Monthly Policy Review

July 2024

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The Budget Session of Parliament commenced on July 22, 2024. Five Bills have been listed for introduction, consideration, and passing. The Bharatiya Vayuyan Vidheyak, 2024 has been introduced.

Union Budget 2024-25 presented (p. 2)
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The draft revised guidelines (2024) seek to replace all previous guidelines. The draft provides a comprehensive framework for constructing and operating EV charging stations in various settings.

Ministry of Education constitutes the Education Advisory Council (p. 4)
The Council will prepare a roadmap for the effective implementation of the NEP. It will consist of eminent members from academia, philanthropy and industry who are experienced in key areas of education.

August 1, 2024

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Parliament

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Budget Session 2024 begins

The Budget Session of Parliament commenced on July 22, 2024. The session is scheduled to be held till August 12, 2024, with a total of 16 sittings.[1] Five Bills have been listed for introduction, consideration, and passing (excluding Finance and Appropriation Bills).[2] One Bill, the Bharatiya Vayuyan Vidheyak, 2024 has been introduced. The Union Budget for 2024-25 was presented on July 23, 2024.

For more details on the legislative business to be taken up during the session, please see here.

Union Budget 2024-25

Shrusti Singh (shrusti@prsindia.org)

Union Budget 2024-25 presented

The Finance Minister, Ms Nirmala Sitharaman presented the 2024-25 Union Budget on July 23, 2024.[3] In the following highlights, actuals for 2023-24 are the unaudited provisional actuals:

- **Expenditure:** The government is estimated to spend Rs 48,20,512 crore in 2024-25, 8.5% higher than the actual expenditure in 2023-24 (Rs 44,42,542 crore).
- **Receipts:** The receipts (other than borrowings) in 2024-25 are estimated to be Rs 32,07,200 crore, 15% higher than the actual receipts in 2023-24 (Rs 27,88,872 crore).
- **GDP growth:** The nominal GDP is estimated to grow at a rate of 10.5% in 2024-25 (i.e., real growth plus inflation).
- **Deficits:** Revenue deficit in 2024-25 is targeted at 1.8% of GDP. This is lower than the actual revenue deficit of 2.6% of GDP in 2023-24. Fiscal deficit in 2024-25 is targeted at 4.9% of GDP, which is lower than the actual fiscal deficit of 5.6% of GDP in 2023-24.
- **Tax proposals:** Short term capital gains tax on listed equity shares, equity mutual funds, and REITs/INVITs is proposed to be increased from 15% to 20%. Long term capital gains tax will be levied at 12.5% across asset categories. Indexation for calculating long term capital gains for property, gold, and other unlisted assets will be removed.
- Income tax slabs under the new tax regime have been modified. Standard deduction for salaried individuals and pensioners is proposed to be increased from Rs 50,000 to Rs 75,000. Angel tax on unlisted funds in excess of the face value of their shares has been removed.
- **Policy proposals:** A scheme to upskill 20 lakh youth over the next five years will be launched. Three schemes to promote employment and increase workforce participation were announced. Financial support of Rs 15,000 crore will be given to Andhra Pradesh for a new capital this year.

Table 1: Union Budget 2024-25 highlights (in Rs crore)

	Actuals 22-23	Actuals 23-24	BE 24-25	% change Actuals to BE
Total Expenditure	41,93,157	44,42,542	48,20,512	8.5%
Total Receipts (excluding borrowings)	24,55,402	27,88,872	32,07,200	15.0%
Revenue Deficit	10,69,926	7,65,624	5,80,201	-24.2%
% of GDP	3.9%	2.6%	1.8%	-
Fiscal Deficit	17,37,755	16,53,670	16,13,312	-2.4%
% of GDP	6.4%	5.6%	4.9%	6.4%

Source: Union Budget documents 2024-25; PRS.

For an analysis of the Union Budget 2024-25, see here.

