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# POLICE REFORMS IN INDIA AN CRITICAL ANALYSIS

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#### **Abstract**

An integral part of any nation's justice system is its police force. The word "police" is most often used to describe state-sanctioned officers whose job it is to keep the peace and enforce the normal criminal code. In addition to preventing and detecting crimes, modern-day police also assist with public welfare tasks such as enforcing traffic laws, managing crowds at public events, assisting fire departments and flood rescue groups, and mediating small disputes. But that's not all this article is about; it also covers other aspects of policing. An overview of police reforms in India is what this article is intended to do, as the title suggests. What problems does the Indian police force have to deal with? How exactly are these difficulties to be addressed? These will form the backbone of this study report moving forward.

Keywords: Police System, police reforms, Indian Perspective

#### INTRODUCTION

A turning point in India's eventful and lengthy history came on August 15, 1947, when India's independence was proclaimed. However, freedom from colonial rule was not the ultimate goal. The leaders of the independence movement were not only fighting for a new government; they were also fighting for a new social order. The leaders had a goal of restoring human dignity, guaranteeing civil rights, reestablishing community peace, and providing justice for everyone. They also wanted to eliminate economic and social disparities and eliminate poverty and unemployment. These ideas and beliefs were officially codified in India's Constitution on January 26, 1950. The Constitution's Preamble, Articles Concerning Fundamental Rights, and Clauses Outlining State Policy, are essentially reflective of the visions. The founders of India's Constitution put all their faith in democratic rules to bring about the desired results.

States have primary authority over law enforcement under the Constitution. That's why all 29 states have their own separate police departments. To help the states enforce the law, the federal government may keep its own police force. So, it keeps certain additional law enforcement agencies to do specialised tasks such as gathering information, conducting investigations, conducting research, maintaining records, and conducting training, in addition to its seven primary police forces. Upholding the law, conducting criminal investigations, and maintaining public safety are the basic responsibilities of police units. To do their jobs effectively, police forces in densely populated countries like India need substantial resources, including trained officers, modern equipment, and reliable means of communication and transportation. Furthermore, they need accountability for bad performance or abuse of authority, along with favourable working conditions (including limited working hours and promotion opportunities) and the operational flexibility to appropriately carry out their responsibilities. Focusing on the most critical issues confronting the Indian police force, this paper provides a concise overview of its organization force today. In addition to "Roadmap for implementation of Police

Reforms" and "Central Armed Police Forces/Organisations," Ongoing investigations of the Standing Committee on Home Affairs concern various aspects of the organisation and management of both federal and state police agencies.

The state's police force is a vital part of its justice system. When people talk about "police," they usually mean state agents whose job it is to keep the peace and enforce the ordinary criminal code. A police officer is defined as a someone who is employed to carry out duties that they would willingly accomplish if they were so inclined, as stated in the Royal Commission on the Police Powers and Procedures 1929. In modern use, "police" refers to the executive branch of a state's civil force that is responsible for protecting the public and implementing laws meant to reduce crime. In addition to preventing and detecting crimes, modern-day police also assist with public welfare tasks such as enforcing traffic laws, managing crowds at public events, assisting fire departments and flood rescue groups, and mediating small disputes.

When it comes to the civil administrative system, the police are only one part of the puzzle. Because of the many roles they play, this is especially true in a nation like India. Many are calling for their complete independence from political interference and for them to be held only to the letter of the law. Controversies and disputes arise from the way they handle law and order infractions, limit personal freedom, prevent crime, and detect it. Allegations of inaction and excessive behaviour are levelled against them. The Police Act of 1861 established the Indian police force as a formal organisation. In 1857, during the Indian Sepoy Mutiny, a rebellion by Indian colonial troops against their British masters, the British government issued this Act. In response to what was seen as a potentially precarious dependence on the military for domestic law enforcement in the 1850s, 'civil' police units were established. To continue, the fundamental criminal statutes are just as old: the Original Criminal Procedure Code (Cr.PC) from 1898, the Indian Evidence Act (I.E. Act) from 1872, and the Indian Penal Code (IPC) from 1861. Except for the establishment of the "Fraser Commission" in 1902, no major efforts were made to reform the Indian police force during the country's rule by the British Crown.

#### RESPONSIBILITIES OF CENTRE AND STATES

The federal government and the various states' legislative and executive branches are divided up according to the Constitution. Figure 1 depicts the central and state control of certain police-related issues.



