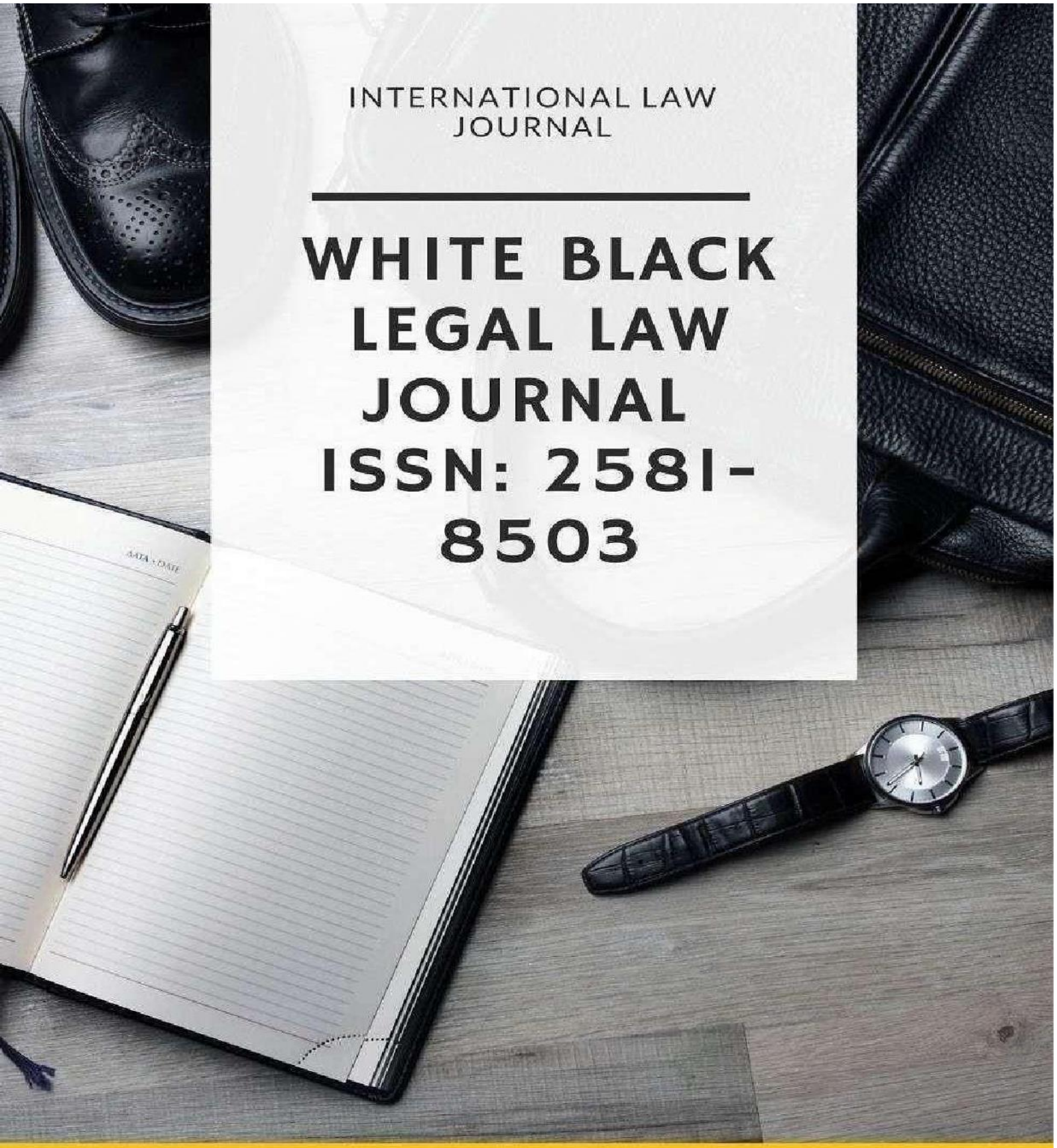


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BEYOND PHYSICAL ABUSE: EXAMINING THE SCOPE OF ECONOMIC ABUSE UNDER THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005

