuaries (Ramesh 2018, p. 57).

While the discourse on animal welfare and animal rights mostly focuses on domestic animals and refers to principles such as 'speciesism', 'equality of species', or the 'inherent right to live', in the (Wildlife (Protection) Act 1972), wildlife animals are classified according to five schedules that establish a kind of hierarchy between them., A distinction is made between species for which hunting is forbidden (from schedule 1 to 4) and those that can be killed (schedule 5), i.e., mice, rats, the common

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[43] See also (Rajamannar 2012; Rangarajan 2012).

[44] https://www.indiatoday.in/education-today/gk-current-affairs/story/facts-about-salim-ali-1084501-2017-11-11 (accessed on 15 February 2019).

crow, and fruit bats. Among those for which hunting is forbidden, a distinction is made on the basis of the penalties imposed on those who kill them, which varies according which schedule the animal belongs to. Species from Schedule 2 to 4 can also be temporarily declassified to category 5 (vermin) in a particular place if they become a danger to human life and property. For example, in 2016 and 2017, rhesus macaque monkeys were declared vermin in Himachal Pradesh because they were making too much noise in cities and were stealing people's belongings. On the other hand, animals belonging to Schedule 1 (e.g., lions, tigers, and elephants) cannot be declassified and killed even if they destroy property, except if they become a danger to human life. Even in the last case, if a Schedule 1 animal such as a lion or a tiger kills a human within a national park, the animal will not be declared a 'man-eater', as opposed to cases where the attack happens outside a park (infra).

Environmental lawyers argue their cases by playing on this multiple classificatory logic, (Saberwal and Rangarajan 2005). Some of these cases are handled at the High Court or Supreme Court level, as in a recent case for establishing a sanctuary for wild buffalo, a species threatened with extinction.[45] Other cases, particularly those involving endangered species, are brought before the National Green Tribunal, an institution created in 2010 to deal with issues related to the protection of the environment and made up of both ordinary judges and experts (Amirante 2012). The National Green Tribunal deals with animals from a different angle—the protection of their habitat. Environmental lawyers tend to distance themselves from animal rights activists, whom they consider to be centered on the individual rights of animals instead of fighting for the conservation of the species. Activists are also regarded as being so concerned with the animal rights issue that they overlook the larger perspective—of protecting the animal within its environment. Ritwick Dutta, a reputed lawyer at the National Green Tribunal, explained this point:

> The conservation groups largely want to distance themselves from this use of the word 'rights' because they think that it is a very limited emotional issue in which they don't want to enter. I have seen at many levels even bigger organizations say, "well, I don't allow any animal rights people to enter in my office" . . . they use the word kuttavale and billivale, "those who fight for dogs and cats", (. . .) those who fight for wildlife are considered to be taking a larger view of the species and not about the right of an individual animal. (Interview, 2017)

For environmental lawyers, certain species have to be protected not because they need to be kept alive or because their life has to be safeguarded from a moral point of view, but because they contribute to the protection of the habitat, and to the survival of other species. In fact, in order to bring an 'animal case' before the National Green Tribunal, a lawyer must show that it is related to an environmental issue. Dutta criticizes this rule and he told me that environmental lawyers often try to file cases that are not fundamentally related to the environment by giving them an environmental hue. For example, they recently requested that judges ban slaughterhouses on the grounds of water pollution, arguing that butchering animals was causing water pollution and environmental degradation (Dev 2016).

While in such cases the environmental issue is used by lawyers as a way to prevent animals from being slaughtered, in other cases, animal protection may be used as a way of protecting the environment, as the following example shows.

6. Black-Necked Cranes and an Environmental Battle

In 2011 a case was brought before the National Green Tribunal in Delhi to oppose a hydroelectric project promoted by a steel conglomerate, in the Tawang region of Arunachal Pradesh[46]. After the announcement of the project, public protests began to break out, particularly among the Monpa, a Tibetan community living near the site chosen for the project (Srivastava and Ramchandra 2016).

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[45] (*T.N. Godavarman Thirumulpad* 2012).