Figure 1: Responsibilities of centre and states with regard to police

The responsibilities of state and federal police agencies are different roles. Keeping the peace and investigating crimes are two of the primary responsibilities of state police forces. The central forces are the first to respond to emergencies involving greater threats to domestic security (such as a terrorist attack or insurgent activity), and they have expertise when handling these kinds of circumstances. For example, in order to put an end to widespread riots with minimal casualties and damage to property, the Central Reserve Police Force has more extensive training than the average police force. In addition, the central troops aid the defense forces in securing the borders.

The seven union territories' law enforcement operations are under the purview of the center. The state police forces also get intelligence and financial help.

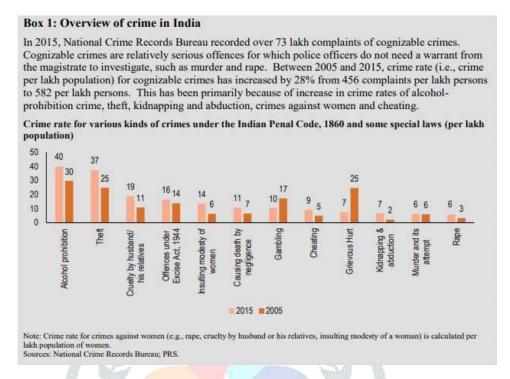


Figure 2: Overview of crime in India

When India gained its independence, it inherited a police force that had been in place since the passing of the Police Act of 1861.

- that was completely beholden to the executives;
- that was primarily responsible to their own hierarchy and the executive;
- that had a management philosophy rooted in mistrust of lower-ranking officials;
- that was designed with a strong militaristic and authoritarian bent; and
- that had a limited and specific charter of functions, placing a premium on maintaining law and order rather than protecting citizens.

Even after more than half a century, accusations of criminalization and politicisation persist against police reforms, which have been on the agenda of governments almost since independence.

The need for police reforms was further exacerbated by the growth in both the population and the quantity of cognizable offences. In 1947, India's population was 36.11 crores; in 2013, it reached 123.27 crores. Also, the number of cognizable offences rose from 6.49 million in 1947 to 66.40 million in 2013, and the size of police units climbed from 3.5 million to 22.83 million in 2013. Terrorism, insurgency, separatist movements, moist insurrection, etc., are some of the novel types of crime that have emerged after independence, and public expectations of the police have increased accordingly. Modernising and reforming the policing system is necessary to address crime and offenders, protect human rights, and ensure everyone's legitimate interests are met. Since "Police" is listed as a subject of the states in India's Constitution's Seventh Schedule, the many reforms pertaining to police are mostly the responsibility of the state governments. The federal government has been persistent in its attempts to convince the individual states to change their police administration in line with public expectations. Here, the State Governments/Union Territory (UT) Administrations received the recommendations from the different Committees/Commissions and were asked to implement them. This

matter has been addressed by successive Union Home Ministers to the Chief Ministers and Administrators of States and Union Territories.

#### **Police System in India—ABrief History:**

Origin of police can be traced to the early Vedic period as the Rig and the Atharva Veda mentions certain kinds of crimes known to the Vedic people. In fact, evidence indicates the existence of security forces even in the Harappan period. The Mauryan period reveals significant features of the criminal justice organization even though the thorough reference of the same during the Vedic period is unavailable.

Kautilya's Arthashastra (310 BC) is a treatise on the criminal justice system. It reads like a manual for police in modern times. There is a reference to DANVARIKA, ANTEVANSIKA, PRADESIKAS,

MAHAMATRAS, RAJJUKAS, and so on. There were 3 types of police—dandpal, durgapal, and antpal.

History of Indian police on modern lines dates back to the dawn of the 19th century. The idea of a separate regular police force as it exists today was never in consideration prior to the British period and for a considerable time even after the commencement of the rule. It was only in 1774 that Warren Hastings introduced for the first time under the Company's rule several measures for police reforms, which later culminated in the Police Act of 1861 on which the current police system is also based.

The Indian Police system and structure as currently organized are fundamentally based on an Act 159 years old, the Police Act of 1861. The working of the police has been analysed twice at an All-India level within a period of 120 years. First was the Indian Commission of 1902-03 during the British regime and second was in 1977 by the National Police Commission. They found police far from efficient, defective in training and organization, lacking in public relations, welfare measures, machinery for redressal of grievances, etc. and that it was commonly observed as corrupt and oppressive. Even after independence, we were lacking a better police administration system. There is still a requirement for a reorientation of attitude and approach on the part of the police.