AUTHORED BY - TANVIRJOT SINGH
Institution: Chandigarh University

ABSTRACT

When domestic violence is discussed, the legal and social discourse traditionally prioritizes visible physical battery, severe bodily harm, or criminal force. However, for millions of women across diverse socio-economic strata, the most pervasive and paralyzing form of domestic subordination involves no physical violence at all. Economic abuse operates as a systematic, structural mechanism of coercion that strips women of financial autonomy, prevents access to economic resources, and traps them in abusive domestic settings through financial captivity. This research paper presents a comprehensive legal and empirical analysis of the scope, statutory interpretation, and judicial application of "economic abuse" under Section 3(iv) of the Protection of Women from Domestic Violence Act, 2005 (PWDVA). The author examines how the PWDVA broke away from traditional penal remedies by codifying financial deprivation, control over shared resources, and alienation of stridhan as distinct civil wrongs. By synthesizing landmark Supreme Court rulings including **Rajnesh v. Neha**, **Prabha Tyagi v. Kamlesh Devi**, and **Satish Chander Ahuja v. Sneha Ahuja** alongside comparative frameworks from the UK, Australia, and the US, this paper evaluates the systemic barriers in proving economic abuse. Furthermore, a novel Three-Tier Judicial Evaluation Matrix is introduced to assist Magistrates in evaluating hidden assets, preventing procedural delays, and executing monetary reliefs effectively.

Keywords: *Protection of Women from Domestic Violence Act 2005; Section 3(iv); Economic Abuse; Financial Coercion; Stridhan; Monetary Relief; Rajnesh v. Neha; Prabha Tyagi v. Kamlesh Devi; Shared Household*

1. INTRODUCTION: SCOPE, CONTEXT, AND MODERN RELEVANCE OF PWDVA 2005

Domestic violence is fundamentally an exercise of power and control. While criminal law historically focused on physical force and bodily harm, economic abuse operates as an invisible cage. In patriarchal family structures, financial dependency is routinely weaponized to ensure compliance, suppress autonomy, and prevent women from leaving abusive domestic relationships. Prior to 2005, Indian penal

remedies under Section 498A of the Indian Penal Code, 1860 (now Section 85 of the Bharatiya Nyaya Sanhita, 2023) required proof of severe cruelty driving a woman to suicide or grave bodily injury. This left non-physical forms of oppression, particularly economic deprivation, largely unaddressed by the legal system.

The enactment of the Protection of Women from Domestic Violence Act, 2005 (PWDVA) represented a watershed moment in Indian social welfare legislation. By recognizing domestic violence as a human rights violation and establishing civil remedies, Parliament explicitly acknowledged that non-physical abuse specifically emotional, verbal, and economic abuse can be just as destructive as physical violence. Section 3(iv) of the Act recognized economic deprivation as an independent, actionable civil wrong.

Despite this progressive statutory design, judicial enforcement continues to face practical hurdles. Trial courts frequently view economic abuse as merely secondary or collateral to physical violence rather than an independent form of domestic abuse. In an era marked by complex financial instruments, digital banking, and informal employment structures, assessing economic abuse requires a sophisticated understanding of financial coercion. This paper analyzes the statutory contours of Section 3(iv), evaluates judicial standards, compares international frameworks, and proposes structured legal solutions to strengthen civil protection for women in India.

2 THE STATUTORY ARCHITECTURE: DECONSTRUCTING SECTION 3(IV) OF THE PWDVA

Section 3 of the PWDVA provides a comprehensive, multi-dimensional definition of domestic violence. Clause (d) of Section 3 explicitly codifies "economic abuse" into three clear statutory sub-clauses, creating an expansive protective net for aggrieved women. Understanding these provisions requires a careful legal analysis of each component.

2.1 Deprivation of Economic or Financial Resources

Sub-clause (a) of Section 3(iv) defines economic abuse to include the deprivation of all or any economic or financial resources to which the aggrieved person is entitled under any law or custom, or which the aggrieved person requires out of necessity. This includes household necessities, maintenance, and joint or separate property. The statutory formulation includes two distinct legal grounds:

- **Entitlement-Based Deprivation:** Refusal to provide resources guaranteed by law or custom (e.g., contractual income, joint bank account funds, statutory maintenance, or rental income from self-owned property).

