

NATIONAL JUDICIAL ACADEMY



**NATIONAL SEMINAR FOR PRINCIPAL DISTRICT AND
SESSIONS JUDGES AND ADDITIONAL DISTRICT JUDGES ON
PSYCHOSOCIAL ADJUSTMENTS AND STRESS
MANAGEMENT**

(P-1277)

15TH - 16TH JANUARY, 2022

PROGRAMME REPORT

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BHOPAL**

**(P-1277): National Seminar For Principal District And Sessions Judges And Additional District Judges
On Psychosocial Adjustments And Stress Management**

The National Judicial Academy, Bhopal organized a two-day online National Seminar for Principal District and Sessions Judges and Additional District Judges on Psychosocial Adjustments and Stress Management on 15th and 16th January 2022 which was attended by 35 participants. The conference involved discussion on varied themes which included personal and professional triggers for stress; stress in handling and coping with diverse and adverse circumstances; effects of stress on health, performance, personal life; and managing stress.

Session 1 - Personal and Professional Triggers for Stress in Judicial Officers

Chair: Justice Shalini Phansalkar Joshi

Speaker: Dr. Harish Shetty

It was opined that it is of utmost importance that judges acknowledge they are afflicted with stress so as to manage it properly. It was stated that a judge is impacted by stress in both personal and professional spheres. The stress in personal sphere mainly emanates from family responsibilities and isolation due to minimum interaction in social circles owing to the nature of the profession. It was also stated that additional responsibilities due to their position in the judicial hierarchy results in an increase in stress. It was opined that irrespective of large disposal there is perception in society that judiciary is not performing adequately which results in thoughts of perceived incapacity and frustration in judges. Moreover, sometimes a judge feels sad and disappointed if all matters on the board are not heard. It was stated that the constant dilemma faced by judges regarding the correctness of their decisions also leads to stress due to thoughts such as sentencing an innocent man to jail or acquitting a criminal etc. The judges also feel helpless when in certain cases they realize that the order of the court will not resolve the matter or the victim will not be getting adequate justice or that the procedural rigors prevent the victim from getting justice. It was stressed that judges at present are under constant media glare and each action, word and order is scrutinized for mistakes. It was also stated that a major cause of stress in judges is transfers whereby their personal life is affected. It was suggested that the participants should appreciate the work of their junior and also communicate it to them since they would feel validated due to the appreciation. It was pointed that judges also develop stress in situations where they are able to identify themselves with the cases of litigants but are constrained by evidence and law to act within certain strict parameters. The various effects of stress were also delineated which include insomnia, loss of appetite and digestion problems. It was opined that a judge should be physically and mentally fit and should be completely alert similar to a commando.

It was suggested that whenever a judge feels stressed he should remember joyful moments of his life to relieve his stress. It was also suggested that the participants should also undertake regular exercise, pranayama, yoga and meditation to relieve stress. It was also advised that the judges should externalize their thoughts so that they are able to understand the troubled state of mind in a better manner. Thereafter, the speaker discussed various fact

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situations and sought reactions from the participants. It was emphasized that emotional regulation is very important and judges should be aware of their feelings since it affects decision making. It was also advised that judges should not suppress their feelings or be in a state of denial and that introspection is important for reducing stress. It was also suggested that a judge should have a smiling face in court since it would bring positivity in court.

