

# All Inclusive Static Crash Course Prelims 2022

## Class-1 : Polity

### MAKING OF THE CONSTITUTION

Article 395 repealed  
GoI Act 1935 & IIA 1947

Original Constitution had: Preamble, 395 articles in 22 parts, 08 schedules

Now: Preamble, 470 articles in 25 parts, 12 schedules

❖ 26-11-1949: Constitution adopted & enacted; few articles came into force

❖ 26-01-1950: Commencement of Constitution (as given in article 394)

✗ Constitution came into force/effect on 26 November 1949

✓ Constitution came into force/effect on 26 January 1950



#### Prelims 2005

Consider the following statements:

1. The Constitution of India has 20 parts
2. There are 390 articles in the Constitution of India in all
3. Ninth, Tenth, Eleventh and Twelfth schedules were added to the Constitution of India by the Constitution (Amendments) Acts

Which of the statements given above is/are correct?

- (a) 1 and 2 (b) 2 only (c) 3 only (d) 1, 2 and 3

#### Important facts about CA:

- Elephant: seal (symbol)
- Gandhi: not its member
- BN Rau: Advisor
- HVR Iyengar: Secretary

#### Constituent Assembly

- Total membership was to be 389
  - Provinces 292, Chief Comm. Provinces 4, Princely states 93 (but did not nominate)
- It was a multi-party indirectly elected body, not based on adult franchise
  - Members were elected by provincial assemblies by proportional representation.
  - Elections to 296 seats done in July-August 1946; INC 208, ML 73
- It was constituted in November 1946
  - under scheme formulated by Wavell plan Cabinet Mission Plan
- Fully sovereign body:
  - could frame any Constitution, could alter any law made by British Parliament for India
- It acted as the first Parliament of independent India (enacted ordinary laws)
  - Dr. Rajendra Prasad chaired sittings of the House when it met as Constituent Assembly
  - GV Mavalankar presided over as Speaker when the House met as Legislature

#### Prelims 1993

Which of the following statements regarding the Constituent Assembly are true?

1. It was not based on adult franchise
2. It resulted from direct elections
3. It was a multi-party body
4. It worked through several committees

Select the correct answer from the codes given below:

- (a) 1, 2 (b) 2, 3 (c) 1, 3, 4 (d) 1, 2, 3, 4

#### Prelims 2002

Members of Constituent Assembly were

- a) nominated by the British Parliament
- b) nominated by the Governor General
- c) elected by the Legislative Assemblies of various provinces
- d) elected by the Indian National Congress and Muslim League

#### CA also performed following functions:

- 1947 July 22: adopted national flag (before independence)
- 1949 May: ratified membership to ✓ Commonwealth ✗ UN
- 1950 January 24:
  - adopted the national anthem
  - adopted the national song
  - elected Dr. Rajendra Prasad as first President of India

#### Changes to CA by Indian Independence Act 1947

- (an Act of British Parliament)
- 1) Became fully sovereign body
  - 2) Strength reduced to 299
  - 3) CA also became Legislative body (Parliament)

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8 major Committees	Chairman
Drafting Committee	B R Ambedkar
States Committee (to negotiate with states)	J L Nehru
Union Powers Committee	J L Nehru
Union Constitution Committee	J L Nehru
Provincial Constitution Committee	Sardar Patel
Advisory Committee on FRs, Minorities, Tribal, Excluded areas	Sardar Patel
Rules of Procedure Committee	Rajendra Prasad
Steering Committee	Rajendra Prasad

#### Drafting committee of Constituent Assembly:

- 1) B.R. **Ambedkar** (Chairman)
- 2) Alladi **Krishnaswamy** Ayyar
- 3) T.T. **Krishna**machari (He replaced DP **Khaitan**)
- 4) N. **Gopal**aswamy Ayyangar
- 5) N. **Madhava** Rau (He replaced BL **Mitter**)
- 6) K.M. **Munshi**
- 7) Syed Mohammad **Saadullah**

#### **Prelims 1996**

B.R. Ambedkar was elected to CA from:

