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Prasanna S,

Chairman of Institute of Legal Education

No. 08, Arul Nagar, Seera Thoppu,

Maudhanda Kurichi, Srirangam,

Tiruchirappalli – 620102

Phone : +91 94896 71437 – info@iledu.in / Chairman@iledu.in



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QUEST FOR ADMINISTRATION OF JUSTICE AND MISUSE OF WOMEN CENTRIC LAWS

AUTHORS – HARWINDER KAUR* & MR. RISHAV DOGRA**, LL.M SCHOLAR* & ASSISTANT PROFESSOR** AT
UNIVERSITY INSTITUTE OF LAW, SANT BABA BHAG SINGH UNIVERSITY, JALANDHAR

* HARWINDERPARMAR2002@GMAIL.COM

** DOGRARISHU1993@GMAIL.COM

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ABSTRACT

The noble goal of strengthening women and protecting them from various forms of violence, injustice and discrimination led to laws that have expired, especially among women in India. However, over time, There have been worries expressed over the possible abuse of these regulations. To illuminate the complex social realities related to the abuse of Indian women's policy, this abstract examines the underlying causes, effects and potential solutions. There are many aspects of the abuse of laws that women aim to abuse, and there is no simple solution. While it is important to recognize the frequency of actual cases of gender-specific violence and discrimination, these laws have sometimes been abused for personal interests, retaliation, or resolution of family disputes. Sociocultural elements, the dynamics of power and ignorance, and this issue is exacerbated by sensitivity to gender concerns. Abuse of laws related to women has far more dependent implications. The man and his family had alleged financial difficulties, social humiliation, legal retaliation and false claims. Furthermore, the legality and reliability of these laws were raised questionable, which led to a decline in public confidence in the legal system. Such abuse can mismatch gender-specific prejudices and hinder progress in gender equality in society.

Keywords: Gender Injustice, humiliation, discrimination, repercussions, legal retaliation.

I. INTRODUCTION

In today's culture, women enjoy a privileged position. The aforementioned statement, which sounds highly discriminatory in an era where women frequently raise the issue of gender equality, could be supported by examples such as seats reserved for them on public transportation, reservations in jobs, and special treatment in certain places. The fact that women have historically enjoyed high prestige and a distinguished position in society is supported by history. Ancient Egyptian and Egyptian texts make it clear that women were frequently portrayed as strong, influential

members of society. For instance, the goddess Isis was revered and honored in ancient Egypt as the patroness of maternity, fertility, and miracles. In Hindu mythology, the goddesses Durga, Parvati, Kali, and Saraswati are revered and portrayed as the embodiment of ferocious fighters, guardians, and nurturers. Violence against women gradually began as time went on. These discriminatory provisions were drafted with the intention of greatly benefiting society. Women are undoubtedly vulnerable in a number of ways. Numerous risks and dangers to their lives and social dignity have been and continue to be present. The government took

steps to safeguard them by passing legislation that empowers women in society and prohibits discrimination against men, as stipulated in the Indian Constitution. For the few resentful women who have experienced assault and abuse at the hands of their male coworkers and in-laws, such rules are undoubtedly a boon. Although they do not fully protect women from injustices, abuse, and criminal activity, these laws have made a substantial impact on women's empowerment. However, even if the nation has There is still more to be done to secure women's rights against violence and criminality; in the meantime, a legal loophole has been established, which is contributing to social inequality. Women-centric legislation are being brutally abused in today's culture. However, it was also occasionally noted that the laws, rules, and regulations that were put in place to help women under the guise of "women and children welfare" are being severely abused by the women themselves for their own self-serving ends. The most well-known instance of women abusing women-centric legislation against men is the well-known case that decided the defamation proceedings between Amber Heard and Jhonny Deep over the internet. In this case, the husband sues his wife for defaming him by starting a malicious domestic abuse investigation. It is impossible to overlook the possibility that women may also be the ones abusing the law, which was really passed to protect them. Several laws have been established in India for the improvement of women, including legislation to protect them from domestic abuse, anti-dowry legislation, laws to prevent female feticide, and a number of other laws to ensure women's equality and secure their place in society. The Indian court has decided that regardless of a woman's marital status, she has the fundamental right to make reproductive decisions free from outside interference, and that all women are entitled to safe and legal abortions under the country's abortion laws. While the laws are growing more women protecting to solve the imperilled status of women, a new trend of legal terrorism is fast

