

# NATIONAL JUDICIAL ACADEMY



## SEMINAR FOR PRINCIPAL DISTRICT & SESSION JUDGES AND ADDITIONAL DISTRICT JUDGES ON PSYCHOLOGICAL ADJUSTMENTS AND STRESS MANAGEMENT [P-1251]

24<sup>TH</sup> & 25<sup>TH</sup> APRIL, 2021

### PROGRAMME REPORT

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## **OVERVIEW OF THE PROGRAMME**

National Judicial Academy organised two day online seminar for Principal District & Session Judges and Additional District Judges on Psychological Adjustments and Stress Management on 24<sup>th</sup> and 25<sup>th</sup> April, 2021. The seminar was designed to facilitate discussion on relevant themes like understanding litigant behaviour in diverse litigation, attitudinal changes and biases of judges, developing communication strategies for efficient disposal of cases, midlife crisis and life beyond the dais. The course also provided a platform for the participants to share experiences, insights and suggestions relating thereto.

### **DAY 1**

**Special Session: Presentation by E-Committee of the Supreme Court on eCourt Services**

**Session 1: Understanding Litigant Behaviour in Diverse Litigation**

**Session 2: Attitudinal changes and biases**

### **DAY 2**

**Session 3: Developing communication strategies**

**Session 4: Midlife crisis and Life beyond dais**

## **DAY 1**

### **Special Session: Presentation by E-Committee of the Supreme Court on eCourt Services**

**Speaker – Ms. R. Arulmozhiselvi**

In the presentation by e-Committee of the Supreme court on eCourt Services major projects of e-committee and its relevance, various litigant centric services offered by e-committee viz. push messages, case status, mobile applications, NJDG, e-seva Kendra etc. were discussed.

### **Session 1 - Understanding Litigant Behaviour in Diverse Litigation**

**Speakers - Justice U.C. Dhyani, Justice Ved Prakash Sharma & Dr. Samindara Hardikar Sawant**

The session commenced with the remark that each stakeholder in the justice system must recognise that the halls of justice belong to the people, and therefore must strive towards making the system litigant-friendly. The judges must ensure a dialogue between the court and litigants in the absence of which justice cannot be delivered. Such dialogue must be informal without compromising the spirit of law. In this regard, the participant judges were advised to make prison visits invariably in order to establish communication with the inmates especially the under trial prisoners. It was further emphasized that judges can make a difference by demonstrating patience, understanding and empathy to the litigants. This would assure the litigants that courts are a place of equality and fairness, thereby strengthening trust and confidence in the justice system. However, while doing so judges must be proactive rather than reactive. It was asserted that the principles of natural justice must be adhered to in all respects.

While dealing with the aspect of human personality, it was stated that every individual is a unique mix of thoughts, behaviour, emotions and qualities. However, these personality traits can range from healthy to unhealthy. The discussion further pertained to the different types of intricate personalities which are often experienced in courts such as, (a) odd/eccentric; (b) dramatic/erratic and (c) anxious/fearful. The session elaborately explained the characteristics of such personalities and the methods that can be adopted to communicate with them in order to resolve a deadlock and reach a meaningful conclusion.

The discussion further explored three angles in relation to the theme of the session which includes diverse aspect of litigant behaviour; need to understand such behaviour in addition to the rules of law and procedure; and techniques to deal with unreasonable behaviour on part of the litigant. Some of the pertinent issues which were pointed in this regard were institution of frivolous and vexatious litigation, non-co-operative behaviour of the litigant during trial, false complaints by the litigants against the judges and the staff, etc. Such behaviour on part of the litigant results in wastage of the valuable time of the court and hinders the smooth functioning of the court. It also becomes a source of stress to the concerned judge. Therefore, it is essential to address such behaviour of the litigants. The speaker further pointed as to how the law deals with such situations by referring to Order 6, Rule 16 (judge has right to strike out scandalous, frivolous and vexatious pleadings), Order 7, Rule 11 (rejection of the plaint not disclosing cause of action) and Section 35 A (compensatory costs in respect of false or vexatious claims) of the Civil Procedure Code (CPC). On the criminal side, it was asserted that Section 203 and 204 of the Criminal Procedure Code (CrPC) must be applied in a cautious manner (*M/S Pepsi Foods Ltd. & Anr. v. Special Judicial Magistrate & Ors.*). Also, Section 250 of the CrPC makes provision for grant of compensation for accusation without reasonable cause whenever vexatious criminal proceedings are initiated. The participant judges were advised to invoke these provisions in appropriate cases. Further, while dealing