Session 2 - Diverse Litigation: Stress due to Adverse or Demanding Circumstances

Chair: Justice K. Kannan

Speaker: Dr. Vidya Sathyanarayanan

The judges hearing cases relating to sexual assault, abuse, acid attacks suffer from distress and vicarious trauma because they are exposed to the details. The power of giving a life-altering decision also results in a toll on the individual judge. It was stated that vicarious trauma affects mental health and has various effects which include fear of perpetrator, difficulty in concentration, nightmares, etc. Hence, it is important for the judge to keep track of feelings during the course of hearing. It was opined it is important for the judge to ensure comfort and empathy towards the victim. It was also stated that the issue of witness protection should be undertaken with utmost concern. The speaker highlighted the debilitating effects of stress such as negative affect on physical and mental health; job performance; efficacy and perceptions of security. The early signs of burnout were also identified which includes poor memory, blunting of sensitivity and empathy; cynicism, feeling of pessimism etc. It was stated that physical symptoms of stress include chronic fatigue, headaches, insomnia, drinking, and lowered resistance to infections. It was also stated that stress depends upon the type of case; litigating party; consequence of decision; conflict between professional and personal values and cases under intense public scrutiny. It was highlighted that judges suffer a lot of stress because they have to uphold themselves to very stringent benchmarks and stress increases due to the lonely nature of the job; isolated life; absence of outside influences; excessive professional responsibility, etc. The Model of Judicial Stress developed by Monica K. Miller and J.T. Richardson was elaborated and its various components were discussed.

The participants also shared their experiences regarding difficulty in controlling emotions while recording evidence in POCSO cases; suffering due to vicarious trauma; anger outbursts due to the facts of the case etc. It was highlighted that the appropriate response is recognizing the emotion of the litigant and developing an ability to empathize with them. Moreover, the judge must not display any emotion, be distanced and should always present an expression of neutrality. It was highlighted that judges are under constant spotlight and public gaze which is stressful. The sensational reporting of cases by media, its effect on the trial and stress on the judge as a result thereof were also addressed during the course of the session. It was highlighted that in contemporary times judges are often the subject of criticism rather than their judgment. A judge is required to stay neutral and not be influenced by any external

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pressure or public opinion especially in widely reported or sensational matters. The issue of security concerns of judges was also discussed and with reference to various studies it was stated that security risk results in behavioral changes in the judges as they are emotionally and mentally affected. It was advised that judges should also coordinate with the police for the safety of vulnerable witnesses, victims, accused and judicial officers. The methods to understand and deal with querulous and challenging litigants was discussed along with the approaches for cohesive functioning of the courts in coordination with the bar. It was stated that in judiciary there are higher chances of stress when three basic physiological needs are compromised i.e. feeling of autonomy, competency and social connection. The coping mechanism involves changes at personal, professional and societal levels. It was stressed that it is important to maintain a balance between work and personal life. The ABC Model (Awareness, Balance and Connection) developed by Saakvitne and Pearlman was also discussed for managing stress. The technique proposed by Isaiah M. Zimmerman for Personal Burnout Prevention was also discussed. Furthermore, various techniques and strategies at physical, personal and professional level were also elaborated. It was focused that introspection is important and mentoring helps in dealing with stress in junior judicial officers. It was stressed that the judicial officer should not suffer in isolation and importance of healthy habits was delineated.

Session 3: Effects of Stress on Health, Performance & Personal Sphere

Chair: Justice Ved Prakash Sharma

Speaker: Dr. Aruna Broota

The session threw light upon the triggers of stress and the impact upon a judge of the adverse and demanding circumstances physically, psychologically, and on work. The session focussed on how stress affects the health, performance, and personal sphere of the judge.

It was pointed out that the issue happens to be very important because stress is now considered a global problem. To a great extent, the stress is due to the modern lifestyle - for judges the stress level is much higher for the reason they are expected to adhere to high standards for being alert and capable & responsive to the needs of the Justice delivery system. In a democratic setup, each and every issue converses and goes to the court. Judges have the onerous responsibility of administering justice and upholding the rights of the litigants in accordance with the law which is not easy. The challenges associated with having to decide the fate of the litigants are also somehow indirectly connected with the well-being of a judge. There are increased cases of violence inside the courts. There have been instances where judges have been assaulted inside the court, and their security is under threat with this, the caseload is all-time high and there is constant pressure from the higher-ups to deliver more and more. At the same time, the bar is not cooperative which is expected by a judge. All these factors contribute to a stressful situation. Along with this the sub-optimal assistance

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from the staff non-cooperative, deficient staff & inefficient staff Being a leader of their court a Judge is expected to deliver results in a qualitative and quantitative manner.