Macroeconomic Development

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Economic Survey 2023-24 tabled in Parliament

The Finance Minister, Ms Nirmala Sitharaman, tabled the Economic Survey 2023-24 on July 22, 2024.[4] Key highlights of the Survey include:

- **Gross Domestic Product (GDP):** The Survey has forecasted a real GDP growth of 6.5%-7% in 2024-25. Growth in 2024-25 is expected to be supported by strong domestic investment demand, improved agricultural performance, and an increase in merchandise and services exports.
- **Inflation:** Retail inflation in 2023-24 was 5.4%, the lowest since the Covid-19 pandemic. Food inflation increased from 6.6% in 2022-23 to 7.5% in 2023-24 due to higher food inflation caused by Russia-Ukraine war and domestic weather conditions. Core inflation moderated in 2023-24 driven by services such as housing rental inflation.
- **Sectoral Growth:** India's agriculture sector has recorded an annual average growth rate of 4.2% over the last five years. The industrial sector grew by 9.5% in 2023-24. The services sector constituted 55% of India's economy in 2023-24.
- **Infrastructure:** The central government's capital expenditure witnessed a three-fold increase in

2023-24 as compared to 2019-20 with focus on sectors such as roads and railways.

- **Debt:** The general government debt-to-GDP ratio increased slightly in 2023-24 due to increasing interest rates and lower-than-budgeted nominal GDP growth. However, it is expected to decline on the back of monetary policy easing, increase in WPI inflation, and continued fiscal consolidation.

For a summary of the Survey, please see here.

Consumer Price Index inflation was 4.9% in the first quarter of 2024-25

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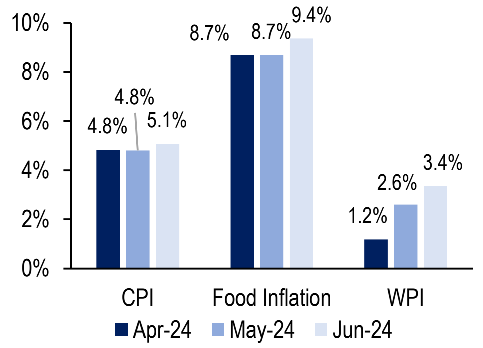
Consumer Price Index (CPI) inflation was 4.9% in the first quarter (April-June) of 2024-25, higher than the inflation in the same quarter last year (4.6%).[5] In the fourth quarter (January-March) of 2023-24, CPI inflation was 5%.

Food inflation averaged 8.9% in the first quarter of 2024-25. This was significantly higher as compared to food inflation of 3.8% in the corresponding quarter of 2023-24. In the fourth quarter of 2023-24, food inflation was 8.5%.

Wholesale Price Index (WPI) inflation was 2.4% in the first quarter of 2024-25, as compared to -2.9% in the first quarter of 2023-24.[6] In the fourth quarter of 2023-24, WPI inflation averaged 0.3%.

Figure 1: Monthly inflation in Q1 of 2024-25 (% change, year-on-year)



Sources: MoSPI; Ministry of Commerce and Industry; PRS.

Finance

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RBI issues directions on treatment of wilful and large defaulters

The Reserve Bank of India (RBI) issued the RBI (Treatment of Wilful Defaulters and Large Defaulters) Directions, 2024.[7] The Directions provide a procedure for the classification of a borrower as wilful defaulter by lenders. Key features include:

- **Wilful defaulter:** A wilful defaulter refers to: (i) a borrower or a guarantor who has committed wilful default of at least Rs 25 lakh or above as notified by RBI, (ii) promoters and directors associated at the time of default if the defaulter is a company, and (iii) persons in charge of and responsible for management of the affairs of an entity other than companies. Large defaulter refers to a defaulter with an outstanding amount of at least one crore rupees and whose account has been categorised as a doubtful or loss account.
- Wilful default by a borrower will be deemed to have occurred when he defaults in meeting repayment obligations to the lender. In addition, at least one of the specified conditions needs to be fulfilled. These include: (i) default despite having the capacity to honour the obligations, (ii) diversion or siphoning off of funds availed from the lender, or (iii) disposal of assets given for securing the credit without the lender's knowledge. Wilful default by a guarantor will be deemed to have occurred if he does not honour the guarantee despite having the ability to do so.
- **Identification of wilful defaulters:** The evidence of wilful default will be examined by an identification committee (comprising one wholetime director as chairperson and two senior officials) set up by the lender. If the committee is satisfied that wilful default has occurred, it will issue a show-cause notice to the borrower.
- The borrower will be given an opportunity to submit a representation to a review committee set up by the lender (comprising the chief executive officer as chairperson and two independent directors). The review committee will provide the borrower an opportunity of a personal hearing. It will pass the order regarding the classification.

