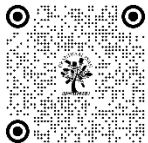


# A SOCIO LEGAL STUDY ON OUR PREPAREDNESS AND FAILURE TO TACKLE THE PROBLEMS OF HONOUR KILLING

Gunjan Sharma <sup>1</sup>✉, Dr. Mandeep Kumar <sup>2</sup>

<sup>1</sup> Research Scholar, Galgotias University

<sup>2</sup> Law Department, Galgotias University, Greater Noida, India



## Corresponding Author

Gunjan Sharma,  
[gunjan.sharma2608@gmail.com](mailto:gunjan.sharma2608@gmail.com)

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## ABSTRACT

Honour crimes have been considered a difficult and misunderstood issue for centuries. The concept of respect for violence is flexible and changes according to time, place, socialization and expression. Honor crimes are defined as a behavior that affects all societies, cultures, religions and nations, manifests itself in various forms of violence, and can generally be eliminated individually or collectively. Genocide is always unjust, illegal and a serious violation of human rights. It is illegal to take someone's life without cause. This is also inappropriate and illegal. The law guarantees the right to life and dignity to every citizen. Dignity and life go together. The Constitution of India guarantees this right as a fundamental right. Life is hopeless. No one can know the next minute of life. In this case, everyone has the right and desire to live the life they want. No one should be forced to live a life where others are valued and respected. Murder is when a woman or man kills someone who does not accept the family's marriage or changes their marriage at their own will, on the grounds that it will harm the family's honor. Family law protects the family but forgets the love and compassion felt for family members.

## 1. INTRODUCTION

Honor killings are done to protect the honor and dignity of the family. But there is no respect for killing someone, especially someone close to them; since religion and law are always subjective and open to interpretation, the boundary between "religion" and "culture" cannot and should not be used as a punishment for killing a woman or any person. Everyone has the right to honor and justice. Therefore, proactive policies are the only way to combat these injustices. No religion or culture can justify this heinous act of murder. Freedom of religion does not mean the right to kill. Many crimes and criminals were reported to the courts but very few criminals managed to escape due to loopholes in the law. The absence of a clear rule or regulation regarding murder in Indian law is a frequently cited deficiency. If the existing laws and legal standards are implemented, we can still be effective in saving some precious lives. More laws are not enough to eliminate the threat of honor killings. Let us use great rules with great caution. Law can only help punish criminals, and the crime itself can only be eliminated by reforming people's philosophy. The concept of "respect" in the traditional

sense is closely related to men's reputation for gender control and gender roles (usually chastity). When a woman violates gender norms (for example, a girl who runs away), the respect of male family members is perceived as threatened, and in return the family wants to respect this and recognize male superiority. Limited and scarce data on killings show that approximately 5,000 women and girls are killed for their places of honor each year worldwide, and almost a third of these are from India and Pakistan. It is also important to note that these figures are underestimated, which is why some publications estimate that there are around 20,000 murders worldwide each year. Concerns about gender-based violence are argued to be a major problem in violations of human rights such as gender equality, freedom, the right to life, etc. Its horrific status, torture and murder, has not received much attention from the law as it calls for an end to gender-based violence. One reason for this is that torture and murder are seen as ethnic forms of domestic violence that only exist in some societies and some parts of the world.

However, research shows that murders occur between women of different ages, religions, relationships or locations. From the shooting of Noor Almaleki in Phoenix, USA, to the cases of Manoj and Babli in India, honour killings continue to occur in many cultures, religions and communities around the world. Respect for violence and killings are important. Another important reason for the lack of information about the massacre is the disagreement among various communities in India, such as the Jats, about recognising this behaviour. For example, research shows that honour killings are often not social crimes but rather "crimes". This suggests that the perpetrators of honour killings proudly share their actions and are respected by many in their communities.

