

NATIONAL JUDICIAL ACADEMY



WORKSHOP ON STRESS MANAGEMENT

27th and 28th February, 2016

PROGRAMME REPORT

Prepared By

Mr. Shivaraj S. Huchhanavar,

Research Fellow,

NATIONAL JUDICIAL ACADEMY

I. INTRODUCTION

The Distinct nature of duties that a judge is called upon to discharge, the society's expectations, and conduct of the judge including his lifestyle makes the role of a judge more stressful. Apart from these concerns, overburdened work, changed social conditions, complex nature of cases, and vulnerabilities of the middle age have made the judgeship as one of the most perilous occupation.

In India, judiciary is considered as the 'guardian' of the peoples' rights and also of the constitution, it acts a protector of the weak, and at the same time it confronts with the most powerful. The Unique role it plays exposes the judiciary to multidimensional stress concerns, up till now, the stress concerns of the judges are not seriously explored for variety of reasons. Some of the presumptive reasons are:

- (i) Judges are presumed to be sterner stuff, they not only solve the issues of other members of the society but are presumed to be indwelled with quality to overcome their individual problems without outburst of emotions.
- (ii) Feeling that, sharing their experiences pertaining to stressful life of a judge and personal inadequacies to overcome it. As well as presumption in judges that such sharing, may be construed as an admission of personal weakness by the colleagues or peer group, preventing them from opening up on an issues which may have life threatening consequences in the long run.
- (iii) Even though when a judge desires to share his experiences or seek help, there is dearth of systemic mechanism which may offer adequate and effective rehabilitative assistance. That is the reason why issues relating to judicial/bench stress has been the problems of individual judges rather than as an institutional concern.
- (iv) There is dearth of awareness in the legal system to insulate the serving judicial officers from the negative consequences of occupational stress.

As a consequences, psychological and behavioral symptoms of occupational stress, namely: trouble in remembering things; feeling easily annoyed; poor appetite; temper outbursts; feeling blocked; unfriendly behavior; trouble in concentrating; feeling tensed; getting into unnecessary arguments; severe anxiety; suicidal behavior; domestic violence; substance abuse; burn outs are on the rise in the members of legal fraternity.

Research in this area have also shown that stress is the root cause of a number of psychosomatic diseases like: elevated blood pressure; back pains; chronic headaches; digestive problems; stroke; Spastic Colon; Immune system dysfunction; Diabetes; etc.

Accentuating the importance of ‘awareness’ about the occupational stress in the judicative branch, the National Judicial Academy, with a view to appreciate the various stress concerns and its harmful effects on judges, organized a two day Workshop with an agenda to-

- (i) Assess the stressors, with special reference to Indian Judicial environment
- (ii) Sensitize the cognitive, emotional, and behavioral symptoms of occupational stress on decision making capacity of the judges.
- (iii) Appreciate the systemic and individual barriers to operationalize institutional assistance to ‘impaired or affected judges’.
- (iv) Fill the absence of an outreach programme for Judges on Stress Management, by appealing to the Hon’ble participating Justices to organize workshop/conferences on the occupational stress, for the subordinate judiciary, in their respective jurisdiction.
- (v) Identify the preventive, curative and rehabilitative measures which the High Courts, as the guardian of grass root subordinate judiciary may take to avert the negative consequences of bench stress.

In this milieu, the NJA had facilitated the discussion on the following thematic areas-

Understanding Stress; cause and consequences of occupational stress; enhancing emotional intelligence in stress management; depression and its fallouts; benefits of stress; use of relaxation therapy in enhancing mindfulness; stress concerns in trial court judges and newly elevated justice; managing stress: methods and techniques; and organizational strategies to prevent occupational stress. In this brief report, deliberations on the important issues identified are recorded in the following segments.