with litigants, it was advised that judges must be assertive but not aggressive. The approach of a judge must always be communicative but non-confrontational. If the litigant continues with the unreasonable behaviour Section 228 of the Indian Penal Code (intentional insult or interruption to public servant sitting in judicial proceeding) can be resorted to.

## **Session 2 - Attitudinal changes and biases**

**Speaker - Dr. Samindara Sawant**

**Chair - Justice U.C. Dhyani**

It was acknowledged that the subject of attitudinal change must necessarily form part of the curriculum designed for training of judges. When a lawyer is appointed as a judge there has to be a shift in the attitude. Human beings are a combination of thoughts, feelings and actions and each one of us has set of subliminal biases and prejudices. However, a judge must always perceive a case from the prism of law and must be associated with it only to the extent of adjudication of the dispute and no further. The discussion further explored the errors in thought process which falls within a spectrum of completely rational to completely irrational. A human mind develops a prejudice or perception when our thoughts and beliefs have no basis in reality. Such errors in the thought process can misguide us through some attitudes, biases and cognitive distortions that may be developed. The nature of some of our attitudes, biases and prejudices deeply ingrained in our personalities were explained. It was stressed that in order to keep our biases aside one must be mindful of its existence and learn to counter them with facts.

Further, some common patterns of erroneous thought process and the means to overcome them were pointed out: (a) Engaging in black and white thinking which might result in extreme emotions or actions. In order to overcome this, one must learn to live with his/her

shortcomings and set realistic expectations and targets for himself/herself. (b) Mental filtering wherein one tends to focus more on the negative events and positive information is filtered out. An objective attempt to collect evidence against such negative filters from our thought process is essential. (c) Jumping to conclusions where one make a negative interpretation or prediction even when there is no real evidence to support the conclusion. A habit of introspecting one's assumptions about other people must be developed. (d) Overgeneralising i.e. taking certain experiences and making them universal. Focussing on specific situation or experience rather than clubbing it in series might be helpful in this regard. The session concluded with the remark that knowing how to handle our attitude, biases and prejudices is essential to effective human relations.

## DAY 2

### **Session 3 - Developing communication strategies**

**Speakers - Justice Ram Mohan Reddy, Justice Ved Prakash Sharma & Dr. Harish Shetty**

At the outset it was asserted that art of communication reflects cultures, attitude, personality, beliefs and therefore, developing communication strategies is one of the most important techniques that requires deep consideration. It was pointed that those who have the ability to observe their automated thoughts and feelings are able to communicate much better in a manner which is serene. The result would be sumptuous dose of equanimity on the dais. The speaker further elaborated upon the various kinds of communication, such as angered communication, inclusive communication, neutral communication and stressed communication.

Three core values were pointed out in this regard i.e. improving courtroom communication, internal and external dialogue as a method for quality court management and communication strategy in mediation. However, apart from these, the most important aspects of developing such communication strategies are procedural justice for a litigant and the impression, perception and experience that a litigant takes away from his experience in court. When a litigant has a perception that the processes involved in the proceedings were fair, there is an increased likelihood of compliance with the court's directions and the rule of law. Procedural justice relates not just to the provisions of CPC, CrPC and Rules of evidence, but also to all the court processes including positive communication of the judge and the court staff with the litigant, bar, administration etc. demonstrating the accessibility of the judicial system. That is to say, procedural justice shapes the assessment of legal authorities and reactions to specific cases.