- a) West Bengal (*initially*)
- b) **Bombay Presidency** (*later*)
- c) then Madhya Bharat
- d) Punjab

[https://rajyasabha.nic.in/rsnew/constituent\\_assembly/constituent\\_assembly\\_mem.asp](https://rajyasabha.nic.in/rsnew/constituent_assembly/constituent_assembly_mem.asp)

#### Objectives Resolution:

- ✓ Moved by Nehru on 13-12-1946; adopted by Assembly on 22-01-1947 (before independence)
- ✓ Its modified version forms the **Preamble**

#### Some features:

- ✓ People as source of power; Republic, Justice, Liberty, Equality
- ✓ Union of States; Residuary power to states; Safeguards for tribals, minorities, backward classes
- ✓ Promote world peace and welfare of mankind

## SALIENT FEATURES OF THE CONSTITUTION

#### Longest Written Constitution because:

- ✓ 1935 act was bulky
- ✓ India's vast size and diversity
- ✓ Single Constitution for Centre and States
- ✓ Dominance of legal luminaries in CA
- ✓ Administrative details also included, which in other countries are left to legislature

#### Secularism:

- ✓ **Western (negative) concept:** complete separation between religion and State.
- ✓ **Indian (positive) concept:** equal respect to all religions or protect all religions equally.

#### India is a secular country:

- ✓ India does not have any official religion
- ✓ Officially, India is "Republic of India", Pakistan is "Islamic Republic of Pakistan"

#### **Prelims 1986**

Constitution does not recognise the **caste system** because

- a) India is secular
- b) It leads to inequality which is against the Constitution
- c) It leads to untouchability
- d) **All of the above**

#### **Prelims 1981**

What does **secularism** mean?

- a) State patronising all religions
- b) State having its own religion
- c) State having no official religion and citizens are free to follow any religion or faith**
- d) State having one official religion and showing respect to all other religions

#### Universal Adult Franchise:


- ✓ Article 326: adult suffrage for elections to LS and SLA, age 21
- ✓ 61<sup>st</sup> amendment 1988: age reduced to 18

#### **Prelims 2017**

**Right to vote** and to be elected in India is a:

- (a) Fundamental right
- (b) Natural right
- (c) Constitutional right**
- (d) Legal right

Source: Article 326, UPSC answer key, NCERT class-9,11

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Source	Features Borrowed
Govt Act 1935	Federal Scheme, Governor, Judiciary, Public Service Commissions, <b>Emergency provisions</b> Administrative details
Britain	<b>Parliamentary system</b> , Bicameralism, Legislative procedure, Rule of Law, Parliamentary privileges, Cabinet system Single citizenship, Writs
USA	<b>Fundamental Rights</b> <b>Judicial review</b> , Independence of judiciary Removal of SC and HC judges Impeachment of President Post of vice President
Ireland	<b>DPSP</b> , <b>Nomination to Rajya Sabha</b> Method of election of President
Canada	<b>Strong Centre</b> , Residuary powers with Centre Appointment of Governors by Centre Advisory jurisdiction of SC
Australia	<b>Concurrent List</b> , <b>Joint sitting</b> Freedom of trade & commerce
Weimar Constitution of Germany	<b>Suspension of FRs</b> during Emergency
USSR	<b>FDs</b> , Ideals of justice in Preamble
France	Republic, Liberty Equality Fraternity
South Africa	Procedure for <b>amending</b> Constitution Election to Rajya Sabha
Japan	<b>Procedure established by Law</b>

**Important:**

FR → USA  
 FD → USSR  
 DPSP → Ireland  
 Nomination to RS → Ireland  
 Emergency → 1935, Germany  
 Federation → 1935, Canada  
 Parliamentary system → UK  
 Single citizenship → UK  
 Concurrent list → Australia

**WE, THE PEOPLE OF INDIA**, having solemnly resolved to constitute India into a '**[SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC]** and to secure to all its citizens : → **France**

**USSR** { **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 <sup>2</sup>[unity and integrity of the Nation];

**France** {

**IN OUR CONSTITUENT ASSEMBLY** this twenty-sixth day of November, 1949 do **HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.**

