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The Global Administrative Law

Article 370 of the Indian Constitution

Highlights

The Crossroads of the Bolsa Família

Parliamentary Governance in Bangladesh

Discovering Thoughts, Inventing Future

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Conditional Income Transfer and Poverty Reduction: The Crossroads of the Bolsa Família Program for Economic and Social Emancipation

By Suzana Cristina Fernandes De Paiva, Lucileia Aparecida Colombo, Claudio Cesar De Paiva & Lucileia Aparecida Colombo

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Keywords: *bolsa família program (PBF), conditional cash transfer, poverty and vulnerability, brazil.*

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CONDITIONALINCOMETRANSFERANDPOVERTYREDUCTIONTHECROSSROADSOFTHEBOLSAFAMLIAPROGRAMFORECONOMICANDSOCIALEMANCIPATION

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Conditional Income Transfer and Poverty Reduction: The Crossroads of the Bolsa Família Program for Economic and Social Emancipation

Suzana Cristina Fernandes De Paiva [α], Lucileia Aparecida Colombo [σ], Claudio Cesar De Paiva [ρ] & Lucileia Aparecida Colombo [ω]

Abstract- **The Bolsa Família Program is a Brazilian conditional cash transfer program, identified by the World Bank as one of the most efficient cash transfer models in the world. The purpose of this article is to report the results of a survey that investigated the program's capacity to reverse the intergenerational cycle of poverty in Brazil. The focus of the research, qualitative in the method, exploratory in the purpose, used documentary research and data collection, oriented to contribute to the process of evaluation of public policies and, above all, to the improvement of a social program of proven effectiveness. The research revealed that the absence of a great "exit door" from the program tends to perpetuate exactly what the program intended to eradicate, making it a program that mitigates the adversities of the economic need of the beneficiary families, but with a reduced capacity to promote economic and social emancipation.**

Keywords: bolsa família program (PBF), conditional cash transfer, poverty and vulnerability, brazil.

I. Introduction

Brazil is composed of a constellation of forms of underdevelopment, as pointed out by the bastion of Latin American historical-structural thinking, Celso Furtado. This economic underdevelopment manifests itself in anachronistic forms of income distribution, in different ways of regional insertion in the pattern of accumulation and through complex characteristics of social, regional and urban inequalities. These phenomena, together, define a striking feature of the Brazilian economic development process - structural heterogeneity.

The social and territorial heterogeneity present in Brazil is a historical phenomenon, in the sense that Brazilian society has not yet overcome the historical and cultural ills of slavery and patriarchy. Today, this phenomenon is configured in a complex and unequal urban society, with deep marks left by marginalization, discrimination and spatial segregation.

In this sense, it is a territorial and social heterogeneity not only understood in the dimension of poverty, but daily in the systematic discrimination and marginalization of the poor, through the naturalization of poverty and social inequality.

Part of this explanation lies in our federalism, which delimits the game between government actors. We have no linguistic, cultural, religious or political cleavages. However, our social and regional inequalities influence the production and implementation of public policies, enabling the formation of regional blocks with very different characteristics: on the one hand, the South and Southeast regions, with high levels of development and, on the other hand, the North, Northeast and Midwest regions, with development numbers below those processed in other regions. Thus, a federative mosaic is formed with regional characteristics that make Brazil a federative country with great regional asymmetries.

Although Brazil experienced a marked reduction in the levels of inequality and federative asymmetries in the first 15 years of this century, it still has one of the highest concentrations of income in the world. This trend is still far from being mitigated, since the decline in social indicators observed since 2015, with an increase in social inequality, has amplified the challenges. IBGE studies have shown that in 2019, the share of 10% of people with lower household income per capita represented 0.8% of total income. In 2013 it represented 1.2%. While the 10% with the highest income increased their income concentration, going from 40% of the total income received in 2013 to 42.9% in 2019. (IBGE, 2014 and 2020)

In order to face poverty in Brazil, the Bolsa Família Program (PBF) was created in 2003 by the then President of the Republic, Luis Inácio Lula da Silva. This program was structured with *the purpose of providing poor Brazilian families with the essential benefits to human dignity and, with that, reducing poverty, eradicating extreme poverty, strengthening the equitable access of beneficiary families to basic social rights, such as health, education and social assistance, as well as improving the federative model of management of social programs.*

The Bolsa Família Program is considered by the World Bank as one of the most efficient programs in the world for direct income transfer aimed at combating poverty, having been an inspiration for more than 70 countries. With an average annual expenditure of approximately 0.4% of GDP, the PBF serves approximately 14 million families, which is equivalent to

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almost 50 million citizens with access to the benefits of the program in all 5,570 Brazilian municipalities. Therefore, it is an ambitious, complex and large-scale program, with a number of beneficiaries equivalent to almost five times the population of Portugal.

In light of the evidence on the positive effects of conditional cash transfers to poor families, the PBF has become a reference for policy makers in the area of social policies. The program was considered by Deborah Wetzel, then director of the World Bank for Brazil, "a success story, a point of reference for social policy in the world".[1]

In the year in which it completed ten years of existence, the Bolsa Família program was awarded the Award for Outstanding Achievement in Social Security, granted by the International Social Security Association (AISS), during the III World Social Security Forum in Doha, Qatar.[2]

In addition to celebrating its achievements, the importance of continuing to assess its challenges and possibilities is notorious, bringing new elements for a more lucid analysis on the actions of inclusion and promotion of socioeconomic development, embodied in the PBF.

In view of this relevance and the social setback imposed by the Covid-19 pandemic, this article is part of the list of those who consider the Program as a major social achievement, capable of alleviating the effects of poverty for millions of families, but which also see enormous challenges in order to achieve the overcoming of poverty, social vulnerability and the expansion of freedoms, in the terms suggested by Amartya Sen.

In the wake of such assumptions, the article aims to analyze whether the largest direct income transfer program in the world - the Bolsa Família Program -, in fact, has the capacity to break the intergenerational cycle of poverty and, thus, provide economic and social emancipation for socially vulnerable families.

In general, the study seeks to contribute to the debate based on a territorialized analysis of the program's dimension, seeking to deepen the discussion on the need to build territorial-based social programs and policies that enable the transformation of reality in different Brazilian regions. As a result, the research found that the adoption of a conditional cash transfer policy has not been sufficient, on the one hand, to change the distributive profile of income prevalent in the federal entities and, on the other, that the PBF, although it mitigates the adversities of the economic shortage of the beneficiary families, has a limited capacity to promote economic and social emancipation.

II. The Federative Dimension of Brazilian Inequality: Cash Transfer Programs

The studies carried out on federalism help to understand the general framework of public policies that are processed in a given political and social context: the design of the decision-making process, with a clear definition of the actors and institutions, as well as the nature of public policies, that is, whether they are universal or focused. Daniel Elazar (1991) characterizes federalism as derived from the Latin "foedus", which means agreement. For this author, a federal arrangement is regulated by this pact, based on a mutual recognition of the integrity of each participant, as well as the unity between them. According to Elazar (1991):

> Federal principles are concerned with the combination of self-rule and shared rule. In the broadest sense, federalism involves the linking of individuals, groups, and polities in lasting but limited union in such a way as to provide for the energetic pursuit of common ends while maintaining the respective integrities of all parties. As a political principle, federalism has to do with the constitutional diffusion of power so that the constituting elements in a federal arrangement share in the processes of common policy making and administration by right, while the activities of the common government are conducted in such a way as to maintain their respective integrities (ELAZAR, 1991, p. 5).

In this sense, at the same time that federalism guarantees unity among government entities, it also promotes autonomy among them, enshrining the principle of checks and balances, through which all powers maintain their autonomy, without interfering in the other powers.

In this way, the federative game ensures that all its players have the full responsibility for their choices. In these terms:

> Federal institutions have developed in response to two different situations. On one hand, federalism has been used as a means to unite a people already linked by bonds of perceived nationality or common law by constitutionally distributing political power among a general government and constituent unit so as to secure greater local liberty or national unity. In such cases, the polities that constitute the federal system are unalterably parts of the national whole, and federalism invariably leads to the development of a strong national government operating in direct contact with the people it serves just as the constituent governments do (ELAZAR, 1991, p. 116).

However, federalism has some particularities that influence the formulation of public policies. Burguess (2006) has a vast study on the symmetrical and asymmetric forms that can characterize federalism.

[1] https://www.worldbank.org/pt/news/opinion/2013/11/04/bolsa-familia-Brazil-quiet-revolution.

[2] http://www.previdencia.gov.br/2013/11/internacional-brasil-ganha-premio-internacional-de-seguridade-pelo-desempenho-do-bolsa-familia/

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> And, in summary, in the model asymmetrical federal system, each component unit would have about it a unique feature or set of features which would separate its interests in important ways from those of any other state or the system considered as a whole. 'Clear lines of division would be necessary and jealously guarded insofar as these unique interests were concerned' (BURGUESS, 2006, p. 213).

Brazilian federalism is essentially characterized by asymmetrical forms of development, where there are inter and intra-regional inequalities of great magnitude and importance. These differences are reflected in the way of living with social inequalities, especially those concerning the fight against famine and misery. One of the strategies to break with old public policies that did not solve the problem of intense social inequality in the territory was the Bolsa Família Program.

Direct income transfer programs with conditionalities have been relatively successful as a strategy to combat poverty and as an integral part of social protection systems in several countries. However, to the same extent that the importance of these programs has grown, the controversies regarding the guarantee of minimum income for the most vulnerable population have also increased, as pointed out by Parijs (2004),

> [...] some see it as a crucial remedy for many social ills, including unemployment and poverty. Others denounce it as a crazy, economically flawed, ethically objectionable proposal, to be forgotten as soon as possible, to be dumped once and for all into the dustbin of the history of ideas.(PARIJS, 2004, p.07)

In Brazil, social policy was remodeled in the 1988 Constitution, but the constitutionality of social assistance law was not sufficient to guarantee that the poor population had access to public goods and services. In the 1990s, the dreamed transformation of social assistance into public policy began to suffer a setback due to the fiscal crisis of the national State (Casonatto, et al, 2018b).

In effect, space has opened up for the polarization of the debate between defenders of social policies focused with or without conditionalities and those who argued that countries with a strong heritage of social inequalities should have as a principle the universality of public policies (regardless of the financial situation of beneficiaries) and unconditionality.

In this sense, Kerstenetzkystablishes that:

> The style of social policy, whether focused or universal, is unclear in the absence of a prior decision on the principles of social justice to be implemented, making it, for example, automatically and wrongly associated with it. universalization with the guarantee of social rights and the focus with residual notions of justice (KERSTENETZKY, 2006, p. 564).

This controversy recurs repeatedly and, even so, it reveals an unfinished debate both in Brazil and in Latin America. There is no denying that the fiscal deterioration of the State has made it possible to advance and prevail focused policies to combat poverty, based on conditional and non-contributory direct income transfer programs. As are the cases of the programs: Bolsa Família Program (Brazil), Programa de Desarrollo Humano Oportunidades (Mexico), Chile Solidario (Chile), Más FamiliasenAcción (Colombia), Cercanias Program (Uruguay) and Bono Juancito Pinto (Bolivia).

Proponents of social policy focus argue that universal transfers corrupt individual citizens' social and individual responsibility and have higher costs (Fitzpatrick, 2002; Mead, 1997, Muñoz, 2012). Furthermore, they emphasize that public resources are scarce and that, therefore, social spending to be efficient must be directed to the most economically vulnerable individuals, with the aim of achieving greater efficiency in reducing poverty.

The focus of public policy gains more complexity as it seeks to define the eligibility criteria. The definition of these criteria is the critical point of the targeting method, as it will always carry a certain degree of arbitrariness, including in the choice of objective criteria, which makes the focused public policy susceptible to errors of inclusion and exclusion in the selection of beneficiaries.

The establishment of the poverty line and extreme poverty as a reference for the articulation of social policies aimed at poverty reduction, particularly the BFP, inevitably leads to mistakes that can compromise the effectiveness of the policy, especially because poverty is not limited to question of income, given its multidimensional and structural character. However, given the multiplicity of possible measures of poverty (absolute, relative, subjective poverty, multidimensional indices of unmet basic needs, combination of poverty lines and deprivation indicators, etc.), there is no consensus approach that could nullify possible inefficiencies in implementation of the policy.

The PBF is considered as one of the best-targeted programs in the country, which places it as the most progressive source of income in Brazil, with 80% of the resources directed to the poorest 23%, as shown by a study by Soares et al. (2007). The same finding can be found in the report by the Organization for Economic Cooperation and Development (OECD), which states that "Bolsa Família is a truly progressive expenditure, because 83% of expenditure reaches the poorest 40%" (OECD, 2018).

Agatte (2010) criticizes the focus on the cash transfer policy, aimed only at people who have not managed to do the minimum to meet their needs through work, on the grounds that "it reduces social policy in a residual poverty control policy".

In the author's perspective, social policy "becomes a policy of merely 'managing poverty and

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misery'", whose purpose is reduced in alleviating the situation of socioeconomic vulnerability of a portion of the population, instead of promoting structural changes that interfere in the cycle of reproduction of poverty, through the consolidation of a social protection system committed to social transformation and the reduction of inequalities (Agatte, 2010: p.19).

Despite the controversies surrounding the definition of the way of conducting public policy, the relevant fact pointed out by Vanderborght and Parijs (2006) is that the emergence of minimum income transfer programs represents a maturation of social protection measures offered by social security regimes. Welfare State, and the construction of a broad Basic Income program represents a solid pillar for the secure expansion of various social programs.

In Brazil, the debate on income transfer had been going on since the mid-1970s, led by economist Antônio Maria da Silveira[3], who advocated a minimum income for all Brazilians, through a negative income tax, as advocated by Milton Friedman. However, the most important historical landmark in the process of building a direct income transfer policy in Brazil was the approval of Bill No. 80/1991, by Senator Eduardo Suplicy, in 1991, which proposed the institution of a Minimum Income Guarantee Program, in the form of negative income tax for the whole country.

During this period, the discussion gains a new impetus with the economist José Márcio Camargo[4] who defended a Minimum Income policy through an income transfer to families, articulated with the schooling of children and school-age dependents, that is, it made the income conditioned to education and focus on the family and not on the individual (Suplicy, 2013: p.17; Agatte, 2010: p.44).

In this scenario, direct income transfer programs were adopted as the main mechanism to combat poverty in Brazil. The adoption of conditionalities for cash transfer programs appears as a guideline by the World Bank, which believed that the requirement for counterparts from beneficiary families in the areas of education and health could contribute to breaking the poverty cycle between generations. The structuring of the PBF, considered the largest conditional cash transfer program in the world in relation to the number of families and people benefited, fits into this institutional format.

III. The Bolsa Família Program: Institutional Design and Its Beneficiaries

The Bolsa Família Program (PBF), linked to the then National Secretariat of Citizenship Income of the Ministry of Social Development and Fight against Hunger (MDS)[5], was created by Provisional Measure No. 132, of 10/20/2003, in the first year of Lula government mandate. The Program arose from the unification of already existing benefits, namely: Food Allowance, Gas Allowance, School Allowance, and Food Card.

The unification of these social benefits, previously disjointed and without complementarity, represented an advance in terms of the operationalization of public policy, especially because it ensured greater rationality and effectiveness in the institutional design for the planning and management of income transfer actions.

The fundamental objective of the PBF is to combat poverty and other forms of deprivation of families in situations of poverty (with per capita monthly income between R $ 89.01 and R $ 178.00) and extreme poverty (with per capita income up to R $ 89.00), such as the difficulty of accessing the public health, education and social assistance network. This effort translates into an effort to promote the emancipation of family groups and generate local development in the territories.

The Program was structured, according to the MDS, into three main axes: (i) direct income transfer, in order to promote immediate improvements in the living conditions of families; (ii) strengthening the access of beneficiary families to basic health, education and social assistance services, helping to break the reproduction of the cycle of poverty between generations; and (iii) complementary actions, with the integration of other government and civil society actions and programs, enabling the development of the most vulnerable families. (BRASIL / MDS, 2014: 15)

The articulation of these axes with a decentralized management policy proved to be of fundamental importance for the efficiency of the Program. However, this articulation posed a double challenge for the central government. First, to articulate the agreement on responsibilities for the operation of shared governance, with specific competencies for each of the three federative entities (Union, States, and Municipalities). Second, to conduct a process of change in the organizational model of the Brazilian public sector, which has traditionally been thought of for the implementation of sectoral policies (education, health,

[3] Antonio Maria da Silveira. Moeda e Redistribuição de Renda. *Revista Brasileira de Economia*, abr/jun 1975, apud Suplicy (2013:17)

[4] José Marcio Camargo. Pobreza e garantia de renda mínima. *Folha de São Paulo*, 26 dezembro de 1991, apud Suplicy (2013:17)

[5] Since 02/01/2019 this secretariat has become the "Special Secretariat for Social Development", linked to the "Ministry of Citizenship".

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public security, social assistance, etc.), in the sense of implementing articulated strategies and intersectoral actions.

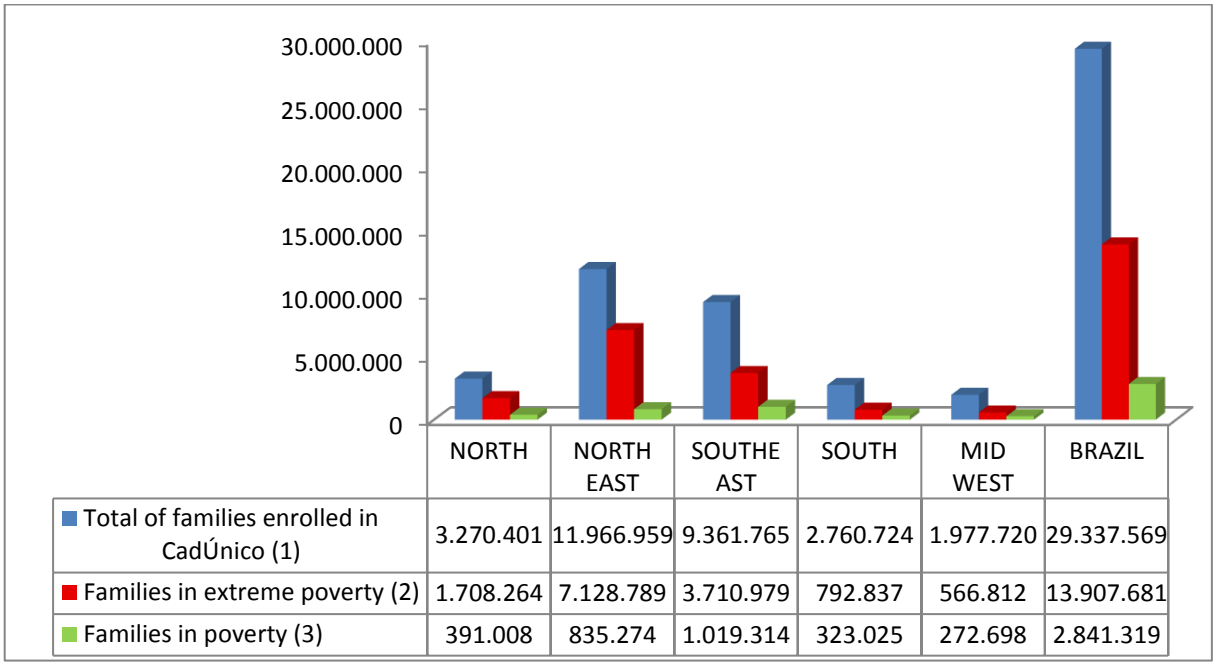
In general, the analysis of the constitutive elements of the PBF reveals at least seven guiding principles for its structuring: 1) confronting poverty and social inequality; 2) non-contributory social protection; 3) social protection for the family; 4) women as preferential beneficiaries; 5) intersectoriality; 6) decentralized management; 7) shared federative governance.

The magnitude of the population with per capita household income below the poverty line in Brazil and the territorial dispersion of this population contingent that faces situations of high socioeconomic vulnerability, require that the actions are coordinated by the central government and, given the need for great capillarity of the action, that they are articulated with the other federative entities (BRASIL / MDS, 2010: 13).

The process of identification, selection and payment to the beneficiary are the result of an effort of inter-federative articulation of the three spheres of Government (federal, state, and municipal), which use the information from the Single Registry for Social Programs of the Federal Government - CadÚnico, which corresponds to a database with information on the most vulnerable Brazilian families.

The mechanism of direct transfer of income from the Federal Government to beneficiary families, through the citizen card, associated with good federal governance of the PBF, practically eliminated anomalies and predatory practices present in the Brazilian public sector, such as the flypaper effect and local clientelism,[6] that negatively impact the efficiency of public policies.

According to the data on social vulnerability, presented in Graph 1, more than 29 million families are registered in CadÚnico, the majority located in the northeast (41%) and southeast (32%) regions, respectively, the poorest and richest regions in the country. Almost 14 million families are in extreme poverty across the country. In the North and Northeast regions, the extremely poor population reaches 9% and 12%, respectively, of the total population. The southeast region, the most dynamic in the country, has more than 9 million vulnerable families registered in CadÚnico (10% of the total population) and almost 4 million extremely poor families (4% of the total population).



	NORTH	NORTH EAST	SOUTHEAST	SOUTH	MID WEST	BRAZIL
Total of families enrolled in CadÚnico (1)	3.270.401	11.966.959	9.361.765	2.760.724	1.977.720	29.337.569
Families in extreme poverty (2)	1.708.264	7.128.789	3.710.979	792.837	566.812	13.907.681
Families in poverty (3)	391.008	835.274	1.019.314	323.025	272.698	2.841.319

Graph 1: Social Vulnerability: number of families registered in CadÚnico by monthly per capita income and Region (August/2020)

1) *Low income families who earn up to half a minimum wage per person can register with CadÚnico; families earning up to 3 minimum wages of total monthly income; and Families with an income higher than 3 minimum wages, as long as registration is linked to inclusion in social programs in the three spheres of government.*
2) *Families with per capita income up to R $ 89.00 per month;*
3) *Families with per capita monthly income between R $ 89.01 and R $ 178.00 Source: Own elaboration based on data from BRASIL/MDS/SAGI (2020).*

[6] Cf. Sugiyama, N., & Hunter (2013)

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The Bolsa Família program serves 14,274,021 families in December 2020. The amount that each beneficiary family receives per month depends on the classification of the various types of benefits provided for in the program, that is, it depends on the composition (number of people, ages, presence of pregnant women) and the income of the beneficiary family. Compliance with the eligibility criteria is the gateway to the PBF, but the permanence of families is open to compliance with the Program's conditionalities in the areas of health, education and social assistance.

IV. Analysis of the Effectiveness of the Bolsa Família Program

The Brazilian social reality changed significantly in the first decade of the 2000s, particularly during the government of President Lula, with the strengthening of a policy agenda focused on social rights and the inclusion of the most vulnerable segments of the population. Undoubtedly, the improvement of the country's distributive profile had the PBF as its emblematic face, not disregarding the relevance of several other factors, such as the economic growth that occurred in the period, with a strong generation of jobs, and the policy of valuing the minimum wage. (Paiva & Paiva (2012).

