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Worker Protections in the Gig Economy Challenges for Indian Labour Law

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ABSTRACT

The rapid expansion of the gig economy in India has significantly altered the labor landscape, offering flexibility to workers but simultaneously exposing them to precarious working conditions. This study explores the legal challenges faced by gig workers, who engage in temporary, project-based employment through digital platforms. Unlike traditional employees, gig workers lack essential protections such as job security, social benefits, and fixed working hours. Indian labor laws, primarily designed for formal employment, fail to address the unique nature of gig work, leaving workers vulnerable to exploitation. This research critically examines the gap in India's existing legal framework and evaluates the adequacy of social security provisions under the Code on Social Security, 2020. The paper highlights the need for reforms to protect gig workers' rights while ensuring the continued growth of the gig economy. The study also draws on global best practices, including models from the United States, the United Kingdom and Germany, suggesting that India can implement similar frameworks to improve gig workers' access to welfare benefits, fair wages and dispute resolution mechanisms. It concludes with a call for comprehensive legal reform, including clear policies on compensation, health insurance and career development for gig workers, to ensure their inclusion in India's evolving workforce.

Keywords: *Gig Economy, Indian Labour Law, Worker Protections, Social Security, Legal Reform*

I. INTRODUCTION

The gig economy, characterized by short-term, flexible, and independent jobs facilitated by digital platforms, has experienced exponential growth in India in recent years. Gig work includes various forms of employment, such as ride-sharing, food delivery, freelance tasks and digital labor, offering workers greater flexibility in terms of time and location (Verma, 2025). However, the rapid expansion of gig jobs has raised significant concerns regarding workers' rights and protections under existing labor laws. This has necessitated a critical examination of

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the legal framework governing such work arrangements in India, particularly in the context of the country's labor laws, which were originally designed to regulate traditional forms of employment (Weil, 2023).

Gig workers are individuals who engage in temporary, project-based, or part-time employment outside traditional employer-employee relationships. They are typically independent contractors working for multiple organizations, often facilitated through online platforms like mobile apps (Charlton, 2024). The gig economy has grown significantly, with the global gig economy generating \$204 billion in 2018 and expected to reach \$455 billion by 2023. The number of gig workers worldwide is projected to increase to 915 million by 2023 (Online Bureau, 2024). Despite offering flexibility, gig work lacks the social safety nets of traditional employment, such as paid sick leave, and workers must manage their own taxes. This trend has intensified during the COVID-19 pandemic as companies increasingly rely on gig workers to fill workforce gaps amid labor shortages and cost constraints. The Table 1 gives a comparative outlook of the Gig Workforce participation and effects on a countries economy.

Table 1: Global Gig Economy Participation and Economic Impact

| Country | Gig Worker Percentage of Workforce | Economic Impact |
|-----------------------|--|---|
| United States | Approximately 35% (Ozimek, 2017) | Freelancers contributed an estimated \$1 trillion to the U.S. economy in 2016. |
| India | Approximately 1.4% (Singh, 2025) | Gig economy projected to employ 23.5 million workers by 2029–30, contributing \$455 billion by 2024. |
| United Kingdom | Approximately 6% (Cockett, 2023) | Gig economy constitutes about 1.4% of UK employment, offering flexible work arrangements. |
| China | Approximately 82 million gig workers (Yu & Others, 2025) | Gig economy provides employment opportunities, especially post-COVID-19, with platforms enhancing social security benefits. |
| Brazil | 3%–12% (Costa & | Gig work offers income opportunities, particularly in emerging economies like |

| | Klemperer, 2020) | Brazil. |
|------------------|--|--|
| Indonesia | 30% annual growth rate since 2010 (Coca, 2025) | Gig economy growth provides income opportunities to 4 million gig worker but the need for labor regulations is must. |

Gig workers in India face a myriad of challenges, including lack of job security, limited access to social security benefits, absence of fixed working hours and minimal protection against exploitation. The existing labor laws fail to adequately address the unique nature of gig work, leaving workers vulnerable to poor working conditions, unfair treatment and exploitation. These concerns have prompted debates about the need for a comprehensive legal framework that can safeguard the rights and well-being of gig workers while promoting the growth of the gig economy (Jha, 2024).