[46] https://ejatlas.org/conflict/violence-against-buddhist-monks-opposing-dams-in-tawang-arunachal-pradesh-india (accessed on 15 February 2019).

The protest was led by Gyatso, a young Buddhist monk who, after a secluded life spent studying and meditating, became an environmentalist activist and in 2011 set up the Save Mon Region Federation (SMRF) to fight against the construction of the dam. As reported in many newspaper articles about him, Gyatso organized local rallies and mobilized both national media and the local population in his battle for environment and wildlife protection.[47] He also found himself at the center of a tragic event that took place in 2016 when two monks were shot dead by the police during a demonstration that was held to demand his release after his arrest during an anti-dam campaign.

The event provoked a public backlash that made the headlines and put pressure on the state government to 'take on board' the concerns raised by the anti-dam movement. The Save Mon Region movement started receiving growing support from the local population and from wildlife protection circles. Gyatso even won an award from *Sanctuary Asia*, one of India's leading wildlife magazines, for the battle he was fighting 'to protect Tawang's rivers and culture'.[48] In 2016, when the government had eventually given clearance for the project, Gyatso brought the case before the National Green Tribunal.

As reported by Choudhury (2017), since the early 1990s the Tawang district has been a hotspot for scientific wildlife research. A number of species (snow leopards, Goral musk deer, red pandas, and various bird species), and even a recently discovered species of passerine, *Bugun Liocichla,* are well documented both in scientific publications and in popular wildlife articles (Athreya 2006). However, what finally constituted the main argument when filing for the suspension of the dam project was the presence in the region of black-necked cranes, an endangered species of migratory bird. A limited number of these birds (3 to 7 depending on the year) have chosen a three-kilometer stretch of river near the area where the dam was to be constructed as their wintering site. In a speech that Gyatso, the leader of the anti-dam movement, gave on the need to protect the biodiversity of the region, this species of birds had been mentioned numerous times regarding its importance for the Buddhist community. The crane is the protagonist of a well-known poem 'Wings of the white crane' written by the sixth Dalai Lama who was from Tawang:

> White Crane
> Lend me your wings,
> I shall not go far;
> To Lithang, and then back

The black-necked crane is 'god's bird to us', Gyatso pointed out in many of his speeches or press interviews, underlining how the bird was considered by Monpas to be an emanation of the sixth Dalai Lama.

Over the years, the Save Mon Region battle against the dam ended up being widely covered by the local and national press—not only the battle itself but the importance of the black-necked crane in this battle. This was probably facilitated by the nationwide attention that Gyatso's mobilization received in wildlife circles (WWF, etc.), as well as, from the media. 'Can the crane shift the dam?' was the headline of an article published in 2012 in *Live mint* where the journalist, Ananda Banerjee, after explaining how the dam could impact on the arrival of the crane, gave the number of winter visitors: 'Last year, three were seen in the valley. This year, the number went up to seven' (Banerjee 2012). The relatively small number of cranes coming to visit the area seemed to be compensated, according to an article published after Gyatso's arrest, by the relatively high number of people honoring them. The article explains how 'The black-necked crane is considered to be auspicious and holy by the 50,000 strong Monpa community . . . ' (Nair 2016)

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47 http://www.sanctuaryasia.com/people/earth-heroes/10462-lobsang-gyatso.html (accessed on 15 February 2019).

48 http://www.sanctuaryasia.com/magazines/cover-story/10475-our-living-planet-the-sanctuary-wildlife-awards-2016.html (accessed on 15 February 2019).

In the writ petition that Gyatso and the Save Mon Region Federation filed in 2016 at the National Green Tribunal, Ritwick Dutta, the environmental lawyer who represented the petitioners, placed the beautiful birds at the very center of the court case. In keeping with the style and the format of juridical language, he described in minute detail the birds and the habitat that they had chosen for wintering, providing all the scientific references and expert reports that go into the technicality of the project in order to show why the dam project had to be stopped to allow the birds to keep coming. He also highlighted the religious importance of these birds, the fact that 'locals revere this (these birds) as an embodiment of the sixth Dalai Lama.' (*Save Mon Region Federation* 2016, court file).

