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PART I—Order and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL
FOREST DEPARTMENT
Writers' Buildings, Kolkata-700 001

NOTIFICATION

NO.517-For. Dt. the 9th February, 2007-In exercise of the power conferred by sub-section (1) of section 24 of the West Bengal Trees (Protection and Conservation in Non-Forest Areas) Act, 2006 (West Ben Act X of 2006), the Governor is pleased to make the following rules, namely :-

Rules

Short title & commencement. 1. (1) This rules may be called the West Bengal Trees (Protection and Conservation in Non-Forest Areas) Rules, 2007.

(2) They shall come into force on the date of their publication in the Official Gazette.

Definitions. 2. (1) In these rules, unless the context otherwise requires—

(a) "the Act" means the West Bengal Trees (Protection and Conservation in Non Forest areas) Act, 2006 (West Ben Act X of 2006)

(b) "Form" means a Form appended to these rules ;

(c) "section" means a section of the Act ;

(d) "rule" means a rule of these rules.

(2) Any expression used in these rules, but not defined, shall have the same meaning as defined in the Act.

ɔse for which felling of trees shall not include lopping off a limb of tree. 3. Lopping limb of tree for the following purposes shall not constitute "felling of tree" as defined r sub-section (3) of section 3—.

(a) maintenance of electric lines, roads and other works of public utility : provided that such lopping does not pose any threat to the survival of the tree,

(b) maintenance and beautification of the Parks and Gardens :

(c) when the limb of a tree causes serious inconvenience to the local resident, or poses threat to human life, or a building, or property : or disrupts public services (transportation system).

ission to fell trees. 4. (1) Permission for felling or otherwise disposing of any tree the provisions of sub-section (1) of section 5 shall be granted only for the following ɔses :

(a) if it causes serious inconvenience to the local resident; or poses threat to human life, or a building, or property ; or disrupt public services (transportation system) ;

(b) if it attains natural death due to any disease, or natural calamities like storm, lightening ;

(c) if a tree was raised with the purpose of Social Forestry or Farm Forestry and has since attained maturity for harvesting ;

(d) if the tree is sought to be removed for facilitating re-forestation of the land for the purpose of Social Forestry or Farm Forestry ;

(e) if the owner intends to carry out the felling of trees to meet expenses for family obligations, such as medical treatment, marriage, education or to meet requirement of timber for construction or repair of his own house ;

(f) if it becomes absolutely necessary to fell the trees for the disposing of land or settling up of the land dispute ;

(g) if in a tea garden, proviso to sub-section (3) of section 6 shall be complied with.

) (a) A person other than a developer, seeking permission for felling or otherwise disposing of any tree unde the provision of sub-section (1) of Section 5 shall submit an application to the competent authority in Form I (A) : Provided, however, that a developer shall submit application to the competent authority in the Form I(B).

(b) The competent authority shall issue an acknowledgement to the applicant in an appropriate manner under his official seal.

An inquiry for the purpose of giving permission to fell or dispose of any tree as referred to in sub-section (1) of section 5 of the Act may be conducted in the following manner :

(a) the competent authority either himself conduct field enquiry or will depute a suitable official from amongst his subordinates for the purpose ;

(b) the enquiry will be completed within thirty days from the date of receipt of the application or within two days in case of application seeking immediate permission to fell such trees which constitute immediate danger as specified in sub-rule (4) of this rule ;

(c) the enquiry officer shall intimate the applicant regarding the date and time of field enquiry and the applicant will be present during the enquiry in person or through a duly authorized representative ;

(d) the enquiry officer may also invite some local prominent persons to be present during the enquiry ;

(e) the enquiry officer will also consult and consider the report from the Gram-Panchayat or Municipality or Municipal corporation or Notified Area Authority or the industrial township as the case may be, in Form I(c) ;

(f) The inquiry officer will submit his report to the competent authority in form-II

(4) For the purpose of the three provisions to sub-section (1) of section 5, the competent authority shall within three days from the date of receipt of application, give permission of felling of trees if it constitute immediate dangers of the following nature to any person or property :

(a) imminent threat to human life, or property of any person or institution or organization ;

(b) serious disruption to maintenance of public services (transportation system).

