

MODULE DETAILS	
SUBJECT NAME	POLITICAL SCIENCE
PAPER/COURSE	DC- 1 FOR HONOURS & DC-2 FOR GENERAL STUDENTS : INDIAN GOVERNMENT AND POLITICS
MODULE NAME/ TITLE	INDIAN CONSTITUTION: BASIC FEATURES
OBJECTIVES	<ul style="list-style-type: none"> • To discuss the unique features of Indian Constitution • To give a brief explanation of the prominent features • To provide the sources of various features of our constitution • To highlight the various part of the constitution • To mention the various scheduled of the constitution
KEY WORDS	Federal, Republic, Democratic, Secular, Socialism, Sovereign, Rigidity, Flexible, Preamble.
MODULE INVESTIGATOR & WRITER	CHANDAN ROY, Assistant Professor, Department of Political Science, Malda College, Malda, West Bengal

INDIAN CONSTITUTION: BASIC FEATURES

Chandan Roy

Objectives:

- To discuss the unique features of Indian Constitution
- To give a brief explanation of the prominent features
- To provide the sources of various features of our constitution
- To highlight the various part of the constitution
- To mention the various scheduled of the constitution

Introduction:

“ To live by the rule of the constitution ought to be considered not slavery, but salvation” - Aristotle

This universal truth is relevant in every social system. That's why every independent nation tried to make a constitution for their requirements. The constitution has some unique features which differentiate from the others. The Indian constitution, of course, is no exception to this particular rule. Our constitution has quite a few unique features that have given it distinctiveness. Our constitution is an enacted and fully written constitution. Our constitution was enacted by the constituent assembly on the 26th day of November, 1949 and was enforced on 26th day of January, 1950 when India was declared a Republic. That is the reason we celebrate Republic Day on the 26th January every year. The constitution of India possesses certain distinctive and unique features which we discussed below:

এই সর্বজনীন সত্য প্রতিটি সামাজিক ব্যবস্থায় প্রাসঙ্গিক। এ কারণেই প্রতিটি স্বাধীন জাতি তাদের প্রয়োজনে সংবিধান প্রণয়নের চেষ্টা করেছিল। সংবিধানের কিছু অনন্য বৈশিষ্ট্য রয়েছে যা অন্যদের থেকে আলাদা। ভারতীয় সংবিধান

অবশ্যই এই বিশেষ নিয়মের ব্যতিক্রম নয়। আমাদের সংবিধানে বেশ কয়েকটি অনন্য বৈশিষ্ট্য রয়েছে যা একে স্বতন্ত্রতা দিয়েছে। আমাদের সংবিধান একটি প্রণীত এবং সম্পূর্ণ লিখিত সংবিধান। আমাদের সংবিধান 1949 সালের 26 নভেম্বর গণপরিষদ দ্বারা গৃহীত হয় এবং 1950 সালের 26 জানুয়ারী কার্যকর করা হয় এবং ঐ দিন ভারতকে প্রজাতন্ত্র ঘোষণা করা হয়। এই কারণেই আমরা প্রতিবছর 26 শে জানুয়ারী প্রজাতন্ত্র দিবস পালন করি। ভারতের সংবিধানে কিছু স্বতন্ত্র এবং অনন্য বৈশিষ্ট্য রয়েছে যা আমরা নীচে আলোচনা করেছি:

1. **Enacted and written Constitution:** Indian Constitution is an enacted and written constitution which was framed by a constituent assembly which had been constituted for this very purpose. It was enforced on 26 January 1950 all the provisions of the Constitution are in written form and there is no scope of the controversy about anything which generally arises in an unwritten constitution. These days almost all the constitutions are in written form.