It was suggested that there is need to improve oral, written and non-verbal communication by a judge. Another significant element in securing effective communication is through the trustworthiness, unbiased, consistent and accurate manner of judgment writing. It was stated that in order to develop these strategies a judge must adopt SMART technique of setting an objective wherein S-specific, M-measurable, A-achievable targets, R-relevant and T-timeliness. Further, certain other aspects were also highlighted such as aptitude towards legitimacy of laws, demeanour, voice modulation, emotiveness, punctuality etc. which play an influential role in shaping the perception of the judiciary. There are some advantages of developing an effective and constructive communication, such as (i) improved transparency, (ii) enhanced accessibility, (iii) enhanced understanding of the court process by the litigant, (iv) reduced corruption and (v) increased efficiency of the system. It was stressed that a judgment is a key element in ensuring effective courtroom communication and therefore it must be clear, precise, well-structured and should not reflect biases of any kind whether personal or professional.

The session concluded with the remark that developing communication strategies is inculcating values like honesty, attitude, openness, humility, acceptance and reflection. It was opined that work life balance is a myth rather finding balance in imbalance is a skill that one must seek to acquire. The participant judges were advised to spend quality time with their family, which affects and reflects their communication in the courtroom.

## **Session 4 - Midlife crisis and Life beyond dais**

**Speaker - Dr. Harish Shetty**

**Chair - Justice Ram Mohan Reddy**

The session commenced with the assertion that it is necessary to disassociate the term 'midlife' from the term 'crisis'. In modern parlance there are three stages of life – morning of life, afternoon of life and evening of life. The nature of midlife varies depending upon gender, colour, status and health. The basic need is to balance multiple roles and manage conflicts. Portraying midlife is not only a challenge but a complex task to experience events which are diverse and variable. The discussion explored various characteristics and life events associated with midlife and it was stated that the paradox of midlife is all about peak functionality and responsibility. The problems brought about by physical changes and social upheavals affect mental health during the period of midlife. The speaker further highlighted the brighter elements associated with midlife such as settlement, life experiences, financial security, independence etc. Some critical roles linked to midlife involves producing, nurturing and guiding the next generation; transmitting values and culture; career consolidation; and emotional regulation.

It was opined that midlife requires adjustment to negotiate new challenges and its preparatory role of transition to old age. In order to navigate the middle years and negotiate the transition there is need to understand factors which influence psychological well-being, physical health, social responsibilities and productivity. The discussion also emphasized upon midlife behaviour and stated that it is related to behavioural patterns in childhood and adolescent years. Another important aspect of social relationships was touched upon, wherein it was explained that family, friends, co-workers can be a major source of satisfaction and contribute to well-being and health in midlife. However, these can also be a source of stress

at times. At the work front, it was asserted that middle age adults normally reach their peak in position and earning at the stage of transition to retirement. Such individuals may experience age discrimination and aversion to technological advancements which may render their skills obsolete and redundant. However, it was also observed that during midlife there is a growing commitment to perfection.

It was advised that self-awareness, self-audit of thoughts and feelings are essential but excessive introspection and reflection must be avoided. The discussion focussed on the issue of mental health especially on the need to destigmatize depression. According to a paper published by the Indian Council of Medical Research in *Lancet Psychiatry*, one in seven Indians suffers from mental disorders. A reference was made to the observation of the Delhi High Court wherein it raps the IRDAI over non-implementation of the Mental Healthcare Law. The session concluded with the remark that the compulsive attempts in many men and women reaching middle age to remain young, the hypochondria concern over health and appearance, unrealistic sexual promiscuity in order to prove youth and potency, hollowness and lack of genuine enjoyment of life and frequency of religious concerns are some familiar patterns of midlife. Therefore, building emotional wealth and emotional equity is the most significant antidote for fighting crisis during the midlife.

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