II. UNDERSTANDING STRESS

The symposia on the topic started with a question: What is stress? As stress has many dimensions: endogenous and exogenous and can impair/affect/strengthen, psychological, biological, neurological, emotional and spiritual aspect of a being, the question was wrought upon the experts in the field for their insights. In the first session on ‘Understanding Stress’ the experts were of the view that *[I]t is (stress) a result of a transaction between*

the person and the environment. In other words, Stress is a non-specific response of the body which is made when there is some pressure or some deprivation on it. When there is some pressure on our body from external forces or some deprivation in the body consequential changes take place in our biological and nervous system effectuating psychological variances, these changes are called 'Stress'. Resource Persons opined that, when we come across a situation the cognitive appraisal is initiated automatically and after the cognitive appraisal, when we find that our capabilities and resources are lesser than the demand of the situation to deal with it- emergency arrangements are automatically initiated, to which we call stress situation. In stress situation information goes to our hypothalamus, it triggers our pituitary gland and pituitary gland triggers to our adrenal gland and it secretes various type of hormones in our body and blood streams and a lot of changes take place in our biological system and usually we don't feel but that take place. If it repeats consistently, there will be increase in homeostatic load on our body and that will lead to a various type of the psychosomatic diseases. Reaction to the external/internal demands involves total body, thus when we perceive that the demand is greater than our capabilities immediately the feeling or the experience of stress starts, and at psychological level we get tensed, anxious and so many psychological changes take place and at the same time some biological changes also take place and if it is severe and very intense then it may cause a lot of psychosomatic or health problems.” (*Emphasis added*)

As stated above ‘stress’ is normal phenomenon, just as challenges in individual’s life are, and interestingly, the same factor/challenge doesn't cause the same type of stress to everyone, stress is response perspective, it depends on the response we make when we face some external pressure or demand, may be it is a psychological or physical, but when it is excessive stress becomes chronic and harmful.

In the automated world of present day, life moves and everyone have to move in the desired pace, it means, demands of every kind: individual, family, associational or social should be met with greater efficacy, if not, consistent, long durational demand of performance or of execution, will alter the way in which we respond to the situations, that change in response having negative psychological, physiological and emotional impacts is called as ‘stress’ or stress situation.

III. CAUSE AND CONSEQUENCES OF OCCUPATIONAL STRESS

Excessive want of money, material, position, reputation, pleasure and fear of losing them or fear of being deprived of these are the cause of 'concern' in majority of the cases, whereas, in exceptional cases, an efforts for attaining, achieving, and realizing the good cause may also be a source of concern. In the course of presentation, resource person viewed that it is all about understanding the body-mind (the *man* and the *tan*) relationship, '*what happens inside*' is equally important that of '*what is happening outside*'. said the speaker further elaborated that, both *man* and *tan* interact and react when we are threatened, so what are the 'threats'? Threat to your personal worth, threat to your ego, threat to your well-being, wellbeing of your family and friends. Any agent that gives you threat is the stressor may it be endogenous or exogenous.

The Resource person shared an example of 'beliefs' as to how they operate as a base of biasness, the belief that Punjabi's are aggressive or Bihari's are bad influences the judgement. Our social baggage, preconceived notions, ideologies, faith, belief system rein the decision making ability and consequently creates the state of 'conflicting' zone of objectivity and subjectivity resulting into the stress situation.

Best way to handle stress is to understand- who am I? What am I? What Ideology myself I have? Thus, the resource person viewed, to avert the stress one needs to restructure the thinking style and life style.

While talking on consequences of occupational stress she observed that "due to chronic stress one can develop acidity, gastric issues, peptic ulcer, angina pain, aggravation of arthritis and a lot of skin trouble. Lot of skin issues due to psychological conflicts, including mental health issues.

While concluding, the speaker opined that every occupation has its own peculiarities, has its own package of responsibilities that's very important to understand but the judges have a special responsibility not only towards litigants but also towards themselves.

IV. ENHANCING EMOTIONAL INTELLIGENCE IN STRESS MANAGEMENT

As has been already said, one's cognitive ability to understand the external and internal environment determines the mode of response to the stressful situation. It is the emotional intelligence that plays a decisive role controlling the harmful stress responses, thus enhancing emotional intelligence is considered to be most effective means to avert distressing consequences of

stressful events. With an objective to appraise our participants about the importance of emotional intelligence, the NJA had a session on emotional intelligence. Before dwelling into the details of discussion underwent, it is necessary to understand the meaning of emotional intelligence in the context. "Emotional intelligence is the ability to perceive emotions, to access and generate emotions so as to assist thought, to understand emotions and emotional knowledge, and to reflectively regulate emotions so as to promote emotional and intellectual growth." - Mayer & Salovey, (1997)

In other words Emotional Intelligence (EI) is the capacity to be aware of, control, and express one's emotions, and to handle interpersonal relationships judiciously and empathetically. Daniel Goleman, he who popularized the term outlined five components of EI, which are described in brief, below.