প্রণীত এবং লিখিত সংবিধান: ভারতীয় সংবিধান একটি প্রণীত ও লিখিত সংবিধান, যা একটি গণ পরিষদ কর্তৃক লিখিত ও গৃহীত হয়। এখানে সংবিধানের সমস্ত বিধান লিখিত আকারে আছে এবং অলিখিত সংবিধানে সাধারণত উত্থাপিত যে কোনও বিষয় নিয়ে বিতর্কের কোনও সুযোগ এখানে দেখা যায়নি। বর্তমানে প্রায় প্রতিটি সংবিধানই লিখিত আকারে রয়েছে।

2. **Combination of Rigidity and Flexibility:** Indian Constitution is neither rigid or flexible but has the advantages of both. India is a federal system and as such it has made the constitution a rigid one. Important provisions of the Constitution cannot be amended easily for amendment in them; it requires the resolution to be passed by two third majority in both the houses of Parliament and after approval of at least half the state legislature. Some clauses can be amended by two third majority of both the houses of Parliament. Ordinary matters can be changed by simple majority in both the houses of parliament. In the time of emergency the federal structure can be changed into a unitary one. That's why it has a combination of both rigidity and flexibility.

দুস্পরিবর্তনীয় এবং সুপরিবর্তনীয়তার সংমিশ্রণ: ভারতীয় সংবিধান দুস্পরিবর্তনীয় এবং সুপরিবর্তনীয়তার নয় তবে উভয়ের সুবিধা রয়েছে। ভারত একটি যুক্তরাষ্ট্রীয় ব্যবস্থা যুক্ত দেশ, ফলে সংবিধানকে দুস্পরিবর্তনীয় করে তুলেছে। সংবিধানের গুরুত্বপূর্ণ বিধানগুলিকে সংশোধন করার জন্য সহজেই সংশোধন করা যায় না; সংসদের উভয় কক্ষের দুই তৃতীয়াংশ সংখ্যাগরিষ্ঠতা সহ কমপক্ষে অর্ধেক রাজ্য আইনসভার অনুমোদনের পরে এই প্রস্তাবটি পাস হয়। কয়েকটি ধারা সংসদের উভয় কক্ষের দুই তৃতীয়াংশ সংখ্যাগরিষ্ঠ দ্বারা সংশোধন করা যেতে পারে। সাধারণ বিষয়গুলি সংসদের উভয় সভায় সাধারণ সংখ্যাগরিষ্ঠতার দ্বারা পরিবর্তিত হতে পারে কেবল জরুরি অবস্থা ঘোষণার মাধ্যমে যুক্তরাষ্ট্রীয় ব্যবস্থা এককেন্দ্রিক হিসাবে পরিণত হয়ে যায়, সেকারণেই একে দুস্পরিবর্তনীয় এবং সুপরিবর্তনীয়তার সমন্বয় বলা হয়।

3. **Preamble:** The Preamble of the Constitution is like the key which opens the lock of the constitution. The Preamble of Indian constitution runs as under- "*We the people of India having solemnly resolved to constitute India into a **Sovereign, Socialist, Secular, Democratic, Republic** and to secure to all citizens,*

*Justice, social, economic and political; Liberty of thought, expression, belief, faith and worship; **Equality** of status and of opportunity; and to promote among them all, **Fraternity** assuring the dignity of the individual and the unity and integrity of the nation.*

In our constituent assembly this 26th day of November, 1949, do hereby Adopt, Enact, and give to ourselves this Constitution."

প্রস্তাবনা: ভারতের সংবিধানের প্রস্তাবনাটিকে সংবিধান এর চাবিকাঠি বলা হয়, যা সংবিধান এর ভিতর প্রবেশ করতে সাহায্য করে। ভারতের সংবিধানের প্রস্তাবনাটি হল- "*We the people of India having solemnly resolved to constitute India into a **Sovereign, Socialist, Secular, Democratic, Republic** and to secure to all citizens,*

*Justice, social, economic and political; Liberty of thought, expression, belief, faith and worship; **Equality** of status and of opportunity; and to promote among them all, **Fraternity** assuring the dignity of the individual and the unity and integrity of the nation.*

In our constituent assembly this 26th day of November, 1949, do hereby Adopt, Enact, and give to ourselves this Constitution."

4. Provision of Language:

5. **The Longhiest Constitution** : Indian Constitution is a detailed and voluminous constitution and is said to be the lengthiest constitution in the world. Originally it contained 395 Articles and 8 schedules with 22 chapters. After more than 100 amendments it stands 450 Articles, 12 schedules and 25 chapters.

