



A Critical Study of Human Rights, Governance and Emotional Intelligence in the Indian Legal Landscape

Dr. Pooran Chandra Pande

Advocate, Paramarsh Vidhi Karyalay, Shanti Kunj Lane no 2, Ramnagar, Nainital Uttarakhand
advocatepooranpande@gmail.com

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ABSTRACT

Human rights, good governance, and emotional intelligence are three distinct but related aspects of a democracy. These elements are connected because they all contribute to building a fair and just society. Emotions play a major role in how the Constitution is understood and how human rights are safeguarded. Having strong emotional intelligence is crucial for properly protecting human rights and maintaining democratic values. It influences the decisions made by judges, the actions of the police, the reform of prisons, the way justice is provided to women and children, and how public services are managed. Even though the Indian Constitution is modern and progressive, many problems in the way the government functions come from a lack of emotional awareness, a rigid and unchanging bureaucracy, and a lack of a compassionate approach in running institutions. This research paper examines the link between human rights, effective governance, and emotional intelligence within India's legal system. It looks into constitutional principles, how courts have interpreted the law, how government systems work, and how emotional intelligence can help ensure justice and responsibility. The paper also reviews key rulings from the Supreme Court of India. It recommends that emotional intelligence be included in legal education, that judges and government officials receive training, that governance systems be reformed, and that policies be created to promote empathy



and respect for human dignity. These actions would help strengthen the Constitution's values and increase respect for human life and dignity.

1. Introduction

Human rights are basic rights that everyone is born with, based on their dignity and value as human beings. In India, these rights have official recognition from Part III and Part IV of the country's Constitution. Governance refers to the ways in which power is used and managed by public authorities. Good governance should support the values in the Constitution and help achieve fairness and justice for all. In recent times, many experts have highlighted the importance of emotional intelligence in how governments and legal systems operate. Emotional intelligence is the ability to understand and manage one's own emotions, express them in a suitable way, and show understanding towards others. According to Daniel Goleman, emotional intelligence includes being aware of one's feelings, controlling them, staying motivated, showing empathy, and having good social skills. In India, the connection between human rights, governance, and emotional intelligence is especially important because of the country's diverse and complex social and political situation. Problems like violence in police custody, discrimination based on gender, tensions between different communities, overcrowded prisons, and indifferent bureaucracy show that following laws alone is not enough to ensure justice unless the institutions involved are also compassionate and responsive to people's emotions.

Human rights are basic freedoms and privileges that are necessary for a person's dignity and growth. Human rights are rights that apply to everyone around the world, and they are recognized through important international documents like the Universal Declaration of Human Rights (UDHR) from 1948. In India, these rights are backed by the Constitution, specifically through the Fundamental Rights. The Constitution ensures several key rights such as the Right to Equality (Articles 14 to 18), Right to Freedom (Articles 19 to 22), Right against Exploitation (Articles 23 to 24), Freedom of Religion (Articles 25 to 28), Cultural and Educational Rights (Articles 29 to 30), and the Right to Constitutional Remedies (Article 32). Dr. B.R. Ambedkar, the chief architect of the Indian Constitution, called Article 32 the "heart and soul" of the Constitution.

Part IV of the Constitution includes the Directive Principles of State Policy, which are guidelines for the government to promote social justice, welfare, and equality. These principles cover areas like equal justice, public health, livelihood, education, and the protection of vulnerable groups. The Supreme



Court has also expanded the meaning of Article 21 to include the right to livelihood, the right to education, the right to a clean environment, the right to privacy, and the right to dignity.

Governance refers to how decisions are made and policies are implemented in government bodies. Good governance is characterized by being open and honest, taking responsibility, involving the public, responding quickly, and following the law. In India, this concept is very important and is clearly mentioned in the constitution. The courts have emphasized that governance should focus on the well-being of people and uphold moral values. Emotional intelligence, or EI, is the ability to understand and handle emotions. It includes knowing your own feelings, relating to others, communicating well with people, and managing your emotions. Daniel Goleman identified five main aspects of emotional intelligence: self-awareness, self-control, motivation, empathy, and social skills. In legal systems, emotional intelligence helps in dealing with people in a caring and understanding manner, which leads to more just and compassionate decisions.

In recent years, emotional intelligence has gained more attention in the fields of law and governance. Emotional intelligence refers to the ability to understand, control, and manage one's own emotions as well as those of others. In the legal system, it is important in how judges act, how police are handled, how prisons are improved, how victims are treated, how conflicts are solved through mediation, and how public services are delivered. India's constitution is not only about making laws but also about taking care of people. Courts have often shown kindness, fairness, and moral values when they explain and apply laws. Because of this, emotional intelligence has become a key part of how the government and legal system operate.

Good governance is clearly outlined in the Constitution's Preamble, the Fundamental Rights, the Directive Principles, and the role of the judiciary. The courts have emphasized that the government should focus on people's needs rather than just on maintaining power. Important groups that help with this include the National Human Rights Commission, State Human Rights Commissions, the National Commission for Women, the National Commission for Minorities, and the National Commission for Scheduled Castes. These organizations monitor any unfair practices and offer suggestions for improvement. Public Interest Litigation (PIL) has greatly changed how governance works in India. Courts have taken action on issues like prison reforms, environmental protection, police brutality, bonded labour, and sexual harassment.