spreading in the society setting out a threat to numerous innocent men against the misuse of those women-centric laws. The nation that is facing the Indian courts have recently been entitled to ensure abortion in accordance with the national abortion laws, regardless of marriage status, but the fundamental right that frees reproductive decisions from the outside It was decided that The law is women worried about women's insecurity, but a new trend in legal terrorism in society quickly spreads, showing many innocent men against abuse of these women centered laws. Masu. The country is currently dealing with the issues of innocent men and their families. They are increasing as part of the growing law.

II. INCIDENTS OF WOMEN-CENTRIC LAW ABUSE

The following are a few instances and illustrations of how women-centric legislation are abused in India:

A. False Dowry Cases and Misuse of Domestic Violence Act:

The Misuse of Domestic Violence Act is a significant concern in India, where the law is often misused to harass and extort men and their families. An important step in resolving the predicament of victims of domestic abuse was the implementation of Section 498A IPC, which was created to shield women from harassment and violence related to dowries. Although victim protection was the initial goal, this provision has been abused, resulting in serious injustices.

• Causes of False Dowry Cases

1. Misuse of Section 498A of the Indian Penal Code

- Section 498A was enacted to protect married women from harassment by their husbands and in-laws.
- However, the law has been misused by some women to frame their husbands and in-laws in false cases.
- The law's ambiguity and lack of clarity have led to its misuse.

- The police and courts often fail to investigate cases thoroughly, leading to false accusations.

2. False Accusations and Fabricated Evidence

- Some women may file false dowry cases to extort money or property from their husbands and in-laws.

- Others may use false accusations as a means of revenge or to gain an upper hand in divorce proceedings.

- Fabricated evidence, such as fake documents and witnesses, may be used to support false accusations.

3. Family Disputes and Property Conflicts

- Family disputes and property conflicts are common causes of false dowry cases.

- Women may file false dowry cases to gain control over property or to punish their husbands and in-laws for not meeting their demands.

- Family members may also use false dowry cases as a means of resolving property disputes or other family conflicts.

4. Other Causes

- Social and Cultural Pressures: Women may face pressure from their families and society to file dowry cases, even if they are false.

- Lack of Education and Awareness: Women may not be aware of the consequences of filing false dowry cases or may not understand the law.

- Police and Judicial Bias: The police and judiciary may be biased against men, leading to false accusations and convictions.

• Patterns and trends in false dowry cases:

1. Urban-Rural Disparities

- Higher incidence in urban areas: False dowry cases are more common in urban areas, where women are more likely to be educated and aware of their rights.

- Easy access to courts and police: Urban areas have better infrastructure and easier access to courts and police stations, making it easier for women to file false cases.

- Greater anonymity: Urban areas provide greater anonymity, making it easier for women to file false cases without fear of social repercussions.

2. Socio-Economic Factors

- Middle-class families: False dowry cases are more common in middle-class families, where there is a greater emphasis on material possessions and social status.

- Education and awareness: Women from educated and aware families are more likely to file false dowry cases, as they are more aware of their rights and the legal system.

- Financial independence: Women who are financially independent are more likely to file false dowry cases, as they are less dependent on their husbands and in-laws.

3. Role of Intermediaries (Lawyers, Police)

- Lawyers' role: Lawyers may encourage women to file false dowry cases, as it can be a lucrative source of income for them.

- Police bias: Police may be biased against men, and may encourage women to file false dowry cases, even if there is no evidence.

- Collusion between lawyers and police: In some cases, lawyers and police may collude to file false dowry cases, and to extort money from the accused.

4. Other Trends and Patterns

- Increase in false cases: There has been an increase in false dowry cases in recent years, particularly in urban areas.

- More women filing cases: More women are filing false dowry cases, particularly in middle-class families.

- Greater use of technology: Technology, such as social media and messaging apps, is being

used more frequently to file false dowry cases and to harass the accused.