In this perspective, it is necessary to investigate, after almost two decades of execution, about the effectiveness of the program in combating poverty, based on the angular problem proposed in this article: *the PBF has the capacity to guarantee financial autonomy for the benefited families, expanding their freedom of choice and overcoming the intergenerational cycle of poverty and social vulnerability?*

The first difficulty to face this problem is found in the absence of an official line of monetary poverty, which would make it possible, from the privations of the target audience, to define the cut-off line that would separate the poor and non-poor.

Investigations and analyzes on the phenomenon of poverty in Brazil are predominantly explored in three types of lines: i) poverty lines built from daily dollars, consecrated at the international level by the World Bank; ii) lines built from minimum wage proportions, traditionally used to guide inclusion criteria in social programs, for example, ¼ of minimum wage per capita to grant, for example, the Continuous Benefit – BPC (*Benefício de PrestaçãoContinuada*); and iii) monetary value reference lines for granting the PBF benefit. (IBGE, 2018: 56).

Despite the absence of an official monetary poverty line in Brazil, the Program considered as a premise that poverty is the result of insufficient monetary income and, thus, established the mechanism of direct income transfer to alleviate poverty and extreme poverty. However, it also admitted the multidimensional character of poverty, through the imposition of some conditionalities on the benefited families, as a way of guaranteeing their access to basic services in the areas of education, health and social assistance, aiming to contribute to the interruption of the intergenerational cycle of reproduction of poverty.

At the launch of the PBF, in 2003, considering only the last quarter of the year, the Federal Government contributed R $ 570 million to the program, benefiting approximately 3.6 million families, distributed in 5,461 municipalities. Gradually these values were expanded, as well as the number of families served. A major boost for the Program took place in 2011, with the launch of the *Brasil Sem Miséria* Plan[7] (Brazil Without Misery), which started to emphasize the overcoming of extreme poverty, using as a strategy the "active search", that is, reaching the population considered "invisible" that does not access public services or is distant from the social safety net.

In 2013, the program reached 14.09 million families served, which corresponded to approximately 50 million people, with a total contribution of resources in the order of R $ 24.9 billion. In 2019, spending on the PBF reached R $ 31.15 billion, which corresponded to only 0.4% of the national GDP, benefiting 13,170,607 families (December 2019). In 2020, the number of beneficiaries increased to 14,274,086 in September this year.

The expansion of the coverage of poor and indigent families by the PBF associated with the dynamism of the labor market, the formalization of employment, access to credit and the expansion of the scope and scale of other social policies, favored the drastic reduction of the poverty gap and extreme poverty in the country (Paiva & Paiva, 2012; Campello & Falcão, 2014; Jannuzzi & Souza, 2016).

In the period between 2001 and 2013, the rate of extreme poverty would have dropped by more than half, according to data from Jannuzzi et al (2014: 786), from 8.1% of the total population in 2001 to 3.1% of the population in 2013, while the poverty rate fell to a lesser extent, from 22.8% to 7.9%, in the same period.

[7] The Brasil sem Miséria Plan was launched in June 2011, with the objective of eradicating extreme poverty throughout the national territory by 2014. The Plan was organized in three axes: a) guarantee of income, for immediate relief of the situation of poverty; b) access to public services, to improve the conditions of education, health and citizenship of families; c) productive inclusion, to increase the capacities and opportunities for work and income generation among the poorest families in the countryside and in the city. (BRASIL / MDS, 2011; CAMPELLO & MELLO, 2014)

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As of 2015, a change of scenery is observed with the advent of the economic crisis that hit the country. In fact, there is a slight growth in the population living below the extreme poverty line, reaching 4.8% in 2017.

As can be seen in the spatial distribution of PBF beneficiaries by State (Table 1), of the 27 federation units, 25 showed an increase in the number of families living in poverty, that is, with per capita household income below R $ 85.00 per month[8].

The increase in poverty occurred with greater intensity in the states of the Northeast region, especially in the states of Bahia, Piauí and Sergipe, which doubled the number of families living in extreme poverty. The state of Maranhão, considered one of the poorest in the country, had its situation aggravated during this period. In 2014, the state had 8.7% of their families living in conditions of extreme poverty, while in 2017, the proportion of families in this situation rose to 12.2%. Another negative highlight was the state of Acre, in the North, which saw the number of families living in miserable conditions grow to 10.9% in 2017, compared to the 5.3% that existed in 2014.

Table 1: Proportion of families living below the extreme poverty line (%)

ESTADOS	2014	2015	2016	2017
Maranhão (MA)	8,7	11,1	10,7	12,2
Acre (AC)	5,3	6,4	7,5	10,9
Bahia (BA)	4,8	5,7	7,2	9,8
Piauí (PI)	5,4	8,1	7,0	9,5
Alagoas (AL)	8,4	7,5	8,6	9,4
Sergipe (SE)	4,1	6,0	7,1	8,9
Amazonas (AM)	5,1	6,6	5,7	8,0
Ceará (CE)	5,6	7,1	7,7	7,8
Pernambuco (PE)	5,4	6,3	6,8	7,7
Rio Grande do Norte (RN)	5,3	6,2	6,7	7,2
Pará (PA)	5,3	4,7	6,1	6,6
Amapá (AP)	3,3	4,6	6,0	6,4
Roraima (RR)	2,7	3,3	4,4	5,9
Paraíba (PB)	6,4	6,5	5,4	5,7
Espírito Santo (ES)	2,6	2,7	3,7	4,4
Tocantins (TO)	5,4	4,2	4,1	4,3
Rondônia (RO)	3,2	2,0	4,3	4,1
Minas Gerais (MG)	2,8	2,8	3,4	3,8
Rio de Janeiro (RJ)	1,4	1,4	3,1	3,5
Goiás (GO)	2,0	2,9	3,1	3,2
Rio Grande do Sul (RS)	1,6	1,8	2,3	2,8
São Paulo	1,9	2,4	2,3	2,7
Mato Grosso (MT)	2,0	2,0	2,7	2,7
Mato Grosso do Sul (MS)	1,6	2,2	1,8	2,6
Paraná (PR)	1,4	1,9	1,9	2,5
Distrito Federal (DF)	1,6	1,8	1,8	2,4
Santa Catarina	1,4	0,8	1,5	1,8
BRASIL	3,2	3,6	4,1	4,8

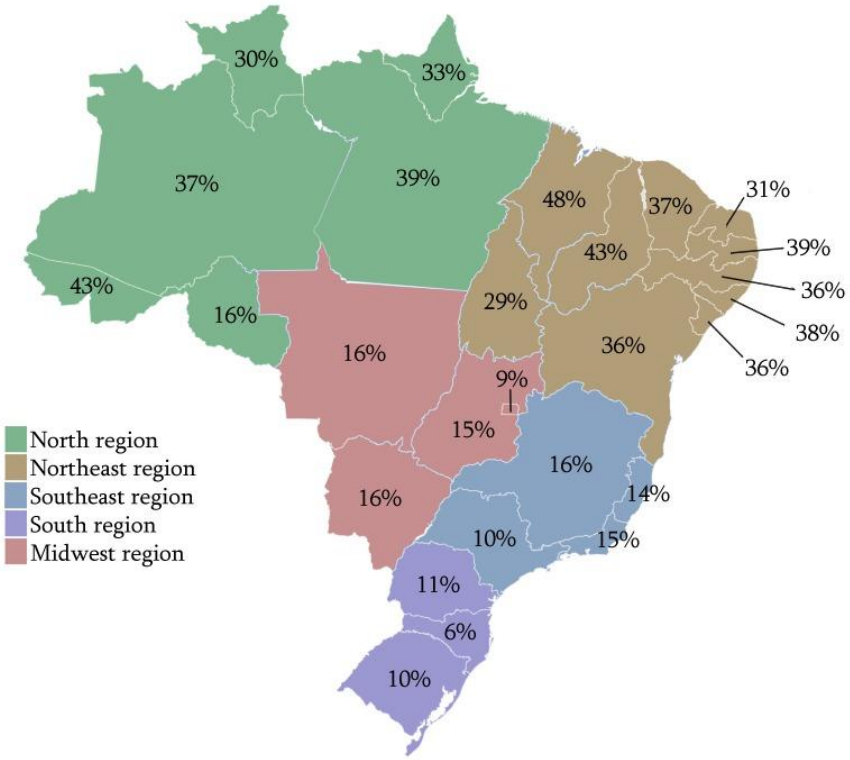
Source: Consultoria Tendências, apud Villas Boas (2018)

The analysis of the spatial distribution of the PBF beneficiaries by State allows for an even more revealing assessment of the program's impact. According to the information in Graph 3 (which shows the proportion of the total beneficiaries of the program with the total population of the respective state), in 11 states the beneficiaries of the PBF represent more than a third of the total population, with highlights for the Maranhão (48%), Acre (43%), Piauí (43%), Pará (39%) and Paraíba (39%).

These data reveal that the significant advances in social policies, in particular the adoption of a conditioned conditional direct transfer policy, have not been sufficient to significantly alter the distributive profile in some states, due to the precarious conditions for the productive insertion of these states in economic dynamics. Thus, even receiving the benefit of the PBF, most families remain below the poverty line, failing to achieve the objective conditions for social mobility and for overcoming misery.

[8] As of July 2018, this figure that characterizes families in situations of extreme poverty was readjusted to R $ 89.00 per capita.

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Graph 2: The destination of the resources of the Bolsa Família Program by State

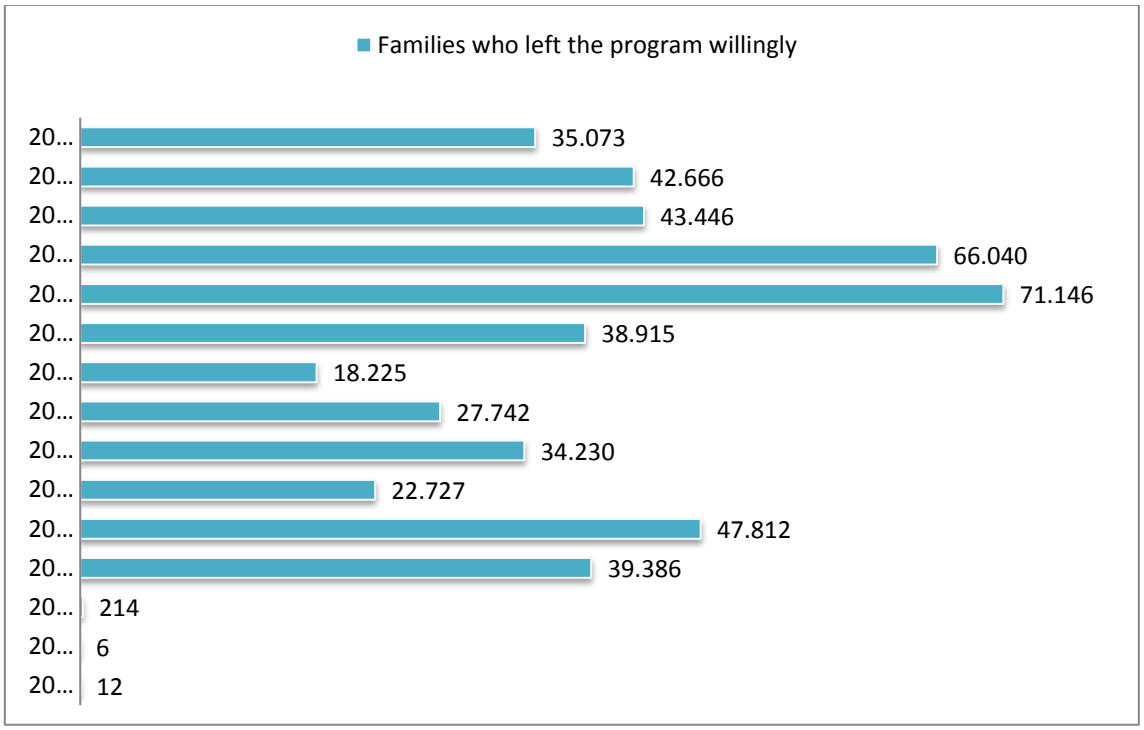
Participation of beneficiaries in the total population of the States, in%.

Source: Own elaboration based on data from the Ministério do Desenvolvimento Social e Combate à Fome(Ministry of Social Development and Fight against Hunger) (BRASIL/MDS, 2018).

To reinforce this observation, we will analyze the information on the number of families that voluntarily left the PBF. Considering that the Federal Government has no control over the motivations that lead to the voluntary exit door of the program, it is implicitly assumed that these cases refer to an improvement in the financial condition of families.

The largest voluntary departure from families was observed in 2013, when 71,146 families left the program, which represents 0.5% of the total families served in that year (see Graph 4). Since then, the number of families that have found the exit door of the program has been systematically falling, increasing dependence on the program, especially since the 2014-2017 macroeconomic crisis.

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Source: Own elaboration based on data from the Ministério do Desenvolvimento Social e Combate à Fome(Ministry of Social Development and Fight against Hunger)(BRASIL/MDS, 2018).

Graph 2: Number of families that voluntarily left the program (per year)

In this regard, it is emphasized that several non-voluntary exclusions from the PBF also occur annually, with the blocking or cancellation of thousands of benefits due to registration inconsistencies in the income statement and a few due to non-compliance with conditionalities, which render the beneficiary ineligible. Between 2015 and 2018, around 19% of beneficiary families in Brazil were excluded.

In an attempt to expand the "exit doors" of the program, in 2017 the government launched the Progredir Project, with the objective of offering professional qualification courses, selection of job opportunities and making microcredit available to families, with the purpose of providing opportunity to increase the income of 1 million families.

It should be noted that the longitudinal data strengthens the perception that the PBF has shown a reduced capacity to overcome poverty and social vulnerability, having often been constituted only in a program that temporarily mitigates the financial need of the beneficiary families. In order for the program to meet the objective of reducing the number of dependent families, it is necessary to expand opportunities for work and income.

The post-2011 macroeconomic dynamics significantly compromised the program's results by leading the country to the most serious and persistent recession in its history between 2014 and 2017. As in every economic crisis, an immense contingent of families had their socioeconomic conditions profoundly altered, being moved to a situation below the poverty line.

In addition to the merit of the PBF to mitigate the suffering of millions of miserable families who have started to access, with the expansion of their income, the essential benefits to human dignity (Paiva, et al, 2015), the effects of the program in the focus of gender adopted by the policy must be highlighted, especially the centrality of motherhood.

By legitimizing women as legal representatives to receive the financial resources of the PBF, the recognition, even if not intentionally, of the feminization of poverty was promoted, since women heads of household in conditions of poverty suffer more intensely from the impacts of precarious economic conditions. The management of financial resources by women, through the purchase of food items and school supplies for their children, as well as basic products for the maintenance of the home, has guaranteed greater effectiveness of the Program (Peixoto, 2010).

The analysis of the distribution of responsibility for the benefit shows that 93% of the families benefited by the PBF have women as caregivers, regardless of the family arrangement, 73% are black families (black or brown) and 68% of families have black women as caregivers. (Sesep / MDS, apud Costa et al, 2014: 223).

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By ensuring regular income for the beneficiary women, the PBF ensures a certain financial autonomy that, in turn, promotes changes in the subjectivities of women, particularly in aspects of empowerment and the possibility of liberation from marital oppression so present in poor and underdeveloped regions in Brazil (Leão Rego & Pinzani, 2013).

It is true that, in this aspect of women's empowerment, there are latent controversies. A study by Sugiyama & Hunter (2020) on the effects of Bolsa Família on the economic independence, health and psychosocial well-being of women beneficiaries, concluded that women tend to experience improvements in all three dimensions, but these improvements are not yet universal. Therefore, the fact that the State chooses to target the benefit preferentially to women does not allow establishing a direct causal relationship between benefits received and the empowerment of women.

Among the factors that limit the degree of empowerment of women and gender emancipation, the low capacity of the PBF stands out to create mechanisms for the expansion of productive engagement opportunities for women (Lavinas & Cobo & Veiga, 2012).

The PBF attributed to women the effective responsibility for combating intergenerational poverty, in view of their role in monitoring compliance with the conditionalities imposed by the program. Studies that assessed the effects of conditionalities found auspicious results.

In the field of education, for example, the PBF requires the population benefiting from the commitment of the children to remain in school, which has resulted in improvements in attendance, approval and dropout rates. According to Cacciamali et al (2010: 289) the "program is efficient in reaching one of its fundamental objectives: to increase the school attendance of children". A study by Pellegrina (2011: 70) points out that the Bolsa Família Program reduced school dropout by at least 22% in the state of São Paulo, while Casonato, et al (2018a) demonstrate that the PBF "is effective in school maintenance of the children and young people of the benefited families, either in the increase in the level of attendance or in the decrease of the abandonment, an objective for which it is proposed and can be derived from their conditionalities".

Despite the social advances provided by almost two decades, the Bolsa Família Program is at a great crossroads. The pace of creation of job opportunities for the beneficiaries of the program, that is, the exit doors, has been shown to be inefficient, due to the lack of articulation with territorial-based programs and public policies, which enable the transformation of the economic reality in the communities of different Brazilian regions. In effect, there is no break in the intergenerational cycle of reproducing poverty and inequality at the same time that the risk of perpetuating the welfare character increases, given the perennial dependence of a portion of the excluded.

V. Final Considerations

There is no doubt that Brazil developed and significantly changed its social reality from the first decade of the 2000s, through the expansion of access to social rights registered in the Federal Constitution of 1988. Despite the existence of several vectors of induction of this new level of civilization in the social field, there is a consensus on the importance of the Bolsa Família Program to guarantee the poor Brazilian families the minimum benefits to human dignity, even though it has not been successful in definitively breaking with the intergenerational cycle of poverty in Brazil.

The targeting ensured efficiency for the public policy of transferring conditioned pro-poor income, which currently serves 21% of the Brazilian population, as well as the federative articulation was fundamental for expanding the effectiveness of the Bolsa Família Program, given the operational complexity required by the social programs in a country with a continental dimension. However, productive inclusion, through increased job opportunities and income generation, is still quite precarious and limited.

The inefficiency of the exit door for program beneficiaries has contributed to making social mobility very slow for the eradication of poverty and has placed the program at a crossroads, since the lack of a large exit door tends to perpetuate exactly what the program it intended to eradicate, making it a program that mitigates the adversities of the economic need of the beneficiary families, but with a reduced capacity to promote economic and social emancipation.

The territorial analysis of beneficiaries by states showed that the gears of inequalities continued to operate in the Brazilian economy vis-à-vis the recurrence of extreme poverty. Thus, tackling poverty and social inequalities remains one of the greatest challenges facing Brazilian society.

Poverty is still a perennial problem to be overcome in the process of building a great civilized and democratic nation. The economic and fiscal crisis of the Brazilian State resulted in the increase of poverty and the stagnation of the process of reducing inequalities, while the political rise of the rightwing politics in charge of the country, promoted a reorganization of the pact of elites established in the Federal Constitution of 1988, placing on the horizon a distance of a portion of the population from the minimum level of dignity and, as a consequence, a civilizing setback in Brazil.

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Parliamentary Governance in Bangladesh: Focus on Quorum Crisis

By Fatema Khatun
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Abstract- In the parliamentary form of government, parliament plays two types of roles, i.e., legislative role and administrative role. Based on the constitutional provision parliament, formulates laws for the country as well as makes the administration accountable. The effectiveness of the parliament depends on the capacity of the parliament to use its instruments on these issues. The precondition of the parliamentary session is the presence and participation of the Members of the Parliament (MPs).The effectiveness of a parliamentary session primarily depends on the fulfillment of quorum in the parliamentary session. Ensuring quorum is one of the significant roles of parliamentary governance. Very often, Bangladesh's parliament suffers from a quorum crisis and makes a huge loss of time and money. The objective of this paper is to evaluate the quorum position in the Bangladesh parliament and its consequences. Article 75(2) of the Bangladesh constitution ensured the presence of a minimum number, not less than sixty MPs to be present before starting the session and during the session. A study of TIB (Transparency International Bangladesh) found that the ruling Awami League has 274 lawmakers in the parliament still, the 18th session witnessed over 152-hour quorum crisis which cost BDT 1.25 billion from the public fund.

Keywords: *governance, parliament, quorum, public exchequer, financial lose.*

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Keywords: governance, parliament, quorum, public exchequer, financial lose.

I. Introduction

Parliament is an essential institution to ensure good governance in any country. It is one of the basic state institutions of democracy, playing key role in terms of legislation, oversight and representation of public demand. It's representational role includes ensuring that citizens and other stakeholders have a strong voice at the national level and are therefore, involved in national governance issues (Jahan, 2015). Due to the opposition boycott, the ruling party's negligence and the absenteeism of ordinary members, the standing committees of the parliaments were less effective, and parliamentary accountability of government was lacking (Rahman, 2014). The Bangladesh Parliament owes its origin to the British Parliament. After the partition of India and Pakistan in 1947, Pakistan commenced the parliamentary system of run the state. Eventually, immediately after the independence in 1971, Bangladesh introduced the same. The effectiveness of the parliament depends on the capacity of the parliament to use its instruments on these issues. The precondition of the parliamentary session is the presence and participation of the Members of the Parliament (MPs). The effectiveness of parliamentary session primarily depends on the fulfillment of quorum in the parliamentary session. Ensuring quorum is one of the significant roles of parliamentary governance. Very often Bangladesh parliament suffers from quorum crisis and makes huge lose of time and money.

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II. Objectives of the Study

The main objective of the study is to generate knowledge about state of good governance in Bangladesh Parliament. To attain this objective the study will include the following specific objectives -

- To understand the parliamentary governance.
- To examine the situation of governance in Bangladesh Parliament;
- To explore the acute of quorum crisis in Bangladesh.

III. Methodology of the Study

Qualitative and quantitative research methods have been chosen for the study and data have been taken from secondary source of data like books and book chapters, journal articles, research reports, Newspaper, activity reports, internet surveys etc. This paper specially focuses on the report of Transparency International Bangladesh on parliamentary governance. This study focuses on the 10th parliament which was from 2014-2018. The collected data have been sort out both digitally and manually in order to make the study more revealing, investigative and beneficial for the researchers and policy makers.

IV. Literature Review

Since early 1980s, the term governance gets popularity in the field of development coined by the Word Bank. The term good governance means sound development of public sector. Good governance is a

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form of governance that recognizes the core values of the society like economic, political and socio-cultural comprising human rights, and follow these values by an responsible and transparent administration.

Governance can be defined as the system of government focused on effective and accountable public institutions, democratic values and electoral system, representative and responsible construction of government, in order to establish an open and legitimate relationship between the society and the state (Halfani.et.al,1994). In general terms, Governance denotes the way by which the people are ruled, the businesses of state are administered and regulated along with a nation's system of politics and these function in relation to public administration and law (Mills and Serageldin, 1994). Governance can also be defined as "the manner in which power is exercised in the management of a country's economic and social resources for development" (World Bank: 1992).