Procedure for obtaining permission to fell tree. 5. (1) For the purposes of obtaining permission to fell tree or otherwise disposing of any tree under sub–section (1) of section 6, the applicant shall pay the following fee to the competent authority at the time of submitting application :

(i) developer :- Rs. 1,000.00 (One thousand rupees) ;

(ii) a person other than a developer :- Rs. 25.00 (Twenty five rupees) (in rural areas) and Rs. 100.00 (One hundred rupees) (other than rural areas) ;

(iii) Emergency Application Fee :
(if the application is required to be submitted for immediate permission under sub-rule (4) of rule 4: Rs. 200.00 (Two hundred rupees for all areas).

(2) For the purpose of subsection 3 of section 6, the competent authority shall grant permission to fell tree to an applicant in Form III: provided that no permission to fell tree, if there is a tree, will be given to a developer unless he has obtained a certificate of clearance from the competent authority, under sub-section (4) of section 9 and sanction of the building or otherwise construction plan from the appropriate authority under sub-section (5) of section 9.

(3) The permission under sub-rule (2) shall be granted only after the applicant, other than a developer, has paid security for undertaking plantation for trees to the competent authority at the rate of twenty rupees per tree in rural areas and thirty rupees per tree in areas other than rural areas for each tree to be planted: Provided that no security shall be payable by an applicant who is unable to undertake plantation of trees and has deposited the prescribed amount of money to the competent authority as prescribed under sub-rule (3) of rule 6.

(4) The security under sub-rule (3) shall be paid either in cash or through National Saving Certificates duly placed in favour of the competent authority.

(5) The security shall be refunded in full to the applicant but not before two years from the date of grant of felling permission after the competent authority has satisfied himself that at least eighty percent of the trees planted by the applicant under the provision of rule 6 are surviving in good condition: Provided that the security shall be refunded to the applicant on pro-rata basis if the total number of trees survived are less than eighty percent of the total number of trees planted: Provided further that the security may be forfeited by the competent authority if the total number of threes survived are less than thirty percent of the total number of trees planted.

(6) The non-refunded portion of the security shall be transferred by the competent authority to the designated agency for undertaking plantation of trees.

Obligation to plant trees 6. (1) As provided under section 8 every person who after obtaining permission by the competent authority, fells any tree, shall undertake plantation two trees in place of every tree felled, in the same plot of land and tend such plantation for trees in accordance with the direction of the competent authority : Provided that a developer shall undertake plantation of trees as prescribed in sub-rule (1) of rule 7.

(2) Under the provision of the first proviso to section 8, the competent authority may in writing permit a lesser number of plantation for trees to be undertaken in a different plot or plots or exempt any person, other than a developer, from the obligation of such plantation for the following reasons :

(a) if the felling of trees for erecting of house for self accommodation ;

(b) if the existing plot, on which the tree is felled, does not provide space for any further plantation ;

(c) if no other plot of land is available with the owner of the tree ;

(d) if the total number of trees to be felled is less than ten.

(3) Any person, other than a developer, unable to undertake plantation of trees as prescribed under sub-rule (1) shall deposit an amount of twenty rupees per tree in rural areas and thirty rupees per tree in areas other than rural areas to the competent authority, who shall transfer the said amount to the designated agency of the State Government to undertake plantation of trees for the trees felled : Provided that the amount to be deposited shall be forty rupees per tree in rural areas and sixty rupees per tree in areas other than rural areas if the trees to be felled belong to any of the species included in the Schedule of the Act.

Compulsory plantation of trees. 7. (1) For the purpose of sub-section (1) of section 9, a developer shall undertake plantation of trees over at least twenty percent of the total area in the same plot or plots of land as subject to such development in accordance with a plantation plan approved by the competent authority under sub-section (4) of section 9 : Provided that the total number of trees to be planted shall be at least five times the number of trees to be felled, if any : Provided further that the competent authority may fix up norms for plantation of trees in a particular area regarding choice of species, proportion of different species, spacing, maintenance.

(2) The developer shall, under sub-section (2) of section 9 submit application to the competent authority in Form I (B), which shall be accompanied with a fee prescribed under sub-rule (1) of rule 5.