## 2. CAUSES OF HONOUR KILLING IN INDIA

- 1) **Mentality of people:** The main reason for this cruel or brutal killing is the thoughts or views of people who are not ready to accept the fact or reality that their children can marry outside their own race or culture as they wish or marry from the same faith<sup>1</sup>.
- 2) **Rigidity of caste system:** The system strictly divides the entire society into different castes or classes. Indian society is divided into four groups: Brahmins, Kshatriyas, Vaishyas and Sudras. Indians have an orthodox mindset, so they have an idea or mindset that marriage can only take place within the same community or family, so when marriage takes place between families, they think it is a stain on the name or reputation of the family. Although Indian families are not ready to accept marriage within the family, it is possible to kill someone and spend their life in jail, but they will not forgive their children who are left outside the family or community. In 2014, a college student named Bhawna Yadav was killed by her family and uncle for marrying her boyfriend from another caste. Sources revealed that the girl was beaten, strangled and quickly burnt. A Dalit boy was killed by upper caste Hindus in Kanyakumari for having an affair with a woman from the community.  
Gudur Sandeep Reddy vs. Telangana - In this case, during an inter-caste marriage between a girl and a boy, a boy was killed by the girl's father and relatives. The girl's family was not ready to accept the marriage in the family, so they decided to kill the boy to restore the family's honour or reputation<sup>2</sup>.
- 3) **Interfaith marriage:** refers to the marriage of two people who believe in different religions. Indian families are not ready to accept religious marriage, it is possible to kill someone and spend his life in prison, but they do not allow their children to marry someone they do not believe in. In Meerut, a Hindu and Muslim couple were killed by the family of a girl from Hapur village. The reason for their killing was that the boy belonged to a Hindu family and the girl belonged to a Muslim family<sup>3</sup>.
- 4) **Ignorance and ignorance of their rights:** A section of the society is unaware of their rights and the treatment meted out to them, which is why honour killings are so common. Honour killings violate the fundamental rights of a person under Articles 14, 15(1) and (3), 21 and 39(b) of the Constitution of India, 1950.

<sup>1</sup> Al Gharaibeh, Fakir M. 2016. "Debating the Role of Custom, Religion and Law in 'Honour' Crimes: Implications for Social Work." *Ethics & Social Welfare* 10(2):122–39.

<sup>2</sup>Gill, Aisha K. 2014. "Introduction: 'Honour' and 'Honour'-Based Violence: Challenging Common Assumptions." Pp. 1–26 in *'Honour' Killing & Violence*, edited by A. K. Gill, C. Strange, and K. Roberts. New York: Palgrave Macmillan.

<sup>3</sup> Abu-Lughod, Lila. 2013. *Do Muslim Women Need Saving?* Cambridge, MA: Harvard University Press.

- 5) **No Legislation:** There is no legal definition of the crime in India, but Sections 299 to 304 of the Indian Penal Code, 1860 prescribe various punishments for murder. As this crime cannot be considered as a crime of leniency because people have no right to punish an innocent person with death.
- 6) **Premarital relationship:** Honour killing is when people are married within the same gotra or sapinda relationship but are later killed by their family members or relatives to dishonour them. Homosexuality is not accepted in Indian society and there is no control over honour killings<sup>4</sup>.
- 7) **Extramartial Affairs:** In Indian society, when a man has sex with someone other than his wife, it is considered an immoral act or dishonesty that brings shame to the name or reputation of the family and their development as a member of a society or community. This situation leads the men in the family to commit crimes against the victim in order to regain their reputation.
- 8) **Marriage in the same gotra:** According to Hindu tradition or culture, a boy and a girl from the same gotra (ancestral lineage) are not allowed to meet, as people from the same gotra are considered as siblings. Even the Hindu Marriage Act, 1955 did not allow marriage between members of the same gotra and held that the marriage was void ab initio. When people are married within the same gotra or sapinda relationship and later killed by their families or relatives to protect their honour. In the Manoj-Babli case, Manoj and Babli were killed by Babli's relatives because they got married in the same gotra. Sources state that the couple initially wanted to accept each other as siblings but they refused and were killed by Babli's relatives on the orders of the Khap Panchayat<sup>5</sup>.
- 9) **Homosexuality** - is sexual intercourse or relationship between two people of the same sex i.e. male to male or female to female, but Indian society is not ready to accept homosexuality which leads to murder.
- 10) **Lack of governance** - The main reason for the increase in honour killings is the lack of governance penetration into rural communities. Many people in India live in villages but they do not have the right to access justice through the justice system.