বিশ্বের বৃহত্তম সংবিধান: ভারতের সংবিধান হল বিশ্বের বৃহত্তম এবং বিস্তারিত সংবিধান। মূল সংবিধানে ৩৯৫ টি ধারা, ৮ টি তফসিল এবং ২২ টি অংশ ছিল। ১০০ র বেশি সংবিধান সংশোধন এর পর এর কলেবর বৃদ্ধি পায়, বর্তমানে এর ধারা ৪৫০ এর উপর এবং ১২ টি তফসিল ও ২৫ টি অংশ।

6. **Various Sources:** the constitution of India cannot be regarded as fully original. For its elements have been derived from various sources. The most important among the sources are the Government of India Act 1935 and the British constitution. It is after the Government of India Act 1935 that Indian constitution has provided for the Federal system, powers and position of the Governor, federal court and centres extensive powers during emergencies. on the other hand, constitutional provisions regarding rule of law as embodied in Article 14, parliamentary sovereignty, parliamentary Government, law making process and single citizenship are all provided from the British constitution. Protection of judicial Independence, power of Judicial review, fundamental rights and the process of removal of Supreme Court and High Court Judges was provided for by the Indian Constitution following the model of the US Constitution. The Directive Principles of State Policy given in part IV of the Indian Constitution are drawn from the constitution of Irish Republic. Besides, following the constitution of Canada, the Indian Constitution has made the centre extremely powerful and has given it the Residuary power. However, it may be mentioned that, although the Indian Constitution has driven some of its components from various sources, it has avoided blind imitation. By affecting skilful coordination between elements derived from different sources, it has maintained its distinctiveness.

বিভিন্ন উৎস:

7. **Fundamental Rights:** Indian Constitution has also provided for fundamental rights of the citizens. They have been clearly mentioned in chapter III of the constitution. Originally it contained 7 types of fundamental rights but by the 44th Amendment of 1978 right to property has been excluded from the list. These fundamental rights cannot be taken away by ordinary Law. Any Law or order interfering with these fundamental rights can be declared null and void by the judiciary. These are: 1. Right to equality
2. Right to freedom
3. Right against exploitation
4. Right to freedom of religion
5. Cultural and educational rights and
6. Right to constitutional remedies.
8. **Fundamental Duties:** duties are integrally related to rights. Naturally in the Indian Constitution, alongside fundamental rights, fundamental duties have been Incorporated. However, originally in the constitution there was no mention of fundamental duties. The 42nd Constitutional Amendment Act in the year of 1976 enacted on the basis of recommendations of the Sharan Singh committee inserted in the constitution in new part name part IVA which included article 51A. Under this article was given a list of

fundamental duties for Indian citizens. This list comprised 10 fundamental duties. Later on, in 2002 the 86th Constitutional Amendment Act added one more fundamental duty to this list. Thus at present, according to the constitution there are 11 fundamental duties of Indian citizens.

9. **Directive Principle of State Policies:** Chapter-I of the Constitution contains Directive principles of state policy. These are the guidelines for the centre and the states to keep in mind while formulating their policies and making laws. These are moral obligations and are not justiciable. These are the principles, as and when implemented, would bring social and economic democracy also, without which political democracy cannot fruitify. The government cannot be compelled through courts to implement them. But no government can easily ignore them because these will help in all round development of the citizens. These directives relate not only to internal policy but even to foreign policy.
10. **Federal System with unitary bias:** Indian constitution has provided for a federal form of government. India is a Union of States. Powers have been distributed between the centre and the states and both are expected to exercise their powers independently. There are three lists a) Unionlist , b) state list and c) concurrent list. There is written and rigid constitution and independent Judiciary. But Indian Federation has a unitary bias. It has made the Central Government more powerful to affect the state government. Appointments of governors, single citizenship, single Judiciary, emergency power and sending of state bills for approval of the President are some of the factors that show its tendency towards unitary government. That's why K. C. Wheare called the Indian Federation is a Quasi federal.
11. **Parliamentary form of Government:** Indian constitution has provided for a Parliamentary form of Government at the centre and the States. The President is the head of the state but he is a constitutional head only. The Cabinet is the real executive. The Prime Minister is the head of the Government. The cabinet exercises all the powers. Ministers are appointed from the members of the Parliament and they are responsible to the lower house and can remove the cabinet from office by passing a vote of no confidence. In the state also, the Governor is the constitutional head and exercises all his powers on the advice of the cabinet headed by the Chief Minister.
12. **Supremacy of the Constitution:** the constitution is the supreme law of the land and no authority is above the constitution, no Law or order can be passed against the Constitution by the Indian parliament. although the Parliament can amend the constitution but it cannot amend the basic structure of the constitution and even an Amendment Act can be declared unconstitutional by the supreme court if it goes against the Constitution.
13. **Independent Judiciary:** the constitution has provided for an independent judiciary in India. Judges of the supreme court and of the High Court cannot be removed from office easily. Their salaries and allowances cannot be changed to their disadvantage and carved out of the consolidated fund which is not subject to vote of the Legislature. Since India has opted for a federal system and independent Judiciary was a must. Judiciary works independently and protects the fundamental rights of the people and the constitution. The Supreme Court of India is regarded as the guardian, protector and final interpreter of the constitution.
14. **Judicial Review:** Judiciary has been given the power of Judicial review. Here the Judicial review is based on the principle of procedure established by law. The Judiciary can judge the constitutionality of any law or any executive order and if it is convinced that