#### **Emerging Challenges:**

As of now the discussion in this research work has covered mainly the history and development of police system in India. However, as the title of this research work indicates, the main focus of this research work is upon the police reforms in India. Here a question is getting raised spontaneously that why such reform is required. In answer, it can be pointed out that the main function of police is to maintain law and order situation under control but in spite of that police has failed to achieve its objectives fully on many occasions due to enormous factors in so far as the Indian perspective is concerned and, in this way, various exigencies have emerged.

#### **Misuse of Power:**

Police faces very critical position in its every day working. It has to face with the cruel and hardened criminals, smugglers, murderers and other anti-social elements. The variety of works and responsibilities entrusted upon police in modern days has increased its powers at a wide scale. Government has given wide discretionary powers to police to meet with any situation or contingency like arrest without warrant, taking search of a house or place, trapping and causing physical injury up to the extent of causing death on the band of robbers, dacoits and other criminals in encounter. Police must, as a rule exercise its discretionary and other powers with prudence and judicious mind but that rarely happens. The poor and innocent persons are physically and mentally tortured by police exercising those powers sometimes with ill feeling on to fulfil their own interests. Such tendency creates dissatisfaction, hatred and fear in the mind of people against police as a whole.

#### **Oppressive Policy:**

Amongst many other factors, police brutality is one more factor which has emerged to be a challenge for police system in India. Police is meant not only for the maintenance of law and order in the society but also to help the common people. In contrary to it, hard and oppressive attitude is adopted by police in tackling the cases. In addition, prisoners are getting tortured in its custody.

Use of torture on prisoners and under-trials has become an ordinary phenomenon in the police custody in

India. The 'Police' which is the civil force of a state use torture to obtain information or confessions from the prisoners or under-trials. The use of torture has been strictly prohibited under the International Instruments and national laws of most of the countries. However, in India, no specific provision has been expressed to safeguard the rights of individuals against torture. It is a matter of great sadness on the legislature of India, that even after more than two decades of India signing the 'Convention against Torture', still no specific legislation or enactment has been enacted to ratify the convention. Nothing has been done by the legislature till now to enact the prohibition of torture laws. Moreover, under the National legislations, "Indian penal code 1890", under "Sections 330 & 348", makes the act considered as torture as penal, with 7 and 3 years of imprisonment, but when this offence is committed by a police officer on duty, it is not applied. Therefore, these provisions falls short of covering all the prospects of torture as defined in the Convention against torture. The other instances of oppressive attitude of police are unwarranted Lathi Charge, firing on mob and undue arrest out of common mass.

## **Corruption:**

One more important reason which has given stable land to the argument of police reforms in India is corruption. It is an open secret that tendency of earning money illegally or accepting gratification is on the peak in the police department. There are three forms of corruption. One form of corruption is that in which only a few isolated policemen accept bribes. The second form is that in which a large number of officers (lower as well as higher ranks) take bribes but they are not joined together to form networks of corruption. The third form of corruption is pervasive organised corruption. In this type, corruption is organised in a hierarchical authoritarian fashion. In fact, this variety of corruption extends beyond the police department to the high criminal justice and political officials and revolves around the vice operations of a local crime syndicate. Precisely, tendency of earning money illegally or accepting gratification is developing at a faster rate over the Government departments but it is on the peak in the police department. Police makes use of its discretionary powers to such an extent that an aggrieved person has to pay money even for lodging its First Information Report (hereinafter referred as FIR) at some police station, in case there is happening of anything wrong with him/her.

However, the noteworthy point is it is not a new thing in the Indian scenario. The First Police Commission of free India (1977-1981) headed by late Dharma Vira also found rampant corruption in the police and commented "in the perception of the people, the egregious features of the police are politically oriented partisan performance of duties, partiality, corruption and inefficiency, degrees of which vary from place to place and person to person ... What the Police Commission said in 1903 33 appears more or less equally applicable to the conditions obtaining in the police today".

The irony is that the situation has not been remarkably improved even after passing four decades since the submission of the report by the Police Commission. It does not mean that every police officer is dishonest and corrupt but even the minority engaged in these activities defame the whole department.

