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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provide dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

EXAMINING THE BNSS AND THE MISUSE OF DOWRY AND DOMESTIC VIOLENCE LAWS

AUTHORED BY - SHIVANI PANDEY

Abstract

This research paper undertakes a critical examination of the intersection between dowry, domestic violence, and the recent reforms introduced under the Bharatiya Nagarik Suraksha Sanhita (BNSS), situating them within India's socio-legal landscape of 2025.¹ It interrogates the dual character of protective legislation most notably Section 498A of the Indian Penal Code and cognate provisions relating to dowry which has, on the one hand, served as a shield against systemic violence inflicted upon women, and, on the other, attracted persistent allegations of misuse. Drawing upon data published by the National Crime Records Bureau (NCRB) and the National Commission for Women (NCW), alongside judicial pronouncements and the amendments ushered in by the new criminal codes (BNS/BNSS effective July 2024), the paper foregrounds enduring concerns: low conviction rates, uneven regional patterns, and significant enforcement deficits.² Particular attention is devoted to the institutional role of Family Welfare Committees and the development of mediation frameworks, which have emerged as judicially crafted safeguards to prevent arbitrary arrests, while simultaneously preserving the protective intent of the law. The study is attentive to the layered nature of harm economic dependence, caste-based vulnerabilities, and the emergent terrain of technological abuse each of which complicates the lived realities of women seeking recourse under the law. Against this backdrop, the study advances the case for reforms that are both nuanced and evidence-based, moving beyond the binaries of blanket protection and categorical scepticism.³

Ultimately, the argument advanced is that the pursuit of genuine gender justice demands a coordinated endeavour across legislative design, judicial interpretation, and community engagement. Only through such integration can the law prevent the twin perils of

¹ Dowry Death in India: A Study of Legal Regime and Its Effectiveness, Amikus Qriae (2023), <https://theamikusqriae.com/dowry-death-in-india-a-study-of-legal-regime-and-its-effectiveness/>.

² Dowry in India: Legal Analysis, INT'L J. INNOVATIVE RES. TECH. (2025), https://ijirt.org/publishedpaper/IJIRT183509_PAPER.pdf.

³ An Insight into Dowry Deaths: The Untold Stigma and Torment of a Social Evil, CUREUS (2025), <https://www.cureus.com/articles/322539-an-insight-into-dowry-deaths-the-untold-stigma-and-torment-of-a-social-evil.pdf>.

marginalization and misuse, while ensuring that robust protection is secured for those who bear the brunt of domestic violence within India's evolving constitutional and legal order.⁴

Introduction

The relationship between legal protection and its potential misuse has become a defining tension in India's contemporary gender justice framework. In 2025, as India adjusts to recent criminal law reforms while continuing to confront entrenched social evils, debates on dowry and domestic violence legislation have sharpened. High-profile cases, coupled with the operationalization of new criminal codes, have heightened scrutiny of whether protective laws effectively balance victim protection with safeguards against false accusations. This analysis situates the issue within India's broader socio-legal evolution.⁵

Historical Evolution and Legal Framework

The state's intervention against dowry began with the Dowry Prohibition Act of 1961, India's first comprehensive statute criminalizing the practice. It prescribed imprisonment of no less than five years and fines equivalent to the dowry value. Yet, while symbolically significant, enforcement was weak, and the practice persisted in varied forms. A more robust framework emerged in the 1980s: Section 498A of the Indian Penal Code (1983) targeted cruelty by husbands and in-laws, while Section 304B (1986) created a distinct offence of dowry death. Together, these provisions established criminal liability not only for physical abuse but also for harassment tied to dowry demands.⁶

The Protection of Women from Domestic Violence Act, 2005, further expanded the scope by introducing civil remedies alongside criminal sanctions. It recognized domestic violence as a multidimensional harm encompassing physical, emotional, sexual, and economic abuse. This shift reflected a deeper understanding of violence within matrimonial homes, where coercion and deprivation often function as instruments of patriarchal control linked to dowry.

⁴ Debate Over 498A Misuse Grows Louder, Times of India (Feb. 2024), <https://timesofindia.indiatimes.com/city/delhi/debate-over-498a-misuse-grows-louder/articleshow/121855255.cms>.