it is not according to the procedure established by law, or it is against the constitution, or against fundamental rights, it can declare that Law or order unconstitutional and null and void. The Supreme Court can exercise it even on constitutional amendments and has actually exercised its power on many amendments. The Supreme Court may declare the whole law or part of it as unconstitutional.

15. **Adult Franchise:** the constitution of India has introduced Universal adult franchise for the first time. In the original Constitution all adults above the age of 21 years irrespective of their caste, colours and sex are entitled to participate in the elections. After the 61st Constitutional Amendment Act 1989, the age of franchise was reduced from 21 years to 18 years. In the Part - XV, Article 326 indicated that Elections of the House of People and the Legislative Assemblies of States to be on the basis of Adult suffrage.
16. People's own Constitution
17. **Sovereign Democratic Republic:** India is a fully Sovereign state and is not under the influence of any other state. India is free in formulating its internal and external policy. It can make and unmake any law it likes. India is a democratic state. All power exercised by the representatives of the people and the aim of the government is the Welfare of the people. There is no provision of special privileges for any class or classes. India is a Republic. The head of the state is the President who is indirectly elected by the people.
18. **Secular State:** The constitution has declared India a secular state. There is no state religion and all the people have been given the freedom of religion and freedom of propagate religion. The state cannot make discrimination on the basis of religion. All religions are equal in the eyes of the state. The state is neither religious nor anti religious or irreligious. It does not patronize any religion. It is from all religious activities. Religion is the personal affair of the individuals. Although, in the original constitution our founding fathers have not used a single word of secularism in any part of the Constitution it is used in the Preamble after the 42nd Constitutional Amendment Act in 1976.
19. **Emergency Provision of the Constitution:** There are three kinds of emergency provisions in the Constitution poses a serious challenge to the federal character of the Indian polity. The president of India is authorised to proclaim a state of emergency under Article 352, 3.56 and 360. During the proclamation of emergency the parliament gets the powers to legislate for the whole or any part of the territory of India with respect to any of the matters enumerated in the state list.
20. Special provision for backward Classes
21. Constitutional status of Panchayat and urban local bodies
22. **Single Citizenship:** Indian constitution has provided for single citizenship. It is granted by the central government. A citizen in India is a citizen of India, not of any state.
23. Blending of Federal and unitary Features

Schedule of Indian Constitution:

Schedule- I : The States and Union Territories (Article 1-4)

Schedule- II : Part-A - Provisions as to the President and the Governors of states,

Part-B- Repealed by the Seven Constitution Amendment Act 1956

Part-C- Provisions as to the speaker and the deputy Speaker of the house of the people and the chairman and the deputy chairman of the council of the states and the speaker and the deputy Speaker of the legislative assembly and the chairman and the deputy chairman of the legislative council of the state.

Part-D- Provisions as to the Judges of the Supreme Court and of the High Courts.

Part-E- Provisions as to the Comptroller and Auditor General of India.

Schedule-III : Forms of Oaths and Affirmations.

Schedule- IV : Allocation of seats in the Council of States.

Schedule- V : Provision as to the Administration and Control of Scheduled areas and Scheduled Tribes.