In addition to the argument which put the birds at the very center of the case, the lawyer explained how he brought before the court the alleged mistakes made in the Environmental Impact Report in which the presence of the black-necked crane in the region was not even mentioned. In the response the opposite party gave to the court, they tried to discredit and even to ridicule the petitioner's argument about the bird, arguing that:

> A single juvenile bird which was spotted in a paddy stubble field as stated by the appellants' so-called scientifically reputed publications can be no ground(s) to stall a nationally significant project. (*Save Mon Region Federation* 2016, court file, response to the writ petition)

The petitioner's lawyer shared with me the memory of the first hearing:

> I had the toughest time in my life. The private company (. . .) was represented by two very well-known environmental lawyers. One of them is the pioneer of animal rights movement in India . . . (he) was now representing those he used to fight—and we succeeded! (Personal communication, 2018)

The court's decision was indeed a first victory for Save Mon Region as the judges not only ordered a new study and a new report: they also ruled that the study be made available for public consultation.

The lawyer told me what happened during the hearing, and how the black-necked cranes were somehow directly involved in the case as their presence at—as well as their absence from—the site was now being monitored by both parties. He explained how, as the date for the final arguments arrived in November 2016, he and his team had started to become anxious. They knew that to secure more arguments in their favor they needed birds to actually be seen in that particular spot. The media could announce sightings of the birds wintering on the site and this could put pressure on the judges to decide in their favor. The judges were fully convinced by the documents in the file that cranes regularly used the area. But the birds had not yet come that year. They had not been spotted in the usual places, and in the past it had already happened that they had not come for two or three years. 'When the day for the arguments arrived'—he told me—

> We were waiting for these 5 or 6 birds to come but, for reasons known best to the birds, they stopped coming when the case was ongoing. So what we, as lawyers, usually do, as you know, we take different reasons (to postpone the hearing) saying that "Your Honor, the lawyer is not well" or "we are not prepared". So one winter came and went and the birds were nowhere to be seen. And the second winter came and went and they still did not turn up, so we were stuck. We had historical evidence of the birds' seasonal presence but the court said: 'well this is true but what do we do?' (. . .) The judges were patient but their patience was running out. We had evidence to show how the project was all wrong but the fact was that these six wonderful fellows had decided to not come! Finally, one fine day the court announced that it was the last date for the hearing . . . and the judge read out that "five times you had stomach problems, four times you had fallen sick, we assume that you have exhausted all your quota for the rest . . . so this is the last day for the hearing". So we said, fine, we'll present our arguments and be done with. And they said that on that day the final arguments were to be given and judgment would be passed that same day. Now, it may seem a little dramatic, but one day before the final hearing the birds arrived! (Personal communication, 2018)

The crucial role that a few migratory birds had been given in the case—with the delay in their arrival holding up the court hearing—shows how the contrast between individual animal protection and species protection may sometimes be more nuanced, some individuals belonging to endangered species becoming instrumental in the outcome of the case.

The case was argued and the court decision made the national newspaper headlines. *The Hindu* announced it as an historical judgment: 'Bird hit: NGT [National Green Tribunal] halts Tawang hydro power project' (Koshy 2016). Another article explicitly puts the animal at the center of the court's decision: 'Arunachal hydropower project halted to save black-necked cranes' (Khandekar 2016). As Dutta declared to the press, 'This is probably the first time that the threat to wildlife played a key role in the court's decision to suspend environmental clearance' (Koshy 2016).