RBI releases master directions on fraud risk management

The Reserve Bank of India (RBI) released three revised master directions on fraud risk management.[8] These directions apply to: (i) commercial banks and all India financial institutions, (ii) cooperative banks, and (iii) non-banking finance companies.[9,10,11] Key features include:

- **Fraud risk management structure:** Regulated entities must have a policy approved by their respective boards on fraud risk management. The policy should provide for: (i) issuing detailed show-cause notice to the person against whom an allegation of fraud is being examined, (ii) at least 21 days for the person to respond to the notice, and (iii) serving a reasoned order to the person regarding the decision to classify the account as fraud. The policy must be reviewed at least once in three years.

- **Early detection of frauds:** Commercial banks, certain cooperative banks, and NBFCs in middle and upper layer must have a framework for early warning signals under their fraud risk management policy. Middle and upper layer NBFCs include all deposit taking NBFCs and non-deposit taking NBFCs with assets of at least Rs 1,000 crore. In addition, commercial banks must red flag accounts on suspicion of fraud as suggested by early warning signals indicators. Board level committees must oversee the effectiveness of the EWS framework. It must include both quantitative and qualitative indicators.
- **Treatment of fraud accounts:** In case of red-flagged accounts or suspicion of fraud, regulated entities must conduct an external or internal audit as per their policy. A policy must be framed for engaging external auditors. The loan agreement must contain clauses for conducting such audit. For commercial banks and all India financial institutions, accounts will be red flagged at the individual bank level and they should be reported to RBI within seven days.

Civil Aviation

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Bharatiya Vayuyan Vidheyak, 2024 introduced in Lok Sabha

The Bharatiya Vayuyan Vidheyak, 2024 was introduced in Lok Sabha.[12] The Bill seeks to replace the Aircraft Act, 1934.[13] The Act regulates the civil aviation sector. It sets up three authorities: (i) Directorate General of Civil Aviation (DGCA) for performing regulatory functions and overseeing safety, (ii) Bureau of Civil Aviation Security (BCAS) for overseeing security, and (iii) Aircraft Accidents Investigation Bureau for investigation of aircraft accidents. The central government may issue directions to these authorities and also review their orders, if necessary, in public interest. The Bill retains the regulatory structure and most of the provisions under the 1934 Act. Key changes include:

- **Regulation of design of aircrafts:** The Act regulates various activities related to aircrafts including manufacturing, possession, use, operation, and trade. The Bill retains this and also seeks to regulate the design of aircrafts.
- **Powers to make Rules:** The Act empowers the central government to frame rules on several matters. These include: (i) specified activities related to aircrafts, (ii) regulation of air transport services, and (iii) implementation of convention relating to international civil aviation of 1944. The Bill retains these provisions and adds that the central government may frame Rules on radio telephone operator certificate and licences under the International Telecommunication Convention.
- **Appellate mechanism:** For adjudging penalties, the Act empowers the central government to designate an Officer. Decisions of the Adjudicating Officer may be appealed before an Appellate Officer. The Bill adds one more level of appeal. The appeal against the decision of the First Appellate Officer will lie before the Second Appellate Officer. Appeals against an order of DGCA or BCAS will lie before the central government. No further appeals will be allowed against the central government's orders.

Education

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Independent body constituted to advise on the implementation of NEP

The Ministry of Education constituted the Education Advisory Council to advise the government on efficient implementation of the National Education Policy, 2020 (NEP).[14,15] The Council will: (i) develop an overarching roadmap for implementing the NEP in school and higher education, (ii) analyse current interventions and recommend measures for course correction, and (iii) recommend measures to revamp the Central Education Advisory Board. It will also advice the Ministry or other institutions involved in education on other areas they need inputs on.