The course of governance includes factors including transparency and accountability. On the other hand, governance content includes values like fairness and justness. The governance ought to guarantee that the general masses, particularly the deprived, have the uncomplicated desires to accomplish. Eventually, consistent elections can't be termed as good governance though it is misunderstood that regulation election only ensures good governance. Rather, if all the conditions are fulfilled it can be termed as good governance.

Bangladesh has a parliamentary system of government, known as Jatiya Sangsad, otherwise known as House of the Nation, since its birth though the military dictators ruled the country more than a decade. The constitution confers the legislature with nearly unobstructed powers over the executive. Thus, the government is fully dependent on the legislative branch of the government. The President of the republic is the constitutional head of the state and is elected by the members of parliament. (Jahan, 2012). On the basis of 1970s election, a constituent Assembly formed in March 1972 through Bangladesh Constituent Assembly Order. The prime function of this parliament was to frame constitution along with to perform daily responsibility of the government and policy formulation (Hakim, 2001). A committee was formed to frame a sovereign parliament. The committee divided the whole country into 300 constituents and they determine all the legislative authority to the parliament.

National Parliament is the apex legislative body of Bangladesh which is responsible to formulate the public policies. The current parliament of Bangladesh comprises 350 seats, including 50 seats reserved for women, who are selected on elected party position in the parliament in every five years. The members who are elected are known as the Members of Parliament or MP. The leader of the party holding the majority of seats becomes the Prime Minister and the head of the government. A total of 11 elections held in Bangladesh so far and latest one was in 2018.

Table 1: Parliamentary election in Bangladesh from 1973 to 2018

Parliament	Date of Election	Voters (million)	AL	BNP	JP	JI
First	7 March 1973	35.21	293	N/A	N/A	N/A
Second	18 Feb. 1979	38.36	39	207	N/A	6
Third	7 May 1986	47.31	76	N/A	153	10
Fourth	3 March 1988	49.86	N/A	N/A	250	N/A
Fifth	27 Feb. 1991	62.18	88	140	35	18
Sixth	15 Feb. 1996	56.12	N/A	250	N/A	N/A
Seventh	12 June 1996	56.72	146	116	32	3
Eighth	1 Oct. 2001	75.00	62	193	14	17
Ninth	29 Dec. 2008	81.13	230	30	27	2
Tenth	5 January 2014	43.94	231	N/A	33	N/A

Source: www.parliament.gov.bd/general-4.html

Knowledge Gap: The timely attendance of the members of the parliament is an important indicator of good governance in the parliament. Most of the researchers have studies the state of governance from different angel especially from public policy making perspective. However, the quorum perspective was not studied properly. That's why this paper has tried to explore the extent of quorum crisis and the cost of it in Bangladesh.

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V. Major Issues of Bangladesh Parliament

There are many issues related to Bangladesh Parliament. Some major are given below:

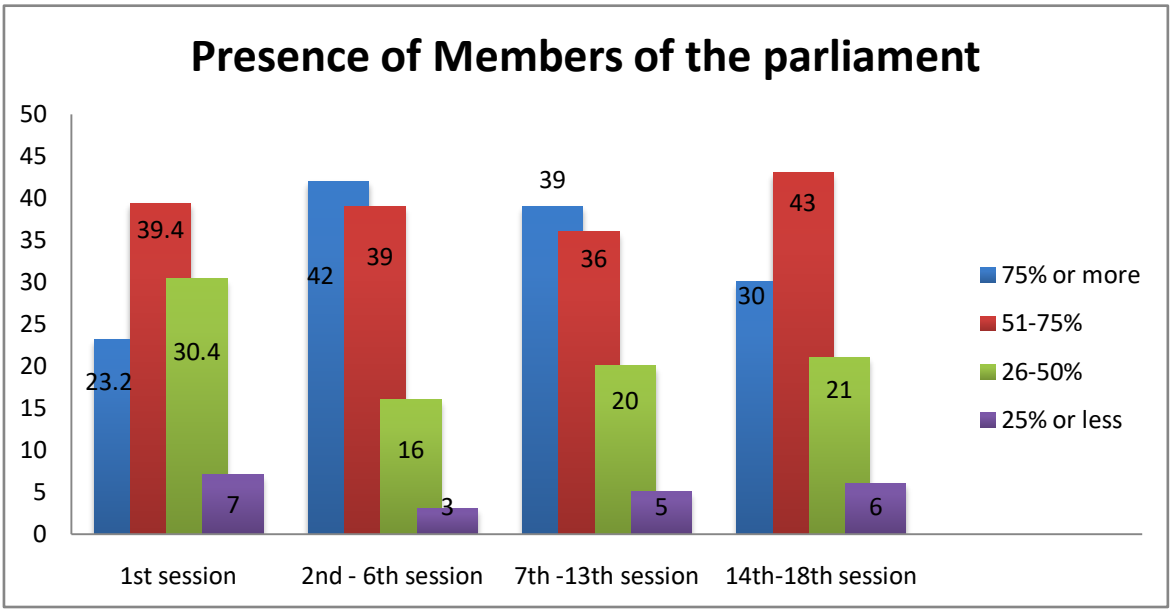
a) Presence of Members of the parliament

Table 2

Sessions	Working Days	Average presence (per working days)	75% or more	51-75%	26-50%	25 or Less%
1st	36	224 (64%)	23.2%	39.4%	30.4%	7%
2nd -6th	112	239(68%)	42%	39%	16%	3%
7th -13th	103	233(67%)	39%	36%	20%	5%
14th -18th	76	309(88%)	30%	43%	21%	6%

Source: (Transparency International Bangladesh, 2019)

The table shows that in first session of tenth parliament there were 36 working days of which 64% of the MP were present on an average. About 23.2% of the MPs were present 75% or more of the working days in the first session whereas it increases upto30 % in 14th to 18th session



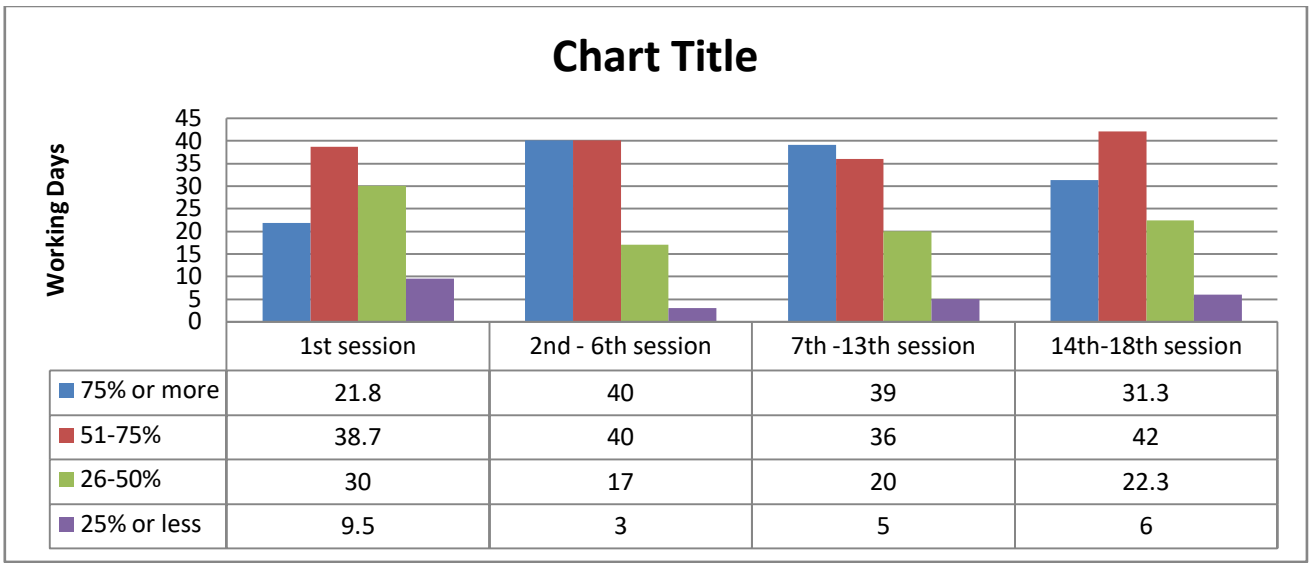
Source: (Transparency International Bangladesh, 2019)

Figure 1

The graph shows that most of the MPs were present 51-75% of the working days in tenth parliament. In the first session only 7% of the MPs were present less than 25% of the working days which decreased to 6% in 18th session.

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b) *Presence of Ruling party's MP*



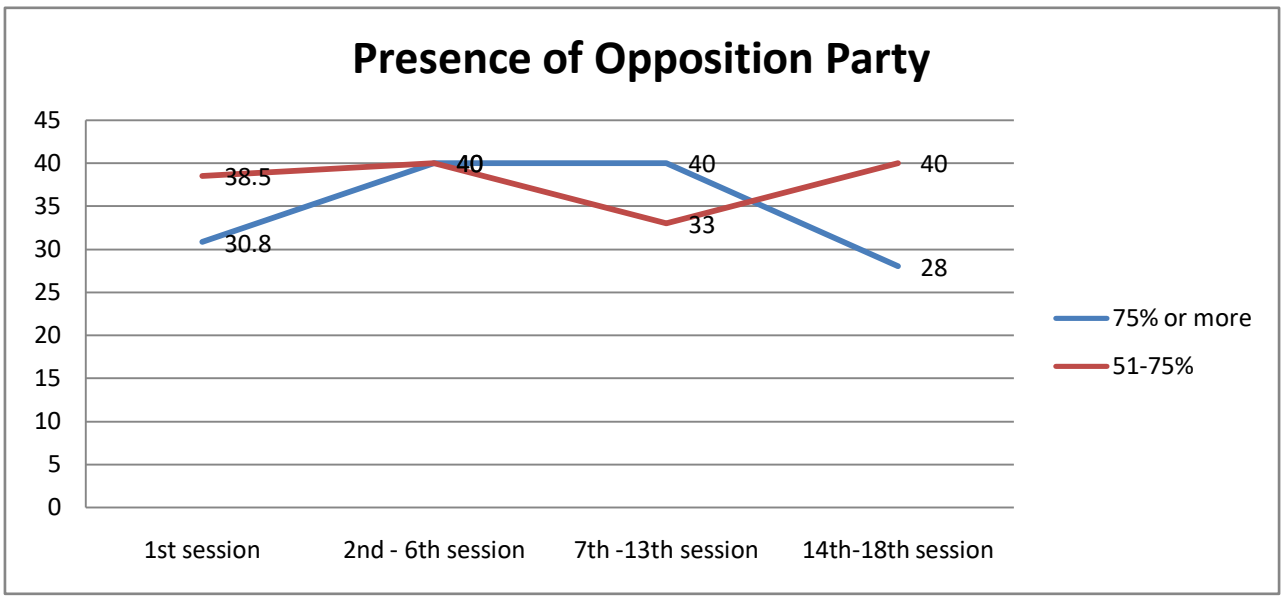
	1st session	2nd - 6th session	7th -13th session	14th-18th session
75% or more	21.8	40	39	31.3
51-75%	38.7	40	36	42
26-50%	30	17	20	22.3
25% or less	9.5	3	5	6

Source: (Transparency International Bangladesh, 2019)

Figure 2

The average attendance of the Members of Parliament (MP) in 14th to 18th sessions was 309 (88% of all) members. It is found that 30% members were present in different sessions on more than 75% work-days. However, in 9th Parliament corresponding figure was 50%. One member from the treasury bench was present on 2 days. Thirty one percent of the members of the treasury bench attended on more than 75% work-days.

c) *Presence of Opposition party*



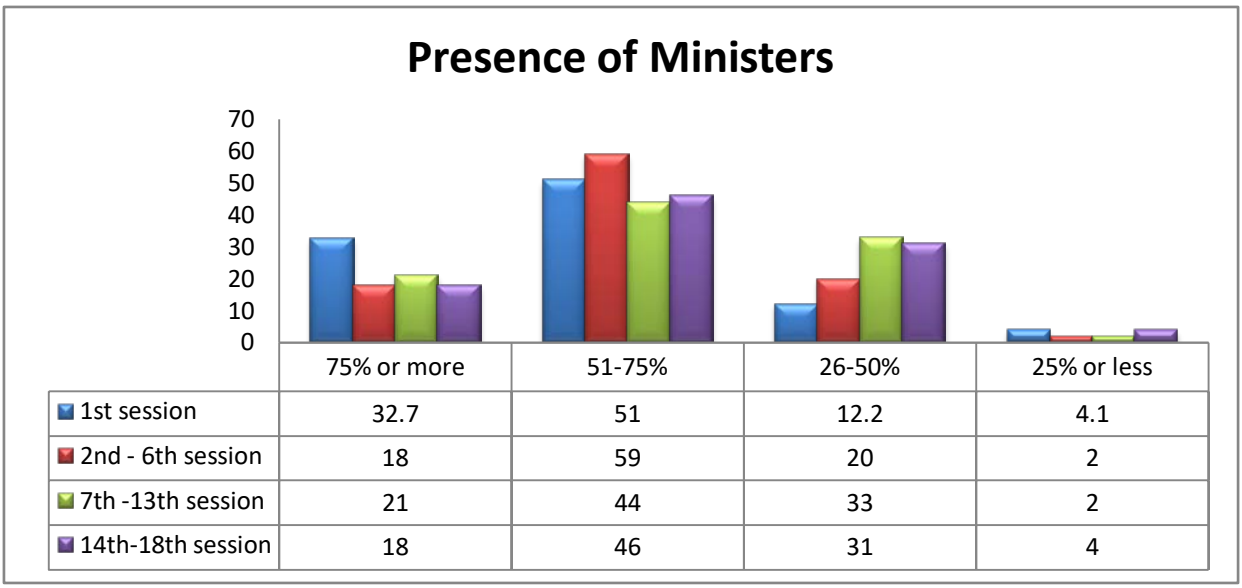
Source: (Transparency International Bangladesh, 2019)

Figure 3

In the first session 30.8 % of the opposition MPs were present more than 75% of the working day which decreased to 28 % in the 14th -18th session. On the other hand, 38% members from main opposition were present between 51-75% of the working day in the first session which increased to 40% in 14th to18th session.

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d) Presence of Ministers



	75% or more	51-75%	26-50%	25% or less
1st session	32.7	51	12.2	4.1
2nd - 6th session	18	59	20	2
7th -13th session	21	44	33	2
14th-18th session	18	46	31	4

Source: (Transparency International Bangladesh, 2019)

Figure 4

Only 18% ministers were present on more than 75% work-days in 14th to 18th session. Compared with that of the 9th Parliament, presence of ministers decreased. In the first session 32.7% ministers were present more than 75% work-days which drastically reduce to 18%. This is for the business of the ministers due to upcoming eleventh election in December 2018. The Leader of the Parliament was present in 78% work-days (60 days) and the Leader of the Main Opposition on 46% (35 days) work-days. This is a higher attendance by both compared to the 9th Parliament, but the attendance of the Leader of the Main Opposition is comparatively quite low.

e) Walkouts and Boycotts

Walkouts and boycotts are the common feature of Bangladesh parliament since its inception (Alamgir, & Mahmud, 2006). However, the situation was too much worst for the fifth, the seventh, the eighth and the ninth parliaments in a row. Walkouts and boycotts, of course, have not only ruined most of the working days of these parliaments but also witnessed a threat for the active presence of the parliament.

Table 3

Parliament	Total Working Days	Boycotted	Percentages
First	134	1	0.74
Second	206	67	32.52
Third	75	29	38.66
Fourth	168	3	1.78
Fifth	395	135	34.17
Sixth	4	---	---
Seventh	383	163	42.55
Eighth	373	223	59.78
Ninth	337	283	83.97
Tenth	327	0	0
Total	2075	904	43.56

Source: (Transparency International Bangladesh, 2019) and EC, Dhaka.

The opposition parties extensively applied walkouts and boycotts to continue their protest and dissention in the fourth parliaments. The opposition parties did walkout from the parliament 57 times since5 April 1991 to 1 March 1994 in the 5th parliament. In addition, in the first thirteen sessions of the same parliament, the opposition parties made 76 walkouts and six walkouts per session in an average

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comparatively the opposition parties performed 61 walkouts in the seventh parliament. The eighth parliament performed 61 walkouts of opposition for various reasons. In 10th parliament the opposition party don't boycott any session but they walkout 11 working days out of total 327 working days. Jatiya party led opposition party walkouts on the issues like price hike of electricity, suspension of a ministers and allocating minimum time for opposition party. The above mentioned table illustrates that the opposition parties boycotted 34.18 per cent working days of the fifth, 42.56 per cent of the seventh, 59.78 per cent of the eighth and 83.97 per cent working days of the ninth parliament respectively.

f) Quorum Crisis

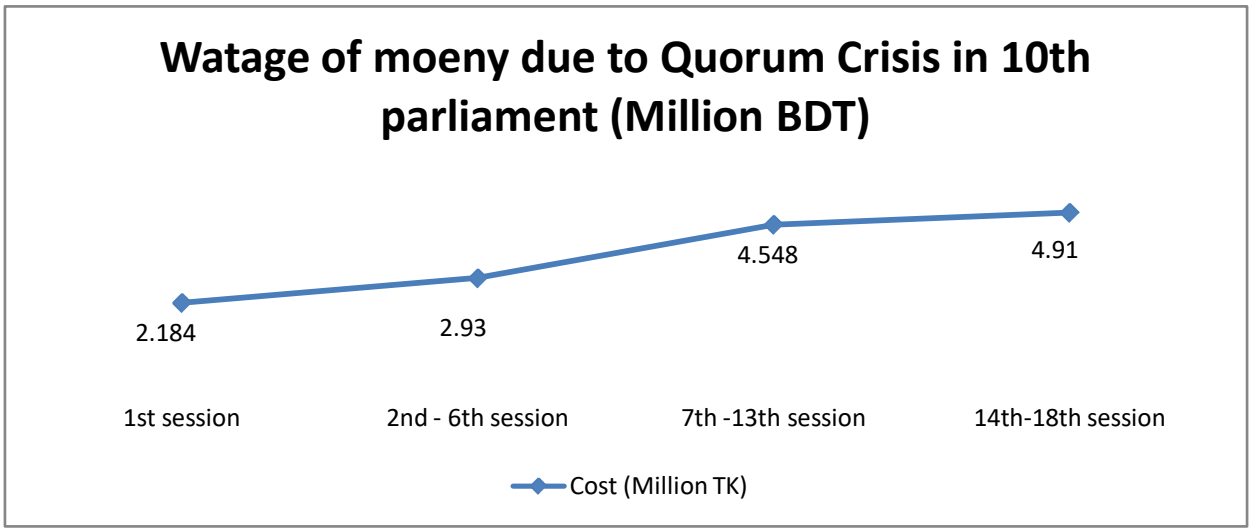
Article 75(2) of Bangladesh constitution states that if at any time during which parliament the number of members present is less than sixty, the president of the parliament shall either suspend the meeting until at least sixty members are present, or postpone it. In every parliament the country lose a huge amount of money due to quorum crisis in the parliament. In the 10th parliament the amount of lose is 125 billion.

Table 4

Session	Time wastage	Total Cost	Cost per working day (BDT)
1st	17 hours 7 minutes	80.1 million	2.184 million
2nd -6th	48 hours 41 minutes	326.236 million	2.93 million
7th -13th	48 hours 26 minutes	472.033 million	4.548 million
14th -18th	38 hours 3 minutes	373.695 million	4.910 million

Source: (Transparency International Bangladesh, 2019)

Quorum crisis happens due to delay of taking seats by certain number of members. The government party had a total of 274 members in the house, however, the 18thsessionobserved more than 152 hours from the crisis of quorum. As a result, the parliament had to adjourn its sessions by 30 minutes in every session for the crisis of sufficient parliamentarians, resulting a damage of around Tk 12.52 million from the government fund. The rules of procedures confirmed, at least 60 parliamentarians must be in the house for commencement of the proceedings. In the eighth parliament, the average quorum crisis in every sitting was 25 minutes, however, the subsequent parliament witnessed 32 minutes. When the parliament remains active, the amount of expenditure in every minutes is around Tk 63,686. The cost comprises the remunerations and paybacks of the parliament staffs and its utility services bills.



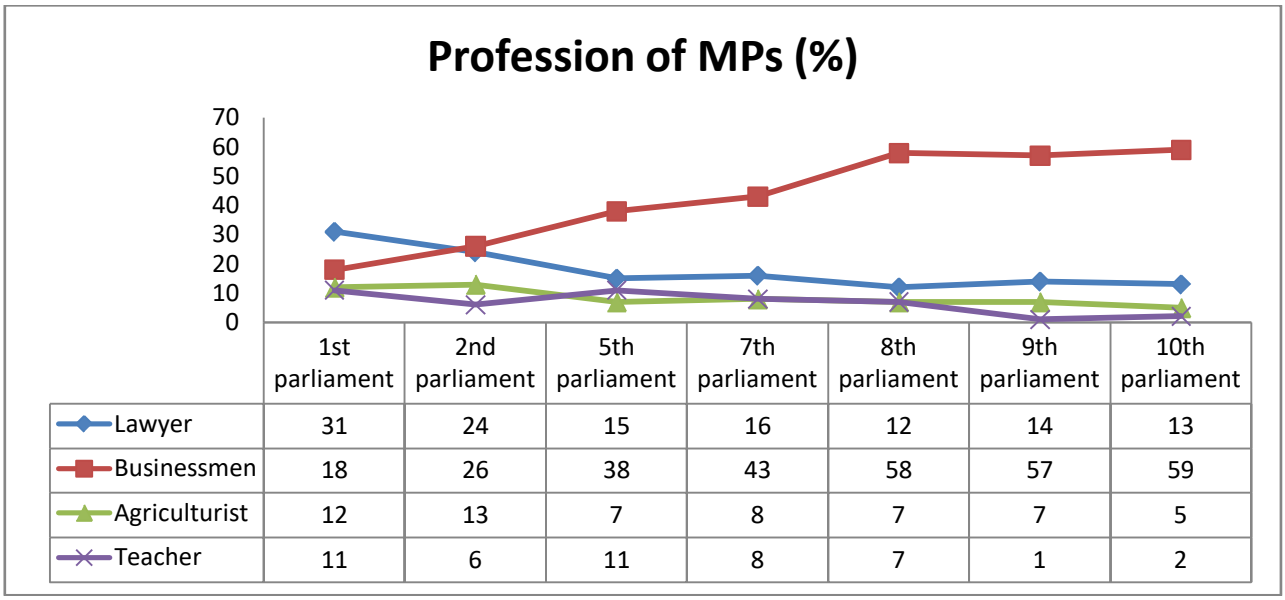
Source: (Transparency International Bangladesh, 2019)

Figure 5

The above graph shows that the cost of parliament due to quorum is increasing. In first session of 10th parliament the amount was 2.184 million but in 18th session it increased up to 4.19 million in every working day. The amount was 2.93 million in 2nd to 6th session whereas it goes up to 4.548 million during 7th to 13th session.

The prime reason behind the absent of the members of the parliament is to remain busy with their personal profession.