In actual fact, in the 26-page judgment presented by the court, the black-necked crane issue, though mentioned at the beginning of the judgment as well as in the final instructions given by the court, does not immediately emerge as being the only grounds for the decision. The judge referred to the multiple aspects that the project involved: for example, the nature of the land where work was to be started, various kinds of economic, technical, legal, or environmental aspects as well as the actual consequences of the project itself. In a way, the writ petition drafted by the lawyer as well as the many news articles devoted to the case are much more diversified in terms of the number of species that inhabit the territory, some of them being in greater numbers compared to the cranes, and living there all year round. Yet because of its link with the Tibetan community, of being presented as an emanation of the sixth Dalai Lama, and perhaps even because of the small number of birds and of the unpredictability of their arrival, the black-necked crane had become the cultural icon of the environmental battle—the image that was likely to catch people's attention and to provide the judge with a powerful reason for stopping the dam.

7. Hunters Turned Conservationists

Hunting practices in the regulated and state-sponsored forms that are carried out today in India are another set of activities involving actors who take part in the contemporary animal debate, particularly in regard to conservationism. Wildlife issues are mainly handled by forest officials working in the Wildlife Department who are also called upon to solve cases involving the so-called animal human conflict, where an animal belonging to an endangered species (particularly big cats) starts to become dangerous for humans—they become a so-called 'man-eater'. To deal with such cases, the Wildlife Department may occasionally appoint professional hunters (*shikari*) whose task is to conduct field enquiries (often within a team and alongside a veterinary doctor) to find the man-eater in order to capture or kill it (Mathur 2014).

The profile of these *shikaris* (also called 'humanitarian hunters', Mani 2012) fits the profile of Jim Corbett, the British hunter-turned-conservationist and photographer mentioned above. Corbett is the author of many books in which, while narrating his hunting adventures, he also tries to change the perception people have of these animals as cruel, bloodthirsty, evil beasts (Rajamannar 2012, p. 126). In *Man-Eaters of Kumaon* (Corbett 1944), for example, he argues that humans are not natural prey for these animals and that the reason why a tiger or a leopard becomes a 'man-eater' is because of circumstances that have compelled them to eat human flesh—they are wounded, they are stressed, or they have been deprived of their natural prey.

These considerations first led Corbett to promote more 'protective' hunts; eventually, having realized that the survival of some species was already compromised due to bounty-hunting, he helped to create the first Indian national park in 1935 which now bears his name. The hunter-turned-conservationist could now show his skills and his courage by approaching these animals and taking risks not in order to kill them but to capture them on film (Rajamannar 2012, p. 143; Rangarajan 2001). Like Corbett, hunters today also define themselves as conservationists. Some of them are well-known figures and receive attention from the national and international press: for example, Ashish Dasgupta has taken part in various BBC reports; E.R.C. Davidar is described as 'one of the early advocates of wildlife

conservation' (Baskaran 2010); and Prakash Singh is a former president of the Wildlife Preservation Society of India—Dehradun, a non-profit organization founded in 1958 'to create awareness about Wildlife Conservation.'[49] Although Jim Corbett remains a major legacy for all these hunters, some of them also refer to inspirational figures with a more Indian profile. Ashish Dasgupta says that he has been inspired by Sher Jung, a reputed hunter-turned-conservationist who, like Corbett, also wrote various books describing the forest, animal behavior, and hunting.[50]

The concern the hunter has for conservation is illustrated by the strong ties he has with the forest. For a hunter, the forest is a place to be decoded, a reserve of clues that will eventually lead him to understand the recent behavior of the animal he is looking for, and to find it. 'Sher Jung taught me'—Dasgupta began to tell me—'that the forest has a language of its own. If you are aware of its language, all you have to do is to walk into the forest and you will be able to sense, just as all other animals sense, that there is a predator over there, it may be a leopard, a panther, it may be anything, you can make out a tiger over there and know that it ate yesterday and is not going to eat today, so I can safely walk around it, it is not going to trouble me' (Dasgupta, interview, 2016).

This psychological approach to the animal implies, for Dasgupta, a personal transformation of the hunter whose physical capacities are said to become closer to the animals. The secret, he explained, is 'to think like the animal, to think like a predator'.

> Over the years, my eyes, my ears, my sense of smell has become such that I don't take more than 15 min to look at the forest and I sense that there is nothing here, or I look and I see that there is something here. It doesn't take me time to even detect an animal. People say sixth sense? No, it is not . . . I have just sharpened those senses which nature and god have given me in any cases which we have dulled, we have totally made so blunt that we don't know what is happening. My friends say that my eyes have become like a leopard's. I told them "that's the only way I can look!". (ibid.)