This research aims to explore the challenges faced by gig workers in India and evaluate the adequacy of existing labor laws in providing protection. The study will assess the legal gaps and suggest reforms that can better align India's labor laws with the evolving nature of the gig economy.

A. Objectives of the Study

1. To analyze the structure of the gig economy in India and its impact on labor market dynamics.
2. To examine the existing legal protections available to gig workers under Indian labor laws.
3. To explore the challenges faced by gig workers and identify gaps in the legal framework.
4. To propose recommendations for policy and legal reforms to protect gig workers' rights.

II. IMPORTANCE OF GIG WORKERS IN INDIAN ECONOMY

A recent survey conducted by *Nasscom*, *Indeed* and *AON*, covering over 70 organizations, provides valuable insights into the rising trend of gig worker employment in India. As of 2022, 65% of the surveyed organizations employed gig workers, marking a notable increase from 57% in 2020 (Jain, 2022). However, gig workers still account for less than 5% of the total workforce in large companies with over 2,000 full-time employees (FTEs). In contrast, smaller organizations with fewer than 2,000 FTEs report a higher proportion of gig workers exceeding 5%. Notably, no company indicated a reduction in gig hiring, with approximately 15% of organizations seeing a more than 30% increase in gig workers over the past two years,

emphasizing the model's effectiveness (Pereira, 2023).

Before the pandemic, gig workers were typically engaged for projects lasting up to nine months. Post-pandemic, the duration of these projects has increased, with 25% of organizations now willing to hire gig workers for projects exceeding 12 months, reflecting a growing demand for talent and the strategic use of gig workers to fulfil short-term requirements (Jain & Bansal, 2021).

Organizations determine gig worker compensation based on expertise, qualifications, and relevant experience. Over 40% of the organizations set a fixed fee at the start of a gig contract, and 53% have policies in place for transitioning gig workers to full-time roles. Moreover, more than 90% of organizations express willingness to re-hire gig workers in the same or similar areas, depending on past performance (Namu, 2024).

These trends underscore the dynamic transformation of the labor market in India, with the gig economy playing an increasingly crucial role. With the country's gig workforce projected to reach 23.5 million by 2030 up from 7 million in 2021, gig workers are expected to constitute 4.1% of India's total workforce by the 2029-30 fiscal year, up from 1.5% in 2021-22. This growth highlights the ongoing evolution of work in India, driven by technological advancements and the demand for flexible employment (Mani, 2024).

III. LEGAL SAFEGUARD'S FOR GIG WORKERS IN INDIA

In recent years, the burgeoning gig economy in India has prompted legislative bodies to reassess and expand the legal protections afforded to such workers. Historically, Indian labor laws have distinguished between formal and informal sectors, often omitting gig workers from comprehensive coverage. However, significant strides have been made to rectify this oversight. In India, a multitude of statutes, schemes and policies have been instituted to safeguard and promote the welfare of informal workers, who constitute a substantial segment of the workforce. These legislative and policy measures span various sectors, aiming to provide social security, regulate working conditions and enhance the livelihoods of informal sector participants (Breman, 1996).

Labour Welfare Funds and Cess Acts have been instrumental in providing targeted welfare benefits to workers in specific informal sectors in India, aiming to improve their living and working conditions.

- a) *The Beedi Workers Welfare Fund Act, 1976* was established to support beedi workers by offering health and welfare benefits such as medical care, housing, and educational

assistance. The Act addresses the vulnerable nature of beedi workers, who are often engaged in hazardous and low-paying work, by ensuring their access to basic social security measures (Qasim & Daniel, 2021).