⁵ Supreme Court Dismayed Over Misuse of Dowry, Cruelty Law, LEGAL EAGLE (2025), <https://legaleagleweb.com/newsdetail.aspx?newsid=8234>.

⁶ Landmark Judgments on Section 498A IPC, INDIAN FAMILY LAWYERS (n.d.), <https://www.indianfamilylawyers.com/498a/landmark-judgments-on-section-498a-ipc>.

Transition to the New Criminal Codes

The enforcement of the Bharatiya Nyaya Sanhita (BNS) and Bharatiya Nagarik Suraksha Sanhita (BNSS) on July 1, 2024, represents a major recalibration of India's criminal justice system. Section 80 of BNS redefines dowry death with penalties ranging from seven years to life imprisonment, while Section 85 criminalizes cruelty by husbands or relatives, echoing the intent of Section 498A but with procedural modernization. Complementing this, Section 144 of BNSS strengthens financial maintenance provisions for neglected spouses, directly addressing economic abuse.

These reforms signify an effort to modernize colonial-era structures while retaining the protective ethos of earlier laws. At the same time, they reopen debates on misuse whether stringent provisions, though necessary for deterrence, risk being weaponized in matrimonial disputes. Thus, the Indian legal system continues to wrestle with its dual mandate: protecting vulnerable women while ensuring due process and preventing over-criminalization.⁷

The Protection Imperative: Statistical Reality

Magnitude of Dowry-Related Violence

Dowry-related violence continues to represent one of the most persistent and deeply entrenched forms of gender-based harm in India. The National Crime Records Bureau (NCRB) reported 6,516 dowry deaths in 2022, which translates into the shocking reality that around 20 women lose their lives every single day due to dowry-linked abuse and violence. This is not a passing anomaly but part of a sustained trend: between 2017 and 2022, India witnessed an annual average of nearly 7,000 dowry deaths, reflecting how deeply rooted and unrelenting this social pathology has become.

Beyond these fatal cases, the broader contours of dowry-linked harassment are evident in National Commission for Women (NCW) data for 2024. Out of 25,743 total complaints received, 24% (6,237 cases) related directly to domestic violence, while 17% (4,383 cases) were complaints of dowry harassment. These figures underscore the continuing urgency of protective legislation designed to address systemic and recurring violence against women within marital homes. The numbers suggest not only persistence but normalization of such

⁷ Inheritance Law Reform and Women's Access to Capital: Evidence from India's Hindu Succession Act, World Bank Working Paper No. 5338 (2010), <http://crossasia-repository.ub.uni-heidelberg.de/3688/1/WPS5338.pdf>.

violence, demanding both legal vigilance and structural social reform.⁸

Regional Variations and Vulnerability Patterns

Disaggregated data reveal wide regional variations in the incidence of dowry-related violence. A striking 60% of dowry murders are concentrated in eastern states such as West Bengal, Odisha, and Bihar, while Delhi alone accounts for nearly 30% of dowry deaths among major metropolitan centers.⁹ These geographic patterns are more than numerical disparities they reflect intersections of culture, entrenched patriarchal practices, and the uneven enforcement of existing laws.¹⁰

Further, survey-based research demonstrates that 53.3% of rural women reported experiencing explicit dowry demands at the time of their marriage, and in nearly half of these cases (49.2%), the pressure emanated directly from mothers-in-law, signaling an intergenerational transmission of dowry practices.¹¹ Dowry, thus, is not simply imposed by men, but reinforced and perpetuated by women embedded within patriarchal family structures.¹²

The relationship between skewed sex ratios and dowry-related violence adds another layer of complexity. States with severely imbalanced sex ratios tend to record higher dowry death rates. This correlation highlights how demographic imbalances fuel the commodification of women, exacerbating bargaining dynamics in marriage markets. Together, these patterns reveal that dowry is not merely a matter of “tradition,” but a structural economic and demographic institution that breeds vulnerability.¹³

⁸ Violence Against Women: Where Are the Solutions?, *Indian J. Psychiatry* (2015), <https://pmc.ncbi.nlm.nih.gov/articles/PMC4462781/>.

