

Examination of the Relationship between Human Rights, Governance, and Emotions Within the Indian Legal System

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ABSTRACT

The relationship between human rights, governance, and emotions within the Indian legal system cannot be overstated. The Indian Constitution provides for basic human rights while establishing democratic structures of governance for justice, freedom, equality, and dignity. Nonetheless, the realization of these principles is profoundly affected by various emotions, including fear, hatred, compassion, humiliation, empathy, and group feeling. The purpose of this research paper is to investigate the connection between human rights, governance, and emotions within the Indian legal system.

The methodological framework that will be used for this study will be a doctrinal approach in which the linkages between the different governing institutions, such as the judiciary, legislature, executive, NHRC, and NGOs, as well as emotions in human rights law, will be examined on the basis of constitutional documents, legislative acts, judicial decisions, literature, and policies. In particular, the cases relating to human rights violations, including custodial torture, gender discrimination, caste discrimination, freedom of expression, internet shutdown, and public interest litigation, will be considered in this research. This is because sometimes there are linkages between social violations and emotions, and people may use any means as a response to any kind of violation committed against them by other people.

Keywords: Human Rights, Governance, Emotions, Indian Constitution and Social Justice.

INTRODUCTION

In relation to India, the idea of human rights has its foundation on the grounds of constitutionalism, democracy, and social justice. Basic human rights have been incorporated into the Fundamental Rights and Directive Principles of State Policy of the Indian constitution. These are the basic values and rights that go hand-in-hand with a person without being impacted by any outside factor. Governance refers to the manner in which power is wielded along with the management of public affairs. Emotions play a significant part in both governance and law because people look at laws from an emotional perspective as well as from the point of view of the rational mind.

The importance of the relationship between human rights, governance, and emotions in modern law is not something to overlook. It has been observed that there is a link between the violation of human rights and the emotions surrounding protest, judicial activism, and laws being reformed. These cases range from caste-based violence, discrimination on the basis of gender, communal violence, police brutality, Internet shutdowns, and freedom of speech.

The Indian Constitution is exceptional in its own way because of its provisions for the protection of the marginalized segments of society and social justice. The Indian courts have made several interpretations to add other rights in Article 21 such as livelihood, education, privacy, dignity, health, and environment, among others. The PIL was formulated to ensure justice for the vulnerable segments of the population. Nonetheless, despite the numerous rights that have been provided by the constitution, there can arise several challenges in governance. Corruption, inefficiency, prejudice, ruthless actions, and indifference are some examples of governance challenges.

Human rights can be defined as the rights that are enjoyed by everybody irrespective of their caste, religion, sex, and nationality. In India, human rights are expressed in the form of Fundamental rights, Directive principles of State policy, and Constitutional remedies provided under articles 32 and 226 of the Indian constitution. Human rights enjoyed by everybody can be categorized into civil-political rights, socio-economic rights, cultural rights, environmental rights, and digital rights.

The concept of governance involves systems or processes that assist in exercising public power. The features of good governance include openness, accountability, participation, rule of law, responsiveness, and inclusiveness. Some of the organizations that help in human rights governance include the judiciary, the legislature, the executive, NHRC, human rights commissions of various states, and civil society organizations.

In the past, law was completely rational and objective. Contemporary legal writings recognize certain emotions that impact the law, such as judicial decision making, victims' statements, protests, legislative process, and legal consciousness. Certain emotions influencing the law include empathy, fear, anger, compassion, guilt, hope, and mourning, among others. Feelings play an important role in the processes of governance and law-making. Once an unfortunate event takes place like the Nirbhaya incident, caste discrimination, death in police custody, communal riots, and other similar situations, then changes will be required from the government. The feeling of empathy and sympathy is demonstrated in judges when ruling on issues related to prisoners, women, children, and other vulnerable people. At other times, fear and patriotism may influence decisions to create stringent legislation to protect civil and political rights.

Modern governments have developed mechanisms of incorporating emotions into their practices in order to get certain advantages regarding nationalism, national security, fears, identities, among others. The emotions are vital for governance because they enable the creation of linkages between the government and its subjects in terms of identities, trust, and engagements. Democracy becomes feasible through emotions in the sense that they ensure inclusion and participation in welfare schemes targeted at poverty alleviation, disaster mitigation, health care services, and social protection of disadvantaged individuals in society.

