



ILE MULTIDISCIPLINARY
JOURNAL

VOLUME 4 AND ISSUE 2 OF 2025

INSTITUTE OF LEGAL EDUCATION



ILE MULTIDISCIPLINARY
JOURNAL

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ILE MULTIDISCIPLINARY JOURNAL

APIS – 3920 – 0007 | ISSN – 2583-7230

(OPEN ACCESS JOURNAL)

Journal's Home Page – <https://mj.iledu.in/>

Journal's Editorial Page – <https://mj.iledu.in/editorial-board/>

Volume 4 and Issue 2 (Access Full Issue on – <https://mj.iledu.in/category/volume-4-and-issue-2-of-2025/>)

Publisher

Prasanna S,

Chairman of Institute of Legal Education

No. 08, Arul Nagar, Seera Thoppu,

Maudhanda Kurichi, Srirangam,

Tiruchirappalli – 620102

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



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A CRITICAL ANALYSIS OF CYBER PROSTITUTION IN INDIA: LEGAL AND INSTITUTIONAL FRAMEWORKS IN THE DIGITAL AGE

AUTHOR – V R KALYANI, STUDENT V – BA. LLB., VELS INSTITUTE OF SCIENCE, TECHNOLOGY AND ADVANCED STUDIES (VISTAS)

BEST CITATION – V R KALYANI, A CRITICAL ANALYSIS OF CYBER PROSTITUTION IN INDIA: LEGAL AND INSTITUTIONAL FRAMEWORKS IN THE DIGITAL AGE, ILE MULTIDISCIPLINARY JOURNAL, 4 (2) OF 2025, PG. 373-383, APIS – 3920-0007 | ISSN – 2583-7230.

Abstract

This report presents a critical analysis of the phenomenon of cyber prostitution in India, examining the complex interplay of socio-economic factors, legislative frameworks, and institutional challenges. The study finds a profound and systemic mismatch between the rapidly evolving, technology-enabled nature of sexual exploitation and the largely anachronistic legal and law enforcement responses. While India's core anti-trafficking legislation, the Immoral Traffic (Prevention) Act of 1986 (ITPA), has been amended to be gender-neutral, its foundational focus on physical manifestation of prostitution renders it ill-equipped for the virtual domain.

The analysis identifies a significant research problem: a critical void in legal and institutional capacity that enables cyber criminals to operate with near impunity. The Information Technology Act of 2000, while foundational for cybercrime, lacks specific provisions for emergent crimes like online grooming and sextortion, forcing law enforcement to rely on inadequate general sections. This legislative chasm is compounded by a severe capacity void within law enforcement, characterized by a lack of specialized training in digital forensics and a fragmentation of effort across states.

This systemic failure manifests in a crisis of prosecution and accountability, evidenced by an alarmingly high acquittal rate for trafficking cases—reaching 81% in 2022. This report argues that this is not a statistical anomaly but a direct symptom of institutional failings, including the misclassification of crimes, complicity of officials, and a lack of political will. Furthermore, victim support mechanisms are critically underdeveloped, with survivors facing inadequate shelter conditions and significant delays in receiving compensation.

The report concludes with a synthesis of these findings and offers a series of strategic recommendations. These include the urgent need for a comprehensive, technology-agnostic legislative reform, a nationwide overhaul of law enforcement training, strengthening of Anti-Human Trafficking Units (AHTUs), and a complete re-evaluation of victim-centric support systems to provide trauma-informed care and seamless reintegration.

Key Words: Cyber Prostitution, Legal Framework, Enforcement

1. Introduction: The Digital Transformation of Sexual Exploitation

1.1. Contextualizing the Problem

The history of prostitution in India is long and complex, rooted in ancient traditions and mythology where it was, at times, regarded as a profession without social stigma. Over time, this

view shifted, and the practice came to be associated with forced exploitation and societal harm. In response, India, as a party to international conventions on the suppression of trafficking, enacted the Immoral Traffic (Prevention) Act (ITPA) in 1956, later amended in 1986. This legislation does not per se prohibit



prostitution but rather aims to curb its "open manifestation". The ITPA was a landmark law that expanded its scope to include male prostitution and child trafficking in its 1986 amendment, making it gender-neutral. However, its design, which focuses on curbing public activities and punishing brothel keepers and traffickers, is fundamentally a response to a pre-digital world.