⁹ Stronger Laws to Stop Violence Against Women in Southeast Asia, *World Health Organization Bull.* (2023), <https://pmc.ncbi.nlm.nih.gov/articles/PMC10306009/>.

¹⁰ Dowry and Justice: Between Protection and Misuse of the Law, *Kaushik Assocs.* (2023), <https://kaushikassociates.in/dowry-and-justice-between-protection-and-misuse-of-the-law/>.

¹¹ Domestic Violence in India Issues and Challenges, *Int'l J. Future Multidisciplinary Res.* (2024), <https://www.ijfmr.com/papers/2024/5/29156.pdf>.

¹² Misuse of Women's Protective Laws Against Men, *J. Neonatal Surg.* (2024), <https://www.jneonatalurg.com/index.php/jns/article/view/3496/3159>.

¹³ Supreme Court Orders Setting Up of Family Welfare Committees on 498A Misuse, *INDIA LEGAL* (2025), <https://indialegalive.com/constitutional-law-news/courts-news/supreme-court-misuse-section-498a-ipc/>.

The Misuse Controversy: Evidence and Implications

Statistical Analysis of Legal Outcomes

Parallel to the recognition of dowry-related violence is a counter-debate centered on the alleged misuse of legal protections. The most cited example is Section 498A of the Indian Penal Code, which criminalizes cruelty by husbands or their relatives.

According to NCRB 2022 data, of the 65,923 cases disposed of under Section 498A, only 12.6% resulted in convictions. Roughly 28.7% were disposed of without trial, with 82% of such disposals ending in compromise settlements. Among the cases that went to trial, 76.59% resulted in acquittals.

Critics of the provision cite these statistics as proof of widespread misuse, alleging that false or exaggerated cases are being filed to harass men and their families. Conversely, women's rights advocates argue that low conviction rates are not evidence of misuse but rather symptomatic of weak investigations, compromised evidence, police apathy, and judicial delays. The reality may lie in a middle ground, but the controversy highlights an enduring tension between ensuring justice for genuine victims and protecting against wrongful prosecution.

Judicial Recognition of Misuse

The judiciary has not remained indifferent to these concerns. In the landmark Atul Subhash judgment (December 2024), the Supreme Court expressed dismay over the "misuse of dowry harassment and cruelty provisions by wives against the kin of husbands, including elderly parents." The Court observed that the term cruelty is prone to cruel misuse unless backed by concrete and specific instances, cautioning against vague or generalized allegations.

In the same month, the Court further cautioned against the indiscriminate invocation of Section 498A, noting the growing trend of implicating entire families in matrimonial disputes. According to the Court, this undermines the statute's original protective intent, which was to shield women from targeted cruelty rather than to act as a sweeping instrument of retribution.

These judicial pronouncements have added legitimacy to concerns about misuse while

simultaneously emphasizing the need to protect the genuine core of the law.¹⁴

Family Welfare Committees: Mediation as Safeguard

Responding to these challenges, the Supreme Court in 2025 reinstated Family Welfare Committee (FWC) guidelines nationwide. Under this framework, any complaint under Section 498A must first be referred to a Family Welfare Committee, which includes mediators, social workers, or retired judicial officers. A mandatory two-month “cooling-off period” is enforced during which no arrests can be made.

The rationale is twofold: preventing arbitrary arrests while offering space for mediation and reconciliation in matrimonial conflicts. The Allahabad High Court’s guidelines, now made national, further require that all such complaints be routed through FWCs. While critics argue this may dilute immediate protection for women facing real threats, supporters contend it is a necessary filter to protect innocent families from premature criminalization.¹⁵

Socio-Legal Landscape of 2025: Emerging Trends

Challenges in Implementation

The implementation landscape remains riddled with contradictions. On one hand, law enforcement agencies often refuse to intervene in cases dismissed as “domestic disputes,” fostering impunity. On the other, when they do act, critics accuse them of mechanical arrests without sufficient inquiry. Both tendencies reflect deeply patriarchal institutional cultures and a lack of gender-sensitive training.¹⁶

A newer challenge comes from technology-facilitated violence. Cases of cyberbullying, online stalking, and revenge porn increasingly form part of matrimonial disputes. Integrating digital harms into the dowry and domestic violence framework is complex because such acts are difficult to classify, prosecute, and distinguish from alleged misuse.