(3) The developer, while applying for the certificate of clearance to the competent authority shall submit a proposed plantation plan (in quadruplicate) drawn on 1 : 100 scale showing the location of plantation over the extent as prescribed under sub-rule (1) alongwith the following details :

(a) species to be planted ;

(b) advance soil work ;

(c) source of seeds and seedlings for plantation ;

(d) spacing and planting pattern ; and

(e) time schedule for plantation and maintenance.

(4) Before issuing the certificate of clearance to the developer, the competent authority shall cause an inquiry in the manner prescribed in sub-rule (3) of rule 4.

(5) The competent authority shall under sub-section (4) of section 9 issue the certificate of clearance to the developer in the Form IV.

Forfeiture of Timber etc. 8. Any timber or implements forfeited under sub-section (I) of section 14, shall be disposed of by the competent authority through auction or open tender following the relevant government orders in this respect.

Power of Seizure. 9. Wood of trees together with boat, vehicle, carrier or cattle seized under the provisions of sub-section (1) of section 15 shall be handed over the competent authority who shall dispose them of though auction or open tender following the relevant government orders in this respect.

Compounding of offence. 10. The net present value of timber, as referred to in the proviso to sub-section (1) of section 16 shall be calculated on the basis of "Scheduled of Rate" prescribed for the nearby Forest Division by the concerned Conservator of Forests.

Power to prevent commission of offence. 11. The Report, as referred in sub-section (1) of section 17 be submitted to the superior officer with the following details in respect of the offence committed or likely to be committed :

(a) detailed location ;

(b) date and time ;

(c) nature of offence ;

(d) name and address of the offender or the offending agency ; and

(e) any other relevant information.

Power of State Government for Preservation of trees. 12. (1) The competent authority shall not issue permission for felling of any class or classes of trees notified by the State Government under sub-section (1) of section 23 for such period as is specified in that notification.

(2) The competent authority shall prepare an inventory of trees referred to in sub-rule (1) ; carry out inspection from time to time; and issue suitable directions to the owners of such trees for their protection and upkeep.

(3) The owner of trees, as referred to in the sub-rule (1), shall take all necessary precautions for protection and upkeep of such trees ; carry out the directions issued by the competent authority under sub-rule (2) and submit a report regarding any loss or damage to such trees to the competent authority without any undue delay.

Form-I (A)

Application For Felling of Disposing of Trees in Non-Forest Areas in respect by a Person (Other than A developer)

[See rule 4 (2) (a)]

(1) Name of the Applicant (In Capitals) :

(2) Full Postal Address :

(3) Land Details :

(a) Block / Panchayat / Municipality / Corporation / Others :

(b) Mouza / Ward :

(c) J. L. No. / Part No. / Plot No. :

(d) Area of the Land :

(e) Plan of land / Map of the Land :

(f) Total No of trees present in the land (Species and number) :

(4) Details of Trees to be felled / disposed off :

Number of Tree	Plot No.	Species	DBH (cm)	Approx Hight (Metre)	Natural or Planted	Approx Age	Physical condition

(5) Purpose of Felling : (To be authenticated by supporting documents in original)

(6) Particulars of previous felling of trees : (On the same plot of land, if any)

Plot No.	Date	Species	Number of Trees	References of permission from Competent Authority

(7) **[Only for applicant seeking emergency permission]**

I, hereby declare that the aforesaid trees constitute immediate danger in view of .....(Give reasons) and permission for their immediate felling is solicited in terms of sub-rule (4) of rule 4.

(Photographic evidence to be submitted)

(8) I do hereby, certify that the felling of trees for which permission is sought for, shall not change the nature or character of land or the mode of use of the land;

OR

A copy of the conversion certificate obtained from the Collector under section 4 C of the West Bengal Land Reforms Act, 1955 is attached.;

(9) **[Only in case of Tea Gardens]**
I, do hereby declare that the sale proceeds from the felling of trees in question will be utilized strictly for the purpose of welfare of the labourers of the tea garden on the basis of the specific scheme framed under the provisions of the Plantations Labour Act, 1951 (A copy enclosed)

(10) I do, hereby undertake to plant .....trees (A minimum of two trees against each tree to be felled) at the same plot / at ..... Police Station ..... District ..... and maintain the same for a period of 5 (five) years.

I, am willing to deposit the security money as prescribed under sub-rule (3) of rule 5.