- b) *The Iron Ore Mines Labour Welfare Fund Act, 1976* was enacted to provide welfare measures for workers in iron ore mines, a sector known for its challenging and sometimes dangerous working environment. This Act ensures that workers receive necessary health benefits, insurance, and compensation for work-related injuries (Saini, 2008).
- c) *The Building and Other Construction Workers Welfare Cess Act, 1996* was introduced to impose a cess on construction projects, with the funds generated being allocated to welfare schemes for construction workers. This Act aims to address the precarious conditions of construction workers, who often work in unregulated environments, by providing them with benefits such as health insurance, housing support, and financial aid in the event of accidents or death (Sharma & Mohanpuria, 1996).
- d) *The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014*, enacted to protect the rights of urban street vendors, this Act regulates street vending activities and aims to safeguard vendors from harassment and eviction. It mandates the creation of Town Vending Committees responsible for conducting surveys of street vendors and issuing certificates of vending, thereby formalising their status and ensuring their rights are protected (Kumar, 2014).
- e) *The Pradhan Mantri Shram Yogi Maandhan*, launched in 2019, this social welfare scheme provides unorganised sector workers aged between 18 and 40 with a minimum assured monthly pension after the age of 60. Beneficiaries are required to contribute a nominal monthly amount, which varies based on their age, to become eligible for the pension benefits, thereby enhancing financial security in old age (Prakash, 2024).

These Acts, together with their respective welfare funds, play a crucial role in formalizing the protection of informal sector workers and improving their quality of life. Recognising the unique challenges faced by gig and platform workers during Covid-19, the government has initiated policies to extend social security benefits to this segment (Parwez & Ranjan, 2021). The Code on Social Security, 2020, includes provisions for gig workers and states like Rajasthan have enacted legislation to provide welfare measures tailored to their needs. These measures aim to address issues such as income security, health benefits and working conditions for gig workers.

A. The Code on Social Security, 2020

This is a comprehensive piece of legislation that consolidates and reforms India's existing social security laws. It was enacted with the intention of extending social security benefits to a broader section of the workforce, including informal, gig and platform workers, who were previously excluded from many of the provisions available to formal sector workers. The Code on Social Security, 2020 integrates and reforms 9 existing social security laws to extend comprehensive welfare provisions to all workers, including those in the informal and gig economy sectors (Raman, Ramachandran & Sasikumar, 2021). These laws are:

1. Employees' Provident Fund and Miscellaneous Provisions Act, 1952
2. Employees' State Insurance Act, 1948
3. Payment of Gratuity Act, 1972
4. Maternity Benefit Act, 1961
5. Contract Labour (Regulation and Abolition) Act, 1970
6. Unorganized Workers' Social Security Act, 2008
7. Child and Adolescent Labour (Prohibition and Regulation) Act, 1986
8. Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996
9. The Coal Mines Provident Fund and Miscellaneous Provisions Act, 1948

These laws are amalgamated into a unified framework under the Code aiming to modernize and streamline the provision of social security benefits to a wider segment of the Indian workforce.

A significant feature of the Code is its provision for extending social security benefits to informal and gig economy workers, a sector that has grown rapidly in India due to technological advances and the rise of digital platforms. The Code provides for the establishment of a *Social Security Fund* (SSF) at both the central and state levels to fund the welfare schemes for such workers. This fund is intended to ensure that workers in sectors like construction, agriculture, and transportation, along with gig and platform workers, can access benefits such as life and disability cover, health insurance, maternity benefits and pensions (Vaidya & Sindhu, 2024).

Another notable provision in the Code is the "Registration of Gig and Platform Workers", which mandates platforms (such as Uber, Swiggy and Zomato) to register their workers with the government. It ensures that these workers have access to a range of benefits, including health insurance, skill development programs, and old-age pensions. This Code also enables the

creation of a *National Social Security Board (NSSB)* to advise the government on social security policy and its implementation, particularly for informal workers (Sarkar, 2023).

Efforts have also been made to formalize the informal sector through the introduction of the *Goods and Services Tax (GST)*, digital payment systems and the enrolment of informal sector employees on various government portals. These initiatives aim to integrate informal workers into the formal economy, ensuring better access to social security benefits and legal protections.

B. Regional Initiatives

In the absence of comprehensive national legislation addressing the unique needs of gig workers, states like Rajasthan and Karnataka have proactively developed their own frameworks to safeguard and promote the welfare of this growing workforce.