Communications

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Comments invited on the draft Digital Bharat Nidhi Rules

The Department of Telecommunications has invited comments on the draft Telecommunications (Digital Bharat Nidhi) Rules, 2024.[16] The Digital Bharat Nidhi (DBN) is a non-lapsable fund created by the Telecommunications Act, 2023, and replaces the Universal Service Obligation Fund (USOF).[17] The draft Rules largely replicate the current method of administering the Fund. The USOF is funded by the collection of a Universal Access Levy, which is a percentage of the adjusted gross revenue (AGR) of a telecom service provider.[18] AGR is revenue earned by access providers excluding certain items such as: (i) GST, (ii) pass through roaming charges, and (iii) access charges paid to other access providers. Funds in the DBN can be utilised for meeting certain objectives, such as: (i) universal service and delivery of telecom services, and (ii) the research, development and introduction of telecom services, technologies and products. The draft Rules seek to operationalise the DBN.

Funding from the DBN is for two broad categories of projects: (i) access and delivery of telecom services to underserved areas, and (ii) research and development in telecom technologies. Selection for the first type of projects will happen via bidding, while selection for the latter will be done via an application. Applications will be decided on the basis of proposals received and the technical feasibility. The Rules allow the administrator to select an implementer by nomination for execution of projects. This may be done in special circumstances and must be recorded in writing.

Comments are invited by August 3, 2024.

Comments invited on draft adjudication and appeal rules

The Department of Telecommunications has released the draft Telecommunications (Adjudication and Appeal) Rules, 2024 for feedback.[19] The draft Rules seek to give effect to the adjudication framework in the Telecommunications Act, 2023.[17] The adjudication process applies to specific contraventions under the Act listed in the third schedule. These include: (i) possessing radio equipment without authorisation, and (ii) knowingly using telecommunications equipment or network set up without authorisation. Adjudicating officers must be of the rank of joint secretary or above. Key features of the draft Rules include:

- **Initiation of inquiries:** Inquiries may be initiated based on a complaint, assessment, or suo-moto cognisance. The officer will have the powers of a civil court. Inquiries must ordinarily be concluded within 90 days and cannot be extended beyond 120 days.
- **Voluntary undertakings:** The Act and the draft Rules allow authorised entities to submit voluntary undertakings. These may be submitted before or during an inquiry. The undertaking must include details of the contravention and measures taken (or proposed) to mitigate the contravention. Voluntary undertakings that are accepted will not attract further proceedings.
- **Appeal process:** Orders of an adjudicating officer may be appealed within 30 days to the Designated Appeals Committee. Members of this committee must be of the rank of additional secretary or above and will be appointed by the centre.
- For offences listed in the third schedule, decisions of the committee can be appealed in a civil court. In case of a breach of terms and conditions of the authorisation agreement, orders of the committee can be appealed in the Telecom Disputes Settlement and Appellate Tribunal.

Comments are invited by August 17, 2024.

Media and Broadcasting

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TRAI amends regulatory framework for broadcasting and cable services

The Telecom Regulatory Authority of India has amended the tariff order, interconnection regulations and quality of service regulations for broadcasters.[20,21,22] In August 2023, TRAI had released a consultation paper seeking a review on the regulatory framework for broadcasters.[23] Key features of the amended regulations include:

- **Tariff changes:** Broadcasters charge Network Capacity Fees (NCF) from subscribers, which was capped at Rs 130 for the first 200 channels and Rs 160 on more than 200 channels. This ceiling has been removed. The new NCF must be published on the broadcaster's website. Distribution Platform Operators (DPOs) can now offer discounts of up to 45% on bouquets of channels. DPOs bundle and package content from various broadcasters. Such discounts were earlier limited to 15%.
- **Penalties:** The amended regulatory framework also provides for financial penalties for contravention of provisions. Penalties range up to Rs 1,00,000, and depend on the nature of the violation and size of the broadcaster. For instance, non-declaration of MRP of channels can attract a fine of up to Rs 25,000 for the first offence.
- **Change in carriage fees:** The method calculating carriage fees has been simplified. For instance, there is no longer a distinction between standard and high-definition (HD) channels. Earlier, HD channels attracted higher carriage fees.
- **Quality of Service (QoS) amendments:** The regulatory framework amends various QoS standards. Charges for services such as installation, activation and relocation have been deregulated. DPOs must publish these charges clearly to subscribers. Platform services offered by DPOs must be categorised separately on the electronic programming guide. Platform services are programs transmitted exclusively to subscribers by DPOs. The maximum retail price for each platform service must also be displayed. Certain compliances have also been relaxed for DPOs having less than 30,000 subscribers, including: (i) having a website, (ii) maintaining a manual of practice, and (iii) having a consumer corner.