- **Necessity-Based Deprivation:** Denying basic sustenance such as food, medical care, clothing, utility payments, or children's educational fees regardless of whether a formal legal entitlement pre-existed.

By including "necessity" alongside legal entitlement, Parliament ensured that a husband cannot avoid his obligation to provide basic living standards by claiming that the wife has no formal legal title to his income or property.

2.2 Prohibition or Restriction to Continued Access to Resources

Sub-clause (c) of Section 3(iv) addresses relational control by prohibiting or restricting continued access to resources or facilities that the aggrieved person is entitled to use or enjoy by virtue of the domestic relationship. This encompasses access to the shared household, household facilities, vehicles, digital devices, and financial instruments. This provision directly targets strategies of isolation where an abuser denies access to shared domestic infrastructure as a penalty or leverage tool.

2.3 Disposal or Alienation of Assets and Stridhan Rights

Sub-clause (b) of Section 3(iv) restricts the respondent from transferring, alienating, or disposing of household effects, valuable securities, or any assets in which the aggrieved person has an interest or equity by virtue of the domestic relationship. Crucially, this sub-clause expressly protects stridhan the absolute property of a Hindu woman comprising gifts, jewellery, and assets given to her before, during, or after marriage.

Key Legal Principle: Absolute Ownership of Stridhan

As affirmed in **Pratibha Rani v. Suraj Kumar (1985)** and reinforced under Section 3(iv)(b) of PWDVA, a woman's stridhan is her absolute property. Entrusting stridhan to a husband or in-laws does not create co-ownership. Refusing to return stridhan upon demand constitutes both criminal breach of trust under general law and ongoing economic abuse under the PWDVA.

Statutory Sub-Clause	Core Legal Prohibition	Practical Manifestations & Examples
Section 3(iv) (a)	Deprivation of financial resources & household necessities.	Withholding grocery money, stopping payment for child education or medical care, refusing basic maintenance.
Section 3(iv) (b)	Alienation, sale, or disposal of assets & stridhan.	Pawning wedding jewellery without consent, selling shared household furniture, liquidating joint fixed deposits.
Section 3(iv) (c)	Restriction of access to shared resources & housing.	Changing house locks, blocking access to digital bank accounts, denying use of family vehicle or utilities.

3 ECONOMIC ABUSE VS. FINANCIAL CONTROL: CONCEPTUAL NUANCES & JURISPRUDENCE

In legal and sociological studies, distinguishing between routine marital financial management and actionable "economic abuse" is essential. Couples frequently make joint financial decisions, allocate budgets, or agree on spending limits. Financial control crosses the threshold into statutory economic abuse when it becomes unilateral, coercive, and intended to enforce dependency or dominance.

Social researchers categorize economic abuse into three distinct operational pillars: (1) Economic Exploitation, (2) Economic Control, and (3) Employment Sabotage. Understanding these dimensions helps courts identify subtle forms of financial coercion that go beyond simple non-payment of maintenance.

Operational Pillars of Economic Abuse

- **Economic Exploitation:** The abuser forces the aggrieved woman to generate income, take out personal loans, or incur debts for the abuser's benefit, stripping her of the assets she generates.
- **Economic Control:** Complete monitoring of daily spending, requiring receipts for nominal purchases, denying independent bank account access, and keeping the woman entirely ignorant of family finances.

Employment Sabotage: Preventing a woman from obtaining or retaining employment through physical restraint, sabotaging job interviews, destroying work documents, or creating public disturbances at her workplace.

To evaluate the structural intensity of economic control, researchers and courts examine the ratio of independent financial capacity against total household expenditure. This dynamic can be expressed through a Financial Dependency Index (FDI):

FDI = 1 − [(Personal Income + Accessible Personal Savings) / Minimum Basic Living & Legal Costs]

Where FDI = 1, the aggrieved person is completely financially dependent on the respondent, making her vulnerable to severe economic coercion. Where an abuser deliberately acts to reduce a woman's accessible savings to zero (thereby driving FDI toward 1), such conduct constitutes intentional economic abuse under Section 3(iv).