Schedule	Subject matter
1 <sup>st</sup>	Name and territory of States and UTs
2 <sup>nd</sup>	<b>Emoluments</b> /allowances/privileges of: (think of three organs and CAG) <ul style="list-style-type: none"> <li>President, Governors</li> <li>Speaker, Dy. Speaker, Chairman, Dy. Chairman of LS/RS/SLA/SLC</li> <li>Judges of SC and HCs</li> <li>CAG</li> </ul>
3 <sup>rd</sup>	<b>Oath</b> for: (think of three organs and CAG) <ul style="list-style-type: none"> <li>Union/State Ministers</li> <li>MP/MLA/MLC; Candidates for election to LS/RS/SLA/SLC</li> <li>Judges of SC and HCs</li> <li>CAG</li> </ul>
4 <sup>th</sup>	Allocation of <b>Rajya Sabha</b> seats to States/UTs
5 <sup>th</sup>	Administration and control of <b>Scheduled Areas</b> and <b>Scheduled Tribes</b>
6 <sup>th</sup>	Administration of <b>Tribal areas</b> in Assam, Tripura, Meghalaya, Mizoram ( <b>ATM-Machine</b> )
7 <sup>th</sup>	<b>Union</b> List 100 (97), State List 61 (66), Concurrent List 52 (47)
8 <sup>th</sup>	<b>Languages</b> recognized by Constitution 22 (14)
9 <sup>th</sup>	Added by 1 <sup>st</sup> Amendment 1951 to protect laws from <b>judicial review</b>
10 <sup>th</sup>	Added by 52 <sup>nd</sup> Amendment 1985, Anti- <b>defection</b> law
11 <sup>th</sup>	Added by 73 <sup>rd</sup> Amendment 1992, <b>Panchayat's</b> power & responsibility
12 <sup>th</sup>	Added by 74 <sup>th</sup> Amendment 1992, <b>Municipality's</b> power & responsibility



**Prelims 2001**

If a **new State** of the Indian Union is to be created, which one of the following Schedules of the Constitution must be amended?

- a) **First**
- b) Second
- c) Third
- d) Fifth

**Prelims 2004**

Which one of the following statements correctly describes **Fourth Schedule** of the Constitution?

- a) It contains scheme of distribution of powers between Union and States
- b) It contains languages listed in the Constitution
- c) It contains provisions regarding administration of tribal areas
- d) **It allocates seats in Council of States**

**Prelims 2015**

The provisions in the **Fifth Schedule and Sixth Schedule** in Constitution are made in order to

- a) **protect the interests of Scheduled Tribes**
- b) determine the boundaries between states
- c) determine the powers, authorities, and responsibilities of Panchayats
- d) protect the interests of all border States

**Prelims 2019**

Under which schedule of the Constitution of India can the transfer of **tribal land** to private parties for mining be declared null and void?

- a) Third Schedule
- b) **Fifth Schedule**
- c) Ninth Schedule
- d) Twelfth Schedule

**Prelims 2019**

**Ninth Schedule** was introduced in the Constitution of India during the prime membership of

- a) **Jawaharlal Nehru**
- b) Lal Bahadur Shastri
- c) Indira Gandhi
- d) Morarji Desai

**Prelims 2014**

Which one of the following Schedules of the Constitution of India contains provisions regarding **anti-defection**?

- a) Second Schedule
- b) Fifth Schedule
- c) Eighth Schedule
- d) **Tenth Schedule**

## PREAMBLE OF THE CONSTITUTION

**WE, THE PEOPLE OF INDIA**, having solemnly resolved to constitute India into a '**SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC**' and to secure to all its 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 <sup>2</sup>[unity and integrity of the Nation];

**IN OUR CONSTITUENT ASSEMBLY** this twenty-sixth day of November, 1949 do **HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.**

- ✓ **Introduction**/preface to constitution
- ✓ Soul of Constitution; Jewel set in the Constitution; Identity card of the Constitution
- ✓ Based on '**Objectives Resolution**' moved by **Nehru** on 13-12-1946 and adopted by CA on 22-01-1947
- ✓ **US** Constitution was the first to begin with a preamble

**Preamble reveals**

- Source** of authority of Constitution:
  - people of India
- Nature** of Indian State:
  - sovereign socialist secular democratic republic
- Objective** of Constitution:
  - justice, liberty, equality, fraternity
- Date** of adoption & enactment of Constitution:
  - 26-11-1949

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**Prelims 2021**

What was the exact constitutional status of India on 26<sup>th</sup> January, 1950?