OR

I, do hereby undertake, to deposit the required sum of money as prescribed under sub-rule (3) of rule 6 in-lieu of plantation to the Competent Authority.

OR

I, may kindly be exempted from the obligation of planting trees / permitted to plant lesser no of trees / permitted to plant trees on a different plot on the following grounds :

(i)

(ii)

(iii)

(11) I, am enclosing an amount of Rs ..... As application fee by Cash / Draft No.....at Bank ..... dated .....

Place :

Date : *Signature of the Applicant*

*Strike off which is not applicable.

Form I (B)

***Application For Felling of Trees in Non-Forest Areas / Certificate of Clearance in respect of a Developer**

[See rule 4 (a) (2) and 7 (2)]

(1) Name of the Person / Agency / Department :

(2) Full Postal Address :

(3) Nature of proposed developmental work :

(4) Land Details :

(a) Block / Panchayat / Municipality / Corporation / Others :

(b) Mouza / Ward :

(c) J.L. No. / Part No. / Plot No. :

(d) Area of Land :

(c) Plan of land / Map of the Land :

(d) Total no of trees present in the land (Species and Number) :

(5) Details of Trees to be felled / disposed off :-

Number of Trees	Plot No.	Species	DBH (cm)	Approx Hight (Metre)	Natural or Planted	Approx Age	Physical condition

(6) Purpose of Felling : (To be authenticated with detailed project report including total financial outlay)

(7) Plantation Plan (On 1 : 100 scale showing location, species, timeframe, financial outlay, maintenance etc. to be submitted in quadruplicate)

(8) Particulars of previous felling of trees : (On the same plot of land, if any)

Plot No.	Date	Species	Number of Trees	References of permission from Competent Authority

(9) A copy of the conversion certificate obtained from the Collector under section 4 C of the West Bengal Land Reforms Act, 1955, is attached.

(10) **[Only in case of Tea Gardens]**
I, hereby declare that the sale proceeds from the felling of trees in question will be utilized strictly for the purpose of welfare of the labourers of the tea garden on the basis of the specific scheme framed under the provision of the Plantation Labour Act, 1951 (A copy enclosed);

(11) I, do hereby undertake, to plant trees over ..... ha (20% of the total area to be developed subject to a minimum of 5 trees against each tree to be felled.) at the same plot / at ..... Police Station ..... District ..... and maintain the same for a period of five years. Plantation Plan (in quadruplicate) is enclosed.

(12) I, am enclosing an amount of Rs. ..... as application fee by Cash / Draft No..... at Bank ..... dated .....

Place :

Date :

Signature of the Applicant

Name : .....

Official Seal :

* Strike off which is not applicable.

Form I (C)

****Certificate in connection with Felling / Disposing of trees(s) in Non-forest areas by Panchayat / Municipality / Municipal corporation / Others**

[See Rules 4 (3) (e)]

(1) This is to certify that Shri / Smt. / Ms. / Orgainsation/ .....
.....Village/Road/Street/Word No. .....
Police Station .....District ..... Pin .....
has applied to the competent authority to fell/dispose of .....No. of tree(s) from his / her / their own /leased land bearing plot No. .....J. L. No. ..... Mouza/ Ward No. ..... Police Station ..... Panchayet / Block / Municipality / Municipal Corporation / Others .....District .....

(2) The above application is recommended *.

(3) The above application is not recommended for the following reasons * .

(i)

(ii)

(iii)

Signature .....

Name in Full .....

Designation .....

Seal :

Place :

Date :

* Please strike out which ever is not applicable.

** The Certificate may be issued by the Pradhan, Chairman, Municipal commissioner of concerned Gram Panchayet, Municipality, Municipal corporation or by the concerned authority of notified area authority, Industrial Township etc. respectively.

Form II

Inquiry Report / Inquiry For Certificate of Clearance For Felling of Trees in Non-Forest Areas
[See Rules 4(3) (f) and 7 (4)]

(1) Date of Receipt of the Application in Form I (A) / Form I (B)

(2) Enquiry conducted on :

(3) Enquiry conducted at :

(4) Enquiry conducted in presence of :

Name	Identity	Signature with date
	Applicant	
	Local prominent person	

(5) Findings :

[General]

(a) Land Verification ;

(b) Tree Verification (Annexure Enclosed) ;

(c) Verification of ownership ;

(d) Verification of purpose of Felling ;

(e) Comments on ecological / Historical Significance of the trees (if any) ;

(f) Whether nature of land may change due to proposed felling.