On the other hand, emotions have various disadvantages as well. The fear of the populace can be taken advantage of by the government in order to limit their constitutional rights. Social inequalities can arise owing to emotions from a constitutional perspective. Besides, religious, caste, and cultural identities can lead to divisions within society hence interfering with public debates because the people may fail to debate issues constitutionally. Thus, there must be a balanced relationship between emotionality and constitutional morality within the democratic set-up. While the government is expected to be emotional about the sufferings of its citizens, all decisions must always be made from a constitutional angle of justice, dignity, equality, and secularism.

The Indian constitution is an elaborate document that addresses all issues concerning human rights. The role of the judiciary is transformative in the interpretation of human rights.

Article 14: Right to Equality. This provides for equality before the law and equality before the law.

Article 19: Right to Freedom. This provides for freedom of speech, freedom of movement, and freedom of association.

Article 21: Right to life and personal liberty. In legal terminology, it means right to dignity, right to livelihood, right to privacy, right to good health, and right to education.

The National Human Rights Commission (NHRC) is an organization founded under the Protection of Human Rights Act, 1993, for the purpose of protecting and promoting human rights in India. The NHRC is an extremely significant statutory body tasked with investigating cases of torture during custody, abuse of powers by the police force, and human rights discrimination, among other tasks. Some of the duties of the NHRC include investigating human rights abuses, offering compensation to victims of these abuses, raising public awareness about human rights, and inspecting detention centres to ascertain whether the detainees are being treated with dignity. Despite its significance, the NHRC faces challenges. For instance, the NHRC's recommendations are not binding on the government, and therefore they are rarely put into practice. The NHRC is taking a very important role as per

morality in the democracy of India. With their knowledge of the condition of the oppressed people, their abuse on them, and their criticism of the violation of their rights, the NHRC plays an important role in assisting them to regain their dignity. While the legality may come late, the contribution by NHRC will help them gain credibility.

While carrying out research on the relationship between human rights and governance in India. While carrying out analysis on the impact of emotions on decision making in law and the constitution. While carrying out an analysis of judicial cases on human rights and emotional justice. While carrying out research on the governance structure in charge of protecting human rights in India. While proposing ways to improve empathy in the governance structure. This paper aims at establishing a link between human rights, governance and emotions from an Indian legal perspective. The study shall examine emotionally intelligent governance from the perspectives of its constitution, process, philosophy and current trends.

Research Questions

What is the importance of emotions in the discussion of human rights in India? What does ‘good governance’ mean when it comes to human rights protection? What have been some of the approaches adopted by the judiciary in dealing with emotions in terms of administration of justice? What are the challenges associated with effective human rights governance?

LITERATURE REVIEW

Many theories of human rights and constitutionalism have been developed from the findings of research conducted on India. Research on human rights and constitutionalism at present focuses on the contrast between theoretical knowledge and practical realities between that which the constitution provides and what really happens. According to Rajagopal (2007) in his paper on judicial activism in India, although judicial activism is extremely important for human rights campaigns, some instances of judicial activism could ignore the socio-economic status of vulnerable communities. Analysis of the article by Prakash, P. (2017), which focuses on internet shutdown and digital governance, indicates the conflict between national security and human rights. As some academics argue, restriction of access to the internet could be interpreted as an abuse of human rights since the right to freedom of information and expression is denied to people. The way intellectuals articulate their understanding of pain, empathy, and the questions related to morality while framing their arguments concerning human rights has been discussed by Adelman, S., & Paliwala, A. (2018).

The effect of artificial intelligence in the context of human rights has been examined by Chatterjee, S., & Sreenivasulu, N. S. (2023) in relation to India. Chakraborty, T. (2024) explains the influence of emotions and emotional logic in the Justice for Rohith Vemula protest movement. Research on affective justice suggests that emotions are central to legal hearings and human rights adjudication. Human rights institutions do not merely resolve disputes through technical reasoning but also address emotional suffering and social trauma. Tirthankar Chakraborty's (2024) work on student movements demonstrates how “reasoned emotion” mobilizes protests and social movements. Emotional narratives become tools for democratic participation and rights assertion. The idea of “symbiotic justice” with regard to Dalits is put forward by Fuchs (2024). The issue of emotional defence of human rights is particularly important in this context.