This paper examines how emotional intelligence influences governance and the treatment of human rights in India. It also explores whether emotionally intelligent leadership can make the legal system more effective.

2. Research Methodology

2.1 Nature of Research

This study is built on existing knowledge and involves a detailed analysis. It examines constitutional rules, laws, court rulings, international agreements, and academic writings related to human rights, governance, and emotional intelligence within the Indian legal system.

2.2 Objectives of the Study

The main goals of this research are to understand what human rights are and how they are applied in India. To investigate how governance influences the protection of human rights. To explore the role emotional intelligence plays in India's legal and governance systems. To review how courts and government agencies deal with emotional sensitivity and moral values as mentioned in the constitution. To identify the challenges in upholding human rights and suggest ways to improve the system.

2.3 Research Questions

The study aims to address these questions. How are human rights connected with governance in India? In what way does emotional intelligence affect how judges and officials make decisions? Can emotionally intelligent governance help support constitutional values and protect human rights? What difficulties exist in putting human rights-focused governance into practice in India?

2.4 Sources of Data

The study uses secondary data, which includes both primary and secondary data. The Primary Sources is The Indian Constitution, laws passed by the legislature, rulings from the Supreme Court and High Courts, and international human rights agreements. The Secondary Sources is Books and expert commentaries, research papers and journals, government reports, reports from the Law Commission, and online legal databases.

2.5 Research Approach



The study uses A doctrinal approach to understand legal concepts. An analytical approach to examine governance and emotional intelligence. A comparative approach to look at international viewpoints where relevant.

2.6 Scope and Limitations

The study is focused on the Indian legal system and mainly looks at constitutional governance, judicial actions, and administrative organizations. Since emotional intelligence is a broad topic, the research only covers its legal and governance aspects.

3. Emotional Intelligence with Judiciary

Emotional intelligence is the ability to understand feelings, manage how we react to them, show compassion, and build good relationships with others. Psychologist Daniel Goleman identified important parts of emotional intelligence, such as self-awareness, self-control, motivation, empathy, and social skills. In the past, the legal field mainly focused on technical knowledge and logical thinking. However, today's justice system places more importance on empathy and sensitivity than before. Judges, lawyers, police officers, prison staff, and administrators often deal with people who have experienced violence, belong to vulnerable groups, have emotional challenges, face family problems, or have concerns about children's rights. Because of this, having emotional intelligence is now important for delivering fair and effective justice.

The Indian judiciary is becoming more aware of emotional aspects in how it interprets the constitution. Modern criminal law now takes into account the dignity and emotional pain of victims. Courts are placing more emphasis on rehabilitation, compensation, psychological support, and thoughtful, empathetic investigations. This shows that courts are making decisions in a more emotionally intelligent way. Family disputes often involve strong emotions, so judges and mediators need to handle conflicts with empathy and patience. The Family Courts Act encourages justice that focuses on understanding and agreement, rather than on aggressive legal battles.

3.1 Judicial Compassion and Constitutional Morality

The Supreme Court has shown compassion in various cases by focusing on the rights of prisoners, transgender people, sexual minorities, and women and children.



In *Navtej Singh Johar v. Union of India*, the Court highlighted dignity, individuality, and constitutional morality while removing the criminalization of homosexuality. The Court emphasized dignity, identity, and emotional freedom.

In *NALSA v. Union of India*, the Court showed compassion and understanding towards the rights of transgender individuals.

In *Vishaka v. State of Rajasthan*, the Supreme Court created guidelines to prevent sexual harassment in the workplace, recognizing the importance of women's dignity and emotional well-being.

In the *Nirbhaya Case (Mukesh v. State (NCT of Delhi))*, the Court focused on women's bodily integrity and the trauma caused by sexual violence on society.

In *Sunil Batra v. Delhi Administration*, the Court criticized custodial torture and stressed the importance of human dignity for prisoners.

In *Sheela Barse v. State of Maharashtra*, the Court protected the rights of women prisoners and children in custody.

In *Lakshmi Kant Pandey v. Union of India*, the Court introduced measures to prevent the exploitation of children in international adoptions.

In *D.K. Basu v. State of West Bengal*, the Supreme Court set up procedures to stop custodial torture.

In *Prakash Singh v. Union of India*, the Court called for police reforms to improve accountability and professionalism.

In *Shayara Bano v. Union of India*, the Supreme Court ruled against instant triple talaq, supporting gender equality and dignity.

3.2 Police Administration

Police misconduct and violence during custody continue to be serious human rights issues in India. A lack of emotional awareness often leads to abuse of power, harassment, arbitrary arrests, and torture. Human rights-focused policing needs good communication, empathy, stress management, and involvement with the community.

3.3 Bureaucratic Sensitivity



Government officials often deal with groups that are socially or economically disadvantaged. Emotionally intelligent governance builds public trust, supports fair policies, handles complaints effectively, and ensures welfare programs are properly carried out. Unresponsive or insensitive administration can harm the rights guaranteed by the Constitution.