# Qualifications and training:

The policemen are generally either uneducated or less educated. That is why, the sense of regard for others, sincerity and good behaviour lack in them. It is a common phenomenon that police personals are using very rough and abusive language. Their attitude towards public generally remains harassing. They often forget that at the end of the day they are public servant and the end result is the development of a detaching tendency

amongst public at large from the police personals. Lack of proper training is one of the most important factors behind the same. During their training they are taught basic lessons of the Indian Penal Code, Police Act and the Code of Criminal Procedure but probably not taught to keep good and sympathetic behaviour with public. Perhaps, they are not advised during their training that they are public servants and meant for the help and service of common-mass. The result is that after training when police-men are posted on their duties, they act like administrators. Such feeling creates obvious obstructions in keeping amicable relations between police and public.

#### **Shortage of Staff and Political Interference:**

Police has been entrusted with the variety of jobs and responsibilities but its strength is not such as it required for efficient performance of all such duties. There is a huge manpower shortage in the police department. The result is that despite shortage of them, it is employed on different works. The General Police maintains law and order in the society. It arrests criminals, investigates crimes, takes search of the place as per search warrant, prepares 'Panchnama'in case of murder and arranges post mortem of the body of deceased, collects evidence against accused and produces before Court, makes security from fire, flood, controls heavy crowd of people in the fairs and so on. It also provides security to government officials, factories, industrial establishments from damages and destruction from anti-social persons. In addition, police also has to comply with the everyday orders and instructions of the Court. It is, therefore, natural that too much police staff is required for proper functioning of these jobs. Unfortunately, the limited police staffs have to do all these duties. The police-population ratio, currently 192 policemen per lakh population, is less than what is recommended by UN i.e. 222 policemen per lakh population. Such overburdening of work not only reduces the effectiveness and efficiency of the police personnel but also leads to psychological distress which contributes to various crimes committed by the policemen. Moreover, political interference in the affairs of police is also one of the reasons of its failure. It is a well-known fact that when a person belonging to a particular group is arrested, the police station is besieged within a few minutes by numerous persons of such group. For instance, when any teacher, lawyer or sweeper is arrested, such crowd besieged the whole police station. The work of police becomes more difficult when political forces appear on the scene to exploit the situation for their own ends.

# POLICE SYSTEM IN MODERN INDIA British India phase

Due to the decline of the Mughal Empire, whatever police organization existed in the area before to the British victory at Plassey in 1757 became far more corrupt.

The Indian criminal code was codified in 1862 with the passage of the Criminal Procedure Code and the Penal Code law. The Evidence Act, which also abolished

Islamic and Hindu law, was passed in 1872, marking the beginning of the end for the Qazis, Muftis, and Pandits. Despite the British making changes to administrative processes, the Mughal basis for law enforcement was preserved. The Kotwals, Thanedars, Parganas, and Daroga's are still in use.

#### **Indian police act 1860**

The 1857 uprising led to the British government becoming more devoted than ever to upholding absolute suzerainty and destroying any opposition. To better equip the police force to prevent and investigate criminal activity, a Police Commission was founded in 1860.

The new method is in sharp contrast to the British system, which is used as a model for democratic police across the world. The safety of the trade route was of paramount importance in order to guarantee the continuing flow of goods collection of resources and the maximization of economic gain. The Mughal framework established in the 17th century is the likely source of several formal titles and characteristics, including Daroga, Faujdar, and Kotwal. According to the rule (all law enforcement agencies to adhere to a uniform national standard. Overall, the local police department grew more professional, well-organized, and

disciplined, and the District Magistrate's role in monitoring it was reduced. The Act's policing structure remains in place, having improved administrative uniformity. However, poverty, hunger, and other adverse conditions, such as a lack of force, undoubtedly contributed to the continued inadequacy of crime control. To evaluate the police force and provide suggestions for improvement, In1902, the Indian government established the second All India Police Commission. Prior to attaining autonomy, suggestions to bolster the military were disregarded.

Indians will be allowed to enlist in the imperial armed forces after the year 1920. Despite assertions to the contrary, Indianization of the services progressed at a painfully sluggish rate. Due to a lack of available Europeans, more Indians were given military commissions. India maintained the same structure that has been in existence since its independence in 1861.