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	1st parliament	2nd parliament	5th parliament	7th parliament	8th parliament	9th parliament	10th parliament
Lawyer	31	24	15	16	12	14	13
Businessmen	18	26	38	43	58	57	59
Agriculturist	12	13	7	8	7	7	5
Teacher	11	6	11	8	7	1	2

Source: (Transparency International Bangladesh, 2019)

Figure 6

It is observed that the professional backgrounds of the MPs are changing sharply. 30 per cent of the MPs elected in the parliament were businessperson or the owner of the industries in 1970s. The numbers of businessmen have increased in the subsequent parliament. The fifth, eighth, ninth and tenth parliaments witnessed more 50% parliamentarians are engaged with business. The percentage of MPs with a legal or professional background is sharply declining, 31 per cent to 13 per cent in the tenth parliament. The quantity of full-fledge politicians is also falling in the house from thirteen per cent in the first parliament to five per cent in the tenth parliament. On the other hand, military and retired bureaucrats are gradually increasing and becoming member of the house from 3% in 1970 to 10% in the tenth parliament (Jahan,2012). The parliamentarians remain busy with their business which result in quorum crisis and ultimately lose a huge amount of money from public fund.

VI. Way Foreword

To ensure good governance in the parliament the present of the people's representative is must. Here are some recommendations to ensure the attendance of the parliamentarian in the house as follows:

a) Enforcing Code of conduct

Absences from the house or delay to be present in the sessions are the violation of rules of procedure. This issue was criticizing in the literature and the media since the inception of the parliament but the government hasn't showed any willingness to curb the scenario and bring back the parliamentarians in the house (TIB, 2009). However, the government still should enforce the code of conduct with highest priority to minimize the financial loss and to ensure the proper utilization public money.

b) Fetching the Opposition Parties in the Parliament

Almost all the political parties have a preference to be absent from the proceedings of the house while they are in the opposition. This bad culture and tradition is also common in other countries like India and Pakistan. Interestingly, though the ruling party calls the opposition to come back into the house but they remain relaxed in absence of them in the house. Similarly, the members of the opposition party remains absent in the parliament but they don't think it as a shameful job to receive all sorts of financial and other benefits as a lawmakers. When the opposition parties continues agitation and movement programs outside of the parliament and the ruling political party feels safe in the house as the parliament turn into the rubber stamp body. It's a great barrier on the way of parliamentary democracy. Therefore, to establish the house lively and active, proper initiatives should be taken to fetch the opposition from street to the parliament. Constitutional, legal and procedural reforms should also be welcomed in this regard.

c) Ensuring Accountability of the Executive

Ensuring accountability of the executive branch of the government is one of the significant functions of the parliament. The country has developed different forms and tools for parliamentary enquiry of the government activities. Some reform measures were made to increase the effectiveness of the parliamentary committees but the committees failed to deliver the result as per expectation of the people. The government

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should bring some changes and add some provision in the rules of procedure to ensure the accountability of the executive.

d) Strengthening Offices related to the Parliament

The leader of the house and the opposition leader of the house are the main policymakers of the government/opposition and their parties. They also implement the policies with the help of executives. Their tons of workload and burden of leadership positions hardly give them the opportunity to perform their roles respectively. The government should strengthen the offices related to the parliament to minimize the loss from quorum crisis.

VII. Conclusion

The journey of the parliament had not been very even since its inception. After the 4th amendment to the constitution which transforms the parliamentary system of the government to the presidential system, the parliament got a gigantic shock indeed. After experiencing over on and a half decade of military and semi-authoritarian rule, it started its painstaking journey towards democratization. It can be observed from the above analysis that the parliament of Bangladesh is not a policy making rather than a bill approving body. Thus the role of parliament of Bangladesh in law making is marginal and so is its role in holding the government accountable. The role of parliament must be improved for ensuring good governance in a democratic country like Bangladesh.

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Abrogation of Article 370 of the Indian Constitution: An Analytical Study

By Tanu Kapoor
Rajiv Gandhi National University of Law

Abstract- "Architects of the Indian constitution were eager to make the country sovereign stable, peaceful and to protect the human rights of people. Constitutional laws contributed a very pivotal role to make the country's judicial system on right track for the sake of country's present ground reality complex scenarios and the future has been made secured for our parliamentary system is based on upgrading or new constitutional laws. But controversial Article 370 has provided the Jammu and Kashmir state vast powers as the autonomous body which created many complex problems including the threat of unity of the country and our government bifurcated the state into two successors "Union Territories" with additional limited aboriginal administrative powers under the Central Government. This Article was a "Temporary Provision" and it was essential to abrogate, modify and to eliminate this article. Article 370 has a historical background that does not emerge from legal or constitutional dimensions but it has complex political and religious dimensions that have an impact on the international border highly complex issues between India and Pakistan. Pakistan's government has been claiming over J&K since 1947. Dispute of L.A.C.

Keywords: the constitution of india, the valley of kashmir (jammu- kashmir, and ladakh), article 370, temporary provisions, union territories, ground reality scenarios, human rights, legal analytical study, problem solving skills, country peace, stability, advanced development, international stable and progressive relations.

GJHSS-F Classification: FOR Code: 160699p



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Abrogation of Article 370 of the Indian Constitution: An Analytical Study

Tanu Kapoor

Abstract- "Architects of the Indian constitution were eager to make the country sovereign stable, peaceful and to protect the human rights of people. Constitutional laws contributed a very pivotal role to make the country's judicial system on right track for the sake of country's present ground reality complex scenarios and the future has been made secured for our parliamentary system is based on upgrading or new constitutional laws. But controversial Article 370 has provided the Jammu and Kashmir state vast powers as the autonomous body which created many complex problems including the threat of unity of the country and our government bifurcated the state into two successors "Union Territories" with additional limited aboriginal administrative powers under the Central Government. This Article was a "Temporary Provision" and it was essential to abrogate, modify and to eliminate this article. Article 370 has a historical background that does not emerge from legal or constitutional dimensions but it has complex political and religious dimensions that have an impact on the international border highly complex issues between India and Pakistan. Pakistan's government has been claiming over J&K since 1947. Dispute of L.A.C. "Line of Actual Control" around "No Men's Land" and continue to complex issues of "Line of Control" with Pakistan have been going on since 1947, whereas China has been claiming on our land which is located near to Ladakh. The United Nations deliberates J&K to be disputed territory between Indo-Pak, but New Delhi, the status quo party, calls the recent legal changes an internal matter and it is usually opposing third –part involvement in the Kashmir issue. Since the beginning of this matter Article 370 Dr. B.R. Ambedkar, the father of the Indian constitution was totally disagreed in introducing this article in our constitution. In this Dissertation research work, abrogation of Article 370 of the Indian constitution is taken as a "Legal Analytical Study" were focusing the complex issues and matter of responsibilities in the making of Article 370 and its right implication, Division of State by The Union Govt., Distinct formation of High Court, Emergency Provisions as Temporary and Transition, Fundamental Rights and Ground Reality Scenarios under The Constitution of Indian and its Problem-Solving Skills implementation on ground reality complex scenarios have impact on The Valley of Kashmir (Jammu – Kashmir, and Ladakh) towards country's peace and international stable and progressive relations. The hope is that the fine combination of Muslims (Kashmiris - One Divine Wisdom) and Buddhists (Ladakh from Tibet University - Lhasa) gives us a unique culture and scope of advanced future enhancements to reshape the unstable country's situations in peaceful, enlightened and advanced development under the umbrella of Indian Constitution."

Keywords: the constitution of india, the valley of kashmir (jammu- kashmir, and ladakh), article 370, temporary provisions, union territories, ground reality scenarios, human rights, legal analytical study, problem solving skills, country peace, stability, advanced development, international stable and progressive relations.

I. Introduction

Indian constitution is one of the fine legal documents of our country which covers all features to control the country and its society peacefully for social stability, human rights and protect humanity from serious crime. But when we analyse the international and national matter of security focusing north Indo-Pak border of Jammu and Kashmir then it can be seen as the world"s complex dangerous area have serious complex issues which can only be resolved by the implementation of new laws to maintain the security and peace. The interference from Pakistan in Jammu and Kashmir area and recently from China after the coronavirus situation, attack in the region of Ladakh, these serious issues are continuing which make the matter complex to solve. The hope is to make a future relationship in peace and prosperity. The folks of Jammu and Kashmir have faced an immense amount of terror and fear from decades consecutively and they have been fighting for their freedom against discomfort and discontent faced by them. India and Pakistan were divided into two countries after the Independence from the Britishers in 1947. There were almost 560 princely states situated in British India till that time Kashmir was also the part of it. The emperor Hari Singh of Kashmir instead of his kingship, has made many conflicts which were the most debated reasons to stabilize the conditions of Kashmir. Pakistan targeted India by making Kashmir as a weapon and attacked Kashmir by sending army troops. Maharaja of Kashmir was unable to defend Kashmir and sought for help and extend his hand towards India. After analyzing the position of the Kashmir and request made by Hari Singh, the viceroy Mountbatten was ready to help Kashmir but in exchange, he proposed an agreement to the Maharaja signed the "Letter of Instrument of Accession to India", since that time this agreement has become an irrevocable and unresolved issue for India. After the agreement between India and Kashmir on 2nd November 1947 Pandit Nehru proclaimed that *"Kashmir's future will be decided by the means of the plebiscite"*, a plebiscite was never applied on Kashmir since then and it has become a vague promise made by the government of India. After such an incident, Kashmir people were protected and guaranteed their voting

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rights in general and local elections. Hence, there was no need for plebiscite in the state. Whereas on the other side of the coin Pakistan was always in the favor of conducting elections with the means of a plebiscite. They have always provoked Kashmiri Muslims to demand their rights and Plebiscite in their State. They were of the view that voting of Kashmiri people will hardly make any difference in the State because they only urge to get the basic amenities and resolved issues of Kashmir which they won"t get by the means of elections. As per the ground reality scenario, finally, The Jammu and Kashmir Reorganisation Act, Registered No. ID (N) 04/0007/2003, Published by the authority as Ministry of Law and Justice (legislative department), 2019, New Delhi, India[1].

The serious complex issues of Kashmir (as a state of India equalize with other states) and the abrogation of article 370: peace can be conceivable, or stalemate endures to hamper India and Pakistan relation in future[2] Focusing on Kashmir with its background, recent development and U.S. Policy as published by Congressional Research Services, the author highlights the issue with Indian government based on constitutional power to make changes in J&K state where the Muslim majority is existing. The author highlights the Article 370 which make the Jammu and Kashmir state as a *"special status"* and bifurcation of the state from the whole country as a *"union territories"* with the use of constitution came under *"president rules"* which in future makes serious issues as peace or war, religious stability, Indian military strong action, interference of Pakistan, disturbing national and international relation between UN, India, Pakistan and other neighbouring countries. UN said officially that Jammu and Kashmir consider as a disputed territory but India reacted with the recent constitutional surprised changes an *"internal matter".* UN policy"s main objective is to avert conflicts between India and Pakistan. He highlights the issues for the three decades of separatist conflicts and their countless death records as an outcome after 2013. The USA supports both sides of Indian and Pakistan partnership to make the peace and development continue to future from 2019 with the president Trump"s July *"mediation"* offer[3]. As per old background of this article 370 the case history of Jammu and Kashmir where Maharaja Hari Singh after Pakistani attack since the 26th of October 1947, on Jammu and Kashmir, after princely states merged with India Kashmir had its constitution since 17th of November 1956 under the constitution of India came into force with provision article 370, Maharaja Hari Singh signed the accession papers on October 26, 1947, under which the state acceded to India. Finally, Maharaja Hari Singh signed the official document (accession papers) on 26th of October 1947 in which the state assented to India. Most importantly they highlighted "THE LEGAL ANALYSIS" focusing Article 370 in detailed research as Article 370 Clause (1)(a), (1)(b), (1)(c), (1)(d), (2) & (3) with the further current legal framework of article 370, issues, challenges and suggestions for India"s future peaceful scenarios[4]. After this lots of issues reflect from his research title as "the abrogation of article 370 can the president act without the official recommendation under constitutional rights of the constitute assembly?". With the in-depth framework, he focusing on the provision and its background history, the legal cases against article 370, characterization of the article 370 in judicial decision with proper details, basic structural doctrine and the parliament"s power to change article 370. This article under the Indian constitution and unequal federalism, bureaucratic limitation on amending power, ARTICLE 370, and provisional constitutionalism. The result shows that article 370 cannot be deleted by the presented without the official recommendation under the constitutional rights of the constituent assembly. Clause 3 of Article 370 of the Indian Constitution explains that the President has the power to abrogate or delete this Article by giving official notification in the Official Gazette. Provided that he shall take the consent of the State Governor before making such move.[5] As complex matter related to article 370 the petitions, claims and complaints are registered officially[6]. Jammu and Kashmir is the epicenter and the cause of burning issues due to the interference of both Pakistan and India. The author is disagreeing with the special status done under the new constitution as article 370.[7]

[1] *The Jammu and Kashmir Reorganisation Act,* Registered No. ID (N) 04/0007/2003, Published by the authority as Ministry of Law and Justice (legislative department)(2019).

[2] Dr. Tehseen Nisar, *"Kashmir and the abrogation of article 370: can peace be possible, or stalemate continue to hamper India and Pakistan relation in future*?" SADF FOCUS, issue number 45, ISSN 2406-5633, 2016, www.sadf.eu.

[3] K. Alan kronstadt, *"Kashmir: background, recent developments and U.S Policy"*, Congressional Research Services, 2019, https:// crsreports.congress.gov .

[4] Dr. Sona Shukla and Firdoos Ahmed *"A comparative study on article 370",* IJESC, ISSN 3221 3361, Volume 9 Issue No. 11, 2019.

[5] Balu G. Nair, *"Abrogation of article 370: can the president act without the recommendation of the constituent assembly",* Taylor and Francis, ISSN: 2473-0580, PRINT 2473-0599, 2019, https://www.tandfonline.com/loi/rilw20

[6] Dr. Akashdeep Singh *"Article 370 - a permanently temporary provision" IJRAR*, e ISSN 2348- 1269, Print ISSN 2349-5138, Volume 6, 2019. *http://ijrar.com/*

[7] Surbhi Gupta and Shashi Bhushan Ojha, "Article 370 of the Indian constitution – A study in specific reference to legal dimensions and implication", International journal of law, ISSN- 2455-2194, Volume 4, issue 3, page no01-04, www.lawjournals.org

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This research *Work Legal Analysis* put a question on the article 370, and to recognize why the tenacious complex problems of communism, dynamics of separationist activates and moments which put the Indian government into serious trouble (in the present ground reality scenario and the future) the genesis and nature of this article under Indian constitution which should be understood in details[8].

In the end, the article 370 and its further implementation makes development and peace in *The Valley of Kashmir (Jammu- Kashmir, and Ladakh)* towards country"s peace and international relations[9].

From the past many years, it has been observed that Kashmir is facing an atmosphere of terror and struggle due to which lakhs of people were lost their lives and millions of the troops have been deployed in the valley due to uninvited events. On many occasions, there were a large number of bloodshed and terror like condition. Elections were conducted in Kashmir in the presence of military or Para-military force for their protection. There were more than six lakhs of armed forces deployed for the safety of Jammu and Kashmir which was an official statement proclaimed by the assembly of J & K. The ratio of locals and military personnel is 1:18, considering this it can be witnessed that a large number of troops were deployed in the valley for the protection and safety of the locals. In the country which has a total population of 130 crores and in comparison to that population of Jammu and Kashmir is 1.47 crore only. The quantum of military forces is quite large as compared to the population of the valley. There have been many wrongful acts and tragedies observed in consideration of Human rights violations by armed forces or army troops in the State. Cases of rapes, molestation, harassment, disappearances, etc. done by armed forces deployed in the valley. Such cases of violation of human rights were investigated by Amnesty International and other agencies but no such proof was found or proven against the Indian army. They always came out of such cases clean and clear.

II. Literature Review

The updated Jammu and Kashmir Reorganisation Act[10] This is a most important copy of Indian constitution the updated Jammu and Kashmir Reorganisation Act, 2019 where article 370 is mentioned in detail with Article 370 Clauses (1)(a), Article 370 Clause (1)(b), Article 370 Clause (1)(c), Article 370 Clause (1)(d) Article 370 Clause (2), Article 370 Clause (3). Which is very useful to understand the present ground reality scenarios in Jammu and Kashmir and including Ladakh.

III. Research Methodology

The study is doctrinal in nature and analytical in approach. The research will depend on both primary and secondary sources. There are many other sources like political views, debates, commentaries of various authors, books, journals, websites on the internet, enactments, etc.

1. *Primary Source:* The primary sources used in this research include the Constitution of India, Precedents and Statutes. Various reports of Commission of India.
2. *Secondary Source:* The data will be gathered through different sources such as the internet, journals, Articles, Newspaper and Magazines.

IV. Research Hypothesis

The abrogation of Article 370 of the Indian Constitution will improve the overall condition of society at large in Jammu and Kashmir if implemented effectively.

V. Research Objectives

- To review and compare the legal status of the State of Jammu and Kashmir in the light of the scrapping of Article 370.
- To analyze the legal implication of the abolition of Article 370 and Article 35A.
- To find out THE MIDDLE PATH SOLUTIONS with New Constitutional Embedments Or Basic Law Structural Change to satisfied the both side of government and the people of Valley of Kashmir (Jammu -Kashmir and Ladakh) in peaceful way.

VI. Article 370 of Indian Constitution: An Overview

Article 370 of the Indian Constitution is the most controversial and contentious. It has a profound history with immeasurable and temporary. This Article was outlined as a "temporary provision" of the Indian Constitution. The constitution of India anticipates the assembling the Constituent Assembly for Jammu & Kashmir State. As per this Article, any modification, amendments or exceptions in Article 370 within the Constitution of India in the application to the Jammu and Kashmir State are within the discretion of the Assembly. Henceforth, this article is a „temporary provision is not proficient to abrogate, modify, or replaced. There were many historical and political reasons that the State Jammu and Kashmir were accorded with the special

[8] Aasth Mehta, *"Genesis and the nature of article 370 of the constitution of India",* International journal of law and legal jurisprudence studies, ISSN- 2348-8212, 2019.

[9] Aditya Jain, *"Article 370- A critical analysis",* Journal of legal study and research, Volume -2, Issue -1, 2019.

[10] *The Jammu and Kashmir Reorganisation Act,* Registered No. ID (N) 04/0007/2003, Published by the authority as Ministry of Law and Justice (legislative department), 2019, New Delhi, India.

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status under Article 370 of the Indian Constitution before its abrogation in 2019. Article 370 is also termed as the National Liability on the Government of India. This Article has vast literature and history which does not emerge from legal or constitutional dimensions but it has a deep-rooted political and religious dimension. All the facts and elements are entangled so abruptly with each other that one needs the extensive interest and keenness to understand the dimensions of the Article and its vast political background. Deeper incite of this Article is important as it replicates the deep understanding of the unilateral and bilateral type of government in a single country. Let"s study the dimensions of the framer of this Article which tried to fulfill the hopes and aspiration of justice to the citizens of India and also residents of Jammu and Kashmir.

a) Background

Not many people know the reason behind the formulation of Article 370 in the Constitution of India and it has played a vital role for Jammu and Kashmir to become an integral part of the Indian Constitution. It was despite the political apprehension of the Sardar Patel, Political Parties and Constituent Assembly. When the B.R Ambedkar refused to frame this Article, Jawaharlal Nehru appointed his most trusted Cabinet Member N. Gopalaswami Ayyangar to draft Article 370 of the Constitution of India. Earlier Sheikh Abdullah was directed to accompany B. R Ambedkar for framing Article 370 but he was strictly against the formation of this Article. In 1950, the Indian Constitution came into force, Article 1 of the Constitution defined Jammu and Kashmir has a special status. Inequality in India begun from here. Jawaharlal Nehru and Sheikh Abdullah signed an agreement known as the "Delhi Agreement" to improve relations between the state and the union. Jawaharlal Nehru promised the citizen of India that Article 370 is just a temporary provision and it will be deleted over time. Framers of Article did not mention the period replicate the word temporary in the provision. Does it mean one week, one month, one year, or a decade? Because it took almost half a century to justify and abrogate these words like „temporary, translational and special provision" which is contained in part XXI of our Constitution. As per the Instrument of Accession signed by the State, Maharaja provided specifically that dominion of India on the State of Jammu and Kashmir will be limited to the matters related to defence, external affairs and communication and other matters will be decided by the Maharaja or government itself.