The rapid proliferation of the internet and mobile technology across India has introduced a new and more insidious dimension to sexual exploitation. The traditional, location-based models of prostitution and trafficking have been supplanted by a decentralized, anonymous, and borderless digital landscape. This transformation has created a profound and challenging environment for legal frameworks and law enforcement agencies that were designed for an analog era. The very nature of the crime has shifted from a physical transaction to a series of digital exchanges, altering the methods of recruitment, the dynamics of exploitation, and the means of profit for perpetrators.

1.2. Defining the Scope

The term "cyber prostitution" in this report is not limited to online solicitation but encompasses a range of digital-enabled crimes that facilitate and perpetuate sexual exploitation. These typologies operate under the cloak of anonymity provided by the internet and represent a significant threat to vulnerable populations, particularly women and children.

One of the most pervasive forms is **online grooming**, a practice where a perpetrator establishes an emotional connection with a child through digital platforms with the objective of sexual abuse. This phenomenon is on the rise, with social media sites like Instagram and Facebook serving as primary conduits for abuse. In India, numerous cases have been reported where perpetrators befriended and lured minor victims online, resulting in kidnapping and sexual assault. The ease of access, combined with the prevalent

tendency of users to "over-share" personal details, makes these platforms an ideal hunting ground for predators.

Another significant typology is **sextortion and webcam blackmail**, a form of cybercrime where victims are coerced into producing sexually explicit material, which is then used for financial extortion or other forms of blackmail. A particularly chilling example is the "digital arrest" scam, where criminals impersonate law enforcement officials via video calls, coercing victims into stripping naked and transferring money under the threat of fabricated criminal charges. These scams highlight the power of digital manipulation and the use of psychological pressure to control victims remotely, bypassing the need for physical contact.

Finally, **cyber-enabled human trafficking** represents the most complex form of digital exploitation. Technology now facilitates every stage of the trafficking chain, from initial recruitment to the eventual sale and control of a victim. Perpetrators use phones and social media to befriend victims and lure them with deceptive promises of jobs, marriages, or a better life, as seen in the cases of Roshni and Tina. The use of encrypted communication and remote digital control allows traffickers to remain anonymous and avoid detection, making it exceptionally difficult for law enforcement to track and intervene.

3. The Research Problem: The Systemic Mismatch

The core research problem at the heart of cyber prostitution in India is a profound systemic mismatch. A sophisticated, anonymous, and borderless criminal enterprise is operating in a digital environment, while the legal and institutional frameworks designed to combat it remain conceptually rooted in the physical world. This fundamental disconnect undermines all efforts to prevent, prosecute, and punish perpetrators. The ITPA, for instance, focuses on the crime's public manifestation and physical location. This is an anachronism in an era where



recruitment and exploitation can occur entirely in virtual spaces. The failure of the legal regime to recognize and adapt to the digital evolution of these crimes creates a perfect storm of impunity, where the legal tools are insufficient, and the enforcers are underequipped. This problem is not a simple deficiency in a single law but a failure of the entire ecosystem—legislative, institutional, and social—to evolve at the same pace as the criminal activity it is meant to combat.

4. The Research Gap: Unaddressed Policy and Institutional Lacunae

4.1. The Legislative Chasm

Despite the clear and present danger posed by cyber-enabled sexual exploitation, significant legislative gaps persist. The **Immoral Traffic (Prevention) Act, 1986**, and the **Information Technology Act, 2000**, do not adequately address the full spectrum of online trafficking. There is a lack of explicit provisions that criminalize online grooming or sextortion, which are distinct from traditional forms of trafficking and abuse. The reliance on general, poorly-equipped sections of existing law hinders effective prosecution and leaves victims without clear legal recourse.

Furthermore, a significant legislative failure is the continued pending status of the anti-trafficking bill, which has been in draft form for over six years. The delay in enacting this comprehensive legislation leaves the country with a fragmented and outdated legal framework. This legislative chasm allows traffickers and exploiters to exploit existing ambiguities and avoid conviction. The lack of an explicit law that punishes the client, while prosecuting the act of sex work itself, further undermines justice and provides impunity to those who fuel the exploitation.