[Developmental Agency]

(a) comments on Plantation plan.

(b) Whether the said project can be carried out by felling lesser no of trees.

(6) Comments of Inquiry Officer on the contents of Form I (C);

(7) Recommendation :

(i) Recommended / not recommended with specific reasons;

(ii) A list of trees recommended for felling is enclosed.

PLACE :

DATE :

SUBMITTED BY

Signature : .....

Name : .....

Designation : .....

Official Seal : .....

Annexure of Form II

List of trees recommended for felling

Name of the Applicant :

Date : .....

Application Number .....

.....

Number of Tree	Location (Plot No.)	Species	DBH (in cm)	Condition of the tree

ABSTRACT

Species	Total No. of Trees
A.	.....
B.	.....
C.	.....
D.	.....
E.	.....

Grand Total ....

(Signature of the Competent Authority)

Name : .....

Designation : .....

Place : .....

Date : .....

Official Seal : .....

Form III

Form for Permission for Felling / Disposing of Trees in Non-Forest Areas
[See Rule 5 (2)]

Dated : .....

Permit No. .....

Whereas the applicant, Sri/Smt./Messrs ..... Address : ..... has submitted an application with the prescribed fee on ..... for permission for felling / disposing of trees for the purpose of ..... at the following site :

(a) Location :

(b) Details of Plot(s) of Land : .....

.....

.....

AND Whereas the undersigned is satisfied with regard to the legality of documents towards the proof of ownership or lease of the land on which such tree stands;

AND Whereas the purpose for which the trees are required to be felled is in conformity with rule 4 (1) of the West Bengal Trees (Protection and Conservation in Non-Forest Areas) Rules, 2006 :

AND Whereas an inquiry in the prescribed manner has been carried out on ..... and the undersigned has examined the inquiry report with due care;

AND Whereas the land in question belongs to the ..... Tea Garden and the applicant has produced a specific scheme framed under the provisions of the Plantations Labour Act, 1951 for utilizing the sale proceeds strictly for the purpose of welfare of the labourers;

AND Whereas the applicant is a developer who has already obtained a Certificate of Clearance No. ..... dated ..... Issued by the undersigned and sanction of the building / construction plan by the sanctioning authority, viz. .... vide his letter No. ..... Dated .....

AND Whereas it is found on inquiry that the proposed felling will not alter nature or character or mode of use of the land.

OR

The Applicant has produced the requisite permission under section 4C of the West Bengal Land Reforms Act, 1955.

AND whereas the applicant has deposited the prescribed security amount for plantation of trees to the undersigned;

OR

The applicant has been exempted by the undersigned from the obligation of plantation of trees under sub-rule (2) of rule 6 of the West Bengal Trees (Protection and Conservation in Non-Forest Areas) Rules, 2006 ;

OR

The applicant has expressed his inability to undertake the plantation to trees by himself and has deposited to the undersigned the amount for the designated agency as prescribed under sub-rule (3) of rule 6 of the West Bengal Trees (Protection and Conservation in Non-Forest Areas) Rules, 2007.

OR

The applicant is a developer and not required to deposit the security amount.

* Strike off if not applicable.

* Strike off the option which is not applicable.

Now, therefore, in persons to the power conferred under sub-section (1) of section 5 of the West Bengal Trees (Protection and Conservation in Non-Forest Areas) Act, 2006, the undersigned permits the applicant to undertake the felling of the trees as included in the Annexure.

The undersigned also permits the applicant (not a developer) under the first proviso to section 8 of the West Bengal Trees (Protection and Conservation in Non-Forest Areas) Act, 2006, to plant only _____number of trees instead of the number prescribed under sub-rule (1) of rule 6 of the West Bengal Trees (Protection and Conservation in Non-Forest Areas) rules 2007. **OR** permits the applicant to plant ..... number of trees over different plots(s) of land (as indicated in Condition No. 3 below) because (give reasons) ....., which is in conformity with sub-rule (2) of rule 6 of the West Bengal Trees (Protection and Conservation in Non-Forest Areas) Rules, 2007;

The permission as given above is subject to the following conditions:-

This permit is non-transferable and valid only up to .....

