The malaise of corruption has become deeply embedded in the political and social fabric of the Indian society. The increased scale and frequency of corruption has negatively affected human rights, as well as development initiatives, economic growth, and access to justice. This work adopts a new approach for analysing corruption — corruption as a violation of human rights. It proposes the adoption of a multi-pronged strategy for eliminating corruption, including the creation of a new legislative framework, a new and independent empowered commission against corruption, and an effective institutional mechanism. It also compares India's experiences in fighting corruption with other governments in Asia including Singapore and Hong Kong.

New Legislative and Institutional Reforms for Eliminating Corruption in India

C. Raj Kumar

in Corruption and Human Rights in India: Comparative Perspectives on Transparency and Good Governance

This chapter describes the new institutional and legislative reforms initiated in India to eliminate corruption. It argues that there is a case for developing a fundamental right to corruption-free service in India and suggests that the formulation of such a right, along with the development of other rights-based approaches to development, will help in eliminating corruption and promoting integrity and good governance. It discusses India's domestic anti-corruption legislative framework, the
institutional measures of the National Human Rights Commission (NHRC),
and the role of the Central Information Commission in fighting corruption.

Case Study. Post-Communist Land Reform and Changes in
Tenure in the Czech Republic
Tomáš Doucha, Erik Mathijs, and F. M. Johan Swinnen

in Access to Land, Rural Poverty, and Public Action
Published in print: 2001 Published Online: October 2011
Item type: chapter

When the Czech Republic was still under the Communism regime,
agriculture was still organized in collective farms and in large-scale
states. By 1989, the last year of Communist rule, 174 state farms
accounted for 29.2% of the total agricultural land (TAL) while 1,024
collective farms covered the remaining 70.4%. Private agriculture, which
was mostly operated on a part-time basis, proved to be marginal since
it only made up 0.4% of TAL. The ownership of various farm assets
could be divided into three categories which involve state-owned assets,
privately-owned assets, and non-land assets that were collectively
owned by the members of collective farms. As such, post-Communist
agricultural reform included the following: restitution, transformation,
and privatization. This chapter focuses on the legislative framework
passed by the Czech parliament which encompasses land tenure and
land access as a result of the laws.

The European Model of Agriculture
Michael Cardwell
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Item type: book

In order to meet the increasing economic and environmental challenges
faced by the European farming industry, the EU has advocated a new
European Model of Agriculture that will provide a competitive and diverse
agricultural sector that is environmentally responsible and addresses
issues of food quality and animal welfare. Implementing such a range
of policies is requiring the EU to pass a large amount of legislation. This
book sets out to analyse whether the legislative framework for this
model can deliver these policy objectives. Tension between the EU model
and the global economy as supervised by the WTO, the emphasis on
environmental protection, and the place of agriculture in the wider rural
Existing Framework for Combating Corruption in India
C. Raj Kumar

This chapter describes the existing framework for fighting corruption in India. It explains that historically, the legislative framework for ensuring corruption-free governance in India has largely been based upon two approaches. These are the promulgation of anti-corruption laws and vesting police and other similar law enforcement institutions with the task of the investigation and prosecution of crimes relating to corruption. It also discusses the issues of public interest litigation and judicial enforcement of corruption-free governance.

The Workability of the Principle of Mutual Recognition in the Internal Market
Christine Janssens

This chapter discusses the workability of the principle of mutual recognition. Even though the principle of mutual recognition might seem simple at first glance, its application in day-to-day practice has turned out to be complex and difficult, especially in the absence of secondary legislation. The problematic application is due to several factors which are discussed here. Subsequently, an overview is given of several measures which have been taken in order to address the problematic application of this principle, e.g. striving for a better understanding of the principle, gaining an overview of hindrances to the principle, providing a legislative framework in order to enhance legal certainty, stimulating administrative cooperation, and the establishment of EU committees and EG agencies.
This concluding chapter draws a few overarching conclusions from the case studies. While punctuated equilibrium, multiple streams, and advocacy coalition frameworks find most application, by and large existing political theories fail to satisfactorily explain the Indian political process reality. They also lack a common central question. To fill this lacuna, the proposed ‘legislative strategy framework’ correlates the time taken to legislation with the combination of the stance of the activists (conflictual vs collaborative) and that of the government (confrontational vs collaborative) with or without ‘trigger events’. The nine case studies underline the criticality of trigger events, and the wide range of outcomes possible. Given the range of possibilities and the sensitivity to small environmental variations, the newly emerging complex systems approach appears to be the most promising ground for the search of a new theory for this field within this broad framework.

The Carrot and the Stick

Pushpa Sundar

After discussing the determinants of philanthropy among which is the policy framework, the chapter describes the history and contemporary position of the legislative and administrative framework governing philanthropy in India including laws and charities administration. It then focusses on the Indian tax policy, especially the incentive structure for philanthropy, and whether the inheritance tax encourages philanthropy or not. This is followed by a theoretical discussion of whether tax incentives act as drivers of philanthropy or not. It concludes that sometimes non-economic considerations may matter more than tax incentives to those for whom philanthropy is a mission, and that even for others they may matter only at the margin. It recommends a more systematic investigation into the connection between tax incentives and
Defining Hate Crime Internationally
Jon Garland and Corinne Funnell
in The Globalization of Hate: Internationalizing Hate Crime?
Published in print: 2016 Published Online: August 2016
Item type: chapter

Hate crime is a phenomenon that has received increasing global recognition as an important social problem. Yet, despite this positive development there appears to be a lack of understanding of exactly what hate crime is, how related legislation should work and which groups should be protected by it. This chapter debates these issues via the undertaking of a comparative study of the situations in Europe, North America, Australia, and New Zealand. It examines how hate crime law works in various contexts, pulling out key similarities and differences in how nation states frame their legislation. The chapter suggests that while there are some important commonalities in the way states conceive of hate crimes, the differences between them are worryingly significant, and there may be some nations that have an acute problem of hate crime yet few effective measures in place to combat it.