- a) A democratic Republic
- b) **A Sovereign Democratic Republic**
- c) A Sovereign Secular Democratic Republic
- d) A Sovereign Socialist Secular Democratic Republic

**Prelims 2013**

'Economic Justice' as one of the objectives of the Indian Constitution has been provided in

- a) the Preamble and the Fundamental Rights
- b) **the Preamble and the Directive Principles of State Policy**
- c) the Fundamental Rights and the Directive Principles of State Policy
- d) None of the above

**Prelims 2017**

Which of the following objectives is not embodied in Preamble to the Constitution of India?

- a) Liberty of thought
- b) **Economic liberty**
- c) Liberty of expression
- d) Liberty of belief

**Prelims 2017**

The mind of the makers of the Constitution of India is reflected in which of the following?

- a) **The Preamble**
- b) The Fundamental Rights
- c) The Directive Principles of State Policy
- d) The Fundamental Duties

- ✓ Preamble was enacted after rest of the Constitution (so that its in conformity with Constitution)
- ✓ Motion to make Preamble part of Constitution was passed by Constituent Assembly
- ✓ Preamble is non-justiciable, i.e. its provisions are not enforceable in courts of law.
- ✓ Preamble is neither a source of power to legislature nor a prohibition upon powers of legislature.
- ✓ Preamble can be amended (ruled by SC in Kesavanand Bharti case 1973)
- ✓ 42<sup>nd</sup> amendment 1976 added the words - Socialist, Secular, and integrity

	Part of Constitution?	Use to interpret Constitution?
1960 Berubari Union case	No	Yes, in case of ambiguity
1973 Kesavanand Bharti case	Yes	Yes
Same in all following cases		

**Prelims 2020**

The Preamble to the Constitution of India is

- a) a part of the Constitution but has no legal effect
- b) not a part of the Constitution and has no legal effect either
- c) a part of the Constitution and has the same legal effect as any other part
- d) **a part of the Constitution but has no legal effect independently of other parts**

## UNION AND ITS TERRITORY

- ❑ **Article 1:** India, that is Bharat, shall be a Union of States  
Territory of India = State + UT + any future acquisitions
- ❑ **Article 2:** Parliament can add new states
- ❑ **Article 3:** Parliament can change boundary/name of existing states
- ❑ **Article 4:** Laws made under articles 2&3 (to amend Schedules 1&4) are not constitutional amendments under article 368

**Note:**

- ❑ **'Union of States'** instead of 'Federation of States' because:
  - ✓ India is not result of an agreement among the states (e.g. USA)
  - ✓ States have no right to secede from the federation
  - ✓ India is divided into states only for administrative convenience
- ❑ **Article 2** is for adding new territory e.g. Goa, Sikkim, Puducherry, D&D, D&N Haveli
- ❑ **Article 3** is for existing territory e.g. Telangana, Uttarakhand, Jharkhand, Chhattisgarh

**Bill under article 3:**

- ✓ President must refer the Bill to State legislature (no need if UT)
- ✓ Irrespective of response, Prez recommends Bill to be introduced in Parliament

**Bill under article 3 needs:**

- ✓ Simple majority in both LS & RS
- ✗ Special majority in both LS & RS
- ✗ Special majority in both LS & RS and ratification by half of the States

**To settle border dispute:**

- ✓ **Executive action** is sufficient
- ✓ Constitutional amendment not needed

**To cede Indian territory:**

- ✓ Executive action is insufficient
- ✓ Amendment u/a **368** is necessary

**Destructible States:**

- ✓ India is described as 'an indestructible union of destructible states' (-Ambedkar)
- ✓ USA is described as 'an indestructible union of indestructible states'