### 3. DISCUSSIONS ON HONOUR KILLING

The existing documents argue that the implementation of the reform law requires families of murderers to be considered. In doing so, one must remember the meaning of murder; it is the killing of a family member by a relative because the perpetrator judges the victim to have done something that upheld the family's honour. It also states that honour killings are necessary to punish the perpetrators and that they pay with their lives for their 'mistakes'. Similarly, the data show that honour killings in India are inconsistent, with families criticising the victims, often bringing shame to the relatives and the only way to improve social conditions is to get rid of the victims<sup>6</sup>. Following an investigation of the murders that have occurred in the last two years and the discourse surrounding this crime, the analysis aims to shed light on the traditions and distinctive differences that lead to respect in Indian society. The research particularly highlights the strong gender relations between women and men in India, including the special position of women who can be the right person even if they need male support to commit murder. In addition, the fact that male victims make up a significant portion of the total number of victims in India contradicts the understanding of honor killings. In addition, male victims are often killed by their female relatives (if the murder is due to homosexuality), suggesting that Indian families protect the honor of their female relatives by attacking their male relatives. In most murder cases in the region, the principle behind the crime is the victim's choice of partner. Finally, it was discovered that murders in India are not always civil killings, and that families act to cover up the crime rather than to publicly declare that they have fulfilled their honor. Thus, the research shows that there is a real tension between the basic knowledge (or model of respect) of the community and the self-motivation that encourages members to kill out of respect but then to conceal their actions<sup>7</sup>.

<sup>4</sup> Alinia, Minoo. 2013. *Honor and Violence Against Women in Iraqi Kurdistan*. New York: Palgrave Macmillan.

<sup>5</sup> Hayes, Brittany E., Joshua Freilich, and Steven Chermak. 2016. "An Exploratory Study of Honor Crimes in the United States." *Journal of Family Violence* 31(3):303-14.

<sup>6</sup> Awwad, Amani M. 2001. "Gossip, Scandal, Shame and Honor Killing: A Case for Social Constructionism and Hegemonic Discourse." *Social Thought and Research* 24(1/2):39-52.

<sup>7</sup> Bond, Johanna. 2014. "Honour as Familial Value." Pp. 89-107 in *'Honour' Killing & Violence*, edited by A. K. Gill, C. Strange, and K. Roberts. New York: Palgrave Macmillan.

### 3.1. MALE-FEMALE SEX DYNAMICS IN INDIA'S HONOUR KILLINGS

After investigating the details provided by the existing literature on honor killings, a consensus was reached almost in its entirety. When the phenomenon is examined in general, honor killings are considered a part of violence against women (or domestic violence according to Gill 2011; Idris 2017; Weldon 2010), or rather a type of murder specific to female victims. On the other hand, only a few authors, such as Payton (2011), who examined the research on the murder of the Kurdish girl Banaz Mahmod, accept the role of women in honor killings. He said that especially older women participate in the execution of the murder where they participate in gender roles such as "honor" and play a male role in the creation of this system for young people<sup>8</sup>. Therefore, although women are seen among the authors not only as victims but also as perpetrators of honor killings, the general analysis of the issue is deep down in the patriarchal system that structures itself, works in one direction, is seen as male-dominated and only negatively affects women. For this to happen, the woman has to be with an abusive man. In the northern region, when there are multiple offenders (male and female offenders) in the same case, 23.81% of the cases have male victims, while in the backcountry and central India, 16.67% of the victims are male. Thus, in the special case of women committing honour killings in India, it can be argued that if the murder is targeting a male, male accomplices are needed. However, if they want to punish a woman for her misconduct, Indian women are ready to do it alone. Therefore, to correct the stigma of men, honour killings in India are included only if the woman supports the killing by a male relative. Furthermore, the special position of women has led to the discussion of 'role' which helps to explain the victim-gender relationship in terms of murders in India. In general, role can be defined as the expectation attached to a certain task in a social context (Merton 1938). Moreover, role is important in society because "an actor is not only recognized as performing type X action, but also as performing type action. In other words, the action associated with the specific role applied to each member who assumes the role"<sup>9</sup>. Speaking of murder, it may be said that the responsibility for the crime is shared by the male social group and that women can only assume this responsibility when the victim is a woman or a man's assistant. thus, a subordinate role is created by the gender segregation of the structure. After identifying the victims (male victims of crime), Elden (2011) argues that women are not only responsible for the honour and reputation of their female relatives; most of the cases are reported in India, where men are punished for their relationships with disrespectful women. It is also not uncommon for a couple to be threatened with the honour of the Indian race, where almost in every case the male family member is killed but the woman's life is saved. Therefore, the obligation of respect for women as defined by Swedish Elden (2011) applies to North, South and Central India. However, in India this argument should be extended to popularise the idea that if a "noble" woman is not violently attacked alone, the "shy man", the "shy woman" should be patient. If her partner is a "disbeliever", she takes on the burden of her partner<sup>10</sup>.