1. the applicant (if a developer) shall take up plantation of trees in accordance with the approved plantation plan and the Certificate of Clearance within ..... month(s) from the date of sanction of the building / construction plan by the sanctioning authority;

2. The applicant (if not a developer) shall take up plantation of ..... number of trees ..... over the Plot(s) No. ..... within ..... months from the date of issue of this permit;

3. As provided in section 10 of the West Bengal Trees (Protection and Conservation in Non-Forest Areas) Act, 2006, the applicant (if not a developer) shall start preparatory work for plantation within sixty days from the date for permit or the date of receipt of directions from the undersigned, as the case may be, and shall undertake plantation for trees in accordance with such directions;

4. The applicant shall inform the undersigned in writing immediately on completion of the plantation of trees;

5. The applicant shall, within a week of carrying out felling of trees, submit a report to the undersigned indicating the total number of logs ad firewood produced against each species;

6. Stamps of the felled trees shall be retained for a least one month from the date of felling;

7. The felling and carriage of trees shall not be carried out after the sun-set and before the sun-rise.

8. This permission is subject to the provisions of the West Bengal forest (Establishment and Regulation of Saw Mills and Other Wood-based Industries) Rules, 1982 and The West Bengal Forest Produce Transit Rules, 1959.

9. This permit should be produced for inspection on demand to the undersigned or any of the authorities specified in sections 15 and 17 of the West Bengal Trees (Protection and Conservation in Non-Forest Areas) Act, 2006.

(Signature of the Competent Authority)

Name : .....

Designation .....

Official Seal : .....

* Strike off if not applicable.

Annexure To Form III

Date : .....

Permit Number .....

Number of Tree	Location (Plot No.)	Species	Diameter at Breast-Height (in cm)	Condition of the tree

ABSTRACT

Species	Total No. of Trees
A.	.....
B.	.....
C.	.....
D.	.....
E.	.....

Grand Total .....

(Signature of the Competent Authority)

Name : .....

Designation : .....

Official Seal : .....

Form IV

Form for Certificate of Clearance for Developers
[See Rule 7 (5)]

Certificate No. ..... Dated : .....

Whereas the developer, Sri/Smt./Messrs .....

Address : .....

has submitted an application with the prescribed fee on ..... for

Certificate of : Clearance for the following developmental project :

(a) Nature of Project .....

(b) Location : .....

(c) Details of Plot(s) of Land : .....

(d) Total Area (in Ha.) .....

AND Whereas the aforesaid developer has also submitted a plantation plan in the prescribed format;

AND Whereas the undersigned has approved the said plantation plan after satisfying himself on proper scrutiny of the plan and completing the field inquiry that the proposed plantation of trees as shown in the plantation plan is in accordance the provisions of the West Bengal Trees (Protection and Conservation in Non-Forest Areas) Act, 2006 and the rules made thereunder;

AND Whereas the concurrence of the West Bengal Pollution Control Board has been obtained vide their letter No. ..... dated .....;

Now, therefore, the undersigned issues this **Certificate of Clearance** in favour of the aforesaid developer in accordance with sub-section (4) of section 9 of the West Bengal Trees (Protection and Conservation in Non-Forest Areas) Act, 2006, subject to the following conditions:-

1. This Certificate is non-transferable.

2. The developer shall take up plantation of trees over ..... ha (subject to a minimum of 5 times the trees, if any, to be felled) in the same plot(s) of the land being developed in accordance with the approved plantation plan and complete the same within ..... months(s) from the date of sanction of the building / construction plan by the sanctioning authority.

3. As provided in the proviso to sub-section (9) of section 9 of the West Bengal Trees (Protection and Conservation in Non-Forest Areas) Act 2007, the plantation has to be implemented before the development project is initiated;

4. Formal permission for selling of trees on the land being developed, if necessary, will be granted only after the sanction of the building / construction plan;

5. This Certificate shall cease to be valid if the building / construction plan is rejected by the sanctioning authority or if the plantation work is not completed within the period as specified in the Condition No. 2 above.

(Signature of the Competent Authority)

Name : .....

Designation .....

Official Seal : .....

By Order of the Governor,

Sd/-

Smt. Shila Nag

Joint Secretary to the Govt. of West Bengal

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