The physical identification the hunter has with the animal he hunts goes with the particular interaction he has with it in the forest. The ambivalent feelings that the encounter with the animal may entail in the forest are conveyed by the words of M. D. Chaturvedi, a hunter-turned-Inspector General of Forests, when describing in his book the effect his first (dead) panther had on him. 'There is nothing so disconcerting, nothing so heart-rending as to find the most beautiful of God's creatures lying at your feet, reduced to a stinking mass of flesh. It seems there are only two major tragedies in the life of a hunter: one, not getting the quarry he is after and the other far more serious one, *getting* it.' (Chaturvedi 1969, p. 3)

The intensity of this experience, however, should not prevent the hunter from keeping the situation under control when he is face to face with the animal. In order to ensure this control, he has to prepare himself carefully before the encounter occurs, to assess the identity of the man-killer through paw marks, as well as drawings of the animal's body. This assessment needs to be done before the 'encounter' with the animal, during the hours when it is not likely to be around, because:

> When you are about to shoot you hardly get a second or two. Especially with a leopard . . . it is there then in half a second, it disappears, and you can't take a shot. There is no time for recognition. So, once I have identified the man-eater, my major work is done! I have now gained so much experience that even if I am not going, if they send me the map, I just tell them you put a machan (raised platform) here, you put a hunter over here, and you should get it, and they will get it in the next two days. (Dasgupta, interview, 2016)

Drawing maps is one of the first tasks a hunter has to carry out to be able to track an animal's movements, which become clues to understanding the animal's intention to kill. Hunters always find

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[49] http://wpsidun.org/ (accessed on 16 June 2019).

[50] Himachal Pradesh government recently renamed 'Simbalwara National Park' in Sirmaur the 'Sher Jung National Park'.

a reason to explain why the animal becomes a man-eater, a reason which, as in Corbett's writings, tends to dismiss the animal's responsibility. Thus, the hunter Prakash Singh tried to explain why a tigress that had lived in a place for many years without causing any problem to humans had suddenly became a man-eater.

> She had babies, and the babies had been killed by poachers. She knew that human beings had killed them, so she was killing for revenge and eating a little bit . . . half a kilo . . . normally a tiger can consume more than half a human being . . . but she was eating just a little bit. (Prakash Singh, interview, 2017)

Conversely, as the quotation shows, the aforementioned idea of the hunter starting to feel (or even looking) like the animal suggests a kind of humanization of the animal: the animal is thought to not only have human feelings, but also to play with them.

Although the animal is often presented as having been forced to attack human beings (out of revenge, because it is injured, for lack of food, or because its territory has been disturbed), hunters also agree that once an animal has become a man-eater it undergoes a 'complete psychological change, viewing human beings as a food source' (Dasgupta, interview, 2016). No rehabilitation is therefore possible: the animal must be eliminated.

The hunter's mission is in fact to kill (or capture) the man-eater in order to save the other animals that are not man-eaters and may be unfairly accused of the attacks. This is part of Corbett's discourse on conservation: the idea of eliminating the man-eater in order to save the rest of the animal population. This 'moral duty' is constantly evoked by hunters who continue to refer to this legendary figure and even sometimes to proudly challenge his personal record. For instance, an article reported how Lakhpat Singh Rawat, a schoolteacher and hunter from Uttarakhand, had 'gunned down 45 man-eaters so far, while Corbett had killed 33 during 1907 and 1938' (Trivedi 2014).

However, the anecdotes recounted by hunters always include stories about how the main ability of a hunter is to resist shooting the wrong ('innocent') animal. Dasgupta told me about an episode he experienced some years ago which illustrates this point.