**Reason:** Indian Parliament can redraw political map of India without States consent.

**Remember:** Territorial integrity or continued existence of any state is **not** guaranteed by Indian Constitution.

**'Territory of India'** is a wider expression than **'Union of India'**

- Union of India includes only states
- Territory of India includes states, Union Territories and future acquisitions

### State reorganization

1951	1961	1971 Himachal	1981	1991	2001	2011
1952	1962	1972 Mani, Megha, Tripura	1982	1992	2002	2012
1953 Andhra	1963 Nagaland	1973	1983	1993	2003	2013
1954	1964	1974	1984	1994	2004	2014 Telangana
1955	1965	1975 Sikkim	1985	1995	2005	2015
1956	1966 Haryana	1976	1986	1996	2006	2016
1957	1967	1977	1987 Arunachal, Goa, Mizo	1997	2007	2017
1958	1968	1978	1988	1998	2008	2018
1959	1969	1979	1989	1999	2009	2019
1960 Gujarat, Maharashtra	1970	1980	1990	2000 Uttara, Chhat, Jhark	2010	2020

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<b>Prelims 2007</b>		<b>29 Indian states on 26<sup>th</sup> January 1950:</b>
Which of the following is correct chronological order of formation as full States of Indian Union?		<ul style="list-style-type: none"> <li>▪ Part-A (09): Governor's provinces</li> <li>▪ Part-B (09): Princely states with legislatures</li> <li>▪ Part-C (10): Chief Commissioners Provinces and some princely states</li> <li>▪ Part-D (01): Andaman &amp; Nicobar islands</li> </ul>
(a) Sikkim-Arunachal Haryana		
<b>(b) Nagaland-Haryana-Sikkim-Arunachal Pradesh</b>		
(c) Sikkim-Haryana-Nagaland-Arunachal Pradesh		
(d) Nagaland-Arunachal Haryana		
1948	Dhar Commission by Govt; JVP committee by Congress (Linguistic Provinces Commission)	<ul style="list-style-type: none"> <li>✗ Linguistic basis;</li> <li>✓ Administrative convenience</li> </ul>
1953	First linguistic state Andhra created States Reorganisation (Fazal Ali) Commission	Report in 1955; Accepted linguistic basis
1956	States Reorganisation Act 1956 7 <sup>th</sup> Constitution Amendment Act 1956	14 states and 6 UTs created
1960	Bombay Reorganisation Act, 1960	Bombay divided into Maharashtra and Gujarat
1966	Punjab Reorganisation Act, 1966 Shah Commission	Punjab divided to create Haryana and Chandigarh

