



An Article on Judicial Well Being: A Brief Analysis on Prospectus and Challenges Faced by the District Judiciary

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Abstract

The Judge job is considered as sacred on one side, on other side, they have to lead their life in isolation, by sacrificing friends, relatives, near and dear, even they cannot maintain proximity with anyone, sometimes with own family members. Even after sacrifice of everything, the parties who are not satisfied with the Judgments, orders of the Judges files frivolous, vexatious complainant with baseless, concocted, absurd allegation, which are causing mental agony, stigma to the officers. If the judicial officer is of thin skin, the false allegations are leading to mental trauma, which reflects on their health. Further, the colleagues of the judicial department treat the judges as untouchable on whom allegations aroused, there is no grievance cell for the judicial officers to express their problems faced in their judicial functioning. All India judges associations and state judges association are not open to listen the grievance of judicial officers, even their no forum to file their grievances. In such situations, how the judge can be fearless in performing his/her duties. This articles focused on issues facing by the judges in their judicial functioning and suggested recommendations for judicial wellbeing.

Keywords: Nauru Declaration on Judicial Well-being, existing stereotypes and stigmatization.

Introduction

A Regional Judicial Conference on Integrity and Judicial Well-being was held in Nauru on July 24-06, 2024. The conference resulted in the adoption of the Nauru Declaration on Judicial Well-being. This declaration, the first of its kind, recognizes the importance of judicial well-being for a thriving and healthy judiciary. The conference was organized by the Nauru Judiciary, the Department of Justice and Border Control, and the United Nations Office on Drugs and Crime (UNODC).

The Nauru Declaration emphasizes the vital role of judicial well-being in upholding integrity and effectiveness within the judiciary. It outlines key commitments and principles, including:

- Recognizing and supporting judicial well-being as essential.
- Ensuring judicial stress is not stigmatized.
- Acknowledging that judicial well-being is the responsibility of both individual judges and judicial institutions.
- Supporting judicial well-being through an ethical and inclusive judicial culture.
- Promoting judicial well-being through awareness-raising, prevention, and management activities.
- Ensuring judicial well-being initiatives are tailored to

specific national contexts.

- Enhancing judicial well-being through human rights principles.

The conference brought together judicial leaders and stakeholders from across the Pacific region, with some international participation via virtual connections. The conference addressed topics such as judicial integrity, media relations (including the use of social media by judges), judicial well-being, and public trust.

The Article focused on the Problems Faced by the Judiciary at Gross-roots Levels and Solution Advised for the Judicial Wellbeing

The universal truth which shall be accepted by all is, except Judges no other Gazetted rank employee working openly before the people, i.e. viz., Advocates, APP, PP, GP or any other Govt. Pleaders, litigant people, parties of the cases, police and other people present in the court. Except judiciary, other Governments professional, like Civil Servants, Gazetted officer and all other Government employee work in their chambers or in office rooms, indeed only Judges work from morning 10.30 Am to 5.00 Pm in open court in public.

Many of Psychologist after research of Human brain, noticed & opined that, human brain will have the fluctuations as per the situations placed before them, despite of the surveys,

opinions of medical practitioner and psychologist, the Judges are functioning with utmost level in balancing their mind and body by sitting long hours in the same positions more than 6 1/2 hours.

Despite of pressurized work, Judges cannot apply the leaves casually, unless found the specific and reasonable grounds, moreover, there are always under surveillance of Advocates, police, court staff and other people of the place where they reside, they are restricted to move freely with peers at work places. It is very pity to say that, they cannot even go to Gym or ground alike others, if they go, it becomes the talk of the town, reaches to all level of higher forum.

Further, time and again Honorable Supreme Court issuing the circulars to the Honorable Registrars and District Judiciary not to entertain the baseless complaint which are not enclosed by the Oath of the Complainant, however the same is not considered by the Honorable High court or District court, in some cases even they are relying on false allegations and punishing the Lower Judiciary. Further the officers are moving the WRIT Petitions before High Court and Supreme for their grievance.

In many cases, in public meetings and gatherings, The Honorable Supreme Court & High Court Judges delivers in their speeches that, the British system of monarchy, autocracy is still existing in judiciary and that should be eradicated, indeed it same remained as proverbs and quotations without implementation.

High court & Supreme Court, being constitutional courts, strive their level best by passing landmark judgments for protections of fundamental rights of the litigants, perhaps, there is no protection for the fundamental rights of lower grade judiciary, especially, junior and senior civil judges. Whether any lower judiciary judges have right to speak anything before the higher judiciary, the answer will be always "No", if they do, they will be target and their professional career will be ruined by their superiors.