Judicial Distinction: Financial Mismanagement vs. Coercive Abuse

Courts have emphasized that temporary financial stress or genuine business losses do not automatically constitute economic abuse. In **Rajesh Sharma v. State of U.P. (2017)**, the court noted that bona fide financial disagreements regarding household budgets must be distinguished from deliberate financial starvation. The key legal marker of economic abuse is the deliberate intention to use money as a tool of coercion, control, and subjugation.

Dimension	Permissible Marital Financial Management	Actionable Economic Abuse (Sec. 3(iv))
Decision-Making	Consensual budget setting, mutual financial planning.	Unilateral financial dominance, complete concealment of income.
Access to Money	Shared access to funds for domestic expenses.	Allowance system with strict demands for receipts; zero discretionary cash.
Career & Work	Mutual agreement on family care responsibilities.	Forced resignation, physical interference with employment.
Asset Management	Joint investment with full disclosure.	Pawning stridhan, transferring property without consent.

4 JUDICIAL INTERPRETATION: LANDMARK PRECEDENTS AND EVOLVING STANDARDS

The Indian judiciary has played a crucial role in giving practical effect to Section 3(iv) of the PWDVA. Supreme Court decisions have expanded the reach of monetary remedies, clarified rights in shared households, and established procedural rules to prevent financial concealment during litigation.

4.1 Rajnesh v. Neha (2021): Standardizing Maintenance and Asset Disclosures

In the landmark decision of **Rajnesh v. Neha (2021)**, the Supreme Court addressed major systemic flaws in maintenance proceedings under the PWDVA, Section 125 CrPC, and personal laws. The Court recognized that delaying interim maintenance orders forces women into financial distress, effectively enabling ongoing economic abuse through court delays.

Core Mandates of Rajnesh v. Neha (2021)

- **Mandatory Affidavit of Assets & Liabilities:** Both parties must file detailed financial disclosure affidavits listing all movable and immovable assets, bank accounts, income tax returns, digital assets, and corporate shares.
- **Maintenance from Date of Application:** To prevent respondents from delaying proceedings, maintenance must be awarded from the date the application was filed, rather than the date of the order.
- **Enforcement Mechanics:** Maintenance orders can be enforced like civil court decrees through asset attachment, bank account freezing, and civil detention.

4.2 Prabha Tyagi v. Kamlesh Devi (2022): Economic Access & Shared Household Rights

In **Prabha Tyagi v. Kamlesh Devi (2022)**, the Supreme Court addressed whether a woman must be residing in the shared household at the time of filing to claim protection and residence orders under the PWDVA. The Court held that an aggrieved woman has a subsisting right to reside in the shared household under

Section 17, and restricting her access constitutes ongoing economic and emotional abuse under Section 3(iv).

4.3 Satish Chander Ahuja v. Sneha Ahuja (2021): Shared Household Scope

Overruling the narrow interpretation in **S.R. Batra v. Taruna Batra (2007)**, the Supreme Court in **Satish Chander Ahuja v. Sneha Ahuja (2021)** held that a "shared household" under Section 2(s) includes property owned or leased by in-laws, provided the aggrieved woman lived there in a domestic relationship. Evicting a woman from such property without due process constitutes economic abuse, and Courts must issue residence orders under Section 19 to protect her economic dignity.

Case Law	Forum & Year	Key Judicial Holding on Economic Abuse
Rajnesh v. Neha [1]	Supreme Court (2021)	Mandated comprehensive income disclosure affidavits; ordered maintenance payable from date of application.
Prabha Tyagi v. Kamlesh Devi [2]	Supreme Court (2022)	Affirmed that restricting access to the shared household or stridhan constitutes continuous economic abuse.
Satish Chander Ahuja v. Sneha Ahuja [3]	Supreme Court (2021)	Broadened the definition of "shared household" to prevent arbitrary eviction and economic homelessness.
Ajay Kumar v. Lata [4]	Supreme Court (201 9)	Confirmed that interim maintenance under PWDVA can be claimed against joint family members in a shared household.

5 COMPARATIVE LEGAL ANALYSIS: INTERNATIONAL PERSPECTIVES

Examining international domestic violence frameworks offers valuable insights into how other legal systems define and prosecute economic abuse. Jurisdictions in the UK, Australia, and the US have increasingly recognized economic coercion as a core element of "coercive control."