As per the claims of Navneet Ateriya et al (2026)., whereas human rights are guaranteed by the constitution, human rights violations occur as a result of poor implementation of laws and social diversity. According to the author, despite being favourable in its decision-making process, some systems of governance might produce inequality with respect to other entities. Regarding research into internet shutdowns and digital governance, there have been discussions concerning national security versus human rights. Internet shutdowns, according to experts, violate the principles of human rights.

It is clear from the literature review that emotions are a crucial factor in governance, laws, and even human rights in India. Nonetheless, a comprehensive study spanning different fields would be required for understanding the relationship between emotions and governance.

Apart from physical injuries and disabilities, all those factors that affect a person mentally and create distressing situations for him/her can also be considered as grievances. The meaning of the term “life and personal liberty” in Article 21 of the Constitution has also been defined by the judges in terms of its mental implications. Firstly, the case that deals with the interpretation of the phrase “Article 21” is called “Maneka Gandhi v. Union of India, in 1978. In order to deprive someone of his/her personal liberty, proper procedure must be followed. On the other hand, the case dealing with sexual harassment, which took place in 1997, is known as “Vishaka v. State of Rajasthan.” Sexual harassment leads to infringement of equality and dignity and causes mental harassment among women.

Based on the Indian Supreme Court decision in *NALSA vs. Union of India* (2014), it would be appropriate to assert that the rights of transgender people have been restored, and the significance of gender identity has been stressed by the Indian Supreme Court in regard to human dignity and mental welfare. According to the Indian Supreme Court decision in *Justice K.S. Puttaswamy vs. Union of India* (2017), privacy should be recognized as a necessary component of the right concerning human dignity and mental welfare. Also, it needs to be mentioned that privacy may be viewed as the right to make decisions independently, namely to define oneself without any disturbance.

The Indian Supreme Court decision in *D.K. Basu vs. State of West Bengal* (1997) was associated with custodial torture and its psychological aspects.

A few points need to be considered in regards to an individual's feelings regarding democracy, constitution, and politics. There have been many instances where emotions have prevailed amongst the public, and there have been certain consequences of those particular emotions that the public held towards the policy-making process in court. In certain cases, the public would depend upon the emotions of solidarity to turn their grief into action.

Such an incident can be cited with regard to the *Nirbhaya* case in India. It relates to the scenario where the gang rape and murder of the girl created a lot of anger and sadness amongst the public, which subsequently gave rise to the changes in laws through the Criminal Law (Amendment) Act, 2013.

Similarly, the *Rohith Vemula* movement highlighted the problem of casteism and the emotional aspect of discrimination in schools. It is pertinent to mention that the Dalit scholar Rohith Vemula became the focus of this movement due to the discrimination and oppression he had been subjected to. Dignity, equality, and constitutional morality have all gained prominence within this movement. Emotional activism of the movement clearly shows opposition to casteism and social inequalities within constitutional limits.

It is pertinent to mention that farmers' protests can be cited as an instance where emotion plays a crucial role in democracy. Emotions like fear, insecurity, and mistrust towards governmental bodies regarding three farm laws were some reasons for making it an emotional rather than an economical movement. Similarly, the agitation against CAA was marked by problems of citizenship, secularism, equality, and accountability. This is the way in which the people of India responded to the principles of the constitution through a movement for upholding democracy in India by protesting peacefully. This demonstrates that emotions are not only private but also social phenomena.

There is no doubt that the introduction of the concept of public interest litigation into the system of law in India is the real revolution in terms of providing justice to everyone who is interested in it. There have been many cases concerning the importance of public interest litigation and human rights in the context of the Constitution. It may be mentioned here, for example, about the *Hussainara Khatoon vs State of Bihar* case, when the Supreme Court stated that the right to speedy trial was an essential element of the Right to Life as stipulated by Article 21 of the Indian Constitution. Another case may illustrate this point well enough.

All these factors pertaining to equality, respect, freedom, and justice, it is not appropriate to overlook the issue of some governance failures, resulting in human rights violations in India. In addition to the breach of laws, psychological disturbance caused by governance failures is experienced. It can be argued that this governance failure poses a huge challenge compared to others. Violence in custody involves beatings, torture, killing, or any other act that violates the fundamental right to life and personal liberty guaranteed in Article 21 of the Indian

Constitution. This form of discrimination may involve physical assault, discrimination, segregation, and discrimination in the areas of education, economy, and law enforcement.