Moreover, Clause 7 of the Instrument of Accession also defines that no further laws provided in the Constitution of India are applicable to the State of Jammu and Kashmir.

b) Facts Behind the Article 370 of the Indian Constitution

1. Article 370 of the Indian Constitution is the temporary and special provision accorded for the state of Jammu and Kashmir.
2. The principal drafter of the constitution of India refused to frame the Article 370 because this article was unconstitutional according to him.
3. Sheikh Abdullah was instructed by Nehru to work on this Article under the supervision of the B.R Ambedkar. But eventually, it was drafted by Gopalaswami Ayyangar.
4. At the time of collective princely states were reorganised provisions of the omitted Article 238 did not apply to the State of Jammu and Kashmir.
5. Article 370 is drafter under Part XXI "the Temporary and Transitional Provision" of the Constitution of India.
6. The Instrument of accession is the original draft of the Article 370 and under that it was defined that "the Government of the State means the person for the time being recognized by the President as the Maharaja of Jammu and Kashmir acting on the advice of the Council of Ministers for the time being in office under the Maharaja's Proclamation dated the fifth day of March 1948.
7. As per this Article before taking any important steps parliament has to look for the concurrence of the Government of the state.
8. Parliament of India cannot reduce or exceed the borders of the state.
9. Article 370 was renumbered at the place to Article 306A of the Indian Constitution.
10. Non-residents do not have permission to transect the land deals in the Jurisdiction of the J & K as provided under Article 370.
11. The Union cannot interfere in the provision provided in the Constitution of Jammu and Kashmir.

c) Constitutionality

This Article was framed to accord the special constitutional status to the State and none of the Article of the Constitution of India has anything to do with the enforceability or credibility of Article 370. If we view this article with the vision of constitutional ethics, then it is unconstitutional in the eye of law because is it degrading the basic structure of the Constitution of India. Clause 2 of article 370 has allowed the formation of the separate Constitution of the State Jammu and Kashmir. No other state in India is awarded this entitlement. Ethically, morally and politically law demands that there should be only one book of Constitution for the whole nation. Democracy and sovereignty in the territory should be the absolute power of the Country. Furthermore, any modification, deletion or amendment in the Constitution of India by the legislative assembly is the application to everyone but

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as per the recommendations of Article 370, the State of J & K will decide the implication of such amendments, modification, or deletion.

d) Nature of Article 370

To understand the question of the basic principle of the constitution of India one should study the nature of this Article first. So in many Supreme Court decisions, it has been decided that it is the temporary provision of the Constitution but happened to be the permanent provision from the past half-decade. This Article was the political venture and used as a weapon by the politicians of Jammu and Kashmir. It has few of the fiscal implications:

1. *Applicability:* Union government with the consensus of the state govt. before applying all other law except the law related to defense, external affairs. and communication. All the provision of the Indian Constitution is not applied on the state Jammu and Kashmir like the whole Part VI does not apply to Jammu and Kashmir. No other state has such privilege as Jammu and Kashmir.
2. *Jurisdiction:* Parliamentary Jurisdiction is confined to Union and Concurrent list only. The State list does not apply to the valley. In context to the other states, the residuary power lays in the hand of Parliament whereas the Jammu and Kashmir residuary power is governed by the legislature of the state. The law related to preventive detention framed in India are not felicitous on the State J & K. Kashmir enjoys many other powers other than the other states of India which are plenary power of parliament defined under Article 3 of the Constitution of India, International treaties, convention or agreements signed by India under Article 253 does not apply to Kashmir, etc.
3. Fundamental Right and DPSP are inapplicable on the State of Jammu and Kashmir.
4. Any amendment, modification or deletion under Article 368 does not apply to the J & K. The Center has no power to amend the Constitution of Jammu and Kashmir.
5. The high court of Jammu and Kashmir has limited jurisdiction and cannot declare any law unconstitutional.

e) Provisions of Article 370 of the Indian Constitution

Part XXI of the Indian Constitution includes Article 370 which represents all its provision to be „temporary, transitional and special‟

1. The initial words are „*notwithstanding anything in the constitution anything in this constitution*‟. These words are very rarely used in any other provision of the Indian Constitution. These lines mean that it has nothing to do with any other provision of the Indian Constitution as it is only applicable to the Jammu and Kashmir.
2. Sub-clause „a‟ of clause 1 of Article 370 explains that the provisions of Article 238 do not apply to the state of Jammu and Kashmir.
3. Article 370 (1) b speaks about the powers of the parliament on the state are limited. Dominion of India was set in the instrument of accession. Matters related to union list and concurrent list are applicable only with the discretion of the Governor of the Jammu and Kashmir. Only matters related to the State list can be decided by the Parliament.
4. Clause 1(c) of Article 370 provides that Article 1 of the Indian Constitution applies to the state Jammu and Kashmir.
5. Clause 1(d) of Article 370 explains that certain amendments and modifications can be made in Article by passing the Presidential order. But it also includes the proviso that before passing such order President must take the advice or permission of the Governor of the State Jammu and Kashmir. Another proviso explains that such order should be related to the matters as prescribed in the instrument of accession and with the concurrence of the Governor of the state.
6. Paragraph (ii) of sub-clause (b) of clause (1) or in the second provision to sub-clause (d) of that clause says that with the consent of the Governor of the Jammu and Kashmir it must be placed in front of the Constituent Assembly.

f) Effects of Article 370 on Human Rights

Under the cover of Article 370 many human rights are being trashed and tampered. Human rights are for the welfare of the society and should be awarded to every citizen of India irrespective of their caste, colour, race, gender or creed. Under the ambit of Article 370 state govt. of the valley failed to protect the basic rights of the residents of Jammu and Kashmir. discrimination with backward people, women who cannot marry outside the state to protect their property rights, right to education of children etc. are not protected under the constitution of Jammu and Kashmir. The consequences of the Art. 370 in the purview of Human Rights are as follows:

1. *Gender Biases:* Article 370 cries loud the gender biases in the Jammu and Kashmir. Article 35A speaks about the rights of women who are deprived of property rights if they marry outside the state. This discriminatory behavior against the women of Jammu and Kashmir is solely unacceptable and demands the call for justice. There is sheer backwardness in the state of Jammu and Kashmir. Basic Fundamental rights are not provided to women and children. The Right to education from the age of 8 to 14 is not compulsory and strictly followed by the people of the valley. Child marriage is still prominent and such act which opposes such

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crimes do not apply to the residents of Jammu and Kashmir.

2. *Backward Classes:* In the presence of Article 370 the chances to increase discrimination have been aroused. Backward classes can face discrimination which is a violation of human rights.
3. *Political Rights:* Kashmir valley been the smallest area of all other has the maximum number of seats in the electoral constituencies which is unfair and fosters inequality amongst other states. As far as the democratic government is concerned each state should have equal opportunity to elect their representatives from their respective constituencies.
4. *Civil Rights:* The Certificate of Permanent Residency is of utmost importance to enjoy the special rights in the Jammu and Kashmir. Violation of adult suffrage is caused by not giving equal rights to the people who have stayed in Kashmir for many years just because they do not hold the certificate of Permanent Residency. This is a sheer violation of Human Rights under the umbrella of Article 370.
5. *Minority Rights:* State Minority Commission or National Minority Commission has no jurisdiction over Jammu and Kashmir hence they enjoy the minority position.
6. *Employment Rights:* Right to equal opportunity under Article 16 is enjoyed by every citizen of India but it is inapplicable on Jammu and Kashmir. Under the Presidential Order, only citizens with PRC can enjoy employment rights in the state. Union government has no power to interfere in the matters of employment or recruitment in Jammu and Kashmir and also cannot take action against this discrimination amongst the people.
7. *Freedom of Movement:* The right to freedom of movement cannot be guaranteed to the people of Jammu and Kashmir under the blanket of Article 370. This is a violation of Article 19 and also the human rights of the people of Jammu and Kashmir.

g) Disadvantages of Article 370

There is no private hospital in the vicinity of the adjoining district of Jammu and Kashmir. Lack of essentials in the state such as water supply, electricity supply, or fast speed internets. There is no competition among students who lacks their mental growth and development. This lacks the progress of the youth mentally. The Youth of Jammu and Kashmir do not have the right to crack other state exams. There is no industrial growth or development because no company has the right to buy land in the valley. The permanent residents of the state have property rights only. Shariah laws are profiling to the women of the state. The Indian government cannot access its powers without the concurrence of the state government. Hence, they cannot implement any law or policy on the state.

What Is Article 35a Inculcated in the Legal Provisions of J & K? This Article was inserted for providing the special status to the residents of the Jammu and Kashmir. This Article was inserted on the recommendation of President Rajendra Prasad with the concurrence of Jawaharlal Nehru. Article 35 A is a blessing to the people of Jammu and Kashmir and can only be enjoyed by residents of the valley.

Legal Implications of Abrogation of Article 370 of the Indian Constitution Article 370 was inserted during the political turmoil and the war between Kashmir and Pakistan. Initiation of the Article was when the Instrument of Accession was signed between Kashmir and the government of India. As per this Article special provision was promised to be given to Jammu and Kashmir. To fulfil such agreement Article 370 came into existence and the drafting of this Article was initiated.

1. INEQUALITY.
2. TEMPORARY AND TRANSITIONAL PROVISION.
3. OVERRULES SECTION 5 OF THE INSTRUMENT OF ACCESSION.
4. STIMULATES SEPARATIONISTS.
5. FINANCIAL DEVELOPMENT.
6. CORRUPTION.
7. SECURITY AT STAKE.
8. DISCRIMINATION:

The rights provided to women differ as compared to the rights of the men in the state of Jammu and Kashmir. In the case, the State of Jammu and Kashmir and Sheela Shawney women raised her voice against the provision given in the Constitution of the Jammu and Kashmir that if a woman marries outside the state she will lose her property rights. It was settled in the full bench of Jammu and Kashmir High court that its provision will be struck down as discriminatory and bias. This provision also does not have any legal basis. Later this bill was moved forward and the bill named Permanent Resident (disqualification) Bill 2004 was passed with the efforts of Mehbooba Mufti and PDP Government which says that the women will lose their legal status as a permanent resident if she marries anyone outside India. Such a bill was also supported by Omar Abdullah and his party.

h) Overview of Government Officials

1. *Dr. B.R Ambedkar (Bharat Rattan)* From the beginning of this matter of article 370 Dr. B.R. Ambedkar, the father of the Indian constitution was disagreeing in introducing this article in our constitution. *"Article 365 is required because we all know those of us who were Ministers during the time of the war-how these mere powers of giving directions turned out to be infructuous when the Punjab Government would not carry out the food policy of the Government of India. The whole*

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Government can be brought to a standstill by a province not carrying out the directions and the Government of India not having any power to enforce those directions".

2. *Views of Sheikh Abdullah* "*The accession of the State of Jammu and Kashmir to India is not a matter in issue. It has been my firm belief that the future of Jammu and Kashmir lies with India because of the common ideals that we share….it will be my constant endeavor to ensure that the State of Jammu and Kashmir continues to make its contribution to the sovereignty, integrity, and progress of the nation…. the country is passing through a critical period and it is all the more necessary for all of us who cherish the ideals of democracy, secularism and socialism, to strengthen your hands as the leader of the Nation and it is in this spirit that I am offering my whole hearted co-operation*"

How Was Article 370 Wiped Off? Article 370 has previously elucidated that it can only be diminished by the President with the concurrence of the State Constituent Assembly of the Jammu and Kashmir. The question is since Independence Jammu and Kashmir are having a whale of a time with Article 370. They would not in any circumstance concede to nullify the effect of Article 370. Then how this Article can be demolished from the Indian Constitution? This stumbling block needs clarification and competence to resolve this issue. The Government by the virtue of Presidential order made amendments in Article 367 of the Constitution. The amendment part was the interpretation clause of Article. Under the interpretation in the clause the articulation "Constituent Assembly" was replaced by "Legislative Assembly". Now the question is how this will help to abrogate the provision that accords Special Status to the Jammu and Kashmir? and another question is that instead of vanishing Article 370 government has molded Article 367? So the explication can be observed by reading the section 92 of the Jammu and Kashmir Constitution. Section 92 elucidate that Governor has all the powers and functions of the state if Governor Rule is operative. So the government proficiently changed the phrase "Constituent Assembly" to Legislative Assembly" because the Constituent Assembly will never vote for the depletion of Article 370. And at present Governor rule was proficient. The Government defense was that Governor is accomplished with all the powers including the Legislative Assembly so he can give his consent for ceasing Article and to make it inoperative. The government tricked and did what they cannot do by the shortest route. The governor of the Jammu and Kashmir can vouchsafe the authorization to delete Article 370. Section 92 of the J & K Constitution declares that during the governor rule it is the liability of the governor to pin the announcement before the State Assembly. Governor can make provisional decisions but the final is made by the State Assembly only. After offering all the powers to the Governor of the state government made their move and thrown their ax by deleting Article 370 of the Indian Constitution. This has become the history and the government made this gesture without any debate or discussion and finally pronounced their decision to the nation. Finally, On August 5, 2019, The Indian Government abrogated the Special Status of the Jammu and Kashmir protected under Article 370 and Article 35 A. The other way around to this gesticulation would require the consent of the elected representative of the J & K or the majority votes of the members of Parliament which might have taken another half a century to happen. The never ending provision which was temporary was abolished. It was promised by the Jawaharlal Nehru that this Article is just a temporary provision and it will be deleted over time but it took almost decades to ran into the conclusion. The long lasting promise was finally fulfilled in the dimension of the legal perspective.

- Aftermath of Striking Out Article 370 Overruling the Presidential Orders of 1956, President of India announced the order of eradicating Article 370. The Home Minister introduced and implemented the new bill named "Reorganisation Bill" throughout India. As per this bill, Jammu and Kashmir and Ladakh were fractioned into two UT"s. Both the UT"s will be governed by the unilateral Governments. This decision was passed by the upper house and later was challenged by the lower house of the parliament.

i) Latest Bill: Jammu and Kashmir Reorganisation Bill 2019

This act has been passed after the Presidential Order of deleting Article 370. This bill was passed to divide the Jammu and Kashmir and Ladakh into two separate Union Territories. The region Jammu and Kashmir are always at target whenever there is any insurgency situation between India and Pakistan. This Act will come into effect from the date 31st October 2019. This Act was inaugurated by the Minister of Home Affairs Amit Shah on 5th August 2019. The bill was passed with the help of the majority voting in both the houses of Parliament. In the Rajya Sabha when this bill was presented and ouns of voting were in the hands of members of the house, 125members were in the favor. The president of India also gave his prestigious consensus on 9th August 2019 in the favor of passing such a bill. The bill was set in motion through Presidential Order and with the effect of which Article 370 was eradicated from the Indian Constitution. As Article 370 was depleted Union Government passed the Reorganization bill which helped them to pave the way to alter with the boundaries of the Jammu and Kashmir and Ladakh.

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Features: As per this Act Jammu and Kashmir will have a legislative Assembly. Ladakh will not have any Legislative assembly and will be governed by lieutenant Governor only.

1. Leh and Kargil will not be the part of Jammu and Kashmir anymore and will be merged with Ladakh territory.
2. All the other districts, villages or states will remain inculcated in Jammu and Kashmir.
3. Allocation of Lok Sabha seats is also decided in this Act which specifies that five seats out six will be allotted to Jammu and Kashmir and one to Ladakh for the representation of Lok Sabha in the house of Parliament.
4. The Election process will be the same as prescribed in the delimitation Act.
5. Legislative Assembly of Jammu and Kashmir will last for 5 years.
6. Article 239a will be enforceable on Jammu and Kashmir as Puducherry.
7. Legislative Assembly seats are also escalated from 107 to 111, 37 of Jammu and 46 of Kashmir and 4 of Ladakh.
8. SC/ST will get a reservation.
9. The High Court of both UTs will be the same.

VII. Results Completely New Unfolded Opportunities for J&K

Total revolution or transformation in the Jammu and Kashmir witnessed after the extermination of Article 370:

1. *More Development and investment Earlier:* Curtailment inflicted on land transfer due to applicability of Article 370 and Article 35 A. There were obligations which stop industrial growth and setting up large industries. The areas of education, tourism, and health were completely ignored by the government. There was curtailment on educational growth or job facilities. Large industries were banned as they were not allowed to buy or sell land in the state. Present Situation: elimination of such provisions will hike the private and industrial sectors. There will be magnification and prosperity among the state if industrialization enters. Revolutionary change can be seen by increasing trade and commerce, tourism, and educational opportunities. Local farmers can learn new cultivation techniques and women can learn to run small scale businesses at home which will boost up their confidence and enthusiasm.
2. *Tourism Earlier:* Jammu and Kashmir is the heaven of India and there is the immense number of tourist who wishes to visit this place but the problem is the legal implications on the state due to Article 370 and Article 35A. This dematerializes the capability of the State to become topmost tourism ventures in the nation. Present Situation: thickening the investment in the tourism of State which will enhance the financial condition and development. Film shootings, adventure sports and job opportunities will shoot up. Village or rural tourism will expand in peaceful circumstances.
3. *Health and Education sector Earlier:* Lack of educational opportunities degrade the future of youngsters. The limited scope of higher education is becoming a ban for the children studying in the Jammu and Kashmir. All across the nation higher education is at heights and nurturing the future of the youth if due to restricted provisions proficient professors or schools can be provided to the State. The health facilities are slandered in the State and for the major treatments residents move to other states. There is no private hospital in the Kashmir or the adjoining district. Present Situation: PPP model strides the State towards a completely developed State by constructing private schools, colleges, and large private hospitals. This will surge the job opportunities for residents near doorsteps.
4. *Basic Rights: Earlier:* No RTE or property rights were deliverable to the people of the State. Women were facing discrimination and many children were deprived of education facilities. Right to Education was not the crucial right in the Jammu and Kashmir. Women were no more authorized to property rights if she marries other men outside State. Women were not given any right to fight against domestic violence. Juvenile Justice or Rights were far away forgotten concept in the State. Present situation: Women can reap the benefit of property rights irrespective of the places where they marry. Children can avail themselves of the Right to Education which provides free education to children from the age of 8 to 14 years. Juvenile Justice Act will apply to the residents of the State. All the acts that shield the dignity of the women and innocence of the children will be implemented in the valley as well.
5. *Backward Groups: Earlier:* Discrimination with the SC/ST classes was common in the Jammu and Kashmir from the long back history. They are not allowed to contest elections and are mistreated by the permanent residents. They are not allowed to do any other job except as sweepers. They were not awarded with the proper promotion rights. Citizenship was not given to the people who were working in the sanitation commission. They were forcefully making them work in the sanitation department. Many backward classes are forced to resides in the forest areas. Present Situation: protection to the rights of ST/SC will be availed. All the Acts that protect the human rights situation and dignity of the backward group residents will be now

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applicable. In the election, they will get the reservation to contest elections in regional Parliament. Working conditions and better job opportunities will be provided to them. Proper reservation rights will be provided in the field of education and employment.

6. *Property Rights: Earlier:* Only permanent residents could avail of property or land ownership rights. Due to this reason, there was no hike in the prices of the land in the State as compared to other states. Non-residents cannot claim for any land or property in the valley. Present Situation: land ownership will vary after the abrogation of Article 370. No one will be forced to part their land after this event of deleting the special status of Jammu and Kashmir. but landowners who wish to buy or sell land are free to do so.
7. *WPRs Earlier:* No citizenship rights, property rights, or democratic rights applied to the refugees from West Pakistan. Present Situation: All such rights like citizenship, property rights, or democratic rights will apply to WPRs.
8. *Panchayati Raj Earlier:* Panchayats do not have any right to decide or finalise anything without the concurrence or consent of the State Government. There were no elections held for the post of selecting members of panchayat. Present Situation: Indian government reinstated the rights of the Panchayat and 73th and 74th Constitutional amendments will be operative on local bodies of the State. Direct funds will be allocated to the Panchayats that will enhance the development in the whole state including the rural areas or at the lowest level of democracy.
9. *Corruption: Earlier:* Lack of transparency and accountability in the working of the state government has led to corruption. RTI Act was also not applicable in Jammu and Kashmir and also the investigating authorities like CBI who act as watchdogs cannot invade in the matters of State without the permission of the State authorities. Present Situation: the right to information has acted as the primary object to eradicate corruption from the grass-root level. Now people of Jammu and Kashmir will also be delighted with this fundamental right. Several acts that contribute to liquidate corruption will be operative in the State. Agencies or Investigation teams can invade the state matters of the Jammu and Kashmir which will reduce corruption to some dimension.
10. *Modifications or policies: Earlier:* Any new redrafting, alteration or revision in the provisions of the laws were not operative in Jammu and Kashmir until State government passes such amendment. Due to these reasons there were many Acts, bills, or legislation that were binding on other states that did not apply to Jammu and Kashmir. Present Situation: all the enactments, bills, policies or amendments will be binding and implementable on the Jammu and Kashmir as other States of the nation. Many laws that will bring growth and development in the state are all applicable and operative. None of the sections of the state will be deprived of any fundamental right, directive principles, or human rights. This new era of equality and diversity will change the dimension and vision of people to look at Jammu and Kashmir as separate Union Territories. There is a new hope of revolution, development, and financial stability. There will be only one official language, one flag, and one constitution. This decision has rubbed off the segment of discrimination, inequality, and separatism in India. All the faith of people for justice and human rights is gained back by such an epic decision. Jammu and Kashmir will be new hubs for education, job opportunities, tourism, industrialization, and employment. It will soon turn into a new world of hope and success for the people of Jammu and Kashmir. The hope is that the fine combination of Muslims (Kashmiris - One Divine Wisdom) and Buddhists (Ladakh from Tibet University - Lhasa) gives us a unique culture and scope of advanced future enhancements to reshape the unstable country"s situations in peaceful, enlightened and advanced development under the umbrella of Indian Constitution.

VIII. Conclusion

1. This decision was declared in such a short period that it was like flash news for the Nation. The people of Kashmir were in shock. No doubt it is for the development of peace and order in Jammu and Kashmir but the government should have taken such big move slowly and gradually.
2. They should have educated the locals about their decisions and the disadvantages of Article 370 as it hinders the growth and development of their State. The confidence of the people should be gained first.
3. The government has imposed the barriers for the Media which was a violation of Article 19 i.e. Right to speech and expression. This has hindered media to represent the true side of the story.
4. There are many concerns of the locals which should be resolved like high-speed internet facilities which are becoming a hurdle to get healthcare prerequisites and online education from their respective educational institutions.
5. The involvement of the media would have to enlighten the issue in a positive direction when the locals have seen the love and support they would get from outside their state.

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6. The Panchayati Raj is the new festival for Jammu and Kashmir but this will only strengthen the democracy at a lower level.
7. Jammu and Kashmir should not be given the status of Union territories instead should be made a single state.
8. Diplomats are only using this issue for their benefits. They belong to the organization which should only think of the nation‟s betterment and development instead of their revenge or profits.
9. Human Rights Commission has observed many people who being killed, orphans, widows, half widows, and many dead people have no trace of the record just because they were militants. Some compensation or jobs can be awarded to suffering families.
10. Women in both territories should be given proper self-defense training for their protection and safety. Women should empower and liberate in every dimension they want.
11. Young children should educate and acknowledge the latest facilities and technologies.
12. Militants should surrender and think about their own and their families bright and blossom future.
13. The revolution and development phase should be acknowledged by every local of both the territories by vocational training or camp.
14. Political parties should focus on the work they entered for in this organization rather than using citizens for their benefits and personal revenge.
15. Prime Minister Narendra Modi addressed through the show "*app ki Baat*" to the youth, giving them a message to maintain peace and order to avoid unavoidable circumstances. PM addressed that "*All parties are united on Kashmir. They sent a message to the world, to the separatists and reached out to the people of Kashmir.*" *Equating it with the passing of the GST Bill in the assembly, PM Modi said, "It is the view of all of us, of 125 crore people from a Pradhan of a village to the Prime Minister, that if any life is lost in Kashmir, whether of any youth or any security man, that loss is ours*". *The hope is that the fine combination of Muslims (Kashmiris - One Divine Wisdom) and Buddhists (Ladakh from Tibet University - Lhasa) gives us a unique culture and scope of advanced future enhancements to reshape the unstable country's situations in peaceful, enlightened and advanced development under the umbrella of Indian Constitution.*

IX. Disclaimer

In this research work title *Abrogation of Article 370 of the Indian constitution: An analytical study* is based on the available international research work published literature reviews, website articles, website URL, Books, articles and other facts and figures, as a undergraduate student I am nothing modified or change the reference matter or thesis matter in negative or misuses way and end the research with positive conclusion under ethics for the peace and harmony for India and its international relation under our Indian constitution.

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The Global Administrative Law: A Comparative Study

By Shah Mohammad Omer Faruqe Jubaer & Aditi Singha Moumi

Abstract- There is interest in the research whether a Global Administrative law is appearing and, assuming this is the case, regardless of whether this is awesome or something else. This paper tends to the inquiry of thoughts for world administrative law. It thinks about the possible sources and their appropriateness as a reason for a worldwide regulatory guideline framework: first, the by and huge procedural norms that have arisen in public administrative law frameworks, profoundly the statute of lawfulness and due framework standards; second, the arrangement of the rule of guideline esteems, advanced by utilizing defenders of free change and financial progressivism; third, the correct administration method and extra essentially straightforwardness, support, and responsibility; lastly, common liberties esteems. The paper closes on a suspicious note, presuming that a consistently happening set of regulatory law principles is difficult to see and not, at this point[especially]eye catching. To begin with the global administrative guideline is particularly a Western build, protecting Western interests. It might moreover impact ominously on developing economies. Besides, the development of world regulatory law in adjudicative sheets is a principle to an unwanted 'juridical formation of the political cycle.