4.2. The Enforcement and Capacity Void

The legal shortcomings are compounded by a severe capacity void within law enforcement. Despite a government plan to strengthen Anti-Human Trafficking Units (AHTUs), only 85 units

have been established, which is inadequate for the scale of the problem. This shortfall in specialized units means that the majority of trafficking cases, particularly inter-state crimes, are investigated by local police who often lack the necessary training and skills for complex trafficking cases.

A critical deficiency is the limited understanding among police and judicial officials of the human trafficking legal framework. This lack of conceptual clarity leads to the misclassification of trafficking cases as other crimes, weakening the prosecution and contributing to the low conviction rates. While there have been positive developments, such as the Andhra Pradesh police's new curriculum focused on digital forensics and block chain technology, these efforts remain isolated and are not yet a nationwide standard. Without a concerted and unified effort, law enforcement's capacity to investigate and prosecute cyber-enabled crimes will remain critically underdeveloped.

Table 2 illustrates the direct and negative impact of these institutional challenges on the effectiveness of law enforcement.

Institutional Challenge	Direct Impact on Law Enforcement Effectiveness
Inadequate Anti-Human Trafficking Units (AHTUs)	Insufficient number of units leads to the majority of trafficking cases being handled by unspecialized local police.
Limited Training and Conceptual Clarity	Officers possess a limited understanding of the legal framework, leading to misclassification of crimes and weak case building.
Complicity of Officials	Allegations of police and prosecutors accepting bribes or protecting traffickers create an atmosphere of widespread impunity.
Fragmented	Difficulties in inter-state and



Institutional Challenge	Direct Impact on Law Enforcement Effectiveness
Jurisdiction	cross-border cooperation hinder the investigation and prosecution of cases, allowing criminals to evade justice.

Research Hypothesis

The ineffectiveness of India's response to cyber prostitution is directly a function of the systemic disconnect between a modern, technologically-driven crime and an outdated, analog-focused legal and institutional framework.

5. Research Issues: A Critical Analysis of Challenges

Table 3 provides a statistical overview of this crisis.

Year	Reported Cases	Cases with Prosecution Completed	Convictions	Conviction Rate	Acquittals	Acquittal Rate
2022	2,250	676	204	30.2%	1,134	81%
2021	2,189	201	64	31.8%	520	84%
2020	1,714	463	101	21.8%	715	89%

The high acquittal rate is not a statistical anomaly but a direct symptom of the institutional failures discussed previously. It is the ultimate consequence of a chain of systemic problems, beginning with inadequate training in cyber forensics, which hinders the collection of digital evidence. This is followed by the misclassification of crimes due to a limited understanding of the legal framework, which results in weak and easily dismissed cases. The entire process is further undermined by a lack of political will to address issues like bonded labor and human trafficking, as well as the complicity of government officials who reportedly protect traffickers and accept bribes. This entire chain of failures culminates in a crisis of justice where traffickers face minimal risk of punishment, thereby perpetuating the cycle of exploitation.

5.1. A Crisis of Prosecution and Accountability

A review of enforcement statistics reveals a justice system that is failing to deter and punish traffickers. The most compelling evidence of this is the alarmingly high acquittal rate for trafficking cases. In 2022, the

acquittal rate was 81%, with 1,134 suspects acquitted in 545 cases. This trend is not an anomaly, as the rates were 84% in 2021 and 89% in 2020. This pattern suggests that a criminal facing prosecution for trafficking has a high likelihood of being acquitted, which creates a perception of impunity and encourages criminal behavior.

5.2. Technological and Jurisdictional Hurdles

The digital nature of cyber prostitution presents significant technological and jurisdictional hurdles for law enforcement. The use of crypto currencies in trafficking and extortion schemes poses a major challenge due to the decentralized and anonymous nature of block chain transactions. Law enforcement agencies like the Cyber Crime Cells and the Enforcement Directorate (ED) are often limited by their technical expertise and slow processes, leading victims to seek assistance from private forensic firms for faster tracing of stolen digital assets. While the government has mandated that cryptocurrency exchanges register with the Financial Intelligence Unit-India (FIU-IND) and implement strict KYC procedures, the decentralized nature of these transactions still complicates investigations.