The suicide of Atul Subhash in case of **Atul Subhash Bhamare vs The State Of Maharashtra And Ors**¹⁹⁰³ Bengaluru has, once again, drawn attention to the alleged misuse of dowry harassment laws and their devastating consequences on innocent individuals. In this case Husband commits suicide due to alleged harassment by wife and in-laws, citing false dowry demands and extortion. Key Issues in this case are:

- False dowry allegations
- Extortion and harassment
- Misuse of Section 498A (IPC)
- Failure of justice system to protect husband's rights

This case highlights the need for caution and thorough investigation in dowry-related cases to prevent false accusations and miscarriage of justice.

B. **False Rape Allegations:**

There have also been cases of baseless rape allegations, despite the importance of protecting and assisting victims of sexual assault. A person's life, career, and reputation can all be destroyed by false allegations. False accusations have occasionally been made in order to advance extortion schemes, personal grudges, or to obtain an advantage in court.

Here are some ways in which women may misuse rape laws:

False Allegations

- Revenge and retaliation: Women may file false rape cases as a means of revenge or retaliation against a man who has rejected them, ended a relationship, or refused to provide financial support.
- Financial gain: Women may file false rape cases to gain financially, such as through settlements or compensation.

- Attention and sympathy: Women may file false rape cases to gain attention and sympathy from others, including family, friends, and social media.

Misusing the Law

- Misinterpretation of consent: Women may misinterpret or misrepresent consent, leading to false rape allegations.
- Regret or buyer's remorse: Women may file false rape cases due to regret or buyer's remorse after consensual sex.
- Using rape laws as a tool for control: Women may use rape laws as a means of controlling or manipulating a man, particularly in situations where they feel powerless or vulnerable.

Social and Cultural Pressures

- Social and cultural expectations: Women may file false rape cases due to social and cultural pressures, such as the expectation to conform to certain gender roles or to seek revenge against a man who has wronged them.
- Family or community pressure: Women may file false rape cases due to pressure from family or community members who may encourage them to seek revenge or compensation.

Lack of Accountability

- Lack of consequences: Women may file false rape cases because they believe they will not be held accountable for their actions.
- Anonymity: Women may file false rape cases anonymously, making it difficult to hold them accountable.

C. **Other anti-dowry laws:**

In addition to Section 498A, other laws, such as Section 304B of the Indian Penal Code (dowry death) and the Dowry Prohibition Act, have also been abused in the past. In an attempt to settle personal scores or gain the upper hand in marital issues, false accusations of dowry demand, harassment, or dowry killings have been made.

¹⁹⁰³ Atul Subhash Bhamare vs The State Of Maharashtra And Ors 2024:BHC-AUG:7407-DB

III. Misuse of Laws against sexual harassment:

A critical analysis of the misuse of sexual harassment laws in India reveals that while such laws are crucial to protect women from genuine harassment, they can be exploited in certain situations, leading to false accusations against men, often stemming from personal vendettas or power dynamics, potentially undermining the credibility of legitimate claims and creating a fear of reprisal for men who may be wrongly accused, particularly in the workplace due to the power imbalance that can exist between genders; this highlights the need for robust investigation processes and a nuanced understanding of what constitutes sexual harassment to ensure justice for both victims and the accused.

Key points about the misuse of sexual harassment laws in India:

Gender-specific nature of laws:

Many laws are designed specifically to protect women, which can sometimes lead to the perception that men are automatically considered guilty in a dispute, even if there's no concrete evidence of harassment, creating an imbalance in the legal system.

Lack of awareness about the definition of sexual harassment:

Misinterpretations of what constitutes sexual harassment can lead to accusations against men for seemingly innocuous actions, creating a gray area that can be exploited.

Social and cultural factors:

Societal norms and power dynamics can influence how sexual harassment claims are perceived, making it difficult to distinguish between genuine complaints and malicious accusations.

Potential for personal vendettas:

In certain cases, women might use sexual harassment accusations as a tool to settle personal disputes or gain leverage in professional situations, leading to false claims.

Impact on the accused:

False accusations can severely damage a man's reputation, career, and personal life, even if he is eventually cleared of charges.

Some concerns regarding the misuse of sexual harassment laws:

The POSH Act (Prevention of Sexual Harassment at Workplace Act):

Although intended to protect women at work, some argue that its implementation can be flawed, leading to cases where accusations are not thoroughly investigated.