#### **CURRENT STRUCTURE OF INDIAN POLICE**

After 1860, the most promising candidates for high-ranking police positions came either from the ranks of the British Army or were nominated by the younger sons of British landed aristocracy. These actions became illegal in 1893. There is now a joint competitive exam for officers that is held in London and is restricted to Europeans. When it reopened, Native Americans were welcomed back. To fill open government positions, Current Combined Civil Services Examination administration is by the Union Public Service Commission and is done yearly. An examination of the All-India Services is addressed under Article 312 of the Constitution of India. All three levels of being (physical, psychological, and military training for recruits on probation is rigorous.

According to the According to the Constitution, the state must provide public safety. A state's police regulations and practices could be found in the state police handbook. The Indian police force is structured similarly throughout the different states. The DGP is the highest-ranking law enforcement officer in a state. Additional divisions within a state include districts, ranges, and zones. The police force in a certain district is headed by an individual with the title of Superintendent of Police (SP). An individual's range of jurisdictions is defined by their status as Deputy Inspector General of Police (DIG). Every category has at least two ranges zone, and each range answers to a different inspector general (IG). Different ranks of people oversee the many circles and police stations that make up each district. The civil police are responsible for the majority of crime control in the district, while the armed Respond to crises involving law and order and serve as the district's backup police force.

# Influence of past police system on the present

Everything that the Indian police undertake now has its roots in the Police Act of 1861, which was passed 131 years ago. Indian law enforcement has been the subject of an All-India survey on two separate occasions in the previous ninety years. Similar inquiries were done by the National Police Commission (1977) and the Indian Commission (1902–1903), both established during British control. It was found that the police force was not only corrupt and oppressive, but also poorly trained and organized, lacking in public relations and welfare programs as well as a system for resolving complaints. Even once we were free, we had no effective plan for dealing with the police. Police still need to change their mindsets and methods.

#### **Judicial Perspective of the Indian Police**

#### ☐ Adaptation of Police in India

The Latin term politia, meaning "civil administration," is whence we get our word "police." The ancient Greek term for city is "Polis," from which we get our modern name "Politia." The police, thus, might be seen etymologically as municipal administrators. The French term for "police" is "politia." The term "police" may also refer to a Constabulary, a Police Department, a Police Service, the prevention of crime, the enforcement of law, or even a Civic Guard. All of these terms may be used interchangeably to refer to the members of this

group. Since the Vedas were considered as the perfect embodiment of Dharma, India has had a wellestablished legal system and fair administration of justice perception that police in India is a British idea. The British first arrived to India in 1609 to pursue free trade opportunities, but they soon came to dominate the country. In 1792, they finally realized they needed a police force. Following the 1857 Mutiny, the British reached their zenith in India with the passage of the Government of India Act (1858). As a result of the law, the Queen-in-Parliament now serves as head of state for British India. After the first Police Commission was set up by the British in 1860, the Police Act of 1861 included many of the recommendations. The present-day Indian police force may trace its origins back to 1861,

when the Police Act was passed by the British Parliament. There is no ambiguity about the make-up of the police force. To uphold the colonial order imposed by the British, a police force and a criminal judicial system were set up. The organizational reforms implemented after the last committee issued its report in 1860 did not provide desirable outcomes. Indian authorities established a second police committee in 1902. The committee's report, which was due on March 21, 1905, suggested that the Indian government follow these instructions and make modifications to the police system. The reforms enacted It was put in place in 1902 according to the suggestions of the police committee and stayed there until August 15, 1947, when the British forces pulled out of India. When India declared its independence from Britain on August 15, 1947, it took with it a well-defined system of law enforcement.

Maintaining order is a top priority for police enforcement citizens' fundamental freedoms. The situation has evolved since January 26, 1950, when the Indian Constitution took effect. Many states' designated State Police Commissions have passed legislation and set rules for the police force. Nevertheless, the Police Act of 1861 and the Police Commission of 1902 laid the groundwork for the Indian police system. Thus, contemporary police forces have developed throughout time and in response to new challenges. The present form serves as the basis for national administration.

## □ Legal Aspect

Criminal law defines the legal requirements that govern the operation of the police force.