Part-A- General

Part -B- Administration and Control of Scheduled areas and Scheduled Tribes.

Part -C- Scheduled Areas

Part-D- Amendment of the Schedule.

Schedule- VI : Provisions as to the Administration of Tribal Areas in the States of Assam, Meghalaya, Tripura and Mizoram.

Schedule- VII : List- I: Union List

List - II : State List

List -III : Concurrent List

Schedule - VIII : Languages

Schedule- IX : Validation of Certain Acts and Regulations.

Schedule -X : Provisions as to disqualification on ground of defection.

Schedule- XI : Power, Authority and Responsibilities of Panchayat.

Schedule- XII : Power, Authority and Responsibilities of Municipalities, etc.

Part of Indian Constitution:

Originally Indian Constitution had 22 parts/ chapters. At present our Constitution has 25 parts. Part VII was deleted by the 7th amendment act,1956, Part IV A & Part XIV A were added by the 42nd amendment act,1976, Part IX A was added by the 74th amendment act 1992 and Part IX B was added by the 97th amendment act 2011. So at present our Constitution has 25 parts.

Important points and questions to be remembered:

1. When was the Indian Constitution adopted?
Ans. 26th November, 1949 by Constituent Assembly.
2. How many chapters were there in the original constitution?
Ans. 22 chapters/parts
2. How many chapters/parts are there in the present Constitution?
Ans. 25 chapters/parts
3. How many schedules were there in the original constitution?
Ans. 8 schedules
4. How many schedules are there in the present Constitution?
Ans. 12 schedules
5. How many Articles were there in the original constitution?
Ans. 395
6. How many Articles are there in the present Constitution?
Ans. 448
7. How many Constitutional Amendment Act had been made till date?
Ans. 103 constitutional amendment act already approved upto 2019.
8. How many languages have already been included in the 8th schedule of Indian Constitution?

Ans. 22

9. In the original Constitution how many languages were there in the 8th schedule of the constitution?

Ans. 14

10. What is the 9th schedule of Indian Constitution?

Ans. Validation of certain Acts and Regulations.

11. What is the 10th schedule of Indian Constitution?

Ans. Provisions as to disqualification on ground of defection.

12. What is the 11th schedule of the Indian Constitution?

Ans. Powers, authority and responsibilities of Panchayat.

13. What is the 12th schedule of the Indian Constitution?

Ans. Powers, authority and responsibilities of Municipalities, etc.

14. Which schedule is related to the Union list, State list and the Concurrent list?

Ans. Seventh schedule

15. Which Constitutional Amendment added the 9th schedule?

Ans. First Constitutional Amendment Act in 1951

16. Which Constitutional Amendment added the 10th schedule?

Ans. 52nd Constitutional Amendment Act, 1985

17. Which Constitutional Amendment added the 11th schedule?

Ans. 73rd constitutional amendment act, 1993

18. Which Constitutional Amendment added the 12th schedule?

Ans. 74th constitutional amendment act, 1994

19. Which Constitutional Amendment Act reduced the age of universal Adult suffrage/ franchise from 21 to 18 years of age in India?

Ans. 61st Amendment Act, 1989

20. Which article of Indian Constitution is related with Election of Indian President?

Ans. Art. 54

21. Which article of Indian Constitution is related to the Election of the Vice-president of India?

Ans. Art. 66

22. Under which article the President of India can grant pardons?

Ans. Art. 72

23. Which article of Indian Constitution defines a money bill?

Ans. Art. 110

24. Which article of Indian Constitution allowed a joint meeting of both Lok Sabha and Rajya Sabha?

Ans. Art. 108

25. How many fundamental rights were there in the original constitution?

Ans. 7 types

26. Which fundamental rights have been deleted from the chapter of fundamental rights?

Ans. Right to Property

27. Through which Constitutional Amendment Act right to property had been deleted from the chapter of fundamental rights?

Ans. 44th Constitutional Amendment Act, 1978

28. Which Constitutional Amendment Act included the Right to Education as a fundamental right?

Ans. 86th amendment act, 2002

29. Which article of the Indian Constitution guaranteed the right to education as a fundamental right?

Ans. Art. 21(a)

30. Under which Constitutional Amendment Act the fundamental duties of Indian citizens are incorporated in the Indian Constitution?