Gender-Based Violence brings to light the magnitude of damage caused due to the patriarchal ideology prevailing in society. Although some changes have been brought about, certain issues, including domestic violence, sexual harassment, and rape, continue to be prevalent in society. There have been instances of a lack of empathy, victim-blaming attitude, and long judicial procedures, which have made victims unwilling to lodge any complaints against perpetrators of these acts. The example of Internet Shutdown is one of the latest illustrations of inadequate governance. Denial of internet access to the citizenry is not only a violation of their fundamental rights but is also a denial of democratic governance in society. This situation is particularly harmful for professionals, scholars, and journalists than normal citizens.

Communal Violence is another illustration of inefficiency in governance in society. Violent clashes that take place in the wake of rivalry result in the disruption of peace and create emotional turmoil among individuals. Inefficiency in implementing measures to prevent such incidents clearly shows how vulnerable society is and that the Constitution is ineffective in its implementation. Therefore, efficient governance must

METHODOLOGY

The above-mentioned doctrine and methodological approach will be used in the analysis of the interrelation between human rights, governance, and emotions in the context of the Indian Constitution. In the case of this particular research, the methodology adopted for its analysis will be qualitative. In the analysis of the effect of emotions on human rights, human dignity, human equality, human freedom, and justice according to the Indian Constitution, the following issues need to be analysed: legal norms, legal principles, and court cases. Literature sources that are used for carrying out this particular research may be classified into two types, namely, primary sources and secondary sources.

Findings of the Study

The presence of a correlation between human rights and governance in India is quite clear, because governance is an integral part of concepts such as justice, equality, dignity, and constitution. At the same time, it is necessary to emphasize that when studying the research question, one should bear in mind the possibility that emotions will be key factors of legal awareness, democracy, and reaction to injustice. That is to say, emotions of fear, anger, sympathy, and pain can influence significantly the processes of social mobilization and constitution-making. However, when talking about the discussed issue in regard to research, it is essential to state that judicial activism is a crucial factor in developing constitutional rights as regards the interpretation of Article 21. The importance of storytelling that revolves around emotion cannot be neglected in any kind of reform movement in the domain of public policy and politics. If one takes the institutional point of view into consideration, there are very limited government bodies that are emotionally aware of the suffering of the underprivileged people of society. The second thing that arises is that of digital governance, where topics like privacy, surveillance, data protection, freedom of speech, and digital empowerment come out of the Indian Constitution.

SUGGESTIONS AND RECOMMENDATIONS

Improvement in Human Rights Education, Improvement in Policing and Administration, Strengthening of the

National Human Rights Commission, Awareness Among the Judiciary, Internet Privacy Rights, Participation of the Public, Freedom of Expression, Mental Health Care and Legal Assistance, Gender and Caste Awareness.

Human rights awareness must be created amongst educational institutions such as schools and colleges. Human rights, emotional intelligence, and gender awareness should be taught to the police personnel and other government officials. The NHRC must be strengthened. Empathy must be practiced by the judges and lawyers towards vulnerable sections. Data protection laws should be created in India according to the constitution. People should be included in making policies. Internet shutdowns and such acts that take away internet usage rights of the people should not be allowed by the government. Counselling should be provided to the victims.

CONCLUSION

The association between human rights and governance and emotions in terms of India can be examined through the lens of the democratic constitution of the nation. This is because human rights are not mere demands since the notion of human rights is inherently tied to human dignity, emotions, and justice. Besides, emotions are critical in the matter of obtaining human rights owing to their importance in the domains of legal knowledge and democracy. As for the judicial system of India, it is worth noting its advances in Article 21 of the Constitution of India and public interest litigation. However, there are numerous other factors involved. The police's use of force, discrimination based on caste, gender discrimination, surveillance, blocking Internet access, and insensitivity towards the problem from the institutions make it impossible for the constitution to achieve its goals. Bad governance causes alienation of the citizens under governance. India needs to evolve as a democratic and constitutional state, which can only be achieved via emotionally governed leadership. It is vital not only to revise the laws but also the emotional sensitivity of the institutions to ensure human rights protection.

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