### 3.2. COLLECTIVISM AS A FACTOR IN THE PURSUIT HONOUR KILLINGS

The reasons affecting the victim's marriage and relationship were the most common reasons behind the killings in both the regions of India (Uttar Pradesh accounting for 71.66% of the total reports, while the Southern/Central states accounted for 83.87% of all reports). Also, family-related factors in the dissolution of marriages and relationships were highest in the Southern and Central regions, followed by those in the Northern response (most of the rejection of social relationships for unknown reasons, the highest caste group, seems to have a large share, but this cannot be assumed without explanation).<sup>11</sup> However, in India, honour killings committed within the family do not always mean that the victim was in a family relationship. In contrast, caste-related honour killings often involve inter-caste or intra-caste relationships, making the concept of 'gotra' associated with the patriarchal family. Members of the same gotra are descendants of the same male ancestors and inter-caste or inter-gotra marriages involve the marriage of a relative (as he or she is then from the same family lineage) and hence is considered an incestuous relationship. It can therefore be

<sup>8</sup>(Pei Dayton 2011: 75)

<sup>9</sup> Deol, Satnam Singh. 2014. "Honour Killings in Haryana State, India: A Content Analysis." *International Journal of Criminal Justice Sciences* 9(2):192-208.

<sup>10</sup> Doğan, Recep. 2016. "The Dynamics of Honor Killings and the Perpetrators' Experiences." *Homicide Studies* 20(1):53-79.

<sup>11</sup> Ercan, Selen A. 2014. "Same Problem, Different Solutions: The Case of 'Honour Killing' in Germany and Britain." Pp. 199-217 in *'Honour' Killing & Violence*, edited by A. K. Gill, C. Strange, and K. Roberts. New York: Palgrave Macmillan.



said that the cases of honour killings reported in India in the 21st century show that these crimes are not about preserving relationships with outsiders but about preserving the sanctity of the same family or gotra. It seems that the phenomenological paradigm helps explain how respect and honour killings are accepted by the families of the victims. Berger and Luckmann argued that “knowledge is central to the principle of society” and “is internalized into objective reality through the process of socialization” (1966: 84). Therefore, if the world symbolically accepts honour killing as a way of correcting bad behaviour, then the society will view this practice as a form of social control and it will be “really right”. They believe that the preservation of objective truth in society is important and they have no choice but to commit murder. Furthermore, most of the existing literature believes that murders are usually motivated by the sexual behaviour (or misbehaviour) of the victim and not by marriage and personal relationships as the motivation behind the murder. However, data suggests that sexual characteristics play a minor role in inciting homicide in India, with only 11.23% of cases in the north and 1.61% of cases in the south/central region reported to be attributable to sexual factors. Instead, the relationships and respect that come from marriage, relationships, and group harmony are important, as there is often concern about punishment for offenders who do not follow the rules of marriage or who engage in relationships with people with knowledge of the process<sup>12</sup>.

### 3.3. PUBLIC DECLARATIONS VS PRIVATE ATTEMPTS TO RESTORE LOST HONOUR

Third, it is used to determine the consequences when honour killings are public rather than private and the crime is concealed from other members of society. Although more than half of the cases in both regions cannot be considered public or private, many cases are classified as private rather than public due to insufficient information. The difference is smaller in the northern Indian states, with 23.12% of all reported data being private and 20.43% public. However, in the southern and central regions of the country, private events are more than twice as common as public events (27.42% and 12.90%, respectively)<sup>13</sup>. Similar to the arguments discussed above, the nature of the relationship stems from the concept of relationship being used in terms of respect and hence harmony. Regulated, public honour killings can be seen as social norms. If the families of the murderers want to show the rest of society that they have restored honour, public execution is the best way to achieve this goal. In addition, authors such as Payton (2011) and reports by Amnesty International (1999) have noted that murders are public statements of behaviour that are important in society, because society is said to support violence or because the victims are publicly denied release. There is no doubt that the conditions in India are relevant to civilian killings, but in both regions these conditions are imposed on the public, deliberately on the community, or the perpetrators are willing to surrender to the authorities, but private killings need to be investigated<sup>14</sup>.