Mines

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Supreme Court upholds the state's power to tax mines and minerals

With an 8:1 majority, the Supreme Court upheld states' power to tax mineral bearing lands.[24] In India, mines and minerals are primarily regulated by the Mines and Minerals (Development and Regulations) (MMDR) Act, 1957.[25]

The Court examined whether: (i) royalty collected on mining activities under the MMDR Act qualifies as a tax, (ii) states' power to tax land and building extends to mineral bearing land, and (iii) the Parliament can limit the state legislature's powers to impose taxes on mines and minerals.

The Court held that royalty is not a tax. It is a payment that arises out of the contractual obligation to enjoy mineral rights.

The Court also held that power of states to tax mineral rights cannot be superseded by powers of Parliament to regulate the sector. Under the Constitution, states' powers to tax mineral rights can be limited by an Act of Parliament.[26] The Court noted that the MMDR Act, 1957 does not restrict the state's ability to collect taxes.

The Court also held that states' power to tax land extends to mines and quarries. Such lands can be taxed based on mineral value or produce. It also stated that the Parliament cannot limit states' powers to tax mineral bearing lands.

New and Renewable Energy

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Guidelines for implementing incentive scheme for Green Hydrogen Production

The Ministry of New and Renewable Energy issued guidelines for implementing the "Incentive Scheme for Green Hydrogen Production (under Mode 1)- Tranche-II".[27] This scheme is a component of the Strategic Interventions for Green Hydrogen Transition Programme (SIGHT). The programme provides financial incentive mechanisms to boost the domestic manufacturing of electrolysers and green hydrogen in India.

The Scheme aims to maximise production and increase cost-competitiveness of Green Hydrogen as a fuel. Under Tranche-I of the scheme, 4,12,000 metric tons of capacity have already been allocated to 10 companies for Green Hydrogen Production.[28] The Guidelines provide a framework for selecting beneficiaries for the second tranche of the incentive scheme. Key features of the Guideline include:[29]

- **Structure of Scheme:** The second tranche allocates production capacity of 4,50,000 MT (Metric tonnes) of Green Hydrogen. This will be achieved in two ways - 40,000 MT will be produced through biomass-based pathway and 4,10,000 MT will be produced though through technology agonistic (using electrolysis) pathway. Production capacity will be distributed through bidding.
- **Incentive for Production:** The minimum bid for production through agnostic pathways is 10,000 MT while maximum bid allowed is 90,000 MT. For production through biomass pathways, the bid should be between 500 MT and 4,000 MT. A bidder can bid for both pathways. The maximum incentive for the first year is Rs 50/Kg, for the second year Rs 40/Kg and for the third year Rs 30/Kg. Bids for three years will be averaged and the bidder with the least incentive demanded will be allotted the production capacity.
- **Eligibility of bidder:** In order to participate in the bidding process, the bidder's net worth must exceed Rs 15 crore per thousand MT per annum of the quoted production capacity under the Technology Agnostic pathway. For the bio-mass based pathway, the bidder's net worth should be greater than Rs 1.5 crore per thousand MT per annum of the quoted production capacity.

Guidelines for funding testing infrastructure under the National Green Hydrogen Mission released

The Ministry has released guidelines for "Funding testing facilities, infrastructure, and institutional support for developing standards and regulatory framework under the National Green Hydrogen Mission." [30] A total of Rs 200 crore has been allocated until 2025-26 for this scheme. The Green Hydrogen Mission aims to make India the Global Hub for production, usage and export of Green Hydrogen and its derivatives.[31]

The scheme for supporting testing infrastructure will: (i) identify gaps in existing testing facilities, fund their upgradation and create new facilities for testing, (ii) validate and certify technologies used in production of Green Hydrogen, and (iii) encourage private and government participation in establishing world class testing facilities.