Keywords: global administrative law, administrative comparative approach, comparative emergence, global administration.

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I. Introduction

The key though is that in deciding to profess to be law, or in seeking after law-like practices reliant on law-like thinking and attractions, or in being assessed as a law-like standardizing request by different entertainers figuring out what weight to provide for the standards and choices of a specific worldwide administration substance, a specific worldwide administration element or system embraces or surveys by reference to the credits, requirements and regulating responsibilities that are inalienable in law (Reinsch, P. S. 1909). These standards have various explicit sources, yet they are noticeable from certain Acts of Public law, in other different open frameworks and transnational and public-global law fields (Pereira, R. A. 2010). They are not just decisions that we might made or not made in every scene, albeit by and large they may have (Howland, D. 2015) begun to acquire pervasiveness and buy that way. Maybe, as the layers of regular regularizing practice thicken, they come to be contended for and receive through a combination of similar investigation and a feeling that they are (or are turning out to be) mandatory. Where they did not receive by an incredible political choice (that is, the place where they are not straightforwardly material by the arrangement or a definitive goal of the essential global association, and so on), the standard case for them is that they are supported (and may be needed) by what is characteristic for public law as for the most part included. This view is in some strain with Hart's situation as customarily comprehended. A case that the activity of public experts in the worldwide recognised space carries with it necessities to stick to public law standards appears to be significantly more predictable with Lon Fuller's view than Hart's. Yet, the possible arrangement with the previously mentioned components of Hart's idea of law is a lot nearer, if the standard of acknowledgment is perceived by everyone as including a specification that solitary guidelines and establishments meeting these accessibility prerequisites innate in open law (and proved through relative materials) can be viewed as law. It might subsequently be feasible to be a Haitian positivist, in any event from a independent perspective, and to acknowledge these popularity prerequisites as essential to law. Lady as a social practice has not yet gone up until this point: regularly, consistency with freeness contemplations turns out to be increasingly more significant in deciding the weight (maybe in any event, ascending to be necessities of legitimacy) the less the standards of the setup source which are meeting, the more uncertainty there is about acknowledgment, the more prominent the degrees of obstruction, and the more noteworthy the degree to which people or other private entertainers and their fundamental rights and government assistance are influenced (Gorman, R. A. 2004). The facts and information shown below, will give some substance and detail to this contention corresponding to global Administrative Law.

Objectives of the Research Paper: There are many objectives of this research paper [but] the most important are:

1. To identify the concept and impact of global administrative law.
2. To clarify the perspective changes with the important legal backdrop of the global Administrative Law.
3. To describe the emergence and common approaches of the global administrative law.

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II. Global Administrative Law

Administrative law is the physique of regulation that governs the administration and rules of authority groups (both federal and state). It derives from the need to create and enhance a system of public administration underneath the law, a notion that can also be in contrast with the much older thought of justice under law (Stewart, R. B. 2003). Since administration includes the exercise of power through the authority, administrative regulation is of constitutional and political, as correctly as juridical, importance.

In this manner, Global Administrative Law is a rising order that depends on a twin understanding: that a dreadful parcel of what is ordinarily named "worldwide administration" can be precisely described as regulatory activity; and that undeniably such activity is itself being directed through certain law-type standards, rules, and systems in evident, these bearing on to interest, straightforwardness, responsibility, and audit (Krisch, N., & Kingsbury, B. 2006). Lady, at that point, alludes to the designs, methodology, and regularizing necessities for administrative dynamic including straightforwardness, cooperation, and audit, and the standard represented instruments for forcing these norms, that are appropriate to formal intergovernmental administrative bodies; to casual intergovernmental administrative organizations; to administrative decisions of countrywide governments where these are period of or restricted by utilizing a worldwide intergovernmental system (Jackson, B. S. 1989); and to mixture public-private or private transnational bodies. The focal point of this order isn't the specific substance of significant guidelines, however as a substitute the activity of existing or potential standards, procedural principles (Dyzenhaus, D. 2009), and surveying and different instruments identifying with responsibility, straightforwardness, interest, and affirmation of lawfulness in worldwide administration.

III. The Elements of Global Administrative Law

The contemporary idea of Global Administrative law expands upon in any event three thoughts progressed in the prospering writing in the field over the time frame from roughly 1860 until 1940. The first is the main knowledge. Second is the bifurcated way to deal with a definition that tracks this understanding: the primary aim of this point is to characterize the global organization, with worldwide administrative law termed as the law about such organization. The third is the possibility that 'organization' incorporates, choices and general yet auxiliary standards. In numerous public overall sets of laws, the interaction of organization is recognized forcefully from the way toward administering, taken as a feature of enactment and subsequently outside the extent of regulatory law (Frankenberg, G. 1985). Notwithstanding, the expanding significance of the auxiliary guideline making exercises of public and transnational administration (bodies other than open councils and between State deal-making bodies), the attractive quality of tending to these exercises in rules on investment, straightforwardness, audit, and responsibility, and the lengthy insight of such actions by authoritative law strategies in the usual and other general sets of laws, presently warrant the incorporation of these auxiliary rulemaking exercises in the domain of global Administrative law.

IV. Public Law and Global Administrative Law

General standards of public law consolidate formal characteristics with regulating responsibilities in the directing, overseeing, molding, and compelling political force. These standards give some substance and particularity to digest necessities of accessibility in law.

The fact shown above is just a characteristic rundown (Mattei, U. 1997) with no similar or doctrinal examination, However, it is adequate to propose that the standards epitomized in such an origination of public law are significant. More itemized components, or necessities, of accessibility, are the object of much GAL exploration, and practice a portion of these (especially survey, reason-giving, and exposure/straightforward ness) which they would consider in the area of this article, as a feature of a conversation of explicit exercises of the worldwide public organization.

i. *The Principle of Legality:* One significant capability of public law is the diverting and sorting out of force. This capebility empowers rule-producers to control rule-overseers (Spigelman, J. 2005). The specialist is obliged to stick to the details of the research made by the head. In an unpredictable situation, it is frequently desirable to enable outsiders to control the specialist as per measures set by the supreme, making the reason for an outsider rights dynamic even in this head specialist model. On account of between state organizations (Nicolaidis, K., & Shaffer, G. 2004), the states building up the establishment frequently, style themselves as chiefs (severally or all in all), with the foundation as a specialist. Numerous entertainers in worldwide administration are early stage, or if nothing more, are representatives. Their case to lawfulness implies their adherence to 'law', showed in prerequisites of accessibility.

ii. *The Principle of Rationality:* The way of life of legitimization has joined through tension on chiefs (and in certain nations, on rule-creators) to give explanations behind their wishes, and to deliver a genuine record supporting the choice where vital.

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Mentioned thing is important for both political and legitimate culture (Sales, P. 2013). In the two ways it drives those foundations with audit power into steady discussions about whether and on what standard to survey the considerable judiciousness of choice: plainly irrational, off base and reason-giving, are inferred.

iii. *The Principle of Proportionality:* The necessity of a relationship of proportionality among means and finishes has become an outstanding procedural device in European rules of law (Hermerén, G. 2012) and progressively in global public law, albeit some public courts (for example, in the UK) have just gradually acknowledged new contentions dependent on it.

iv. *Rule of Law:* The interest for law and order can mean numerous things. The core methodology is proceduralist, an overall acknowledgment among authorities (and in the general public) of specific deliberative and decisional techniques, including the exposure proverb, examined (Peerenboom, R. 2003). Rule of law is at first sight in strain with the origination of law and order as just construction of clear standards, dependably and genuinely authorized, regardless of their meaningful substance (the 'rule book' origination); and with 'the ideal of rule by a precise public origination of individual rights (the 'rights conception'). Proceduralists contend for holding fast to strategies even at the cost of unsuitable results (Dicey, A. V. 1915) yet deal with clarifying why any choice taken as per endorsed methods ought not at that point be essential for the law which followers of law and order must uphold. David Dyzenhaus has contended for a methodology that moves the focal point of law and order from the law (and rules), to the component of administering – Therefore, a break of procedural prerequisites isn't unfathomable, however, it adds a trade-off of lawfulness that should be cautiously weighed (Carothers, T. 1998).

v. *Human Rights:* Fundamental rights assurance is practically inborn (or regular) to a cutting edge public overall set of laws. This classification covers a great deal with the past four classes, however, it is recorded independently to leave scope for contentions that some regular freedoms (maybe of substantial uprightness, security, character) are probably going to be ensured by open law as an inherent matter (without printed authority), yet without being subsumed.

V. The Idea of Global Administrative Law Emerged

Albeit the endeavors engaged with creating worldwide regulatory law started during the nineteenth century, the whole plan of worldwide authoritative law came about only a couple of years prior. It went under the spotlight during the 1920s and the 1930s. It is just in the 21st century that the idea of worldwide regulatory law acquired its significance. The extraordinary attribute this part of the law has is supplanting the term world with that of the globe. This emersion, thus, eliminates the deceptive idea of romanticizing the part of the law as a global point of view just and gives adequate room to remember different speculation for the the segment of regulatory law (Watson, A. 1978). Expansion in the advancement of the worldwide authoritative law has been sufficient to connect with a model trans-governmental type of organization, with a motive to address the aftereffects of relationship at a large level in circles going from security, financial help, movement of populace across borders, exchange rehearses and some more. It can't be managed with the assistance of home-grown guidelines and authoritative appraisal as it were. As a result of this escape clause, introducing a few worldwide frameworks to complete methods and the administrative method which we have started through peaceful accords, the arrangement of casual legislative organizations among countries to elevate the dynamic movement from home-grown to a worldwide level by and large. The rise of global administrative law is the tremendous increment in the span and types of trans-governmental guideline and organization DE endorsed to address the outcomes of globalized association in such fields as security (Marks, S. 2004), the conditions on improvement and monetary help to creating nations, ecological safety, banking and monetary guideline, law implementation, media communications, exchange items, [and] administrations, work principles, and cross-line developments of populaces, including outcasts. Progressively, these outcomes can't be tended to adequately by detached public administrative and managerial measures. Thus, various transnational frameworks of guideline have been established through global settlements and more casual inter-governmental organizations of participation, moving numerous choices from the public to the international level. These administrative choices might be executed directly against private gatherings by the worldwide system, through certain measures at the public level. Progressively significant are guidelines by private global standard-setting bodies and half and half public-private associations that may incorporate, differently, delegates of businesses, NGOs, public governments, and intergovernmental associations. The present circumstance has made a responsibility deficiency in the developing activity of transnational administrative force, which has started to invigorate two unique sorts of reactions: first, the endeavored expansion of domestic administrative law to other choices that influence a country; and second, the advancement of new components of administrative law at the international

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level to address choices and rules made inside the intergovernmental systems. Arising examples of this administration are being formed by somewhat noted be that as it may, significant and developing assemblage of this administrative law.

The idea of global administrative law emerged and the present:

Global Administrative law can be alluded to as the investigation of a few standards, structures, and execution which expect to help understanding with a social viewpoint that in one manner stands answerable for influencing the acquiescence of worldwide authoritative organs. This law is to keep a check upon the constraints of clearness, contemplated choice, and legitimateness while leader the standard making authority (Kingsbury, B., & Casini, L. 2009). In one manner this particular administrative law collects variable fields of law that concern rule-production movement or has authoritative tones in it, which is being treated separately and explicitly.

This field of law has given a sociological viewpoint to ethical practice along these lines indicating that the training is going to incorporate inside its strategies for protection of a few legal facts with the plan to shape a transnational administration framework which will to some [degree] be like what regulatory bodies execute locally (Bressman, L. S. 2007). The focal point of global administrative law is a mix of both meaningful just as a procedural arrangement of law for an effective system of administration at an international stage.

Albeit the endeavors engaged with creating global administrative law started during the nineteenth century, the whole idea of worldwide authoritative law came about only a couple of years prior. It went under the spotlight during the 1920s and the 1930s. This branch is in a creating stage as of now and has effectively discovered a reference crafted by a few social reformers [which] in the long run vanished (Schwarze, J. 2004). The happening to this field of law has in one manner brought back brilliant history. A portion of the significant parts in the circle of Global administration incorporates,

1. A global association with a proper nature.
2. Natural controllers completing the organization.
3. Private associations with an administrative capacity naturally.
4. Multinational organizations of joint courses of action.

A decrease in the control of local Administrative organizations as we can see as an impression of the improvement of worldwide regulatory law. What remains is the finished rebuilding the organisation by satisfactory utilization of the components of clearness, just and reasonable method, a survey of rules and choices made, and authorization of these components according to need (Kahn-Freund, O. 1974). Worldwide authoritative law can be alluded to as the investigation of a few standards, systems, and execution which plan to help understanding with a social point of view that in one manner stands liable for influencing the acquiescence of global administrative organs. This law is to keep a check upon the constraints of lucidity, contemplated choice, and legitimateness while leader the standard-making authority. In one manner, this form of administrative law aggregates variable fields of law that concern rule-production movement or has authoritative tones in it, which they are treating independently and explicitly. A mix of worldwide regulatory law and public law with a global methodology is the thing that worldwide authoritative law means (Kingsbury, B., & Casini, L. 2009).

This field of law has given a sociological point of view to legitimate practice, implying that the training is going to incorporate inside its strategies for protection of a few laws with the plan to frame a transnational administration framework which will be like what regulatory bodies execute locally. The focal point of worldwide authoritative law, subsequently, is a mix of both meaningful just as a procedural arrangement of law. Discussing the current circumstance, In an environment of globalization, the philosophy of authoritative law has gotten a sense of taste of freedoms to address as a worldwide instrument to manage administration internationally. A more customized approach towards administration, worldwide regulatory [law] is liable for changing the idea of both homegrown and global laws and related governmental issues for individuals . The three legal thoughts that globalization carries alongside it are privatization of the country, liberation, and disinvestment. While the main idea includes reshaping the current responsibility as adjustment in the current principles and guidelines of the country followed by disinvestment and this idea means getting free from the public area totally to repair ways for private sectors. This change starts the development of the two casualties just as recipients. Subsequently, this requires an assembled system that will amalgamate monetary advancement alongside human development. Worldwide regulatory law has opened entryways for straightforwardness, public investment, responsibility, financial progress for the administration framework. A creating field, global administrative [law] acquainting another world set with administer based on exhaustiveness and value.

VI. The Sources of Global Administrative Law

David Dyzenhaus has of late applied this investigation to welcome more peering out an assessment of the recognition to which principles of 'law' (and consequently legitimateness) are conjured by musings of administrative law, at any rate in its an

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assortment of Anglo-American forms (Allison, J. W. 2000). Significant segments of country-wide authoritative 'law' and especially the lawful sort yields (standards, rules, choices) of regulatory offices, do now not cling to all or even the bigger part of Fuller's models. Can they notwithstanding the way that causes to proclaim as law? (This is a calculated inquiry. It folds into, however, does presently don't subsume, questions that happen more than once in global administrative law: how much do they, and how much would it be a good idea for them according to legal aspects ? (Fuller, L. L. 1999). The standards which have been alluded to above has their underlying foundations from three separated parts of law specifically,

1. International law
2. Administrative law
3. Public law

The motivation behind why worldwide law is one of the hotspots for the cause of the worldwide administrative law is that when there comes the situation of arrangement of rules, guidelines, and approaches, that we are making, taking into concern belief systems from the areas that are worked in something very similar and have been disposed to the field (Hall, D. E. 2006). The worldwide regulatory law additionally intends to offer reactions to the acknowledged disturbance in the part of global law. With authenticity and responsibility being the imperative ground of dynamic movement, there emerges a requirement for assessing the administrative activities taken by worldwide bodies (Barr, M. S., & Miller, G. P. 2006). These remaining parts a significant movement worldwide regulatory law must complete. Fuller found that numerous administrative orders challenge eminently the connections inside the organization (prevalent subordinates, and so on), just correspondingly influence the populace, cling exclusively to a portion of the components of inward ethical quality that are characteristic of law, and cling to even these variables for reasons of viability then again then because they started up the correspondence in relatives of the ruler and decided that call forward the requirement for law as the unique method of request in front line liberal states. One answer recommended through the US banters on this investigation, is that intransitive enactment, which gives powers on organizations anyway in such settled terms that it makes earnestly no reason. Lawfulness shows the connection between the ruler and the managed, the director and the administrated, the lead representative and the administered.

Administrative law is one such field of law that includes reasonableness and utilization of the course reading rules and law. It manages the methodology of execution of previously existing standards. The part of this field in worldwide regulatory law is colossal [for] the base on which the element of worldwide authoritative law stands is that of administrative law itself. This field required a strong belief to have an effective guideline arrangement of administration (Mashaw, J. L. 2005). The part of public law is the third and the most required branch in the outlining of the worldwide administrative law. Public law doesn't just incorporate open arrangements and government assistance yet common liberties, customs, conveyance of accessible assets similarly, efficiency are not many others to incorporate inside the ambit of public law. These components are fundamental, when worldwide regulatory law is received. Subsequently, these are the three fields of law that can be considered as worldwide authoritative law.

VII. The Importance of Emergence and Common Findings

Global administrative law comes with a positive motive, divergent thought, an unique structure (Benvenisti, E. 2004). Each day brings about growth and development in the field. But progress needs to take shape carefully and with concern to the consequences of such progression globally. This development introduces the strategies required for the development of global administrative law with a view of bringing big positive changes. The emergence was much essential. Adherence to these necessities is the thing that makes putative guidelines legal. Such adherence is practicable just inside a framework or request. Legitimateness here comprises not just in ex-post duty (for example, employing legal survey or the legal resolution of criminal risk). This likely steadiness to the constitutive, significant and procedural regulatory law, regardless of whether each is presently doesn't similarly circumstance to survey, as each (to the degree of professing to be law) causes them to pronounce legitimateness (Bell, J. S. 2006).

VIII. Conclusion

This arrangement of delivering transitive the [intransitive], works to a similar degree in a realm where the rule of guideline ordinarily wins. Yet, does it work terrace the state? Dyzenhaus proposes that higher and more prominent right acts of approval, or designation of power, will be fundamental if there is a decent arrangement constitutive regulatory law past the state (Finnis, J. 2007). This advice is characteristic, notwithstanding, of a principal issue. Much (not the entirety) of the activity can't securely be attached as endorsed or designated through states or by utilizing elements determining their own approving or assigning powers from states. If by and large (not all) global administration organizations can't be perceived as having this sort of constitutive regulatory law (they may also have various kinds of constitutive law), on what premise can their crucial authoritative yield, or asserted controls on their techniques, be made transitive or

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viewed as legitimate? The legitimate character of putative worldwide managerial guideline in such conditions, similar to the jail character of authoritative instructions in popular governments, is resolved now not using transitivity (Rose-Ackerman, S. 2010), anyway through Hart's investigate the corresponding necessity of availability (which comprises of the statute of lawfulness).

This article contends for the augmentation to world administration, in custom-made structure, of the necessities of availability that are increasingly more characteristic for the impression of what guideline is in coeval majority rule states (Perry, S. R. 1998). This methodology which has been indentified by Lon Fuller's, in that availability is innate in law, so the decision to utilize guidelines (or law-like designs) thus advantage from the expense added through the use of the law, carries with it the necessities of freeness. Accessibility (like Fuller's inward ethical quality of law) might illuminate the general thought regarding the law, for [instance], through being incorporated into a Haitian rule of consideration discovering what matters and what can include a number as law in a specific criminal framework. The necessities of accessibility convey solidarity between the establishments of guideline creation, the attributes of the guideline delivered. It might accordingly avoid a portion of the difficulties of intransitivity that Fuller's inner ethical quality of directions faces [Fuller] (L. L. 1958). It might furthermore also keep away from issues about worldwide law utilizing Rule of Law securities to states and to between state associations. For if it is irrational to contend that states commonly (as hostile to powerless or impeded states) ought to be acknowledged to demand that all standards of global law be clear, be declared to them, be regular as a substitute than specific, [etc], they can likewise still require that the worldwide guideline adjusts to necessities of freeness. On the off chance that between state law has factors more noteworthy nearly approximating self-enactment, additional like the Athenian get together or Rousseau's ideal kind of law-production in a minuscule and protected common wealth, it is in any case practical that this self-enactment cling to the desiderata of freeness. On the off chance that an International organization has no qualification not to be abrogated or have its spending plan lessen discretionarily by choice of the part states, (Zoller, E. 2008), it may likewise be in the leisure activity that necessities of accessibility practice to these decision methodologies.

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The Pentecostalism to the Neopentecostalism of the Breaking of Religious Paradigms the Political-Religious Appropriation

By Delmo Gonçalves

Abstract- (Traduzir novamente) This is article seeks to reflect the Pentecostalism in its original point of view, and to the extent that is thas become increasingly popular in recente times. In fact, the importance of this religious movement requires attention and if Assisi is Neo-pentecostalism, serving as a broad religious meaning, ctiha his faithful and is proposed as the espinal and political response to liberate Brazil fron the plagues that afflict it. This article seeks to reflect on how the process of the emergence of neopentecostalismo from pentecostalisme es pesetracko and solidification in the Brazil media and political society.

Keywords: *pentecostalism. neopentec o stalism. discourse. poetic.*

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The Pentecostalism to the Neopentecostalism of the Breaking of Religious Paradigms the Political-Religious Appropriation

Do Pentecostalimso Ao Neopentecostalismo Da Quebra De Paradigmas Religiosos À Apropriação Politico-Religiosa

Delmo Gonçalves

Resumo- O presente artigo busca refletir o pentecostalismo desde o seu ponto originário ate o neopentecostalismo, segmento religioso que mais cresceu no Brasil nos últimos tempos. Propõe observar seus desdobramentos até configurar-se num projeto político-religioso. De fato, a importância deste movimento religioso requer atenção e se faz necessária, considerando suas novas construções no imaginário religioso brasileiro até à sua atuação no centro do poder da república. Assim é o neopentecostalismo, servindo-se de uma ampla significação religiosa, cativa seus fiéis e se propõe como a resposta espiritual e política para libertar o Brasil das mazelas que a assolam. O presente artigo busca refletir como se deu o processo do surgimento do neopentecostalismo a partir do pentecostalismo e sua penetração e solidificação na sociedade midiática e política brasileira.

Palavras-Chave: pentecostalismo. neopentecostalismo. discurso. política.

Abstract- (Traduzir novamente) This is article seeks to reflect the Pentecostalism in its original point of view, and to the extent that is thas become increasingly popular in recente times. In fact, the importance of this religious movement requires attention and if Assisi is Neo-pentecostalism,[1] serving as a broad religious meaning, ctiha his faithful and is proposed as the espinal and political response to liberate Brazil fron the plagues that afflict it. This article seeks to reflect on how the process of the emergence of neopentecostalismo from pentecostalisme es pesetracko and solidification in the Brazil media and political society.

Keywords: pentecostalism. neopentecostalism. discourse. poetic.