¹⁴ Anil Madane, Misuse and Weaponization of Section 498A (Now § 85, BNS), LINKEDIN (2025), <https://www.linkedin.com/pulse/misuse-weaponization-section-498a-now-85-bns-indian-penal-madane-n53ke>.

¹⁵ Dowry Demand, Perception of Wife-Beating, Decision-Making Power and Associated Partner Violence Among Married Adolescent Girls: A Cross-Sectional Analytical Study in India, BMC Women’s Health (2024), <https://pmc.ncbi.nlm.nih.gov/articles/PMC11501023/>.

¹⁶ False Domestic Violence Cases in India, Raizada & Assocs. (2022), <https://www.raizadaassociates.com/blog/false-domestic-violence-cases-in-india/>.

Intersectionality and Marginalized Communities

The burden of dowry-related violence is not uniform; marginalized groups often face disproportionately severe outcomes. Dalit women are reported to experience sexual violence at rates 159% higher than the general population, while their conviction rates linger at only 2%, compared to a national average of 25%. This points to not only violence but also systemic neglect in the justice process.¹⁷

Similarly, Muslim women's struggles for gender justice are frequently entangled in discourses of nationalism, electoral politics, and religious identity. As a result, their access to remedies is further restricted, with accusations of misuse often weaponized against them. This intersectional vulnerability demonstrates that the misuse debate cannot be separated from caste, class, and religion.¹⁸

Economic and Social Determinants

Dowry as Economic Violence

Contemporary research underscores that dowry is no longer merely ritualized gift-giving but has evolved into structured economic extortion. On average, a bride's family spends 1.5 times more than the groom's family on wedding arrangements. Roughly 24% of families report giving consumer durables or vehicles televisions, refrigerators, cars, motorcycles as dowry. Even more troubling, 29% of surveyed respondents admitted that beating a woman for inadequate dowry is "common."¹⁹

Economic development paradoxically worsens this problem. Instead of reducing dowry, higher education and employment increase dowry expectations, as grooms with professional credentials command higher payments. Thus, economic growth has entrenched rather than dismantled dowry.²⁰

¹⁷ Where Is the Data on the "Misuse" of 498-A?, INDIA FORUM (n.d.), <https://www.theindiaforum.in/law/where-data-misuse-498>.

¹⁸ Dowry Deaths 25 Times More Frequent Than Rape Murders: Number Theory, HINDUSTAN TIMES (June 2025), <https://www.hindustantimes.com/india-news/dowry-deaths-25-times-more-frequent-than-rape-murders-number-theory-101756142057774.html>.

¹⁹ Women Laws, Special Police Unit for Women and Children (Delhi Police), <https://spuwac.in/lawforwco.html>.

²⁰ Social Change and Legal Reform in India, INDIAN J. INNOVATIVE RES. & L. (Feb. 2025), <https://ijirl.com/wp-content/uploads/2025/02/SOCIAL-CHANGE-AND-LEGAL-REFORM-IN-INDIA.pdf>.

Women's Economic Dependency

Women's economic dependency continues to exacerbate vulnerability. India's female labor force participation rate remains among the lowest globally, with over 90% of employed women trapped in informal, insecure work without social security. This lack of economic autonomy means women hesitate to report abuse, fearing abandonment without financial support. At the same time, during divorce proceedings, economic dependency can fuel weaponization of dowry provisions, as financial negotiations become entangled with legal threats.²¹

Thus, economic structures both enable dowry practices and shape the dynamics of alleged misuse.²²

Enforcement Challenges and Systemic Issues

Policing and Judicial Delays

The criminal justice system remains structurally weak in handling dowry-related cases. Police investigations often lack rigor, with delays in filing FIRs, poor evidence collection, and inadequate witness interviews. Courts compound these problems: trials drag on for years, during which crucial witnesses turn hostile or evidence decays.²³

The conviction rate for dowry deaths is around 35%, reflecting not necessarily a lack of culpability but systemic inefficiency. Moreover, the Dowry Prohibition Officers mandated under the 1961 Act exist largely on paper, with little funding or institutional support.