Ans. 42nd amendment act, 1976

31. What is Article 1 of the Indian Constitution?/ What does Article 1 of the Constitution deal with?

Ans. India that is Bharat shall be a Union of States.

32. Which Constitutional Amendment Act included The principle of secularism in the Indian Constitution?

Ans. 42nd amendment act, 1976

33. Which part of the Indian Constitution deals with the Directive Principles of State Policies?

Ans. Part-IV of the Constitution

34. Which part of the Indian Constitution deals with Fundamental Rights?

Ans. Part-III of the Constitution

35. Where from the framers of the constitution borrowed the concept of Directive Principles of State Policies?

Ans. From Irish Constitution]

36. Where did we borrow the concept of the Emergency Provision in our constitution?

Ans. German Constitution

37. Where did we get the idea of the Parliamentary System?

Ans. British Constitution

38. Which article of the Indian Constitution is regarded as the very soul of the constitution and the very heart of it?

Ans. Art. 32

39. Who was the Prime Minister of England when India became independent?

Ans. Clement Attlee

40. Who was the first Prime Minister of India?

Ans. Jawaharlal Nehru

41. Where did we borrow the concept of amendment procedure of the Indian Constitution?

Ans. Amendment procedure of the Indian Constitution borrowed from the Constitution of South Africa. ভারতীয় সংবিধান সংশোধন পদ্ধতি গ্রহণ করা হয়েছে দক্ষিণ আফ্রিকার সংবিধানের সংশোধন পদ্ধতি থেকে।

42. Where from we borrowed the concept of election procedure of the members of the Rajya Sabha?

Ans. The Election procedure of the members of the Rajya Sabha we borrowed from the Constitution of South Africa./ ভারতের সংসদের উচ্চক্ষর রাজ্যসভার সদস্যদের নির্বাচন পদ্ধতি আমরা গ্রহণ করেছি দক্ষিণ আফ্রিকার সংসদের উচ্চক্ষর সদস্যদের নির্বাচন পদ্ধতির অনুকরণে।

43. Who is an ex officio chairman of Rajya sabha?

Ans. Vice President

44. Women reservation in panchayat was provided under which constitutional amendment act?

Ans. 73rd Constitution amendment act. 1993

45. The words 'Socialist' and 'Secular' were inserted in the preamble by which Constitutional Amendment Act?

Ans. 42nd Constitutional Amendment Act, 1976

46. If the speaker of Lok Sabha intend to submit his resignation to whom he addressed?/

লোকসভার অধ্যক্ষ যদি পদত্যাগপত্র দেওয়ার ইচ্ছা প্রকাশ করে তাহলে কার কাছে তিনি পদত্যাগ পত্র পাঠাবেন?

Ans. Deputy Speaker of the Lok Sabha

47. Which part or amendment act of Indian Constitution is known as the Mini Constitution?

Ans. 42nd Constitutional Amendment Act, 1976

48. Which writ is issued by the court on matters of illegal arrest and detention?

Ans. Habeas Corpus/ বন্দি প্রত্যক্ষিকরণ

49. How many days Rajya Sabha can delay a money Bill, without discussing or given

assent/approval? / কোন অর্থ বিল আলোচনা না করে বা সম্মতি না জানিয়ে রাজ্যসভা কতদিন আটকে রাখতে পারে?

Ans. 14 Days/ a fortnight / একপক্ষ কাল

50. How many members are there in the Estimate Committee of the Indian Parliament from Lok Sabha?

Ans. 30

51. How many members are there in the Public Account Committee of the Indian Parliament?

Ans. 22 (from Lok Sabha 15 + Rajya Sabha 7)/ লোকসভা থেকে ১৫ জন ও রাজ্য সভা থেকে ৭ জন মোট ২২ জন সদস্য নিয়ে সরকারী গাণিতিক কমিটি গঠিত।

52. Who Presided over the joint meeting of the Indian Parliament?/ ভারতের সংসদের উভয় কক্ষের যৌথ অধিবেশনে সভাপতিত্ব করেন কে?

Ans. Speaker of Lok Sabha

53. Which article of the Indian Constitution related to the impeachment procedure of the President of India?

Ans. Article 61 of Indian Constitution

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