The "Vishaka Guidelines":

While a landmark decision in establishing a framework for addressing workplace harassment, some argue that the guidelines may be interpreted too broadly, leading to potential misuse.

Burden of proof:

The burden of proof in sexual harassment cases can sometimes be challenging for the accused to overcome, even if they are innocent.

IV. LANDMARK JUDGMENTS

It is important to remember that there are cases of abuse, but the success of these laws is not important in advocating for women, compared to general goals. Here are some cases I noticed

State of Haryana v. Bhajan Lal (1992)¹⁹⁰⁴ :

This case is often spoken about abuse in section 498A of the Indian Penal Code (IPC), which deal with cruelty towards married women. The Supreme Court of India issued guidelines and highlighted the importance of distinguishing between actual and fictitious or exaggerated scenarios to prevent abuse of this clause.

Union of India Social Action Forum v. Manav Adhikar (2018)¹⁹⁰⁵

The Supreme Court found section 498A to be used regularly as a means of harassment and ad

¹⁹⁰⁴ Bhajan Lal v. State of Haryana, 1992 AIR 604, 1990 SCR Supply (3) 259

¹⁹⁰⁵ Manav Adhikar v. Union of India Social Action Forum (2018) Lrs.: (1989). 2 SCC 754

mitted to the abuse of the law in this case. The court has directed the police to follow the guidelines submitted in the above cases to prevent arbitrary arrests from being prevented.

Arnesh Kumar v. State of Bihar (2014)¹⁹⁰⁶:

In this case, the matter highlighted that the accused was recorded and arrested without proper investigation or evidence, and that the abuse of Section 498A was a concern. According to the Supreme Court, arrests must only be made after a rigorous examination and in such cases with reasonable justification.

Independent Thought v. Union of India (2017)¹⁹⁰⁷

The lawsuit focused on the abuse of child protection from sexual offences (Pocso). According to the Supreme Court, gender recognition with a minor should not be considered a crime under the law if both individuals were of close age.

It is important to understand that these cases do not raise questions about the need for Indian laws to explicitly target women. The main goal of this law is to protect women from discrimination, harassment and abuse. Furthermore, they played an important role in promoting gender equality and strengthening women.

Rd. N.G. Dastane v S Dastane¹⁹⁰⁸

In this case, the Supreme Court held that the husband had abused his wife, but the stronger one physically abused the weaker practitioner. But in their view, both men and women can treat their relationship badly.

State of Bihar v. Rajesh Sharma & Others¹⁹⁰⁹

In this case, the court has developed explicit guidelines for halting abuse of IPC Section 498A. The court established a Family Welfare Committee in each district and ordered the authority of the district's legal services to

examine reports on domestic violence before being arrested pursuant to Section 498A of the IPC. The committee consists of volunteers such as the Legal Chamber of Commerce, Social Workers, and Pension recipients who will receive implementation training before the task begins.

V. WIFE MAINTENANCE BY THE HUSBAND

According to Section 125 of the 1973 Code of Criminal Procedure, a person has a duty to support their spouse, kids, and parents who are unable to sustain themselves. The wife's husband must provide for her necessities because, even if she works, her salary is insufficient to support her.

According to Section 37 of the Special Marriage Act, the husband is required to support his wife out of his property after a divorce until her circumstances change, such as getting remarried or turning immoral.

According to Section 18 of the Hindu Adoption and Maintenance Act, a Hindu wife is entitled to lifetime maintenance from her husband.

Section 3 of the Muslim Women (Protection of Rights on Divorce) Act, 1986 states that a Muslim woman who has been divorced Throughout the iddat time, she is entitled to maintenance from her ex-husband.

In accordance with Section 37 of the Divorce Act of 1869, the husband must support his wife for the rest of her life if a divorce or judicial separation is granted. There is no mention of a husband being supported by his wife in any of the laws mentioned above that mandate a wife be supported by her husband.. Although there may be circumstances in which the spouse also requires maintenance, this responsibility is not expressly stated in the regulations. When it comes to divorce and maintenance, family law helps women. If the husband is unable to provide for his wife, a recovery warrant may be issued against him in accordance with Section 125 of the Criminal Procedure Code. At least for children under five, it is better if the wife is given custody of the children. It is also forbidden for a

¹⁹⁰⁶ State of Bihar v. Arnesh Kumar (2014) AIR 2014 SC 2756

¹⁹⁰⁷ Union of India v. Independent Thought (2017) 10 SCC 800

¹⁹⁰⁸ AIR 1975 SC 1534, (1975) 2 SCC 326, 1975 3 SCR 967

¹⁹⁰⁹ 2017 SCC 821

single man to adopt a girl under adoption circumstances. There are flaws in each of these laws that seriously harm men.