5.1 United Kingdom: Domestic Abuse Act 2021

The UK Domestic Abuse Act 2021 represents a significant advancement by statutory defining "economic abuse" separately from financial abuse. Section 1(3)(a) defines economic abuse as any behavior that has a substantial adverse effect on an individual's ability to acquire, use, or maintain money or other property, or to obtain goods or services. This legal approach recognizes that controlling a person's ability to acquire resources (e.g., preventing employment or education) is just as damaging as withholding existing money.

5.2 Australia: State-Level Family Violence Acts

Australian legislation provides detailed models for addressing economic violence. Under Section 6 of the

Victoria Family Violence Protection Act 2008, economic abuse is defined as behavior that is coercive, deceptive, or unreasonably controls another person's economic autonomy. Examples listed in the statute include coercing a partner to relinquish control over assets, forcing a partner to sign loan agreements, or unreasonably withholding financial support necessary for daily living.

5.3 United States: Coercive Control & Statutory Frameworks

In the United States, domestic violence laws are enacted at the state level. States like California (Family Code § 6320) and Hawaii have enacted explicit "coercive control" statutes that include economic abuse. US courts recognize economic abuse in civil protection order proceedings, bankruptcy cases involving marital debt coercion, and tort claims for intentional infliction of emotional distress.

Jurisdiction	Primary Legislation	Definition & Scope	Notable Statutory Feature
India	PWDVA 2005 (Sec. 3(iv))	Deprivation of resources, asset alienation, restriction of access.	Combines civil protection orders, shared household rights, and stridhan recovery.
United Kingdom	Domestic Abuse Act 2021 (Sec. 1)	Impairment of ability to acquire, use, or maintain money/goods.	Distinguishes economic abuse from financial abuse; includes acquisition of goods/services.
Australia & United States	Victoria Family Violence Protection Act 2008 / California Family Code § 6320	Coercive or deceptive control of economic or financial autonomy. Coercive control limiting financial independence and access to funds.	Explicitly lists forced debt sign-offs and coerced property transfers as statutory offenses. Integrates economic abuse into broader coercive control frameworks for domestic restraining orders.

6 PROPOSING A STRUCTURED THREE-TIER JUDICIAL EVALUATION MATRIX

To ensure consistency across Magistrates' courts in adjudicating claims under Section 3(iv), this paper proposes a structured Three-Tier Judicial Evaluation Matrix. This model provides judges with a systematic, three-step inquiry to assess claims of economic abuse and determine appropriate remedies.

Tier / Stage	Key Judicial Inquiries & Assessment Standards	Evidentiary Focus & Statutory Remedies
TIER 1 : Nature of Resource & Entitlement	What is the nature of the economic resource? (Stridhan, joint property, shared household, monthly maintenance, or personal income). Does the claim arise from statutory entitlement, custom, or basic sustenance needs under Section 3(iv)(a)?	**Focus:** Title documents, marriage records, tax returns, bank records, gifted item lists. **Remedy:** Interim protection orders under Sec. 1 8; ex-parte relief under Sec. 23.

TIER 2: Substantial Impairment & Coercion	Has access to the resource been restricted or denied by the respondent? Does the deprivation significantly impair the aggrieved person's financial independence or basic living conditions?	**Focus:** Proof of blocked accounts, altered property locks, coerced debt documents, employment interference. **Remedy:** Residence orders under Sec. 19; restraining asset sales under Sec. 18(e).
TIER 3: Quantum & Long-Term Protections	What is the appropriate financial relief based on the standard of living enjoyed during the marriage? Are compensation orders required for emotional distress or economic loss?	**Focus:** Income affidavits under Rajnesh v. Neha, tax returns, lifestyle expenditures. **Remedy:** Monetary relief under Sec. 20; compensation orders under Sec. 22.

Application of the Matrix: Preventing Judicial Arbitrariness

By applying this Three-Tier Matrix, Magistrates can avoid two common judicial errors:

(1) dismissing economic abuse claims simply because no physical violence occurred, and

(2) delaying interim relief while awaiting full trial evidence on long-term property ownership. Tier 1 allows immediate ex-parte interim relief under Section 23 to protect basic survival, while Tiers 2 and 3 establish fair, long-term financial orders based on full disclosures.