1. Rajasthan Platform-Based Gig Workers (Registration and Welfare) Act, 2023

On July 24, 2023, Rajasthan became the first Indian state to enact the *Rajasthan Platform-Based Gig Workers (Registration and Welfare) Act, 2023*. This landmark legislation aims to regulate the engagement of gig workers and ensure they receive essential social security and welfare benefits. The key provisions of the Act include (Jaswant & Saggi, 2023):

- a) *Registration of Gig Workers and Aggregators*: The Act mandates the registration of all gig workers and the platforms (aggregators) they work for within Rajasthan. This process involves creating a comprehensive database, assigning unique IDs to each worker, and facilitating access to various social security schemes.
- b) *Establishment of the Welfare Fund*: A dedicated "Rajasthan Platform-Based Gig Workers Social Security and Welfare Fund" has been created to provide financial support and welfare benefits to registered gig workers. The fund is sourced from contributions such as welfare fees, government grants and other specified sources.
- c) *Welfare Measures*: The Act outlines various welfare measures, including health and maternity benefits, life and disability cover, and pension schemes, aiming to improve the quality of life and working conditions of gig workers.
- d) *Grievance Redressal Mechanism*: A structured mechanism has been established to address grievances of gig workers, ensuring fair treatment and timely resolution of issues related to their work and welfare.

2. Karnataka Platform-Based Gig Workers (Social Security and Welfare) Bill, 2024

In June 2024, Karnataka introduced the *Karnataka Platform-Based Gig Workers (Social Security and Welfare) Bill, 2024*, aiming to enhance the welfare and rights of gig workers in the

state. The proposed Bill includes several progressive measures (Elizabeth, 2025):

- a) *Simplified Contracts and Transparency*: The Bill mandates that contracts between gig workers and aggregators be presented in clear, accessible language. Any changes to these contracts must be communicated at least 15 days in advance, promoting transparency and fairness.
- b) *Social Security Contributions*: It proposes the establishment of a dedicated welfare fund financed by contributions from aggregators, workers, and government grants. This fund aims to provide benefits such as health insurance, pensions, and other social security measures to gig workers.
- c) *Occupational Health and Safety*: The Bill imposes obligations on aggregators to ensure the health and safety of gig workers, including provisions for occupational health services and safety measures during work.
- d) *Dispute Resolution Mechanism*: A framework for resolving disputes between gig workers and aggregators is proposed, ensuring timely and fair resolution of conflicts related to work conditions, payments and other issues.

These state-level initiatives represent significant steps toward recognizing and addressing the unique challenges faced by gig workers, who often lack the protections afforded to traditional employees. By implementing such frameworks, Rajasthan and Karnataka aim to, *Enhance Social Security Coverage* by ensuring gig workers have access to essential benefits like health insurance, pensions and maternity benefits, improving their financial security and well-being. While *Promoting Fair Work Practices*, by establishing transparent contractual relationships, clear communication regarding work terms, and mechanisms to address grievances, fostering a fair and equitable work environment and setting a *Precedent for National Policy*, serving as models for other states and the central government, potentially influencing broader legislative reforms to protect gig workers nationwide (Gill & Gupta, 2024).

IV. CHALLENGES TO GIG WORKERS

The gig economy in India has become a significant part of the workforce, offering flexibility and autonomy to workers. However, it brings with it a set of challenges that make the work environment precarious for many individuals. The “absence of job security” and the “lack of a stable income” are two major issues faced by gig workers. As these jobs are temporary and based on demand, workers often experience uncertainty regarding their next assignment, leading to financial instability. Unlike traditional employees, gig workers do not have fixed

contracts, which leaves them without the long-term security and benefits associated with full-time employment (Behl & Others, 2022). Another significant challenge is the *lack of social security benefits*. Gig workers are categorized as independent contractors, which means they do not qualify for social security provisions available to formal sector employees, such as health insurance, paid leave, or pensions. While the Code on Social Security, 2020 aims to extend benefits to gig workers, the full implementation of this law is still pending, and it lacks sufficient clarity regarding the exact scope and accessibility of these benefits. As a result, gig workers are left to bear the financial burden of healthcare, retirement savings, and any work-related injuries or emergencies without support from an employer (Divya & Barani, 2022).

Income instability is another pressing issue. Gig workers earn based on the number of tasks completed, and these earnings fluctuate depending on factors like demand, location, and weather. This makes it difficult for workers to predict their income, especially when they face lean periods or when platforms adjust their rates or commission structures. In many cases, gig workers find themselves struggling to cover basic expenses due to these inconsistencies. *Exploitation* remains a concern, as gig platforms often set rigid terms and conditions that workers are required to accept without negotiation. These platforms can dictate work hours, task allocation, and payment structures, often without regard for the worker's well-being or preferences. Gig workers are frequently penalized for factors beyond their control, such as delays due to weather or traffic, leading to a feeling of unfair treatment and a lack of control over their work (Rani & Gobal, 2022).