In many cases (about a quarter in the North and South/Central), families have attempted to cover up the crime by disguising it as suicide or accident, fleeing the scene, destroying evidence or the body, or hiding from fraudsters. For example, in Uttar Pradesh, a father and brother killed their daughter (or sister) and were accused of “burying her body in an adjacent field and driving a tractor over the field to remove something.” (Hindustan Times, 2 June 2010). In contrast, in the southern Mysore district, murderous parents “prepare the end of their daughters by deceiving their relatives and the community into thinking that their daughters committed suicide by taking poison” (DH News Service. Deccan Herald, 2017 27 June 2017) despite evidence of murder. It can also be argued that in such cases, even if these families try to kill people because of the collective principles behind the right to honour and unethical behaviour, something is stopping them from spreading their “removed” behaviour to the rest of the society<sup>15</sup>.

Also, the importance of Kapu Panchayat in the states of Uttar Pradesh, like Haryana and Uttar Pradesh, will raise hopes that the massacre will be brought to public attention. Many articles discussing the massacre (apart from the reported events) draw on the views of actors and gotras to point to the origins of khap panchayats as social institutions, thus encouraging honour killings against the culprits. However, data from northern India do not seem to support this, as

<sup>12</sup> Gill, Aisha K. 2014. “Introduction: 'Honour' and 'Honour'-Based Violence: Challenging Common Assumptions.” Pp. 1–26 in *'Honour' Killing & Violence*, edited by A. K. Gill, C. Strange, and K. Roberts. New York: Palgrave Macmillan.

<sup>13</sup> Vishwanath, Jyothi, and Srinivas C. Palakonda. 2011. “Patriarchal Ideology of Honour and Honour Crimes in India.” *International Journal of Criminal Justice Sciences* 6(1):386-95.

<sup>14</sup> Gryzb, Magdalena A. 2016. “An explanation of honour-related killings of women in Europe through Bourdieu’s concept of symbolic violence and masculine domination.” *Current Sociology* 64(7):1036-53.

<sup>15</sup> Hayes, Brittany E., Joshua Freilich, and Steven Chermak. 2016. “An Exploratory Study of Honor Crimes in the United States.” *Journal of Family Violence* 31(3):303–14.

private individuals are more likely to be involved in honour killings, increasing the role of khap panchayats in managing the massacres.

### 3.4. THE SYMBOLIC UNIVERSE OF HONOUR KILLINGS IN INDIA

Overall, the results reveal a picture that follows some important patterns identified in the literature, such that honor killing is seen as necessary to treat negative behaviors. Similarly, the importance of women's oppression is echoed in the literature. However, a closer look reveals nuances such as the special role of female perpetrators and male victims, and the importance of marriage and relationships (not gender) in supporting killings in Indian society. Furthermore, the importance of honor killings in the literature seems to be exaggerated in public discourse, as data from India show that most honor killings are deliberately concealed from society. The specific characteristics of honor killings underscore the argument that knowledge is socially constructed and defined, with different processes occurring in different societies<sup>16</sup>. The global symbol honoring killing and the injustice of "racism" is part of the work of the mission that also supports the truth that is accepted as social truth. Therefore, we can say that respect is a strong individual and unity behavior and honor killings are seen as an important means of social control in this regard. Therefore, I see the roles in Indian society (especially those related to honor killings) as requiring compliance with social norms. However, the position of female perpetrators and male victims is unique in that they are influenced by sex-gender roles, have historically needed male assistance in committing crimes, and male victims are often killed for their actions. Furthermore, the literature shows that the implementation of leadership style depends on the leadership style of many groups, explaining the relationship between the group (related to group boundaries) as the motivation behind such violence. However, I believe that obedience is rare in India because personal interests prevent full obedience from the people. In other words, in Indian culture, the products of social awareness and respect for rights are made, although they manifest themselves through different experiences<sup>17</sup>.