VI. WHAT MAKES MEN'S SITUATION WORSE THAN WOMEN'S?

Some laws have a negative effect on men. They often participate in false cases. Women frequently use the numerous laws intended to protect their rights as an excuse to harass men, and occasionally they do it only to feel better about themselves. They often suffer atrocities at the hands of the police, and the laws are very harsh for them. Furthermore, since the majority of offenses against women are illegal and do not call for a bail, it is more difficult for innocent men to escape punishment.

While several laws protect the rights of women, none advance the interests of men in society. While most divorce procedures are governed by the Domestic Violence Act, cruelty claims are governed by Section 498-A of the IPC. Sometimes the primary objective in these situations is to obtain money from the associates. And it only takes one of these baseless charges to ruin his reputation in the community and at work. Women have also been known to get married again just to take advantage of their wealthy spouses' resources and financial assistance.

There are laws protecting women from sexual harassment at work, but men are not subject to the same regulations. It is believed that men are more likely to be the perpetrators of sexual harassment and eve teasing than the victims, and that only women are affected by these crimes. That's not right.

Nowadays, rape—whether real or imagined—is reported in every newspaper. In the majority of those alleged reported rape instances, the complainant women either become hostile or are unable to provide unquestionable evidence to support their claims. One or both of these fictitious lawsuits may be filed with the intention of pressuring men into marriage or extorting money or other benefits, among other things. The stories also

seem to be similar: "I was sexually abused for three years," and "I was raped by him for two years." Such facts are impossible unless and until the individual is confined in a cage with the sole purpose of engaging in sexual activity. The courts are rendering numerous rulings around the topic of one day or another. The improper application of the rape laws worries judges. However, there is no news where such fictitious rape cases are initially denied coverage at the police station. After being acquitted by the court, the man may bring a complaint against the complainant lady and the police under sections 182, 193, 195, 420, and 211 read with s. 120-B of the I.P.C. if he was wrongfully and maliciously placed in a fictitious rape case.

Men who are victims of domestic violence are not being cared for by society or the government. It is a major issue on a global scale. None of the laws penalize or consider domestic violence against men to be an offense. On the contrary, special protections for women are written in a way that harasses men. Envy for men has increased as a result of the liberal attitudes toward women in society, the legal system, and policy. Women's advocacy groups have emphasized the need for India to enact the Domestic Violence Act. They claim that the aforementioned Act will empower victims and provide them with protection.

VII. WOMEN PROTECTION LAWS IN INDIA

India has laws that protect women's rights in areas like criminal offenses, family affairs, work circumstances, and property ownership. Our constitution guarantees women's rights to advance and be protected. We shall examine India's laws protecting women in this section of the essay.

The National Commission for Women Act, 1990 (NCW)

The NCW Act's passage in 1990 led to the creation of the (NCW). Its main goal is to protect and promote women's rights in India. The NCW aggressively addresses issues of violence

against women, discrimination based on gender, and other rights breaches.

The 2005 Act to Protect Women from Domestic Abuse

One of the important Acts and laws for women in India that aims to protect women who are victimized by domestic violence is the Protection of Women from DVA, 2005. Husbands who harass, abuse, or mistreat women in their own homes are subject to severe judicial punishment under the law. To ensure their safety and general well-being, the legislation works to give protection orders, residency orders, and financial assistance.

The Dowry Prohibition Act, 1961

The Act's primary goal was to eliminate the dowry threat in India. It made dowry giving and receiving absolutely illegal. It also seeks to safeguard women who desire marriage but are prevented from doing so due to petty demands for dowries made by the prospective groom. However, there are still many dowry-related cases, and because of the large population and the fear that prevents cases from being filed, it has been extremely difficult to execute this rule.