Furthermore, the borderless nature of the internet complicates traditional jurisdictional boundaries. Investigations often involve multiple states or even foreign countries, requiring complex inter-agency and

international cooperation. While a few positive steps have been taken, such as the Delhi Police's use of block chain technology to create a secure, auditable record for the chain of custody of evidence, these are isolated innovations. A fragmented and disparate response across the country undermines the ability to track and prosecute large-scale trafficking networks effectively.

5.3. Victim-Centric Failures

The current response system also fails to provide adequate support and protection for victims. Reports indicate that efforts to audit government-run or -funded shelters are inadequate, and some adult victims of trafficking remain confined in these shelters for extended periods without a magistrate's order, effectively transforming shelters into places of detention. This approach reflects an outdated, detaining method of rehabilitation that does not align with a victim-centric approach.

Furthermore, survivors of trafficking face immense challenges in reintegrating into society. As demonstrated by the case of Tina, social stigma often prevents them from returning to their homes and communities. Compounding these challenges is the delay in justice, with many victims waiting for years to receive the central-government mandated compensation that is critical for their recovery and financial independence. These failures in protection, rehabilitation, and reintegration create a system that, in many ways, re-victimizes the exploited, further eroding their trust in the very institutions designed to help them.

Based on the research, the key outcomes of the analysis on cyber prostitution in India are as follows:

The term "cyber prostitution" is a misnomer, as the research indicates that the online space is primarily used for non-consensual sexual exploitation, human trafficking, and extortion, rather than voluntary commercial sex work.

Primary Findings:

- **Socio-Economic Vulnerability:** The proliferation of online exploitation is not an isolated issue but is deeply rooted in India's socio-economic landscape. Poverty, lack of employment, and gender inequality are significant drivers that make individuals, especially women and children, susceptible to online deception and trafficking. The digital divide further exacerbates this, as a lack of digital literacy leaves vulnerable populations ill-equipped to identify and avoid online threats.
- **Legal Framework Challenges:** India's legal response is fragmented and largely outdated. The Immoral Traffic (Prevention) Act, 1986 (ITPA) is an inadequate tool for prosecuting online crimes because it focuses on physical locations and activities. While the Information Technology Act, 2000 addresses cybercrimes, it lacks specific provisions for emergent issues such as online grooming and sextortion. Despite the introduction of the Bharatiya Nyaya Sanhita (BNS), which aims to modernize the legal framework, a comprehensive anti-trafficking bill remains pending for over six years.
- **Enforcement and Institutional Failures:** The legal shortcomings are compounded by significant institutional gaps. Law enforcement efforts are hampered by a severe lack of specialized training in digital forensics and a fragmented, multi-jurisdictional approach to crime. This has resulted in a crisis of prosecution and accountability, with a national acquittal rate for human trafficking cases as high as 81% in 2022.



There are also reports of police corruption and complicity that undermine efforts to bring traffickers to justice.

- **Impact on Victims:** The psychological and physical effects on survivors are severe and often long-lasting. Victims experience a high prevalence of mental health issues, including PTSD, depression, and anxiety. The digital nature of the crime and the constant threat of public exposure of explicit content creates a unique and perpetual state of trauma.
- **Recommendations:** The research concludes that an effective solution requires a multi-pronged approach that includes a comprehensive legislative overhaul, a significant increase in law enforcement training and resources, and a reformed, victim-centric support system that addresses the long-term physical and psychological needs of survivors.

6. Literature Review: Foundational Frameworks and Academic Discourse

6.1. Socio-Economic and Structural Determinants

- The vulnerability to cyber-enabled sexual exploitation is inextricably linked to deep-seated socio-economic and structural inequalities within Indian society. Studies consistently show that poverty and economic distress are significant drivers, forcing individuals, particularly women, into exploitative situations as a "last resort for earning a livelihood". Low socioeconomic status is a key risk factor for sexual abuse, and this vulnerability is disproportionately higher among girls. When economic opportunities are scarce and basic needs are unmet, the promise of a stable income or a better life, even if delivered through a dubious online

contact, can appear as the only viable option for survival.