The Five Components of Emotional Intelligence (Daniel Goleman)

Self-awareness. The ability to recognize and understand personal moods and emotions and drives, as well as their effect on others. Hallmarks of self-awareness include self-confidence, realistic self-assessment, and a self-deprecating sense of humor. Self-awareness depend on one's ability to monitor one's own emotion state and to correctly identify and name one's emotions.

Self-regulation. The ability to control or redirect disruptive impulses and moods, and the propensity to suspend judgment and to think before acting. It also symbolizes the trustworthiness and integrity; comfort with ambiguity; and openness to change.

Internal motivation. A passion to work for internal reasons that go beyond money and status -which are external rewards, - such as an inner vision of what is important in life, a joy in doing something, curiosity in learning, a flow that comes with being immersed in an activity. A propensity to pursue goals with energy and persistence. Hallmarks include a strong drive to achieve, optimism even in the face of failure, and organizational commitment.

Empathy. The ability to understand the emotional makeup of other people. A skill in treating people according to their emotional reactions. It includes expertise in building and retaining talent, cross-cultural sensitivity, and service to clients and customers.

Social skills. Proficiency in managing relationships and building networks, and an ability to find common ground and build rapport. Hallmarks of social

skills include effectiveness in leading change, persuasiveness, and expertise building and leading teams.

Thus EI enables an individual to understand the moods and mental makeup of others, it regulates the response of an individual based on the impulses of others. It motivates and drive an individual towards his vision and imbibes organizational commitment in him. The ability to understand others improves cross cultural sensitivity which is very important for judges to inculcate.

In the course of discussion Resource Person opined that, assessment of emotional intelligence, psychology and personality of judge at relevant stage, may be at the time of appointment or before it, is necessary. The reason being that, absence of proper mental makeup and personality may cause persistent feelings of inadequacy, ambiguity, dissatisfaction, powerlessness, physical and emotional exhaustion, irritability, angry outburst, falling short of deadline, absenteeism, value conflict, confusion about goals, and nastiness in the judges which in turn result into burn outs. Further imbalanced emotional state of individual's manifests in the form of feeling of shame, guilt, remorse, humiliation, regret and very often it lead to addiction to alcohol, smoke, drugs, sleeping tablets etc.

As per the speaker emotional intelligence can prevent burn outs, because emotional intelligence mediates and if the emotional intelligence is high it leads to personal effectiveness it moderates the experience of stress, the people who have got high levels of emotional intelligence they don't experience a burn out, they cope and manage the stress of all kinds. There are social competences in emotional intelligence comprises of two sets of competencies, one side of competencies is self-awareness, self-assessment, self-confidence and self-management which is self-control, as judge one need to have self-awareness and also the self-management.

V. BENEFITS OF STRESS

Looking at the 'stress' from different perspective infers stress is nothing but a form of energy, and energy can be used either in way, it is like an atomic energy, we can use it for destruction, and also for construction. According to the Resource Person, biological changes that occur during stress are there for enabling us to meet excessive demand of energy. When the Stress is on- heart pounds faster, muscle tightened, blood pressure rises, breath quickness, weakens and our senses become sharper, these physical changes increase your strength and stamina, speed and reaction time, and enhances your focus, preparing you to either fight or flee from the danger, there is nothing

negative there. Stress leaves negative effects, when we cling to it, when we harbors it for long duration.

Resource Person concluded that “The problem is not with the stress, the problem is with the stress over a prolonged period of time, short buster stress is fantastic, like, mild shocks at certain interval is absolutely good for patient, but if the patient is connected to the electricity itself, then he will be dead.

VI. STRESS CONCERNS IN JUDGES

Resource Person highlighted the reasons for stress in newly elevated judges *viz.*

- (i) Novelty of the job for people joining Bench from the Bar
- (ii) Working in a different environment with different role
- (iii) Sense that wrong decision may have severe implication on the lives of the people, and the resource person also highlighted the stressors in lower court judges as,
- (iv) Sensitivity of the case
- (v) Complex cases
- (vi) Personal or family security
- (vii) Peer and family pressure
- (viii) being afraid of the criticism
- (ix) Incompetent Staff
- (x) Hostile Bar, etc.