The scheme will be implemented by the National Institute of Solar Energy. It will call for proposals for new testing facilities, and evaluate them based on criteria that will be specified in later.

For government testing entities, the Ministry will fund up to 100% of the capital cost, while for non-government entities, the Ministry will fund 70% of the capital cost required for equipment, installation, and commissioning of the project. Grant will be released in three instalments.

Projects to establish new testing and certification facilities must be completed within 18 months and projects for upgrading existing facilities must be completed within 12 months from the date of approval. The implementing agency may grant an extension of up to six months. Any extension exceeding six months will only be granted with approval of Ministry of New and Renewable Energy and will attract suitable penalties.

Environment

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Comments invited on the amendments to the Environment (Protection) Rules, 1986

The Ministry of Environment, Forest and Climate Change invited comments on the draft amendments to the Environment (Protection) Rules, 1986.[32] These Rules have been issued under the Environment (Protection) Act, 1986.[33] The Act was amended by the Jan Vishwas (Amendment of Provisions) Act, 2023.[34] The 2023 Act decriminalised certain offences under the 1986 Act. These include discharging pollutants above prescribed standards, not furnishing the required information, and contravention of directions issued under the Act. It provides for appointment of an Adjudicating Officer for adjudicating offences and determining penalties. It also establishes the Environment Protection Fund. Penalties levied under the 1986 Act will be credited to this Fund. The draft Rules seek to give effect to these provisions.

Comments are invited until September 16, 2024.

Power

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Comments sought on Draft revised guidelines on EV charging infrastructure

The Ministry of Power released draft guidelines for electric vehicle (EV) charging infrastructure. The draft guidelines consist of changes to the tariff structure and facility requirements at EV charging stations.[35] They seek to supersede the existing guidelines on charging infrastructure and guidelines. Features of the draft guidelines include:

- **Revised tariff structure:** The draft guidelines include new a revised tariff structure for electricity supply to EV charging stations. It includes a single-part tariff, capped at the Average Cost of Supply (ACoS) applicable till March 31, 2026. Additionally, the draft also introduces differential pricing based on solar hours (9:00 AM to 4:00 PM) at 0.7 times the ACoS, and non-solar hours at 1.3 times ACoS.
- **Metering arrangements:** There is a provision of separate metering arrangements for EV charging stations so that consumption may be recorded and billed as per the applicable tariff for EV charging stations. Public charging stations would be required to offer both prepaid and post-paid options with time-of-day rates and solar hour discounts. Charging station operators would be required to partner with at least one online Network Service Provider for remote booking of charging slots.
- **Location of charging stations:** The draft guidelines also include requirements with regard to density and distance between two charging stations. There should be at least one charging station per 1 km x 1 km grid by 2029-30. There should also be at least one fast charging station at every 100 kms on each side of the highways/expressways/road located preferably within or alongside the public charging stations. These will be for heavy duty and long range EVs. Within cities, such charging facilities for heavy duty EVs may be located within Transport Nagars or bus depots.
- **Database of public EV charging stations:** The Bureau of Energy Efficiency will create a national database of public charging stations. All public charging stations operators shall be required to register on a national portal 'EV Yatra'. Charger wise data such as: (i) energy sold, (ii) downtime duration, and (iii) service charges must be uploaded.

Defence

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Fifth positive indigenisation list notified

The Ministry of Defence has notified the fifth positive indigenisation list consisting of 346 items.[36] These items include various systems, sub-systems, spares, and raw materials which will be indigenised in a staggered manner. Their total import substitution value is Rs 1,048 crore. These items will be produced domestically by defence public sector undertakings.

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[14] "Constitution of the Education Advisory Council (EdAC) to GoI", Ministry of Education, July 11, 2024, https://www.education.gov.in/sites/upload_files/mhrd/files/Constitution_EdAC_order.pdf.
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