#### Criminal Law

Substantive law, procedural law, and the law of evidence together make up what is known as "criminal law." Procedural law is principally spelled forth in On occasion, the Central and State legislatures make new laws, such as the Code of Criminal Procedure, 1973 (Cr PC.), the Indian Evidence Act, 1872, and the Indian Penal Code (IPC). The Indian Evidence Act, Criminal Procedure Code, and Indian Penal Code were all enacted by the British administration in the late 1800s. After India gained its independence in 1947, the only significant legislation that underwent revisions was the Criminal Procedure Code (Cr.PC), having been given a new version in 1973 per the suggestions on behalf of India's Law Commission. The other two statutes have remained unchanged, with the exception of minor technical adjustments. Within the global Criminal Code, several offenses and their respective penalties are laid down. Crimes include acts against the state, the military, the public health system, the security forces, religion, the human body, private property, elections, currency, government stamps, weights and measures, paperwork and property symbols, marriage, and defamation. The IPC is divided into 511 parts, with each part containing around 330 phrases. Criminal provisions are also included in the local and special laws (SLL), in addition to the IPC. To combat changing criminal dynamics and safeguard vulnerable populations, these statutes have been updated periodically.

#### **Procedural Law**

Procedure Law lays out the criminal justice procedure in great detail, beginning with the filing of a First Information Report (FIR) and ending with a final conclusion. No crime is so serious that the police can legitimately take notice of it. Differentiating between acts that need mental capacity and those that do not.

The Code of Criminal Procedure has many clauses that provide the police authority. Rules for making an arrest during a criminal investigation; the power of superior officials to conduct investigations;12 rules for announcing something and attaching it, Thirteen rules for investigating searches and seizures,14 Cognizable

Offense Investigations, 15 Noncognizable Offense Investigations, 16 the authority of a police officer to investigate a criminal offense, 17 steps in the investigating process, Submit an investigative report to a higherranking police official, who will then forward it to the Magistrate. The ability of a police officer to compel the presence of a witness during an inquiry, twenty interrogations of witnesses, The Investigating Officer's 21 Statements, Recorded During the Investigation, As Evidence at Trial. In accordance with Article 22's prohibition on police officers offering bribes during investigations, Statements of witnesses and the accused are recorded in accordance with Rule 23.24 issuance

of a search warrant for investigative reasons,25 method if inquiry cannot be finished in 24 hours,26 A police officer's investigative report,27 dismissal of charges where evidence is inadequate, Diary of inquiry proceedings,28 provision for referring cases for submission to the Magistrate upon completion of investigation, upon receipt of adequate evidence, etc. However, keep in mind that the cops, despite their role as protectors of public order, have acted illegally on several occasions.

#### ☐ Criminal Justice Process

Here are the main components of the criminal justice system stages:

- **Step 1:** When police receive information concerning the conduct of a criminal offense, An initial report is filed as part of the criminal justice process.
- Step 2: The next step is for law enforcement to gather evidence at the crime scene. Carrying out a thorough investigation includes things like visiting the crime scene, questioning potential witnesses, interrogating suspects, recording their statements, searching for and seizing evidence (such as fingerprints and footprints), consulting relevant databases, and keeping detailed case, daily, and station diaries. Taking suspects into custody and questioning them about their alleged crimes
- **Step 3:** The Magistrate in charge receives the report from the investigating police officer. The investigating officer will present charges in the event that sufficient evidence exists to bring criminal charges against the accused. At the point when evidence is lacking, this report serves as the concluding document.
- **Step 4:** The trial will begin after the Court has received the charge sheet.
- **Step 5:** This is a framed set of charges. The burden of proving guilt beyond a shadow of a doubt now falls on the Prosecuting Attorney's shoulders. The accused must be given a fair chance to provide a defense.
- **Step 6:** If found guilty, the court may impose a fine, order the confiscation of property, impose a term of simple or harsh imprisonment, impose a term of imprisonment lasting up to life, or impose the death penalty.

#### **CONCLUSION**

At the end, this conclusion can be drawn that police reforms in India is the need of the hour. As India makes rapid advances towards becoming an economic and political superpower, our police cannot continue to remain frozen in the frame of a past era. An essential occupational group that works under continual stress is the police force. We hope that by doing this study, we will be able to provide solutions to the problems that police officers face on the job.Reforming the police force is an ongoing process. There will be changing requirements for the criminal justice system and for society at large and desires. It is the responsibility of the police to continuously evolve and improve. The prior steps for police reforms are unique in that they focus solely on HRD within the department and make use of any community or departmental resources that are available. Such changes don't need to wait for the outside world to change before they start. Additional enhancements to the system can be implemented when other Stakeholders step up to the plate.

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