



***NARAJOLE RAJ COLLEGE***  
(NAAC Accredited B Grade Govt. - Aided College)  
*NARAJOLE: PASCHIM MEDINIPUR: PIN- 721211*



## Department of Political Science

3rdSemester

C5T

**Topic : Constitutional Development in Brazil**

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**3<sup>rd</sup> semester C5T Comparative Study Great Britain, Brazil, Nigeria and China**



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## **Constitutional Development of Brazil :**

**Portugal** claimed the **land** of Brazil in the year 1500 and after more than three hundred years in 1822, **Emperor Pedro declared Brazil's independence** from the colonial ruler Portuguese.

The official declaration of **Brazil's independence came on 29<sup>th</sup> August 1825** through signing the Treaty of Rio de Janeiro by Brazil and Portugal.

Since 1822, **seven constitutions** were written in Brazil in different times.

Those are **1. Imperial Constitution (1824).**

**2. Old Republic Constitution (1891),**

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3. Third Constitution (1934),
4. “Estado Novo” Constitution (1937),
5. Fifth Constitution (1946),
6. Sixth Constitution (1967),
7. Citizen Constitution (1988, present)

### **Basic features :**

**Basic features** of the present Constitution of Federative Republic of Brazil can be identified from its Preamble, though the preamble is not the original part of the constitution but the ideologies, purpose, aims of the nation is “stated in it and it is expected that the state would follow the preamble to govern it, the preamble of the present constitution of Brazil clearly explains the intentions or better to say the philosophy of the framers , it says,

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**“We** the representatives of the Brazilian People, convened the National Constituent Assembly,  
to institute a **democratic state destined to ensure the exercise of social and individual rights, liberty, security, well-being, development, equality and justice as supreme values of a fraternal, pluralist and unprejudiced society, founded on social harmony and committed, in the domestic and international orders, to the peaceful solution of disputes, promulgate, under the protection of God, the following**  
**CONSTITUTION OF THE FEDERATIVE REPUBLIC OF BRAZIL,**

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According to the Preamble **Brazil is a Democratic, Federative Republic**, it aims to establish a **pluralist, equal and unprejudiced society** that would ensure **justice to all**.

The constitution of Brazil is the **supreme law** and the foundation and **source of the legal authority** underlying the existence of Brazil and the federal government of Brazil.

The **framework for the organization of the Brazilian government** and for the **relationship** of the federal government to the states, to citizens, and to all people within Brazil is **based on the constitution**.

Title 1 of the constitution of Brazil describes the States, the municipalities and the Federal districts as **the indissoluble constituents of the Union**.





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Article 1 of the constitution states that all power emanates from the People, who exercise it through elected representatives or directly, under this Constitution.

- This constitution for the first time demands severe punishment for breaches of civil liberties and rights,
- A law has been approved that made the propagation of prejudice against any minority or ethnic group an unbailable crime, this law also provides legal redress against those who spread hate-speech (e.g.Neo-Nazis) or those who do not treat all citizens equally, in addition this law helps the ethnic group to have reservation in public services and to seek reparation for prejudice in the courts,

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- This constitution made **unbailable crimes** those of torture and of anti-democratic actions against the democratic state and these constitutional devices seem to be helpful/ effective to block **coup d'etat** ( a sudden , illegal and often violent change of government ) of any kind,
- It has established many forms of direct popular participation besides regular voting like **plebiscite, referendum** etc.,
- It is one of the exceptional constitution in the sense that in its preamble the **mention of God** is still in existence in spite of the opposition of the leftists and atheist .

### **Criticism :**

The seventh Constitution of Brazil is criticized on the following reasons

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- Very extensive.
- Forced the constitution to be amended several times that
- Leads to a politically costly processes
- Long-winded and analytical that
- It reproduces a model of State Capitalism, expanding state monopolies and regulations.

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