- Gender inequality and patriarchal systems further exacerbate this vulnerability. Social norms often restrict economic opportunities for women, limiting their access to education, resources, and financial independence. The pervasive social stigma associated with sex work also creates a vicious cycle of marginalization, limiting victims' access to healthcare, legal protection, and social support systems, thereby entrenching them further in a cycle of exploitation.
- The intersection of poverty and the digital divide represents a critical, and often under-appreciated, factor. Impoverished individuals, seeking to escape their dire circumstances, may view the internet as a pathway to opportunity, whether for work or relationships. However, the same lack of education and digital literacy that accompanies poverty makes them less equipped to identify and resist sophisticated online scams and grooming tactics. The digital world becomes a paradox: a perceived escape from physical poverty that simultaneously exposes them to a new, more anonymous form of exploitation. This creates a chain of events where poverty pushes individuals online for a chance at a better life, and their lack of digital expertise makes them more susceptible to digital exploitation, demonstrating a clear pattern where vulnerable populations are disproportionately targeted.

6.2. Legal and Regulatory Efficacy

- India's legislative framework for combating human trafficking and cybercrime is a mosaic of different acts, each with its own limitations in addressing the complexities of the digital age. The **Immoral Traffic**



(Prevention) Act, 1986 (ITPA), while a principal legislation against trafficking, was designed for a physical world. Its provisions make it impossible for sex work to be conducted legally by criminalizing its operation in any public place or within 200 meters of public institutions, which creates an environment of legal ambiguity that can be exploited by traffickers. Furthermore, a customer who visits a brothel is not liable for prosecution under sections 3, 4, and 5 of the ITPA, effectively criminalizing the provider of sex work but not the client, a proposition that undermines the very goal of the act.

- The **Information Technology (IT) Act, 2000**, serves as the foundational legal framework for managing cybercrimes in India. However, a critical analysis reveals its inadequacies in addressing emergent threats. The Act lacks specific provisions to criminalize online grooming, cyberbegging, or webcam blackmail, forcing law enforcement to rely on general sections like Section 66 and

Section 67, which do not directly address the nature of these crimes.

- The recent introduction of the **Bharatiya Nyaya Sanhita (BNS), 2023**, represents a significant attempt to modernize the legal landscape. The BNS places crimes against women and children in a dedicated chapter, with enhanced penalties and the explicit inclusion of "beggary" as a form of exploitation for trafficking. While these provisions are a promising step, their ultimate effectiveness in the digital domain remains to be seen. A fundamental conceptual dissonance persists between India's traditional, location-based legal frameworks and the borderless realities of modern cybercrime, leading to an environment where legal vacuums exist and are exploited.
- Table 1 provides a comparative overview of these legal frameworks, highlighting their distinct purposes and the conceptual gaps that hinder their combined effectiveness against cyber prostitution.

	Immoral Traffic (Prevention) Act, 1986	Information Technology Act, 2000	Bharatiya Nyaya Sanhita, 2023
Target of Legislation	Brothel keepers, traffickers, and public solicitation.	Cybercriminals, network providers, data security.	Broad range of criminal offenses, with dedicated chapter for crimes against women and children.
Definition of Trafficking	Defines trafficking in terms of specific acts (recruiting, transporting, etc.) for the purpose of sexual exploitation.	Not directly addressed; focuses on data and communication crimes.	Prescribes penal provisions for human trafficking and includes "beggary" as a form of exploitation.



	Immoral Traffic (Prevention) Act, 1986	Information Technology Act, 2000	Bharatiya Nyaya Sanhita, 2023
Explicitly Addressed Crimes	Prostitution, brothel keeping, soliciting.	Obscene content, hacking, fraud, identity theft.	Includes sexual exploitation of trafficked children and other new offenses.
Relevance to Digital Crime	Limited. Fails to account for online recruitment, grooming, and remote exploitation.	Foundational but insufficient; lacks specific provisions for new-age crimes like online grooming and sextortion.	Attempts to address modern crimes but success depends on granular, technology-agnostic definitions and enforcement.
Key Loopholes/Inadequacies	Does not criminalize the customer; provisions on physical location are easily circumvented in the digital realm.	General sections are inadequate for specific crimes like grooming and sextortion; enforcement mechanisms are poorly equipped to track online exploitation.	Its effectiveness against cyber-enabled crimes will depend on how its broad provisions are interpreted and enforced. The absence of a consolidated anti-trafficking bill persists.