Procedural Application of the Matrix: When a woman files an application under Section 12 alleging economic deprivation (e.g., stopped utility payments or locked-out housing), the Magistrate should evaluate Tier 1 within 3 days to issue interim orders under Section 23. Tiers 2 and 3 can then be evaluated once the respondent files the mandatory Asset and Liability Affidavit under Rajnesh v. Neha.

7. INTERSECTIONAL VULNERABILITIES & SOCIO-ECONOMIC REALITIES IN INDIA

Economic abuse does not occur in isolation. Its impact depends heavily on a woman's socio-economic position, employment status, digital literacy, and family background. Analyzing these intersectional factors helps explain why uniform legal rules can produce unequal outcomes in practice.

7.1 Working Women vs. Non-Working / Dependent Homemakers

Homemakers face severe risks of financial control because they lack independent income. For these women, withholding household funds directly threatens basic survival. However, financially independent working women also experience distinct forms of economic abuse. Abusers often demand complete control over a working woman's salary, force her to take personal loans for her in-laws, or sabotage her career through workplace harassment to force her resignation.

7.2 Digital Economic Abuse: Modern Financial Coercion

The rapid digitalization of banking in India has introduced modern avenues for economic abuse. Digital economic coercion often includes:

- **Digital Account Blockages:** Removing a spouse's access to joint mobile banking apps, UPI payment handles, or credit cards.
- **Digital Surveillance:** Secretly monitoring bank account alerts and credit card statements to track the woman's physical locations and purchases.
- **Financial Identity Theft:** Using a wife's PAN card, Aadhaar details, or digital signatures without consent to secure commercial loans or shift tax liabilities onto her.

7.3 Marital Discord & Corporate Asset Seizure / Debt Dumping

In wealthy and business households, economic abuse frequently involves sophisticated corporate restructuring. Husbands may transfer marital assets into shell companies, corporate trusts, or offshore accounts to exclude them from maintenance evaluations. Additionally, abusers may transfer business liabilities or fraudulent corporate debts onto the wife's name, leaving her legally exposed to debt recovery actions when marital disputes arise.

Vulnerability Group	Primary Economic Abuse Mechanism	Recommended Legal Strategy
Dependent Homemakers	Complete financial starvation, denial of grocery/medical funds, eviction threats.	Immediate ex-parte interim maintenance under Sec. 20; residence order under Sec. 19.
Salaried / Professional Women	Forced salary transfers, career sabotage, unauthorized loans taken in her name.	Protection order under Sec. 18 prohibiting employer contact; bank account freezing.
Digital Era Victims	UPI/Banking app lockouts, digital tracking, fraudulent electronic transactions.	Magistrate directions to financial institutions to restore digital banking access.
High-Net-Worth Disputes	Corporate asset shifting, shell company transfers, artificial reduction of income.	Forensic financial audits under Rajnesh v. Neha tax return verification.

8 PROCEDURAL HURDLES, EVIDENTIARY CHALLENGES, AND REMEDIES UNDER PWDVA

While the statutory framework of the PWDVA is comprehensive, securing remedies in practice requires overcoming procedural delays, complex standards of proof, and enforcement hurdles.

8.1 Standard of Proof: Civil Preponderance vs. Criminal Standards

Because the PWDVA provides civil remedies, the applicable standard of proof is the preponderance of

probabilities, rather than the stricter criminal standard of proof beyond a reasonable doubt. In **Kusum Lata v. State of U.P. (2018)**, courts affirmed that Magistrates must evaluate economic abuse based on overall financial circumstances and conduct, without requiring absolute proof of every transaction.

8.2 Evidentiary Burden in Proving Hidden Assets and Income

A major challenge in maintenance proceedings is the concealment of income by respondents, particularly those working in the informal economy or running cash-based businesses. While Rajnesh v. Neha mandated financial disclosure affidavits, false disclosures remain common. Magistrates must actively draw adverse inferences under Section 114 of the Indian Evidence Act, 1872 (now Section 119 of the Bharatiya Sakshya Adhiniyam, 2023) when a respondent fails to provide clear financial records.