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I. Introdução

O pentecostalismo chegou ao Brasil e trouxe muitas contribuições. Passou por desdobramentos que nos levam a pensar o quanto a experiência religiosa tem poder de afetar não apenas um indivíduo, mas também uma grande parcela da sociedade. O pentecostalismo após nascer no Brasil, cresceu e avançou, sofreu desdobramentos até chegar a gestar o neopentecostalismo que acabou por se tornar o maior fenômeno religioso das últimas décadas no Brasil. Este, em curto espaço de tempo se tornou um grande império, se apossou da mídia em todas as suas categorias e por fim fincou as suas estacas na política brasileira. Hoje não se pode negar a sua realidade, poder e capacidade de influenciar as leis e os projetos que dirigem a nação brasileira.

II. Nascimento do Pentecostalismo

O pentecostalismo nasce como fruto de uma experiência pessoal. Seu início, surpreendentemente, se deu fora das questões estrategicamente calculadas. Pelo contrário, parte aparentemente sem uma pretensão maior, vai acontecendo de experiências em experiências religiosas de encontros de oração.

O movimento pentecostal surgiu nos Estados Unidos com William Joseph Seymour. Tudo iniciou com um movimento que ficou conhecido como "o avivamento da Rua Azuza", em 1906, em encontros de orações enfatizando o batismo no Espírito Santo, a fé como poder de cura e a glossolalia, que é a oração em línguas estranhas ou espirituais até enfim se tornar um avivamento que se espalhou por todo o mundo. No entanto, também pode se considerar que as raízes do pentecostalismo estariam na teologia de Wesley, fundador do metodismo no século XVIII, segundo Aronson (2012).

O até então desconhecido pregador Seymour era discípulo e aluno de Charles Parham em 1905, em Houston. Por ser negro, Seymour tinha que assistir às aulas do lado de fora da sala de aula devido ao forte regime de segregação racial da época. Ao ser

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convidado para pregar em uma Igreja Holiness em Los Angeles, Seymour expos suas convicções o que o levou a ter como represaria à sua pregação a expulsão da igreja. Este fato foi o ponto de origem para um grupo de oração na Rua Azuza, onde Seymour podia pregar suas convicções livremente e baseadas nas exegeses das cartas paulinas enfatizava o batismo no Espírito Santo como experiência para os dias atuais e, focando na Glossolalia como dom espiritual e evidencia para tal experiência. Este movimento foi crescendo cada vez mais e indo além do esperado trouxe um grande avivamento àquela cidade, iniciado no dia 6 de abril de 1906. O crescimento das reuniões na Rua Azuza, traziam na mesma proporção também a sua fama, que recheada de especulações foi cada vez mais ganhando adeptos e simpatizantes.

O pastor batista W. H. Durham levou a experiência para a cidade de Chicago e à medida que esta experiência ia impactando multidões de pessoas foi se espalhando por toda a América. Mas ao que parece a América foi ficando pequena para conter tamanha experiência. Motivados por essa experiência da Igreja Batista de Chicago saíram dois suecos: Daniel Berg e Gunnar Vingren que levaram a mensagem pentecostal para além dos Estados Unidos. Assim os frutos desta experiência através dos suecos acabaram chegando ao Brasil e com sua fé os suecos trouxeram a experiência pentecostal para nascer em terras tupiniquins.

III. Pentecostalismo No Brasil

O pentecostalismo brasileiro já completou seus primeiros 100 anos de existência. Trata-se de uma história muito rica e que, conforme Oliva e Benatte (2010), conta atualmente com pelo menos 40 grupos diferentes. No entanto, o início do movimento pentecostal não foi fácil e tranquilo. Mas superou as barreiras com o tempo, ganhou respeito, foi se estruturando, e pode ser compreendida a partir de seus desdobramentos.

> O pentecostalismo brasileiro pode ser compreendido como a história de três ondas de implantação de igrejas. A primeira onda é a década de 1910, com a chegada da Congregação Cristã (1910) e da Assembleia de Deus (1911) (...) A segunda onda pentecostal é dos anos 50 e início de 60, na qual o campo pentecostal se fragmenta, a relação com a sociedade se dinamiza e três grandes grupos (em meio a dezenas de menores) surgem: a Quadrangular (1951), Brasil Para Cristo (1955) e Deus é Amor (1962). (MARIANO *apud* FRESTON, 2010. p.29).

Os dois primeiros desdobramentos do pentecostalismo no Brasil se dão com o surgimento de duas igrejas que também podem ser consideradas as principais do segmento inicial do movimento e caracterizaram àquela que denominamos de primeira onda: a Congregação Cristã de 1910, fundada pelo italiano Luigi Francescon, amparada por certo fechamento em relação às demais igrejas evangélicas, privilegiando o uso do véu entre as mulheres a ausência de pastores e a direção baseada nos anciãos e evitando o uso de instrumentos de cordas em suas liturgias. Já a Assembleia de Deus, nasceu com a chegada ao Brasil, no Estado do Pará, dos suecos citados anteriormente, Gunnar Vingren e Daniel Berg, que embora focem batistas, fundaram a Igreja Assembleia de Deus. Os suecos migraram para os Estados Unidos em 1902 e 1903, respectivamente, devido à profunda recessão vivida pelo seu país. Daniel chegando a Chicago converteu-se ao pentecostalismo, onde estudou no seminário de William Durham, e ali conheceu o amigo Gunnar Vigren, na igreja de Durham, em 1909. Observa Freston (1993) que na migração dos suecos o pentecostalismo se firmou.

Estas duas igrejas dominaram o campo pentecostal brasileiro de fato nos seus primeiros 40 anos. Um fator interessante nestas igrejas é que apresentavam características anticatólicas, valorizando o sectarismo e o ascetismo de rejeição ao mundo, Mariano (2004), Quanto à teologia destacavam o dom de línguas (glossolalia), "Dons do Espírito" (como evidência do Espírito Santo), o batismo no Espírito Santo como experiência obrigatória pentecostal, e o retorno de cristo (parousia) proclamando ainda a salvação, mediante a rejeição do mundo, conforme Dias (2011).

A Assembleia de Deus destacou se permitindo desenvolver um trabalho mais expansionista o que lhe permitiu alcançar os outros estados do Brasil. Cabe ressaltar que a Assembleia de Deus soube se adaptar melhor as mudanças tanto no pentecostalismo, como na sociedade brasileira (Mariano, 2004), já a Congregação Cristã não conseguiu tanto sucesso em sua adaptação e acabou ficando para traz e não se tornando tão expansionista.

Até este momento prevalecia uma pregação de características de ascetismo nota-se que a política era demonizada nas igrejas pentecostais. Os políticos eram proibidos de usar os púlpitos das igrejas. As igrejas pentecostais faziam questão de pregar uma separação do estado. Havia uma discriminação à política e àqueles que tentavam se envolverem nela.

Quanto à segunda onda do pentecostalismo no Brasil temos seu início marcado na década de 1950. O pentecostalismo no Brasil avançava tanto que nesta época já era considerado o terceiro maior do mundo. Cresceu, mas também ao mesmo tempo se fragmentou. Dessas fragmentações três igrejas surgiram: a Igreja do Evangelho Quadrangular, em 1951, primeira de origem norte-americana e demarcada por campanhas e uma proximidade política até então não vista nestas igrejas, a Igreja Pentecostal O Brasil para Cristo, em 1955, sendo a primeira igreja fundada por um brasileiro; e a Igreja Pentecostal Deus é Amor em 1962. As características comuns a essas três igrejas

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são a ênfase na cura divina, a cura de enfermidades, como manifestação do Espírito, libertação espiritual das forças malignas e suas campanhas avivalistas e evangelísticas (Dias, 2011: 379; Corten, 1996: 285), a apropriação das mídias modernas, a benção por imposição das mãos na cabeça, a unção de óleo e a atenção voltada para as classes mais baixas. Conforme Paul Freston (1993) essas mudanças ocorreram por uma questão de estilo cultural, pois eram mais livres em relação ao uso das técnicas modernas, e na sua facilidade de criar uma nova relação com a sociedade.

De acordo com Freston (1993), a Igreja Pentecostal O Brasil Para Cristo surgiu como uma resposta nacionalista as igrejas Assembleia de Deus e as cruzadas evangelísticas da Igreja Quadrangular. Posteriormente surgiu a Igreja Pentecostal Deus é Amor, fundada por David Miranda, em São Paulo, na Vila Maria, no ano de 1962, focando na cura divina e de extremo rigor quanto aos usos e costumes. A divulgação do seu trabalho era feita pelo rádio, como nas demais igrejas pentecostais já se faziam. A Igreja Pentecostal Deus é Amor proibia o uso da televisão para os fieis, os jogos, e o uso dos anticoncepcionais. Sem dúvidas uma linha bem mais fechada e rígida em seus usos e costumes.

Até então, pode-se dizer que, o pentecostalismo possuía certa distinção que os facilitam serem reconhecidos e diferenciados dos demais grupos evangélicos históricos que já estavam no Brasil como exemplo os Batistas, Metodistas e Presbiterianos. Mas surgiu então uma nova onda, a terceira, chamada pelos especialistas e pesquisadores de neopentecostalismo.

IV. Neopentecostalismo – Uma Nova Forma De Crêr E Viver

O surgimento do neopentecostalismo se dá na segunda metade dos anos 70, no Brasil, Mariano (2010). Como principal expressão em destaque deste movimento encontra-se, em seu primeiro momento, a Igreja Universal do Reino de Deus (IURD) e, também podemos considerar a Igreja Internacional da Graça (ROMEIRO, 2005).

Cabe observar que o neopentecostalismo, Freston (1993) deve ser entendido como um terceiro desdobramento do pentecostalismo, sua verdadeira fonte embrionária, uma terceira onda. Vários pesquisadores brasileiros caminham nessa direção, enxergando o neopentecostalismo como um desdobramento do pentecostalismo. Nesta lógica, para entender a origem e trajetória do movimento pentecostal até os dias atuais, é necessário dividi-lo em três ondas distintas, ou desdobramentos que merecem atenção e considerações importantes.

> A terceira onda começa no final dos anos 70 e ganha força nos anos 80. Suas principais representantes são a Igreja Universal do Reino de Deus (1977) e a Igreja Internacional da Graça de Deus (1980). (MARIANO *apud* FRESTON, 2010. p.29).

Este pentecostalismo da terceira onda, especificamente, nasce com uma ousadia diferenciada em relação aos demais movimentos pentecostais. Segundo Freston (1994), este movimento é ousado e se apresenta querendo ganhar o mundo. Oferece uma nova forma de conceber a fé e não há constrangimento algum quanto a desejar estar no topo de tudo, inclusive do poder político.

Segundo Mariano (2010), estas três ondas se classificam em três vertentes: pentecostalismo clássico, deuteropentecostalismo e neopentecostalismo. Encontra-se nesta terceira onda a demarcação de um corte histórico-institucional da formação da corrente pentecostal, que passa então a ser chamada de neopentecostal.

É sobre tudo importante assinalar que o personagem principal do nascimento do movimento neopentecostal é Edir Macedo Bezerra (Edir Macedo), oriundo da Igreja de Nova Vida. Insatisfeito por entender que a Igreja de Nova Vida era uma igreja voltada para a elite, Edir Macedo rompe com esta igreja, fundando então outro ministério que passa a se chamar: Cruzada do Caminho Eterno. Este ministério é fundado juntamente com os irmãos Samuel e Fidelis Coutinho, Roberto Augusto Lopes e Romildo Ribeiro Soares. Assim atesta Mariano:

> Após doze anos como membro da Nova Vida, em 1975, Macedo, farto do elitismo desta igreja e sem apoio para suas atividades evangelísticas, consideradas agressivas, decidiu partir para voos mais altos. Ao lado de Romildo Ribeiro Soares, Roberto Augusto Lopes e dos irmãos Samuel e Fidélis Coutinho, fundou a Cruzada do Caminho Eterno, que não fez jus ao nome nem mesmo para seus criadores (MARIANO, 2010. p.55).

Apesar de toda a expectativa do novo ministério, a Cruzada do Caminho Eterno não se consolidou. Tornara-se um movimento sem sucesso, tendo trazido mais decepções a Edir Bezerra Macedo. Tais decepções o levaram a se desentender com os irmãos Coutinho. Em razão disto, Edir Bezerra Macedo, ao lado de Romildo Ribeiro Soares e Roberto Lopes, fundam no dia 9 de julho de 1977, aquela que seria a primeira Igreja caracterizada oficialmente como neopentecostal no Brasil: a Igreja Universal do Reino de Deus (IURD). Atesta Mariano:

> Desentendendo-se com os irmãos Coutinho, Edir Macedo, Romildo Soares e Roberto Lopes saíram da Caminho Eterno e fundaram, em 9 de julho de 1977, a Igreja Universal do Reino de Deus. Entre uma cisão e outra, Macedo pregou de casa em casa, nas ruas, em praça pública e cinemas alugados (MARIANO, 2010. p.55).

Com o nascimento da Igreja Universal do Reino de Deus (IURD), inicia-se no Brasil uma nova etapa em sua religiosidade. Conforme Mariano (2010) pode-se

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dizer então que, oficialmente, nasceu o movimento neopentecostal. Este novo movimento é inovador, descomprometido com a ortodoxia e de características livres em sua expressividade.

> [...] neopentecostal, termo praticamente já consagrado pelos pesquisadores brasileiros para classificar as novas igrejas pentecostais, em especial a Universal do Reino de Deus. O prefixo *neo* mostra-se apropriado para designá-la tanto por remeter à sua formação recente como ao caráter inovador do neopentecostalismo (MARIANO, 2010. p.33).

De modo geral o movimento neopentecostal se encontra num mundo recheado de inovações e ousadia, algo até então jamais visto no cenário da religiosidade brasileira. Por isto o termo *"neo"* se emprega bem a esta nova forma de interpretar e viver o pentecostalismo. O Brasil passa a ter definitivamente, nesta data, a consagração do marco de uma nova concepção religiosa. O sagrado, nesta reconfiguração religiosa, passa a exibir uma nova face, conforme trataremos detalhadamente mais à frente.

Cabe observar, Oro (1992) que, no Brasil, o termo "neopentecostalismo" assume variações de implicações. No universo acadêmico é referido quando identificado à expressão "pentecostalismo autônomo", em concordância com Mendonça (1992). Com outra abordagem pode também ser referido para uma demarcação fenomenal ocorrida a partir dos anos 50, segundo Jardilino (1994). Nesta pesquisa seguiremos a linha adotada por Mariano (2010), conforme já citado anteriormente.

O movimento neopentecostal provoca mudanças significativas observadas na história religiosa brasileira e detalhadas por estudiosos da sociologia não apenas no cenário religioso, mas também na sua forma de lidar com a política até então demonizada pelas igrejas pentecostais.

V. Neopentecostalismo – Um Projeto Político Religioso

As igrejas neopentecostais começam a olhar para a política com um novo foco. A mídia, considerada o quarto poder, passa agora não apenas a ser um instrumento para promover os cultos, mas também, de promoção de seus atores tornando-os conhecidos e admirados por seus fiéis e simpatizantes. Assim, os pastores neopentecostais foram se valendo do discurso de demonização dos agentes políticos tão depreciados na visão popular para se lançarem como "agentes de Deus" para substituí-los e assim santificar a política brasileira.

Observa Fonseca (1997), que a mídia sempre exerceu papel fundamental na estratégia das igrejas neopentecostais e estas se apropriaram deste recurso com maestria e um forte produto de encantamento. A própria origem da Igreja Universal do Reino de Deus (IURD), por exemplo, é associada ao uso do rádio, pois só começou a crescer fazendo uso de um programa de rádio que acabou por virar estratégia inegociável antecedendo a programas mediúnicos. Hoje a IURD já alcança todo o país com seus programas de rádio ou televisão. Só na televisão a Igreja Universal do Reino de Deus possuía um faturamento em torno de 300 milhões de dólares já em 1989.

As igrejas neopentecostais se tornaram um verdadeiro império das comunicações mantendo no uso da mídia uma articulação atrelada com a sua estratégia de crescimento, conforme sustenta Oro, Corten e Dozon (2003). O controle e a posse de meios de comunicação de massa potencializam a propagação do discurso religioso, garantindo condições adequadas às instituições religiosas para se afirmarem no contexto altamente midiático do mundo atual, Rodrigues (2008). A igreja Universal do Reino de Deus é hoje a maior cliente religiosa das emissoras de televisão no Brasil (TAVOLARO. p. 237. 2007).

O neopentecostalismo se tornou um fenômeno que se autentica pela mídia e se consolida como império religioso. Conforme sustenta Tavolaro:

> A igreja Universal do Reino de Deus hoje a maior cliente religiosa das emissoras de televisão no Brasil. Os números não são exatos, mas calcula-se que gere mais de 240 horas diárias de programação, de norte a sul do país. Sem contar as produções no exterior. (TAVOLARO p.237. 2007).

O neopentecostalismo está atrelado à mídia em toda a sua estrutura. A sua história é midiática. O uso da mídia começou ainda na década de 70 como veículo para divulgar as ideias de Edir Macedo, hoje de forma mais contundente e abrangente, a nível nacional, segundo Tavolaro (2007).

Fica claro que o neopentecostalismo encontrou na mídia o exercício de um tipo específico de poder para a imposição de seu discurso, objetivando convencer, formar opiniões e pontos de vistas, de forma a construir a sua própria identidade, distinta, única e original, conforme afirma Foucault (1999).

É inegável que as igrejas neopentecostais compreenderam o poder da mídia e dela se serviram para organizar um planejamento que lhe permitia de fato engajar na política, o que antes do neopentecostalismo era praticamente zero. Assim o neopentecostalismo se tornou poderoso também politicamente.

O neopentecostalismo e principalmente o neopentecostalismo iurdiano adotou uma estratégia de igreja/empreendimento que acabou tornando o engajamento político inevitável e porque não dizer um caminho obrigatório. Suas ações se profissionalizaram e passaram a ser cada vez mais racionalmente calculadas, bem planejadas como tudo deve ser no mundo da televisão. Não há espaço para prejuízo e limites de poder, Campos (1997).

O biógrafo de Edir Macedo não escondeu que seu projeto é a presidência do Brasil (Tavolaro 2007), e

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para isto não poupa esforços em construir uma sólida bancada iurdiana em todas as camadas do poder político. A realidade atual aponta para uma consolidação e um profissionalismo no engajamento político pentecostal e neopentecostal. Vejamos abaixo em destaque *(negrito) que* os neopentecostais somam 29 parlamentares dos 120 considerados evangélicos no congresso brasileiro. Essa base se articula de forma cada vez mais profissional para sustentar seu projeto de poder. (Fonte: congressoemfoco.uol.com.br/ legislativo/).

Cargo	Nome do parlamentar	UF	Partido	Igreja
Deputado	Abílio Santana	BA	PL	Adventista
Deputado	Aguinaldo Ribeiro	PB	PP	Batista
Deputado	Alan Rick	AC	DEM	Batista
Deputado	Alê Silva	MG	PSL	Batista
Deputado	Alex Santana	BA	PDT	Adventista
Deputado	Alexandre Serfiotis	RJ	PSD	Ide Fazei Discípulos
Deputado	**Aline Gurgel**	**AP**	**Repub.**	**IURD**
Deputado	André Abdon	AP	PP	Adventista
Deputado	André Ferreira	PE	PSC	Adventista
Senador	Arolde de Oliveira	RJ	PSD	Batista
Deputado	**Aroldo Martins**	**PR**	**Repub.**	**IURD**
Deputado	Aureo Ribeiro	RJ	SD	Metodista
Deputada	Benedita da Silva	RJ	PT	Presbiteriana
Deputado	Carlos Gaguim	TO	DEM	Adventista
Deputado	**Carlos Gomes**	**RS**	**Repub.**	**IURD**
Senador	Carlos Viana	MG	PSD	Batista
Deputada	Celina Leão	DF	PP	Comunidade das Nações
Deputado	Cezinha Madureira	SP	PSD	Adventista
Deputado	Charles Fernandes	BA	PSD	CCB
Deputado	Christiane Yared	PR	PL	Evangelho Eterno
Deputado	Clarissa Garotinho	RJ	PR	Presbiteriana
Deputado	Coronel Chrisóstomo	RO	PSL	Presbiteriana
Deputado	**Daniela do Waguinho**	**RJ**	**MDB**	**Nova Vida**
Senador	**Daniella Ribeiro**	**PB**	**PP**	**Sara Nossa Terra**
Deputado	**David Soares**	**SP**	**DEM Int.**	**da Graça de Deus**
Deputado	Dr. Jaziel	CE	PL	Adventista
Deputado	Dr. Luiz Ovando	MS	PSL	Batista
Deputado	Dra. Soraya Manato	ES	PSL	Maranata
Deputado	Dr[a]. Vanda Milani	AC	SOLIDARIEDADE	CCB
Deputado	Eduardo Bolsonaro	SP	PSL	Batista
Senador	**Eduardo Girão**	**PB**	**PP**	**Sara Nossa Terra**
Deputado	Eli Borges	TO	SOLIDARIEDADE	Adventista
Senador	Eliziane Gama	MA	Cidadania	Adventista
Deputado	Enéias Reis	MG	PSL	Adventista
Deputado	Fábio Faria	RN	PSD	Batista
Deputado	**Fausto Pinato**	**SP**	**PP**	**Congregação Cristã**
Deputado	Fernando Rodolfo	PE	PL	Jardins das Oliveiras
Deputado	Filipe Barros	PR	PSL	Presbiteriana
Senador	Flavio Bolsonaro	RJ	PSL	Batista
Deputada	**Flordelis**	**RJ**	**PSD**	**Cidade do Fogo**
Deputado	Gelson Azevedo	RJ	PL	Adventista
Deputada	Geovania de Sá	SC	PSDB	Adventista
Deputado	**Gilberto Abramo**	**MG**	**Repub.**	**IURD**
Deputado	Gilberto Nascimento	SP	PSC	Adventista
Deputado	Glaustin da Fokus	GO	PSC	Adventista
Deputada	**Greyce Elias**	**MG**	**AVA**	**Sara Nos Terra**
Deputado	Gutemberg Reis	RJ	MDB	Adventista
Deputado	Haroldo Cathedral	PR	PSD	Batista
Deputado	**Heitor Freire**	**CE**	**PSL**	**Evang. Pleno**

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Deputado	Hélio Lopes	RJ	PSL	Batista
Senador	Jaime Campos	MT	DEM	
Deputado	**Jefferson Campos**	**SP**	**PSD Ev.**	**Quadrangular**
Deputado	**JHC**	**AL**	**PSB Int.**	**da Graça de Deus**
Deputado	**Jhonatan de Jesus**	**RR**	**Repub.**	**IURD**
Deputado	João Campos	GO	Repub.	Adventista
Deputado	Joice Hasselmann	SP	PSL	Batista
Deputado	**Jorge Braz**	**RJ**	**Repub.**	**IURD**
Deputado	José Medeiros	MT	PODEMOS	Presbiteriana
Deputado	**Julian Lemos**	**PB**	**PSL**	**Cidade Viva**
Deputado	**Júlio Cesar**	**DF**	**Repub.**	**IURD**
Deputado	Junio Amaral	MG	PSL	SEM
Deputado	Kim Kataguiri	SP	DEM	Anglicana
Deputado	Laercio Oliveira	SE	PP	Presbiteriana
Deputada	Lauriete	ES	PL	Adventista CGADB
Deputado	Leo Motta	MG	PSL	Adventista
Deputado	Lincoln Portela	MG	PL	Batista
Deputada	**Liziane Bayer**	**RS**	**PSB**	**Int. da Graça de Deus**
Deputado	Lucas Gonzales	MG	NOVO	Batista
Deputado	Lucas Redecker	RS	PSDB	Luterana
Deputado	Lucio Mosquini	RO	MDB	Batista
Senador	Luís Carlos Heinze	RS	PP	Luterana
Deputado	Luís Miranda	DF	DEM	CN DF
Senador	Luiz do Carmo	GO	MDB	Adventista
Senadora	**Mailza Gomes**	**AC**	**PP**	**Quadrangular**
Senador	Major Olímpio	SP	PSL	
Deputado	**Manuel Marcos**	**AC**	**Repub.**	**IURD**
Deputada	Mara Rocha	AC	PSDB	Evangélica
Deputado	Marcel Van Hattem	RS	NOVO	Luterana
Deputado	Marcelo Brum	RS	PSL	Adventista
Deputado	**Márcio Marinho**	**BA**	**Repub.**	**IURD**
Deputado	**Marcos Pereira**	**SP**	**Repub.**	**IURD**
Senador	Marcos Rogerio	RO	DEM	Adventista
Deputada	**Maria Rosas**	**SP**	**Repub.**	**IURD**
Senador	**Mecias de Jesus**	**RR**	**Repub.**	**Nova Vida**
Deputado	**Milton Vieira**	**SP**	**Repub.**	**IURD**
Deputado	Moses Rodrigues	CE	MDB	Adventista
Deputado	**Nereu Crispim**	**RS**	**PSL Ig.**	**Ev. N. de Alegria**
Deputado	Olival Marques	PA	DEM	Assembleia
Deputado	**Ossesio Silva**	**PE**	**Repub.**	**IURD**
Deputado	Otoni de Paula	RJ	PSC	Adventista
Deputado	Pastor Eurico	PE	PATRIOTAS	Adventista
Deputado	Pastor Eurico	PE	PATRIOTAS	
Deputado	Pastor Gidenemyr	MA	PL	Adventista
Deputado	Pastor Marcos Feliciano	SP	PODEMOS	Adventista
Deputado	Pt. Sargento Isidório	BA	AVANTE	Adventista
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Deputado	Paulo Freire	SP	PL	Adventista
Deputada	Policial Katia Sastre	SP	PL	Adventista
Deputado	Prof. Joziel	RJ	PSL	Adventista
Deputada	**Profª. Dayane Pimentel**	**BA**	**PSL**	**Ev. Quadrangular**

Esta nova configuração atesta que os pentecostais e neopentecostais construíram um novo olhar para a política brasileira. Agora não como algo a demonizar, mas a se apropriar. De fato, muito há que se percorrer e entender desta apropriação, cabe acompanhar este movimento e discernir o quanto ele poderá afetar tantos os fiéis quanto a sociedade. As mudanças de conceitos trazidas pelos neopentecostais afetaram de tal forma as demais representatividades evangélicas que em certos momentos não se vê

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diferença alguma entre os programas televisivos oferecidos aos fiéis históricos ou neopentecostais.