The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013

It addresses workplace sexual harassment of women. It gives women protection and a legal foundation to assist stop such harassment, resulting in a secure and equitable workplace free from sexual harassment and abuse of women. The Act requires the creation of POSH Policy and internal committees to handle complaints and expedite case resolution.

The Medical Termination of Pregnancy Act, 1971

The Medical Termination of Pregnancy Act, 1971 (MTP Act) governs pregnancy termination in India. According to this law, a woman may terminate her pregnancy within 20 weeks if it is absolutely necessary, if protecting her life endangers her bodily or mental health, or if the

pregnancy was the consequence of sexual assault.

The Maternity Benefit Act, 1961

Working mothers find it challenging to work both before and after giving birth. As a result, the Maternity Benefit Act of 1961 was created. The Act requires women to take maternity leave for at least 12 weeks. This was raised to a maximum of 26 weeks in the 2017 Amendment.

The Equal Remuneration Act, 1976

Men and women should receive equal compensation for doing the same or comparable work, according to the Equal Remuneration Act, 1976 (ERA), which is a gender-neutral law that promotes equality and gives them equal access to benefits and financial possibilities at work.

Act of 2006 Prohibiting Child Marriage

In order to protect their rights, this act also aims to stop forced marriages involving children. It seeks to ensure that girls are given the opportunity to grow up, educate themselves, and make informed decisions about their lives and marriages, all of which will contribute to their overall health and well-being. However, because to regional norms and traditions, it has proven extremely challenging to execute this regulation.

The Hindu Succession Act, 1956

The Hindu Succession (Amendment) Act, 2005, which was passed in 2005, gave daughters in joint households the right to possess property. When it comes to inheriting property, this modification guaranteed that both men and women are regarded as beneficiaries.

The Indecent Representation of Women (Prohibition) Act, 1986

The law prohibits the derogatory portrayal of women in any media, including print and advertising. It encourages respect for women and works to preserve their decency and dignity.

VIII. ADMINISTRATION OF JUSTICE NEEDS CHANGE IN THE PERCEPTION OF SOCIETY

The majority of our society is always for the strengthening of women. At this point, women control laws that benefit them. Things have changed in society from a time when women were respected and avoided when they were not so weak and considered weak. However, this culture does not seek to understand the full context, but presents events that affect laws that benefit women in ways that denounce women.

Everyone is sorry to girls who are being raped and worried about their future. It's okay. Of course, it's only natural that they have to do that much when they live together. But what about the man who was criticized but later eased the rape accusations? Not only does it look, but before it gets involved in the wrong case? "No" is the answer. Even if they turn out to be innocent, they are already called criminals and those in society who are not allowed to live with their highly stored heads still make them handled with light empty. Things are getting worse as more people use social media platforms can easily damage a person's reputation. In this way, laws supporting women are interpreted by society. Society assumes that men are always negligible parties, and women are victims, regardless of the actual cause of the problem..

IX. SUGGESTIONS

As a consequence, men suffer from severe mental anguish.

1. Given the current situation of increased abuse of these rules, changes to several legislation that are specific to women will be considered.
2. The Indian punitive Codes must strictly enforce the punitive provisions for women who falsely accuse men of having malicious intent.
3. To handle such delicate circumstances and offer counseling if necessary, the police department should likewise set up a dedicated branch in each area. Men and their families who experience severe harassment due to unfounded accusations made by the wife and

her family members ought to be eligible for free counseling.

4. In order to safeguard men from the abuse of laws that are centered on women, gender-neutral legislation will also be implemented.

5. Disagreements between husbands and wives are considered by the Indian judicial system for being so sensitive that personal law procedures are held in closed spaces. However, if a woman claims the media or the women themselves, they will deliberately take the matter in front of the media and frame the men. There are strict rules for unpublished uploads of content on social media.

CONCLUSION

Some laws are abused in relation to women, but the focus should be on creating a fair and fair legal system that protects the rights of men and women and deals with reasonable cases of actual abuse and harassment.

It should be noted that this is a very small part of the case and that the importance of these rules should not be reduced. When they were put together and now needed. The assurance that these regulations do not violate an innocent party is critical in any kind of dispute. Furthermore, judges find it difficult to ensure that decision-making capabilities are not affected by social norms.

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