### 4. REASONS OF FAILURE TO PREVENT HONOUR KILLING IN INDIA

There are a number of reasons why honor killings are not prevented in India, including:

- 1) **Lack of specific legislation:** - Although honour killings still occur in many parts of the country, there is no national law that specifically addresses the issue. In 2012, the Indian Legislative Council passed a law on the issue of murder, but the issue was not discussed. In the absence of a national law, criminal acts already fall under the general criminal law as stated in the International Criminal Code. This half-baked implementation of the law does not address the real issue, which is the cause of this killing: respect<sup>18</sup>.
- 2) **Underreporting:** - Retired IPS officer and former Inspector General of Police and Head Constable of Karnataka Police, ST Ramesh, said that there is no legal basis for "murder" and the reason many cases go unreported is because, "In so-called honour killings, usually the family members of the perpetrator and other family members who are not directly affected by the crime will suffer from psychological problems in the accused. This will not be reported immediately, the crime is perfect, it will come to light sooner or later", he said. According to police officers who investigate these crimes, most murderers do not see the crime and this creates interest in the crime of murder. They believe they are doing something convincing to protect the honor and dignity of their race, ethnicity or religion, which explains why this crime is supported by members of other groups that are affiliated with the criminals.
- 3) **Social hierarchy:** - Honour killings are related to many dimensions like caste, religion, religion, people's economy. He said: "The bottom line is that men are more likely to be leaders in society than women and unless that changes, there is no reason for people to raise such comments." According to the National Crime Records Bureau (NCRB),

<sup>16</sup> Jamal, Amina. 2015. "Piety, Transgression, and the Feminist Debate on Muslim Women: Resituating the Victim-Subject of Honor-Related Violence from a Transnational Lens." *Journal of Women in Culture and Society* 41(1):55–79.

<sup>17</sup>Rafi, Muhammad Shaban. 2019. "Honour-Based Crimes in Pakistan: Narratives of Victims, Aggressors and Bystanders." *Pakistan Journal of Women's Studies* 26(1):61-72.

<sup>18</sup>Idriss, Mohammad Mazher. 2017. "Not Domestic Violence or Cultural Tradition: Is Honour-Based Violence Distinct from Domestic Violence?" *Journal of Social Welfare and Family Law* 39(1):3–21.

the number of honour killings reported in India was 25 in 2019 and 33 in 2020. Going forward, the actual number is expected to be higher<sup>19</sup>.

## 5. CONCLUSION

After analyzing the data gathered from the reporting and discussion of the genocide in India for nearly two decades, it can be argued that the process of assigning a good social meaning to the outcome is specific to the world symbol of all nations. Honour killings are still widespread in India and harm some young people, especially women, throughout the country. Honour killings, which are an important part of the welfare regime that aims to punish those who behave disrespectfully and the consequences of this, are frequently seen in education and law as an unjust form of punishment. Furthermore, since honour killings do not fit into most of the arguments about violence and human relations, the scope of the existing literature on the subject is limited. Furthermore, the lack of scientific research on the killings has led to a weak legal framework for these acts, at least in India. The period under review is also related to the discussions in 2010 when amendments to the Indian Penal Code were considered. However, the amendment failed and to date, honour killings are being legalized like other murders. Therefore, a proper analysis of honour killings and their many consequences can help guide law reforms to control such crimes. In fact, the fact that honour killings are not limited to a particular community suggests that they arise from social awareness and therefore solutions can be developed. Therefore, crimes and honour killings of civilians can lead to the necessary process of change by making people think about themselves. An integrated map of the area of honour killings in India. Due to the nature of the crime, the number of reported cases is negligible, so the numbers do not reflect the extent to which this particular case has affected India and the rest of the world. Therefore it can be hoped that murder will begin to come to the forefront of the discussion on violence and shed light on the social processes behind crime as a way of better understanding and addressing the unique needs of the bereaved. The result of serious and sometimes unjustified respect.

## CONFLICT OF INTERESTS

None.

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None.

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<sup>19</sup>Moore, Niamh, Andrea Salter, Liz Stanley and Maria Tamboukou. 2017. *The Archive Project: Archival Research in the Social Sciences*. London; New York: Routledge Taylor & Francis Group.

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