## CITIZENSHIP

<p><b>Part-II Articles 5 to 11 deals with citizenship:</b></p> <ul style="list-style-type: none"> <li>➤ <b>Article 5</b> : Citizens at commencement of Constitution</li> <li>➤ <b>Article 11</b> : Parliament to regulate right of citizenship (Hence came Citizenship Act, 1955)</li> </ul>	<p><b>Constitution:</b></p> <ul style="list-style-type: none"> <li>✓ It identifies citizens as on 26-01-1950</li> <li>✓ It does not deal with acquisition or loss of citizenship subsequent to commencement</li> </ul>
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	<p><b>Constitution denies following Fundamental Rights to aliens:</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> <b>Article 15</b> - Right against discrimination on grounds of religion, race, caste, sex or <u>place of birth</u>.</li> <li><input type="checkbox"/> <b>Article 16</b> - Right to equality of opportunity in the matter of public <u>employment</u>.</li> <li><input type="checkbox"/> <b>Article 19</b> - Right to freedom of <u>speech</u> and expression, assembly, association, movement, residence and profession.</li> <li><input type="checkbox"/> <b>Articles 29 &amp; 30</b> - <u>Cultural</u> and <u>educational</u> rights.</li> </ul> <p>Do aliens enjoy Right to Privacy? Yes, as its part of Article 21</p> <p>Do aliens enjoy Right to assemble peacefully? No, its part of Article 19</p>
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<p><b>Prelims 1984</b></p> <p>A good citizen is one who is</p> <ul style="list-style-type: none"> <li><b>(a) Conscious of social obligations</b></li> <li>b) Not bothered about anything</li> <li>c) Educated</li> <li>d) Rich in cultural heritage</li> </ul>	<p><b>Prelims 1999</b></p> <p>British citizen staying in India cannot claim Right to</p> <ul style="list-style-type: none"> <li><b>(a) Freedom of trade and profession</b></li> <li>b) Equality before the Law</li> <li>c) Protection of life and personal liberty</li> <li>d) Freedom of religion</li> </ul>
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<p><b>Acquisition of citizenship:</b></p> <ol style="list-style-type: none"> <li>1) by birth</li> <li>2) by descent</li> <li>3) by registration (take oath)</li> <li>4) by <b>naturalization</b> (take oath)</li> <li>5) by incorporation of territory</li> </ol> <p>Note: illegal migrant can not acquire Indian citizenship</p>	<p><b>Loss of citizenship:</b></p> <ol style="list-style-type: none"> <li>1) <b>by Renunciation</b> : giving up Indian citizenship. Minor children also lose citizenship, but can resume it on becoming major.</li> <li>2) <b>by Termination</b> : on <u>acquiring</u> citizenship of another country, Indian citizenship automatically terminates</li> <li>3) <b>by Deprivation</b> : Central <u>govt. terminating</u> citizenship. e.g. disloyalty to Constitution; out of India for 7 years continuously; unlawfully communicated with enemy during war</li> </ol>
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### Citizenship by birth:

- ✗ A child born in India automatically becomes Indian citizen
- ✗ Children of foreign diplomats posted in India can get Indian citizenship by birth
- ✓ A child born today will get citizenship by birth if at least one parent is Indian, and another not an illegal migrant.

### Citizenship by registration:

- ✓ Person of Indian origin resided for 7 years in India
  - ✓ Spouse/child of Indian citizen
- And many more.... Conditions apply

### Citizenship by naturalisation:

- ✓ Resided in India in last 12 months, and before that in 11 out of 14 years
- ✓ Knows one of the languages of 8<sup>th</sup> schedule

### Prelims 2005

Consider the following statements:

1. Article 371A to 371I were inserted in the Constitution of India to meet regional demands of Nagaland, Assam, Manipur, Andhra Pradesh, Sikkim, Mizoram, Arunachal Pradesh and Goa.
2. Constitution of India and USA can envisage dual polity (Union and States) but single citizenship.
3. A naturalized citizen of India can **never be deprived of his citizenship**.

Which of the statements given above is/are correct?

- (a) 1, 2 and 3    (b) 1 and 3    (c) 3 only    (d) 1 only

### Prelims 2021

With reference to India, consider the following statements :

1. There is only one citizenship and one domicile.
2. A citizen by birth only can become the Head of State.
3. A foreigner once granted **citizenship cannot be deprived** of it under any circumstances.

Which of the statements given above is/are correct?

- (a) 1 only    (b) 2 only    (c) 1 and 3    (d) 2 and 3

**Overseas Citizen of India** → Since **2005**, by amending Citizenship Act, 1955

### Eligibility:

- Was Indian citizen on 26<sup>th</sup> January 1950; or his/her (great/grand) children; and their spouse
- Should not be citizen of Pakistan or Bangladesh

**NRIs:** They are Indians, so they don't need visa  
**OCIs:** They are NOT Indians, so they need visa  
 Govt. has given them **lifelong VISA**.

### Rights of OCIs:

- Not citizen, so can't vote, get govt job, etc. They have same **FRs** as other **aliens**.
- Same rights as **NRIs** in education, pursuing **profession**, adoption, fees at ASI monuments, etc.
- They are **not** at par to NRIs in case of acquisition of **agricultural** or plantation properties.
- Some restrictions like no Missionary, Tabligh, Journalism, Mountaineering.