Witness Protection and Data Integrity

Dowry deaths are frequently disguised as accidents or suicides, while survivors are coerced into silence. The absence of witness protection mechanisms further weakens prosecutions. This culture of concealment ensures that official statistics understate the true scale of the problem, while also contributing to acquittals that feed into the misuse debate.²⁴

²¹ GOV'T OF INDIA, MINISTRY OF INFORMATION & BROADCASTING, Laws Addressing Gender-Based Violence and Harmful Practices (Mar. 2025), <https://static.pib.gov.in/WriteReadData/specificdocs/documents/2025/mar/doc202534512701.pdf>.

²² Prevalence of Spousal Violence Among Married Women in a Rural Area in North Kerala, *J. Family Med. Primary Care* (2021), <https://pmc.ncbi.nlm.nih.gov/articles/PMC8483127/>.

²³ Gender Equity in Islamic Marriage and Divorce: A Narrative Review, *INT'L J. ISLAMIC STUD.* (2025), <https://journal.sinergi.or.id/index.php/ijis/article/view/611>.

²⁴ Aryan Gupta, Analysis of Section 498A IPC, *JUS CORPUS L.J.* (Jan. 2025), <https://www.juscorpus.com/wp-content/uploads/2025/01/15.-Aryan-Gupta.pdf>.

Effective reform requires specialized investigative protocols and protective mechanisms for witnesses, without which both justice and data remain compromised.²⁵

Contemporary Debates and Reform Proposals

Balancing Protection with Prevention of Misuse

The central policy question is how to balance the imperative of protection with the risk of misuse. Suggested reforms include:

- Strengthening investigative procedures to ensure arrests are based on evidence rather than mere complaints.
- Training law enforcement officers in gender-sensitive approaches.
- Targeted penalties for demonstrably false and malicious complaints, carefully designed so as not to deter genuine victims.
- This balance requires nuanced legal design: protecting women while preventing the law from being weaponized.

The Gender-Neutrality Debate

Another debate concerns whether domestic violence laws should be gender-neutral. Some advocate for inclusion of men as potential victims, arguing that misuse disproportionately affects them. Others maintain that laws must remain gender-specific, since violence is overwhelmingly perpetrated against women.²⁶

The Indian Constitution permits affirmative gender-specific measures to uplift disadvantaged groups, providing a legal basis for women-focused protections. Critics of gender neutrality caution that overemphasizing misuse risks diluting protective intent and deterring women from seeking redress. This debate reflects broader philosophical questions about equality versus equity in Indian law: whether equal treatment should prevail, or whether context-specific protections are necessary for substantive justice.²⁷

²⁵ Inheritance Law Reform and Women's Access to Capital: Evidence from India's Hindu Succession Act, World Bank Working Paper No. 5338 (2010), <http://crossasia-repository.ub.uni-heidelberg.de/3688/1/WPS5338.pdf>.

²⁶ The New Bharatiya Nyaya Sanhita Laws: Progress or Pitfall for Doctors?, CUREUS (2025), <https://www.cureus.com/articles/294370-the-new-bharatiya-nyaya-sanhita-laws-progress-or-pitfall-for-doctors>.

²⁷ The Debate Around Section 498A: Misuse or Inappropriate Application?, SABRANGINDIA (n.d.), <https://sabrangindia.in/the-debate-around-section-498a-misuse-or-inappropriate-application/>.

Way Forward: Comprehensive Reform Strategies

Strengthening Implementation Mechanisms

The effectiveness of gender justice reforms rests not only on the enactment of progressive laws but also on the robustness of their enforcement. A multidimensional strategy is essential combining legal reform, societal engagement, and victim support. Implementation gaps can be narrowed by instituting independent and impartial bodies tasked with monitoring enforcement and handling grievances. Such structures strengthen accountability and reduce risks of arbitrariness.²⁸

Law enforcement requires specialized training in handling domestic violence and gender-based cases. Modules should emphasize gender-sensitive investigation methods alongside procedural safeguards against arbitrary arrests, thereby balancing victim protection with due process. Technology can be harnessed to enhance transparency and efficiency, particularly through digitized complaint systems, case tracking platforms, and integrated evidence management. The establishment of fast-track courts, adequately resourced and staffed with trained personnel, would accelerate justice delivery while safeguarding fair trial rights.²⁹

Community-Based Interventions

Reform cannot remain confined to legal institutions; community participation is critical. Awareness campaigns and structured dialogues on rights, entitlements, and legal protections can foster environments where women and girls feel empowered to report genuine cases. Importantly, interventions must also include men and boys, challenging patriarchal structures that both sustain abuse and facilitate the misuse of protective legislation.