The Resource Person advised the participants to have knowledge, and for having knowledge he said, you will have to study the subject which you are dealing for that it is advisable not to depend exclusively and only on the assistance given to you in the court, if you yourself study the subject and acquire minimum knowledge required that is the Statute, the leading decisions and specially the binding decisions, you must study the concept, you must know the subject, you must know the leading decisions, you must be ready at-least to ensure that you can't be misled... Follow the ethics required for the life of a judge, you will have to be secluded, you will have to act fairly, and you have to act impartially and you have to know the subject...”

He said knowledge, devotion and detachment these three things have become deficient in the *Kaliyug* so if you can supply these three things you can bridge the gap of *Kaliyug* and *Satyug* by supply of these three elements and *Gyan* that is the values: the real knowledge, we can bring welfare in the society. It is necessary as judge to know, what is your life? What for is your life? What

is the mission of your life? If you know that there will be not be stress in our endeavors. People are acting in ignorance of real values of life: the bhakti and the surrender, we all are thinking of our ego and the bhakti is reverse, it means surrender our power to some higher power. We must realize not that today we are judge-‘we are going to be judge all the time’, we must feel ourselves to be normal persons and to accept some power which is the higher and we are here only to serve, this mindset is very helpful in coming out of any stress. He advised to develop a sense of *vairagya*: the detachment, the more ambitions and desires we have more and more stress will come with it, its automatic...

The speaker also discussed about duty, he viewed duty is higher than your life, and said that one should not be afraid of losing life, don't be afraid of the consequences because what you are doing is your duty, and duty is higher than god, duty is higher than any relationship, if you have to do your duty you have to fight the evil which you have been called upon to do, don't run away from it. It may lead to happiness, it may lead to misery, but you have to perform your duty.

VII. INNOVATIVE IDEAS THAT EMERGED FROM THE WORKSHOP ON STRESS MANAGEMENT

1. Knowing is nothing doing is everything

Resource persons during these two days of deliberation the speaker offered various techniques to deal with stress and they all appealed to the participant justices that: Awareness and knowledge of cause and consequences of Bench Stress is good but it is worth nothing if judges do not follow these techniques in their daily routine. To overcome the ill effects of occupational stress continuous and consistent efforts are a must.

2. Seek Help don't hesitate

The speaker observed that there is nothing wrong in perceiving stress, stress is part and parcel of modern complex living, when the individual's effort to mitigate the stress fail, they must ask for help, it doesn't matter who you are, designation doesn't matter, titles doesn't matter, education doesn't matter, power doesn't matter, age doesn't matter, what matters is stress need to be mitigated, if the help is not timely, consequences of stress may be life threatening.

3. Don't negate/condemn the stress

Both Judiciary as an institution and judges as an individual need not be stress skeptic, as judges are human beings, stress occurs naturally, negating the stress is like repressing it, final outcome of the repression is buster. So, it is necessary that rather than condemning the stress it is necessary to understand it, according to one of the speaker “stress is like wind, we can't prove it but we all know it is there, we can see the effects of it”.

4. Express the Stress

Express the grief, the frustration, the failure, the unhappiness, the tension either before someone or to oneself, may be by writing it down! But remember expressing the stress situation and concerns relieves!

5. Enjoy the job/duty/profession

Two day long discussion at some point of time inferred that, enjoy what we do, if there is no enjoyment/contentment/satisfaction don't do it. This premises holds good even to the judgeship, that's why it is said: anything that is natural cannot produce stress. Thus, judges have to enjoy their job, job satisfaction and contentment is must for eustress.

6. Restructure the thinking style and life style

One of the resource person opined don't worry about things beyond our control, do your duty with outmost honesty, impartiality and take a rational decision with detachment without bothering about the consequences of it. Follow the premises that: Sound mind in a sound body, improve the quality of sleep, don't miss the daily exercise, and do yoga and meditation.

Discipline the art of judging, be devoid of emotions when it comes to final verdict, don't be afraid of consequences, and in complicated matters, not to reserve the decision, give the decision then and there.