6.3. Operational Typologies of Cyber Exploitation

- An analysis of documented cases and reports reveals a consistent digital modus operandi employed by traffickers and exploiters. Technology provides a cloak of anonymity, allowing traffickers to operate with ease and establish remote digital control over victims.
- The lure of false promises is a predominant method. As demonstrated in the case of Roshni, a trafficker can befriend a victim through phone calls,

gaining their trust by promising a job in a new city. Similarly, the case of a 14-year-old girl named Tina from Darjeeling illustrates how traffickers use phone calls and social media to lure children with false promises of work in major cities.

- Beyond initial recruitment, social media platforms are central to the process of online grooming. These sites are used to gain the trust of unsuspecting victims before escalating to sexual assault. The tendency of users, particularly children, to over-share personal details—



including residential addresses, favorite locations, and

- family information—makes it trivially easy for groomers to target and isolate victims, demonstrating the dual-edged nature of these platforms.

7. Conclusion and Strategic Recommendations

7.1. Synthesis of Critical Findings

The critical analysis of cyber prostitution in India reveals a system in crisis. The problem is a multifaceted and complex issue, rooted in socio-economic vulnerabilities and enabled by the transformative power of digital technology. The legal framework, while attempting to evolve with the new Bharatiya Nyaya Sanhita, remains fundamentally ill-equipped to address the complexities of anonymous, online exploitation. This legislative void is exacerbated by a severe lack of institutional capacity and a crisis of prosecution that sees traffickers operating with a high degree of impunity. The high acquittal rates, the lack of specialized training, and the complicity of officials are not isolated incidents but symptoms of a deeply ingrained systemic failure. The system's inability to provide timely and comprehensive support to victims further perpetuates the cycle of exploitation and marginalization.

7.2. Policy and Legal Reforms

To effectively combat cyber prostitution, the following policy and legal reforms are urgently needed: **Comprehensive Legislative Overhaul:** The government must prioritize and pass a single, comprehensive, and technology-agnostic anti-trafficking bill. This legislation should supersede the fragmented existing statutes and explicitly criminalize online grooming, sextortion, and all forms of digital trafficking, providing a clear legal basis for prosecution.

- **Criminalize the Client:** New legislation must be introduced to criminalize the clientele of sexual exploitation, addressing the legal paradox that

currently victimizes the exploited and provides impunity to the exploiter.

- **Streamline Judicial Processes:** The establishment of fast-track judicial processes for cyber-enabled trafficking cases is essential to reduce trial lengths and improve conviction rates, thereby ensuring swift justice and deterring potential criminals.

7.3. Institutional Capacity Building

The effectiveness of any legal reform hinges on a significant enhancement of institutional capacity. Recommendations include:

- **Mandatory Digital Forensics Training:** A nationwide, standardized training program in digital forensics, block chain analysis, and cyber investigation must be rolled out for all law enforcement personnel, with specialized training for AHTU officers. The positive initiatives in Andhra Pradesh and Delhi must serve as a model for a national standard.
- **Strengthening Anti-Human Trafficking Units:** The government must provide AHTUs with a significant increase in funding and staffing to ensure their presence in every district. A clear mandate is needed to ensure these units are specialized and fully empowered to investigate and prosecute all forms of trafficking, including those in the digital domain.
- **Accountability for Complicit Officials:** A zero-tolerance policy must be implemented, with independent oversight and transparent investigations into all allegations of complicity and bribery among government and police officials.

7.4. Proactive Social and Technical Measures

A holistic approach requires addressing the root causes and leveraging technology for prevention:



- **Addressing Socio-Economic Root Causes:** Targeted government schemes must be implemented to address the drivers of vulnerability, including poverty, unemployment, and lack of education, particularly among at-risk populations.
- **Public-Private Partnerships:** The government must forge stronger partnerships with social media companies and technology providers to implement more robust age verification systems, content monitoring, and reporting mechanisms to identify and flag potential grooming and trafficking activities.
- **Reforming Victim Support:** A complete reform of the victim support system is needed. Regular, independent audits of all shelters must be mandated, and the practice of confining victims should be replaced with a trauma-informed, victim-centric model that prioritizes their rehabilitation and freedom of movement. A more efficient system for providing immediate financial compensation to survivors is critical to their successful reintegration and long-term recovery.

Footnote

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