Legal protection for gig workers is minimal in India. Most labor laws do not cover gig workers, as they are considered independent contractors rather than employees. This leaves workers vulnerable to unfair dismissal, lack of grievance redressal mechanisms, and limited recourse in case of exploitation (Rane, 2023). Though some states like Rajasthan and Karnataka have begun to implement legislation aimed at protecting gig workers, these laws are still in their infancy and are not yet comprehensive enough to address all of the challenges workers face. The *health and safety* concerns of gig workers are also critical. In sectors such as food delivery and ride-sharing, workers are exposed to accidents, injuries, and health risks without adequate insurance coverage. While some platforms offer basic accident insurance, these measures are often insufficient, and workers face the burden of medical costs in case of an accident or illness. This issue is further compounded by the absence of paid sick leave or workers' compensation, leaving gig workers vulnerable to physical and financial setbacks (Singh & Others, 2024).

Moreover, gig workers often lack access to skill development opportunities or career growth. Many workers find themselves performing repetitive tasks without avenues for enhancing their

skills or advancing within the gig economy. Without structured training programs or professional development opportunities, workers are often stuck in low-paying gigs, unable to transition to more lucrative or stable employment. Despite these challenges, gig workers in India continue to play a crucial role in the economy. However, their situation requires immediate attention from policymakers to ensure that they are not left behind as the gig economy continues to expand. There is a clear need for stronger legal frameworks, better enforcement of social security laws, and policies that ensure fair compensation, safety and long-term stability for gig workers. Without such reforms, the gig economy could perpetuate inequality and insecurity for a significant portion of India's workforce.

V. RECOMMENDATIONS

To enhance the gig worker economy in India, there are several lessons that can be drawn from global best practices. As the gig economy continues to grow in India, it is essential to design policies and frameworks that not only support gig workers but also ensure their fair treatment, security, and access to benefits. Below are recommendations based on successful models from other countries, tailored to India's unique economic and social context.

- a) **Implementation of Comprehensive Legal Protections:** In *Germany*, the government has integrated gig workers into its social welfare system, ensuring access to unemployment insurance, pensions, and health care. The country's *Social Security Code* includes provisions for gig workers, allowing them to contribute voluntarily to social security programs, which ensures a safety net during periods of unemployment or ill-health (Kiess, 2023). India could benefit from enacting a robust legal framework that extends social security benefits such as health insurance, pensions, and accident coverage to gig workers, similar to Germany's approach. Expanding the *Code on Social Security, 2020* to clearly define and secure these protections for gig workers, ensuring that platforms contribute to these funds, would go a long way in offering financial stability and security.
- b) **Fair Pay and Transparent Wage Structures:** The *United Kingdom* has introduced the "Good Work Plan", which requires employers to ensure fair pay and conditions for gig workers, including ensuring that the pay is consistent with the minimum wage. The UK also mandates that gig workers are paid for their entire working time, including waiting periods, thus preventing unpaid work from being factored into the wage (Whiteside, 2021). India should consider mandating a *minimum wage policy* for gig workers, ensuring that workers are paid fairly for their work, including waiting times or idle

periods. Creating wage transparency, where gig workers are fully aware of the payment structure and how it is determined, can help alleviate financial insecurity. This could be modelled after the UK's *Fair Pay for Gig Workers* initiative.