VI. Considerações Finais

Conforme se observa a história do pentecostalismo chegou ao Brasil e transitou até o neopentecostalismo e, neste novo formato encontramos uma nova maneira de viver a fé e se apropriar do religioso e do sagrado. Não apenas isto, percebe-se também que esta nova religiosidade dos desdobramentos pentecostais construiu uma nova maneira de viver o sagrado, capaz de falar mais de perto com seus fieis, aceitando e usando com maestria o caminho midiático e, introduzindo-se na política como atores e não apenas expectadores. De fato, tal religiosidade originou a maior mudança no cenário brasileiro das últimas décadas conforme já apontado anteriormente. Sem dúvidas também trata de um movimento que merece um olhar mais atento por sua participação na sociedade e sua capacidade de se reinventar para uma nova forma de crer, viver a fé e se inserir socialmente. As contribuições políticas que tais grupos podem trazer à sociedade podem ser relevantes considerando seus valores e seus credos. No entanto precisam ser mais que uma estratégia de poder pelo poder, precisa ser um olhar para o povo e suas necessidades. Cabe aos pesquisadores acompanhar de perto e considerar tais contribuições.

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Acknowledgments

Contributors to the research other than authors credited should be mentioned in Acknowledgments. The source of funding for the research can be included. Suppliers of resources may be mentioned along with their addresses.

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Authors can submit papers and articles in an acceptable file format: MS Word (doc, docx), LaTeX (.tex, .zip or .rar including all of your files), Adobe PDF (.pdf), rich text format (.rtf), simple text document (.txt), Open Document Text (.odt), and Apple Pages (.pages). Our professional layout editors will format the entire paper according to our official guidelines. This is one of the highlights of publishing with Global Journals—authors should not be concerned about the formatting of their paper. Global Journals accepts articles and manuscripts in every major language, be it Spanish, Chinese, Japanese, Portuguese, Russian, French, German, Dutch, Italian, Greek, or any other national language, but the title, subtitle, and abstract should be in English. This will facilitate indexing and the pre-peer review process.

The following is the official style and template developed for publication of a research paper. Authors are not required to follow this style during the submission of the paper. It is just for reference purposes.

Manuscript Style Instruction (Optional)

- Microsoft Word Document Setting Instructions.
- Font type of all text should be Swis721 Lt BT.
- Page size: 8.27" x 11'", left margin: 0.65, right margin: 0.65, bottom margin: 0.75.
- Paper title should be in one column of font size 24.
- Author name in font size of 11 in one column.
- Abstract: font size 9 with the word "Abstract" in bold italics.
- Main text: font size 10 with two justified columns.
- Two columns with equal column width of 3.38 and spacing of 0.2.
- First character must be three lines drop-capped.
- The paragraph before spacing of 1 pt and after of 0 pt.
- Line spacing of 1 pt.
- Large images must be in one column.
- The names of first main headings (Heading 1) must be in Roman font, capital letters, and font size of 10.
- The names of second main headings (Heading 2) must not include numbers and must be in italics with a font size of 10.

Structure and Format of Manuscript

The recommended size of an original research paper is under 15,000 words and review papers under 7,000 words. Research articles should be less than 10,000 words. Research papers are usually longer than review papers. Review papers are reports of significant research (typically less than 7,000 words, including tables, figures, and references)

A research paper must include:

a) A title which should be relevant to the theme of the paper.
b) A summary, known as an abstract (less than 150 words), containing the major results and conclusions.
c) Up to 10 keywords that precisely identify the paper's subject, purpose, and focus.
d) An introduction, giving fundamental background objectives.
e) Resources and techniques with sufficient complete experimental details (wherever possible by reference) to permit repetition, sources of information must be given, and numerical methods must be specified by reference.
f) Results which should be presented concisely by well-designed tables and figures.
g) Suitable statistical data should also be given.
h) All data must have been gathered with attention to numerical detail in the planning stage.

Design has been recognized to be essential to experiments for a considerable time, and the editor has decided that any paper that appears not to have adequate numerical treatments of the data will be returned unrefereed.

i) Discussion should cover implications and consequences and not just recapitulate the results; conclusions should also be summarized.
j) There should be brief acknowledgments.
k) There ought to be references in the conventional format. Global Journals recommends APA format.

Authors should carefully consider the preparation of papers to ensure that they communicate effectively. Papers are much more likely to be accepted if they are carefully designed and laid out, contain few or no errors, are summarizing, and follow instructions. They will also be published with much fewer delays than those that require much technical and editorial correction.

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Author details

The full postal address of any related author(s) must be specified.

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The abstract is the foundation of the research paper. It should be clear and concise and must contain the objective of the paper and inferences drawn. It is advised to not include big mathematical equations or complicated jargon.

Many researchers searching for information online will use search engines such as Google, Yahoo or others. By optimizing your paper for search engines, you will amplify the chance of someone finding it. In turn, this will make it more likely to be viewed and cited in further works. Global Journals has compiled these guidelines to facilitate you to maximize the web-friendliness of the most public part of your paper.

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A major lynchpin of research work for the writing of research papers is the keyword search, which one will employ to find both library and internet resources. Up to eleven keywords or very brief phrases have to be given to help data retrieval, mining, and indexing.

One must be persistent and creative in using keywords. An effective keyword search requires a strategy: planning of a list of possible keywords and phrases to try.

Choice of the main keywords is the first tool of writing a research paper. Research paper writing is an art. Keyword search should be as strategic as possible.

One should start brainstorming lists of potential keywords before even beginning searching. Think about the most important concepts related to research work. Ask, “What words would a source have to include to be truly valuable in a research paper?” Then consider synonyms for the important words.

It may take the discovery of only one important paper to steer in the right keyword direction because, in most databases, the keywords under which a research paper is abstracted are listed with the paper.

Numerical Methods

Numerical methods used should be transparent and, where appropriate, supported by references.

Abbreviations

Authors must list all the abbreviations used in the paper at the end of the paper or in a separate table before using them.

Formulas and equations

Authors are advised to submit any mathematical equation using either MathJax, KaTeX, or LaTeX, or in a very high-quality image.

Tables, Figures, and Figure Legends

Tables: Tables should be cautiously designed, uncrowned, and include only essential data. Each must have an Arabic number, e.g., Table 4, a self-explanatory caption, and be on a separate sheet. Authors must submit tables in an editable format and not as images. References to these tables (if any) must be mentioned accurately.

Figures

Figures are supposed to be submitted as separate files. Always include a citation in the text for each figure using Arabic numbers, e.g., Fig. 4. Artwork must be submitted online in vector electronic form or by emailing it.

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Although low-quality images are sufficient for review purposes, print publication requires high-quality images to prevent the final product being blurred or fuzzy. Submit (possibly by e-mail) EPS (line art) or TIFF (halftone/ photographs) files only. MS PowerPoint and Word Graphics are unsuitable for printed pictures. Avoid using pixel-oriented software. Scans (TIFF only) should have a resolution of at least 350 dpi (halftone) or 700 to 1100 dpi (line drawings). Please give the data for figures in black and white or submit a Color Work Agreement form. EPS files must be saved with fonts embedded (and with a TIFF preview, if possible).

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Tips for writing a good quality Social Science Research Paper

Techniques for writing a good quality homan social science research paper:

1. Choosing the topic: In most cases, the topic is selected by the interests of the author, but it can also be suggested by the guides. You can have several topics, and then judge which you are most comfortable with. This may be done by asking several questions of yourself, like "Will I be able to carry out a search in this area? Will I find all necessary resources to accomplish the search? Will I be able to find all information in this field area?" If the answer to this type of question is "yes," then you ought to choose that topic. In most cases, you may have to conduct surveys and visit several places. Also, you might have to do a lot of work to find all the rises and falls of the various data on that subject. Sometimes, detailed information plays a vital role, instead of short information. Evaluators are human: The first thing to remember is that evaluators are also human beings. They are not only meant for rejecting a paper. They are here to evaluate your paper. So present your best aspect.

2. Think like evaluators: If you are in confusion or getting demotivated because your paper may not be accepted by the evaluators, then think, and try to evaluate your paper like an evaluator. Try to understand what an evaluator wants in your research paper, and you will automatically have your answer. Make blueprints of paper: The outline is the plan or framework that will help you to arrange your thoughts. It will make your paper logical. But remember that all points of your outline must be related to the topic you have chosen.

3. Ask your guides: If you are having any difficulty with your research, then do not hesitate to share your difficulty with your guide (if you have one). They will surely help you out and resolve your doubts. If you can't clarify what exactly you require for your work, then ask your supervisor to help you with an alternative. He or she might also provide you with a list of essential readings.

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6. Bookmarks are useful: When you read any book or magazine, you generally use bookmarks, right? It is a good habit which helps to not lose your continuity. You should always use bookmarks while searching on the internet also, which will make your search easier.

7. Revise what you wrote: When you write anything, always read it, summarize it, and then finalize it.

8. Make every effort: Make every effort to mention what you are going to write in your paper. That means always have a good start. Try to mention everything in the introduction—what is the need for a particular research paper. Polish your work with good writing skills and always give an evaluator what he wants. Make backups: When you are going to do any important thing like making a research paper, you should always have backup copies of it either on your computer or on paper. This protects you from losing any portion of your important data.

9. Produce good diagrams of your own: Always try to include good charts or diagrams in your paper to improve quality. Using several unnecessary diagrams will degrade the quality of your paper by creating a hodgepodge. So always try to include diagrams which were made by you to improve the readability of your paper. Use of direct quotes: When you do research relevant to literature, history, or current affairs, then use of quotes becomes essential, but if the study is relevant to science, use of quotes is not preferable.

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11. Pick a good study spot: Always try to pick a spot for your research which is quiet. Not every spot is good for studying.

12. Know what you know: Always try to know what you know by making objectives, otherwise you will be confused and unable to achieve your target.

13. Use good grammar: Always use good grammar and words that will have a positive impact on the evaluator; use of good vocabulary does not mean using tough words which the evaluator has to find in a dictionary. Do not fragment sentences. Eliminate one-word sentences. Do not ever use a big word when a smaller one would suffice.

Verbs have to be in agreement with their subjects. In a research paper, do not start sentences with conjunctions or finish them with prepositions. When writing formally, it is advisable to never split an infinitive because someone will (wrongly) complain. Avoid clichés like a disease. Always shun irritating alliteration. Use language which is simple and straightforward. Put together a neat summary.

14. Arrangement of information: Each section of the main body should start with an opening sentence, and there should be a changeover at the end of the section. Give only valid and powerful arguments for your topic. You may also maintain your arguments with records.

15. Never start at the last minute: Always allow enough time for research work. Leaving everything to the last minute will degrade your paper and spoil your work.

16. Multitasking in research is not good: Doing several things at the same time is a bad habit in the case of research activity. Research is an area where everything has a particular time slot. Divide your research work into parts, and do a particular part in a particular time slot.

17. Never copy others' work: Never copy others' work and give it your name because if the evaluator has seen it anywhere, you will be in trouble. Take proper rest and food: No matter how many hours you spend on your research activity, if you are not taking care of your health, then all your efforts will have been in vain. For quality research, take proper rest and food.

18. Go to seminars: Attend seminars if the topic is relevant to your research area. Utilize all your resources.
Refresh your mind after intervals: Try to give your mind a rest by listening to soft music or sleeping in intervals. This will also improve your memory. Acquire colleagues: Always try to acquire colleagues. No matter how sharp you are, if you acquire colleagues, they can give you ideas which will be helpful to your research.

19. Think technically: Always think technically. If anything happens, search for its reasons, benefits, and demerits. Think and then print: When you go to print your paper, check that tables are not split, headings are not detached from their descriptions, and page sequence is maintained.

20. Adding unnecessary information: Do not add unnecessary information like "I have used MS Excel to draw graphs." Irrelevant and inappropriate material is superfluous. Foreign terminology and phrases are not apropos. One should never take a broad view. Analogy is like feathers on a snake. Use words properly, regardless of how others use them. Remove quotations. Puns are for kids, not grunt readers. Never oversimplify: When adding material to your research paper, never go for oversimplification; this will definitely irritate the evaluator. Be specific. Never use rhythmic redundancies. Contractions shouldn't be used in a research paper. Comparisons are as terrible as clichés. Give up ampersands, abbreviations, and so on. Remove commas that are not necessary. Parenthetical words should be between brackets or commas. Understatement is always the best way to put forward earth-shaking thoughts. Give a detailed literary review.

21. Report concluded results: Use concluded results. From raw data, filter the results, and then conclude your studies based on measurements and observations taken. An appropriate number of decimal places should be used. Parenthetical remarks are prohibited here. Proofread carefully at the final stage. At the end, give an outline to your arguments. Spot perspectives of further study of the subject. Justify your conclusion at the bottom sufficiently, which will probably include examples.

22. Upon conclusion: Once you have concluded your research, the next most important step is to present your findings. Presentation is extremely important as it is the definite medium though which your research is going to be in print for the rest of the crowd. Care should be taken to categorize your thoughts well and present them in a logical and neat manner. A good quality research paper format is essential because it serves to highlight your research paper and bring to light all necessary aspects of your research.

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Informal Guidelines of Research Paper Writing

Key points to remember:

- Submit all work in its final form.
- Write your paper in the form which is presented in the guidelines using the template.
- Please note the criteria peer reviewers will use for grading the final paper.

Final points:

One purpose of organizing a research paper is to let people interpret your efforts selectively. The journal requires the following sections, submitted in the order listed, with each section starting on a new page:

The introduction: This will be compiled from reference matter and reflect the design processes or outline of basis that directed you to make a study. As you carry out the process of study, the method and process section will be constructed like that. The results segment will show related statistics in nearly sequential order and direct reviewers to similar intellectual paths throughout the data that you gathered to carry out your study.

The discussion section:

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To make a paper clear: Adhere to recommended page limits.



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- In every section of your document, use standard writing style, including articles ("a" and "the").
- Keep paying attention to the topic of the paper.
- Use paragraphs to split each significant point (excluding the abstract).
- Align the primary line of each section.
- Present your points in sound order.
- Use present tense to report well-accepted matters.
- Use past tense to describe specific results.
- Do not use familiar wording; don't address the reviewer directly. Don't use slang or superlatives.
- Avoid use of extra pictures—include only those figures essential to presenting results.

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Choose a revealing title. It should be short and include the name(s) and address(es) of all authors. It should not have acronyms or abbreviations or exceed two printed lines.

Abstract: This summary should be two hundred words or less. It should clearly and briefly explain the key findings reported in the manuscript and must have precise statistics. It should not have acronyms or abbreviations. It should be logical in itself. Do not cite references at this point.

An abstract is a brief, distinct paragraph summary of finished work or work in development. In a minute or less, a reviewer can be taught the foundation behind the study, common approaches to the problem, relevant results, and significant conclusions or new questions.

Write your summary when your paper is completed because how can you write the summary of anything which is not yet written? Wealth of terminology is very essential in abstract. Use comprehensive sentences, and do not sacrifice readability for brevity; you can maintain it succinctly by phrasing sentences so that they provide more than a lone rationale. The author can at this moment go straight to shortening the outcome. Sum up the study with the subsequent elements in any summary. Try to limit the initial two items to no more than one line each.

Reason for writing the article—theory, overall issue, purpose.

- Fundamental goal.
- To-the-point depiction of the research.
- Consequences, including definite statistics—if the consequences are quantitative in nature, account for this; results of any numerical analysis should be reported. Significant conclusions or questions that emerge from the research.

Approach:

- Single section and succinct.
- An outline of the job done is always written in past tense.
- Concentrate on shortening results—limit background information to a verdict or two.
- Exact spelling, clarity of sentences and phrases, and appropriate reporting of quantities (proper units, important statistics) are just as significant in an abstract as they are anywhere else.

Introduction:

The introduction should "introduce" the manuscript. The reviewer should be presented with sufficient background information to be capable of comprehending and calculating the purpose of your study without having to refer to other works. The basis for the study should be offered. Give the most important references, but avoid making a comprehensive appraisal of the topic. Describe the problem visibly. If the problem is not acknowledged in a logical, reasonable way, the reviewer will give no attention to your results. Speak in common terms about techniques used to explain the problem, if needed, but do not present any particulars about the protocols here.

The following approach can create a valuable beginning:

- Explain the value (significance) of the study.
- Defend the model—why did you employ this particular system or method? What is its compensation? Remark upon its appropriateness from an abstract point of view as well as pointing out sensible reasons for using it.
- Present a justification. State your particular theory(-ies) or aim(s), and describe the logic that led you to choose them.
- Briefly explain the study's tentative purpose and how it meets the declared objectives.

Approach:

Use past tense except for when referring to recognized facts. After all, the manuscript will be submitted after the entire job is done. Sort out your thoughts; manufacture one key point for every section. If you make the four points listed above, you will need at least four paragraphs. Present surrounding information only when it is necessary to support a situation. The reviewer does not desire to read everything you know about a topic. Shape the theory specifically—do not take a broad view.

As always, give awareness to spelling, simplicity, and correctness of sentences and phrases.

Procedures (methods and materials):

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When a technique is used that has been well-described in another section, mention the specific item describing the way, but draw the basic principle while stating the situation. The purpose is to show all particular resources and broad procedures so that another person may use some or all of the methods in one more study or referee the scientific value of your work. It is not to be a step-by-step report of the whole thing you did, nor is a methods section a set of orders.

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Materials may be reported in part of a section or else they may be recognized along with your measures.

Methods:

- Report the method and not the particulars of each process that engaged the same methodology.
- Describe the method entirely.
- To be succinct, present methods under headings dedicated to specific dealings or groups of measures.
- Simplify—detail how procedures were completed, not how they were performed on a particular day.
- If well-known procedures were used, account for the procedure by name, possibly with a reference, and that's all.

Approach:

It is embarrassing to use vigorous voice when documenting methods without using first person, which would focus the reviewer's interest on the researcher rather than the job. As a result, when writing up the methods, most authors use third person passive voice.

Use standard style in this and every other part of the paper—avoid familiar lists, and use full sentences.

What to keep away from:

- Resources and methods are not a set of information.
- Skip all descriptive information and surroundings—save it for the argument.
- Leave out information that is immaterial to a third party.



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Results:

The principle of a results segment is to present and demonstrate your conclusion. Create this part as entirely objective details of the outcome, and save all understanding for the discussion.

The page length of this segment is set by the sum and types of data to be reported. Use statistics and tables, if suitable, to present consequences most efficiently.

You must clearly differentiate material which would usually be incorporated in a study editorial from any unprocessed data or additional appendix matter that would not be available. In fact, such matters should not be submitted at all except if requested by the instructor.

Content:

- Sum up your conclusions in text and demonstrate them, if suitable, with figures and tables.
- In the manuscript, explain each of your consequences, and point the reader to remarks that are most appropriate.
- Present a background, such as by describing the question that was addressed by creation of an exacting study.
- Explain results of control experiments and give remarks that are not accessible in a prescribed figure or table, if appropriate.
- Examine your data, then prepare the analyzed (transformed) data in the form of a figure (graph), table, or manuscript.

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- Do not discuss or infer your outcome, report surrounding information, or try to explain anything.
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- Do not present similar data more than once.
- A manuscript should complement any figures or tables, not duplicate information.
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Approach:

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- Give details of all of your remarks as much as possible, focusing on mechanisms.
- Make a decision as to whether the tentative design sufficiently addressed the theory and whether or not it was correctly restricted. Try to present substitute explanations if they are sensible alternatives.
- One piece of research will not counter an overall question, so maintain the large picture in mind. Where do you go next? The best studies unlock new avenues of study. What questions remain?
- Recommendations for detailed papers will offer supplementary suggestions.

Approach:

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Discussion	Well organized, meaningful specification, sound conclusion, logical and concise explanation, highly structured paragraph reference cited	Wordy, unclear conclusion, spurious	Conclusion is not cited, unorganized, difficult to comprehend
References	Complete and correct format, well organized	Beside the point, Incomplete	Wrong format and structuring

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