3.4 Prison Reforms

Indian prisons are overcrowded and have poor living conditions. Emotionally aware prison management can help with prisoner rehabilitation, mental health care, reintegration into society, and respect for human dignity. The Supreme Court has repeatedly emphasized the need to treat prisoners with humanity.

4. Challenges in Human Rights Governance

4.1 Bureaucratic Rigidity

Excessive rules and strict procedures can make it difficult for people to get the justice they need. When government systems only focus on following strict rules and filling out forms, they often ignore the real-life situations people are dealing with. People who are poor, not educated, or from marginalized groups suffer the most because they might not have the means to handle complex rules. This rigidity can delay important services like welfare support, legal assistance, and public services, which in turn makes people lose trust in the government. A government that cares about people and treats everyone fairly is essential for protecting human rights and ensuring justice for all.

4.2 Corruption and Abuse of Power

Corruption is one of the biggest problems when it comes to good governance and human rights. Practices like bribery, favouritism, and misuse of power take away equal chances and take advantage of those who are already in difficult situations. Corruption in public organizations makes things less clear and less responsible, which makes citizens lose faith in democratic systems. When officials, police, or political leaders use their power unfairly, it can lead to violations of dignity, freedom, and equality. Strong efforts against corruption, honest leadership, and public accountability are necessary to improve governance.

4.3 Judicial Delays



Judicial delays have a big effect on people's ability to get justice. Legal cases can take years to finish, which causes mental, financial, and emotional stress for everyone involved. These delays especially affect poor and vulnerable people who can't afford long legal battles. When justice is delayed, it weakens people's trust in the court system and makes constitutional rights less effective. To make sure justice comes faster, there is a need for quicker trials, better judicial systems, and the use of modern technology.

4.4 Lack of Emotional Training

Legal and administrative education focuses mostly on technical skills and rules, but does not teach much about emotional intelligence or ethical awareness. Judges, lawyers, police, and officials often deal with victims of violence, poverty, and discrimination, where understanding and caring are important. Without training in emotions, ethics, and communication, these institutions can become cold and unfeeling. Including emotional intelligence and communication in training can help improve public services and create a more humane system.

4.5 Social Inequalities

Social inequalities like caste discrimination, gender-based violence, poverty, and lack of education continue to stop people from getting equal justice in India. Marginalized groups often face exclusion, financial difficulties, and biased treatment, making it hard for them to use their legal rights. Women and lower-caste people often face discrimination and violence, while poverty limits access to education and legal help. To remove these inequalities, policies must be inclusive, legal awareness must increase, social reforms must happen, and constitutional protections must be properly followed.

5. Critical Analysis

The Indian legal system is based on a strong constitution that guarantees fundamental rights, respect for individuals, equality, and fair treatment. Important parts of the constitution, such as Articles 14, 19, 21, and 32, give citizens' rights and protect them from unfair actions by the government. However, even with these protections, there are major issues in how the laws are actually implemented. This is because of slow bureaucracy, corruption, rigid systems, and a lack of sensitivity towards the needs of vulnerable groups. In many cases, legal procedures are followed without considering the real struggles people face, which causes people to lose trust in the government and the justice system.



In such a situation, emotional intelligence is crucial for good governance and fair legal processes. Emotional intelligence involves understanding and handling people's feelings in a thoughtful and fair way. Indian courts have shown this by making decisions that value human dignity, fairness in society, and moral values. But other parts of the government, like the police and administrative agencies, are not doing as well in terms of being kind and attentive to the people they serve. Therefore, emotional intelligence should be included in training for judges, police reforms, legal education, and government operations. By combining strict legal rules with a caring and understanding attitude, the government can become more effective, hold institutions more responsible, and ensure that justice is not only legally correct but also kind and responsive to society's needs.

6. Suggestions and Recommendations

6.1 Reform in Legal Education

Courses on emotional intelligence, ethics, human rights, and conflict resolution should be added to legal education programs.

6.2 Judge Training

Judges should receive training on trauma-informed decision-making, gender awareness, understanding victim psychology, and upholding constitutional values.

6.3 Policing Reforms

Police training should include human rights principles, ways to manage stress, community engagement strategies, and methods to control emotions.

6.4 Governance Reforms

Government institutions should focus on governance that puts citizens first, effective systems for handling complaints, and training on sensitivity and empathy.

6.5 Reinforcing Human Rights Bodies

The National Human Rights Commission and state-level human rights bodies need greater independence, stronger enforcement powers, and more funding.



7. Conclusion

Modern constitutional democracy has three main parts: human rights, governance, and emotional intelligence. The Indian Constitution shows how to protect the dignity, equality, and justice of its people. How well these rights are actually realized depends a lot on the type of governance in place. Emotional intelligence makes governance more caring, responsible, fair, and kind. Recently, courts have started using emotional intelligence more when handling cases involving oppressed groups. However, issues like inefficient bureaucracy, slow justice processes, corruption, and the lack of emotional intelligence hinder the proper enforcement of human rights. For the rule of law to function properly, there needs to be compassion, strong ethics, and a sense of duty towards the constitution.

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