Socio-economic empowerment forms another cornerstone. By reducing women's dependence through equal access to education, skills, and employment, reform initiatives can address root vulnerabilities that perpetuate violence and exploitation. Comprehensive gender education, embedded within school curricula, can reshape perceptions from an early age, dismantling stereotypes and cultivating critical reflection on equality and respect.

²⁸ Women's Rights and Legal Reform in India: A New Era of Empowerment, VINTAGE LEGAL (2025), <https://www.vintagelegalvl.com/post/women-s-rights-and-legal-reform-in-india-a-new-era-of-empowerment>.

²⁹ Domestic Violence and Legal Recourse: A Study of the Protection of Women from Domestic Violence Act, 2005, INT'L J. FUNDAMENTAL MULTIDISCIPLINARY RES. (2025), <https://www.ijfmr.com/research-paper.php?id=52188>.

Institutional Reforms

Sustained reform requires legislative vigilance. Lawmakers must regularly revisit statutes, ensuring they remain responsive to emerging challenges without diluting protective intent. Revisions should be informed by on-ground implementation experiences and changing social realities. Coordination among police, judiciary, healthcare providers, and social services is equally vital, producing holistic support frameworks for victims while reinforcing procedural integrity.

Finally, empirical research and reliable data systems are indispensable for evidence-based policymaking. Strengthening monitoring mechanisms to capture conviction rates, disposal timelines, and victim satisfaction would provide meaningful indicators of effectiveness. Periodic evaluations would not only highlight gaps but also chart pathways for reform, ensuring that the justice system evolves in tandem with societal needs.

Conclusion

The debate over dowry and domestic violence in India's 2025 socio-legal landscape underscores the inherent tension between ensuring protection for victims and addressing apprehensions of misuse. Statistical trends confirm the continued prevalence of gender-based violence, justifying robust protective legislation. At the same time, concerns over false implication highlight the need for nuanced reforms that strengthen accountability without eroding safeguards.³⁰

The introduction of the Bharatiya Nyaya Sanhita (BNS) and Bharatiya Nagarik Suraksha Sanhita (BNSS) presents an opportunity to recalibrate the legal framework. These reforms, informed by decades of implementation experience, seek to reconcile procedural fairness with victim protection. The reinstatement of Family Welfare Committees and greater reliance on mediation reflect an emerging preference for balanced mechanisms that both filter frivolous cases and preserve the sanctity of genuine complaints.³¹

Resolving this debate requires a multidimensional approach. Legislative clarity must be

³⁰ Blame, Shame and Victimization of Men Under Anti-Dowry Laws, 12 INDIAN J. FORENSIC & COMMUNITY MED. 14750 (2025), <https://ijfcm.org/archive/volume/12/issue/2/article/14750/pdf>.

³¹ India's Gender-Based Violence Crisis 2025: Facts Must Drive Change, SABRANGINDIA (2025), <https://sabrangindia.in/indias-gender-based-violence-crisis-2025-facts-must-drive-change/>.

matched by judicial sensitivity, administrative efficiency, and active civil society participation. Equally critical are community-based interventions that challenge entrenched patriarchal norms while disseminating awareness of rights and responsibilities.³²

Moving forward, the emphasis must be on evidence-driven policy design, periodic evaluation of legal impact, and adaptive responses to shifting social realities. Protecting women from violence while preventing misuse of legal processes is not a zero-sum exercise but a test of institutional capacity and social will. Only sustained, integrated efforts can secure the balance necessary for advancing genuine gender justice in India's legal and social order.³³

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³² Dowry Torture, Domestic Violence Remain Serious Worry: NCW Data, TIMES OF INDIA (2025), <https://timesofindia.indiatimes.com/india/dowry-torture-domestic-violence-remain-serious-worry-ncw-data/articleshow/116864914.cms>.

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