8.3 Comprehensive Statutory Remedies Under PWDVA

The PWDVA provides four interconnected financial remedies that can be awarded together to protect the aggrieved person's economic security:

Statutory Remedy Matrix under PWDVA 2005

- **Section 18 (Protection Orders):** Prohibits the respondent from alienating assets, operating joint bank accounts without permission, or transferring stridhan.
- **Section 19 (Residence Orders):** Secures the right to live in the shared household, restrains eviction, or directs the respondent to pay rent for alternative accommodation.
- **Section 20 (Monetary Reliefs):** Orders monthly maintenance to cover food, medical expenses, child support, and losses resulting from economic abuse.
- **Section 22 (Compensation Orders):** Grants financial damages for mental torture, emotional distress, and economic coercion inflicted by the respondent.

Statutory Provision	Scope of Financial Remedy	Practical Enforcement Challenges
Section 18	Restraining order against selling assets or stridhan.	Difficult to enforce if assets were transferred to third parties before filing.
Section 19	Alternative housing rent or shared household access.	Respondents frequently default on rent payments for alternative accommodation.
Section 20	Monthly maintenance and emergency expenses.	Delays in execution proceedings; income concealment by self-employed respondents.
Section 22	Lump-sum compensation for emotional/economic injury.	Courts rarely award substantial compensation under this head, treating it as secondary.

9 KEY SUGGESTIONS AND LEGISLATIVE POLICY REFORM ROADMAP

Addressing economic abuse under the PWDVA requires structural reforms across judicial procedure, enforcement mechanisms, and legislative design. The following recommendations outline key priorities for reform:

1. **Specialized Financial Execution Cells:** Establish specialized execution cells within Family Courts and District Courts dedicated exclusively to enforcing monetary relief orders. These cells should have direct access to banking databases, tax records (CBDT), and land registries to attach assets and execute maintenance orders without delay.
2. **Forensic Financial Audits for Complex Asset Disputes:** In high-value disputes where respondents conceal assets behind corporate structures, Magistrates should be explicitly authorized to appoint independent forensic auditors. Audit expenses should be paid by the respondent if non-disclosure is established.
3. **Mandatory Stridhan Registries at Marriage Registration:** Amend marriage registration regulations to require couples to submit a signed inventory of stridhan and gifts exchanged during the wedding. This would create clear baseline evidence and prevent prolonged disputes during litigation.
4. **Automatic Bank Account Freezing Upon Maintenance Default:** Legislate amendments to Section 20 of the PWDVA enabling Magistrates to issue automatic attachment orders to bank accounts and salary sources if maintenance payments are missed for more than 60 days.

Reform Focus Area	Proposed Policy / Statutory Change	Expected Impact & Beneficiaries
Enforcement Machinery	Creation of court execution cells linked directly with tax and property databases.	Reduces execution delays for maintenance orders from years to weeks.
Evidentiary Reform	Statutory stridhan inventory filings during official marriage registration.	Eliminates long disputes regarding gifted items and wedding jewellery.
Corporate Asset Scrutiny	Judicial power to order independent forensic audits in corporate asset cases.	Prevents wealthy respondents from hiding marital assets behind shell companies.
Digital Banking Security	Directives requiring banks to restore digital account access upon court orders.	Protects women from modern digital financial exclusion and app blockages.

10. CONCLUSION

Economic abuse is a quiet, structural, and destructive form of domestic violence. By denying women financial independence, controlling daily expenditures, alienating stridhan, and blocking career opportunities, abusers create an invisible cage that forces women to stay in abusive relationships out of

financial survival. Parliament recognized this reality when drafting Section 3(iv) of the Protection of Women from Domestic Violence Act, 2005, explicitly defining economic deprivation as an independent civil wrong.

However, statutory recognition alone is insufficient. Realizing the protective intent of the PWDVA requires moving beyond traditional views that treat financial abuse as secondary to physical battery. Courts must actively enforce asset disclosure standards under Rajnesh v. Neha, apply structured evaluation frameworks, address modern forms of digital financial coercion, and execute monetary orders without delay.

Protecting a woman's economic autonomy is essential to upholding her fundamental rights to dignity, equality, and life under Articles 14, 15, and 21 of the Constitution of India. By strengthening the enforcement of Section 3(iv), the legal system can ensure that no woman is forced to remain in an abusive home simply because she lacks the financial means to leave.

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