Therefore, when the levels of stress are high and it becomes a persistent issue then it starts reflecting upon the physical, psychological, and emotional wellbeing of the Judge itself. When the well-being of the judge itself is in peril then the output of a judge will be affected and may not be of the standard expected by the system and all the stakeholders. Therefore, it is important to deeply look into the issues and find out a solution to these problems causing stress. A 2019 survey study was referred to wherein it was highlighted that there are many issues associated with anxiety and the top 5 challenges leading to stress in judges includes:

- Heavy docket.
- Non-responsive, non-cooperative bar
- Unprepared attorney.
- Self-represented litigant
- Repeated litigation by the same party on the same issue

Impact of stress on judges as highlighted in the survey includes 38% of judges complain of low energy and fatigue at the end of the day after hearing the case. Which is the situation in the United States where the caseload is not as high as in India. It was pointed out that judges handling cases at the trial level can feel the warmth of the breadth of the lawyer who is upset and angry which directly affects the persona of the judge and response.

Persistent stress leads to lifestyle diseases such as depression, diabetes, migraine & headache, sleep disturbances, lack of ability to concentrate on work & lack of performance. There are cardiac health issues like high blood pressure etc. All these may impact the system in such a manner and to an extent that it reflects badly upon the judicial output of the concerned judge. It was pointed out that apart from these there are many other psychosomatic changes in the body due to persistent adverse stress which is called distress.

The session further dwelt upon the distinction between stress and distress i.e. situation threatening an individual's wellbeing affecting adequacy is stress and the reaction to stress is called distress. It was mentioned that a situation is threatening because there are internal conflicts like cultural & family issues. There are different types of stress including financial stress, economical stress, matrimonial stress, occupational stress & hazards, feeling of inadequacy, etc. it was highlighted that prolonged stress leads to health issues, and therefore, there is a need to address stress. It was also pointed out that each individual's stress tolerance level is different and not everyone reacts the same way to a situation. A medical perspective and scientific aspects of stress were highlighted. It was suggested that a judge must have a holistic attitude and that a judge must understand the situation before (s)he takes a decision.

Session 4: Maintaining the Balance: Judicial Stress and Wellness

Chair: Justice Ram Mohan Reddy

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Speaker: Dr. Aruna Broota

The session was commenced by quoting the words of Rabindranath Tagore and Gautama Buddha in regard to understanding one's own mind. The speaker gave some key points on psychosocial adjustments. It was emphasised that having a balance of everything in life is important. Six important characteristics were pointed out viz. physical, emotional, intellectual, sociological, spiritual, and psychological. The session threw light upon some essential skills necessary for a judge including:

- Inquisitive nature
- Attention to details
- Logical Reasoning
- Persuasiveness
- Sound judgment
- Writing ability including command over the language

Thereafter, some virtues expected as a judge were pointed out including independence, courtesy & patience, dignity, open-mindedness, impartiality, compassion, etc. It was pointed out that all these virtues lead to pressure in a judge. It was underscored that stress starts with the appointment of a judge due to interpersonal isolation, public scrutiny, ideal image, the restlessness of parties & lawyers. All these factors of stress cause health issues which thereby lead to impatience, anger, loss of feeling, boredom, guilt, etc. It was mentioned that identifying all these causes of stress is itself destressing and acceptance of it allows creativity. If one continues to suffer and has emotional reactions to a situation then it will cause emotional stress. The session further involved participants sharing their experiences of handling different jurisdictions and how they overcame adverse and stressful situations while on the bench. Participants were suggested to learn the art of forgetfulness.

The session also focussed upon what is stress, eustress, strain, and burnout wherein it was mentioned that any form of stress that is beneficial, usually associated with a feeling of fulfillment and achievement rather than anxiety is eustress. It was highlighted that some sources of stress include self-doubts such as a fight between conscious & unconscious mind. With regard to mindfulness and maintaining balance i.e. Positive reactions to stress some suggestions were highlighted viz. Lifestyle interventions - body management, food/beverages/nutrition, regulating sleep time & duration, posture; Emotion management – walking, yoga, other exercises, pranayama, etc.; Cognitive Management; Time Management; and understanding your own and others' beliefs and attitudes. Some relaxation techniques were mentioned such as meditation. Lastly, the session concluded with a word of caution that is "if you do not heal, you cannot heal others and you cannot give justified judgements".