> I was on the machan (raised platform) waiting. . . . I had already decided that the man-eater was a female. There are many females (on the same territory), but the first difference is that if you're hunting a female tiger and you see a male, it is certainly not a man-eater. While waiting on the machan, a male tiger came and got my smell and made a beeline for my tree. In the end, when he finally saw me, he growled at me, "roooaaaarrrrr", and then walked away. There was one person near me and he was getting scared. "It's just coming near here, just shoot!" But I told him "no, it's come to see me and to scowl at me, then it'll walk away". The other man was so anxious he was whispering to all the members of the team "what's it doing?" I told him: "this is its normal round, I say, it is looking for something to eat". (Dasgupta, interview, 2016)

The hunter's ability to resist shooting what they believe to be the wrong animal is often mentioned in their stories in contrast to the extreme pressure put on them by villagers who want the danger to their lives to be removed as soon as possible and by wildlife officials or politicians, who want to show villagers that they have the situation under control (Mathur 2014). News of furious villagers blocking the highway in protest or taking wildlife officials hostage in order to put pressure on them for hunting down a man-eater is not uncommon in certain areas.

Killing a wrong animal comes as the worst blow to a hunter's reputation. Cases involving man-eaters are in fact highly monitored by the media, as well as by animal rights activists and conservation experts who, as soon as a shooting takes place (with permission from the Wildlife Department), are ready to cast doubt not only on the need to shoot the animal but, and perhaps more importantly, on the possibility that a 'wrong animal' has been shot. A famous case dates back to 2013 in the region of Mandi in Himachal Pradesh, where the administration hired the services of the nawab

Shafath Ali Khan, presented in *The Hindu* as 'India's Celebrated Hunter' (Ifthekhar 2017). He created controversy among activists and conservationists alike for having taken the wrong shot (Singh 2013; Chauhan 2013), as well as for being responsible for killing 'unidentified leopards, including a cub just to soothe public outcry'.[51] Media coverage of such events is in turn scrutinized by hunters. Prakash Singh told me that he once denounced a journalist from the *Times of India* for having published fake news about the man-eater still being alive even after he announced that he had shot it—thus endangering, he added, the lives of other 'innocent' leopards.

8. Final Remarks

The multiple actors involved in animal protection are far from representing a homogenous milieu. Although most of the people involved in the different settings presented here are of a similar social background (urban, middle-class, English speaking) they have a different approach to the animal issue. Some are more intent in making their ideas on animals impact directly on government policy—either through activism, legislation, or through the judiciary, others are more involved in activities 'on the ground'—with animal rescue or veterinary services, scientific studies or, in the case of a conflict, capture or elimination of animals. Though these different perspectives are not at all reciprocally exclusive, the passions and personal motivations that drive people orient the different strategies they follow.

What also interconnects these different people is the sharing of common legal and judicial knowledge: not only of the rules, laws and regulations concerning animals but also of the many court cases they deal with. Talking about the 'vermin case', the 'animal sacrifice case', the 'bull-race case', or 'the stray dog cases' immediately resonates—although the extent of people's knowledge may of course vary. We have seen how, in these court cases, animals are referred to by combining different registers: in terms of the legal notions that are used to define their status and eventually their rights, in terms of the scientific findings and ethical issues these findings bring to the fore, and also morally, by evoking religious or spiritual principles (the idea of compassion, of non-violence, the religious importance of certain animals, etc.) which may in fact also be used in some cases as counterarguments to religious practices that involve animal cruelty, or, as in the case of the black-necked crane, as a strategic argument to support an environmentalist battle.

Finally, a major distinction may emerge between the experiences these people have *with* animals themselves. We have seen how, for activists who run animal welfare organizations, animals are helpless beings that need to be rescued and to be taken care of. For lawyers, the animals they try to defend are part of an intellectual and legal battle that takes place in court; most of them will never have the opportunity of meeting these animals. As for the hunter, the encounters he has with the animal on his expeditions are part of a strong emotional experience—including fear, courage, passion, violence, and death.

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[51] https://www.business-standard.com/article/news-ians/two-man-eater-leopards-shot-in-himachal-ngo-raises-doubts-113082601025_1.html (accessed on 17 February 2019).

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