- c) **Grievance Redressal Mechanism:** In *California, USA*, the *AB5 Bill* passed in 2019 ensures that gig workers are recognized as employees under certain conditions, which provides them access to workers' compensation, unemployment benefits, and collective bargaining rights. California has also established effective grievance redressal mechanisms, allowing workers to lodge complaints about unfair treatment, wage theft, and unsafe working conditions (Dubal, 2022). India should establish clear grievance redressal mechanisms, both at the state and national levels, to address complaints from gig workers. These mechanisms could be managed through a dedicated body that works in collaboration with the *Ministry of Labour and Employment*. The system should allow workers to report issues like unfair pay practices, job discrimination, or exploitation by employers. This body can also work to mediate conflicts between gig workers and platform owners.
- d) **Access to Health and Safety Benefits:** In *France*, gig workers have access to health insurance, accident insurance and other worker protections as part of the *Social Security and Public Health Insurance* system. This inclusion allows workers in the gig economy to benefit from a range of services that secure their well-being. Moreover, France's labor laws mandate that gig platforms provide health insurance coverage for workers in case of work-related accidents (Apouey & Others, 2020). India should ensure that gig workers are included in the country's health and accident insurance schemes. Platforms like Uber and Swiggy should be legally required to provide insurance benefits to gig workers to cover work-related injuries. Workers should be able to access affordable health services, especially as gig workers often face higher risks due to the nature of their jobs.
- e) **Skill Development and Career Progression:** In *South Korea*, gig platforms collaborate with the government to offer *skill development programs* to their workers, helping them upgrade their skills and increase employability. This collaboration encourages lifelong learning and offers a way for gig workers to transition into more stable forms of employment if they choose to do so (Kim, 2022). India should partner with gig platforms to create *skill development and training programs* for workers. These programs could help workers gain new competencies in fields like digital marketing, customer service, coding, or project management. Providing workers with access to training and

certification programs can help them grow professionally, increase their earning potential, and reduce the risk of long-term unemployment.

- f) **Promotion of Collective Bargaining Rights:** In *Australia*, gig workers are allowed to form unions and engage in collective bargaining with employers. This has empowered gig workers to demand fairer wages, better work conditions, and job security. Collective bargaining has been particularly effective in sectors like transportation and delivery services. Indian labor laws could be modified to allow gig workers to unionize and engage in collective bargaining. Recognizing gig worker unions will help give workers a collective voice, enabling them to negotiate for better wages, working conditions, and benefits. This could be modelled after *Australia's Fair Work Act*, which provides a legal framework for such negotiations.
- g) **Platform Accountability and Regulation:** In *Spain*, the government has implemented a law requiring gig platforms to report their financial operations and provide transparency in their pay practices. This regulation holds platforms accountable for their treatment of workers, ensuring that they follow the law and provide fair wages (Mannino, 2025). India should regulate gig platforms to ensure transparency in their operations. This includes requiring platforms to report earnings, set clear terms of engagement, and disclose how pay is calculated. By enforcing these regulations, India can create a more level playing field for gig workers and ensure they are not exploited or underpaid.
- h) **Retirement and Pension Plans:** In *Italy*, the government has created a *pension scheme* that includes gig workers, ensuring that even those in the informal sector can accumulate retirement savings. This system allows gig workers to contribute to a pension plan based on their income, which is critical given the lack of long-term job security in gig work (Antonucci, 2025). A *national pension scheme* could be developed for gig workers, similar to the one in Italy. This scheme could allow gig workers to contribute a portion of their earnings to a retirement fund, providing them with a financial cushion in their later years. Such a scheme could be set up in collaboration with platforms, ensuring that contributions are automatically deducted and tracked.

VI. CONCLUSION

The **Code on Social Security, 2020** marks a significant step in the evolution of India's labor welfare system, providing a legal foundation for the inclusion of previously excluded segments of the workforce, especially informal and gig economy workers. While the Code offers a progressive framework, its implementation remains a work in progress. The Code lays down

the principles, but many details on implementation such as the operationalization of schemes and the exact funding mechanisms are yet to be fully realized. Critics argue that a well-defined enforcement mechanism is crucial for ensuring the effective delivery of benefits. Moreover, there are concerns about the adequacy of the coverage for low-income gig workers and their ability to contribute to these schemes, especially given their uncertain and variable earnings.

The gig economy in India has the potential to contribute significantly to economic growth. However, to ensure that gig workers can thrive, it is crucial to address the challenges they face through comprehensive legal protections, social security benefits, fair wages, health and safety regulations, skill development, and collective bargaining rights. By implementing policies and frameworks inspired by successful models in countries like Germany, the UK, France, South Korea, and Australia, India can foster a more inclusive and secure environment for gig workers, empowering them to benefit from the flexibility of gig work without sacrificing their well-being or future.

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