The lower judiciary judges are overburdened with the work, how can single judge can handle 2000 above cases in his/her court, is it possible to do justification within the scheduled period, apart from that, they have the additional duties of Dying declaration, Test identification Parade and some other works, even some courts attached with MLSA, after doing everything following the instructions of the higher officials, they are abused by their higher officials in black & blue.

To Promote the Judicial Wellbeing as Recommended by Nauru Declaration on Judicial Well-being, Some of the Recommendations & Suggestions by the Researchers.

1. There should be Grievance cell for the Judicial officer to confess their problems facing by them in functioning of their duties.
2. Problem should be acknowledged and raise awareness about the negative impact of stress and mental health issues.
3. To remove existing stereotypes and stigmatization, the judiciary should promote open dialogue, help alleviate feelings of isolation and create a safe space for everyone to speak up on issues faced by them in Judicial functioning.
4. Enabling work environment with a positive working culture, reminding that when people work with peace and happiness, they can concentrate better and achieve better.
5. Judicial stress is caused by overload of the work, all the judges of different level are overloaded with cases, than the limit fixed, indeed, everyone's expectations are on

judge for their grievances, despite of lacking human and material resources for the judiciary by the state.

6. Judges Work for solving the conflicts of other people, during that, come across with varied crimes, unpleasant and even horrible actions, in such cases they need a work environment that helps them to minimize the effect of that reality."
7. Judges feel that their voices are heard and that judicial institutions should be humanized and give their employees the same care that they provide for the litigants approach the higher judiciary.
8. It should be underlined that the judiciary should be proactive in identifying existing risks in the judiciary and should be ready to provide prompt responses and modify strategies and policies in place with a view to guaranteeing the optimal physical, psychological and emotional well-being of all members of the judiciary.
9. There is a need and support in judiciaries in the development of appropriate tools, materials and initiatives with the aim to effectively address existing challenges in the area of judicial well-being and to build expertise on the topic, new guidance materials with a view to assisting judiciaries in the development of strategies, policies and programme dedicated to the issue. New tools could include, for example, checklists, manuals, guidelines or training curriculum.
10. Organize practical activities with a view to disseminating readily applicable tips on improving judicial well-being. They might already know the "theory" about the importance of judicial well-being and work-life balance, they do not know how to achieve them. In this regard, the Global Judicial Integrity Network would be needed.

i). Support and Promote Effective Training Activities on Judicial Well-being.

The Network could play a role in organizing such activities, or in collecting and disseminating good practices on the development and delivery of training programme on judicial well-being at the national level.

- a) The judicial schools and judicial trainers should participate in train-the-trainers workshops or Conferences, to experience-sharing activities or from receiving case scenarios or other practical advice that could be used during training activities.
- b) It was also suggested to create a global pool of tutors/experts on the topic who would be able to advise judiciaries wishing to embark on the implementation of judicial well-being training activities.

ii). Create and Facilitate Peer-support, Mentor-ship or Coaching Opportunities.

- a) There should be more opportunities for sharing their problems with and learning from other like-minded judges. In this regard, both national as well as inter-jurisdictional exchanges were noted as valuable, in fact all meetings of the Global Judicial Integrity Network, such as the high-level meetings, served to fulfil this purpose and helped enhance social interaction among judges.
- b) Psychological support to be emphasized as an effective and much needed measure to maintain or improve mental well-being, Psychologist and therapists involved should be experts on the specific stress linked to judicial functioning and counselling therapy should be confidential and that it would be helpful to have an easily

and confidentially accessible list of support service providers for counselling and therapy.

11. "The experiences of judges are very particular and different, and the stressful situations that occur are different too. Any mental health and wellness plan must be adjusted to that reality." "There is a need for competent, accessible and trustworthy experts to counsel, diagnose and treat the issues."
12. The importance of information and continuing training on a variety of well-being-related subjects that would be led by true experts who are aware of the specification of judicial office will be useful. Some of the subjects that the participants considered of interest include stress-management, healthy nutrition, physical fitness, training on a variety of well-being-related subjects
13. The training of the judicial officer should include stress-management, healthy nutrition, physical fitness, work productivity, groups/clubs, yoga classes, collective sports, mind and body balance programme, sessions, on mindfulness or relaxation techniques, art classes or events, nature trips or retreats the physical and mental health..
14. In view of promotion of wellness, provision of health facilities or periodic health checks by the judiciary shall be mandatory to create compassion towards judiciary.
15. "Judicial well-being should be a priority in the recruitment process, in orientation programme for new judges as well as through the career of a judge." more training and programs to assist in de-stress. "
16. In addition to training-oriented events, being a judge was a lonely life with an extremely heavy workload, and in this regard would welcome more social events and team-building activities aimed at promoting a culture of sharing would benefit from practical guidance materials providing concrete tips and recommendations that judges could implement to promote and optimize their well-being., emphasized that they would welcome an active role of the Global Judicial Integrity Network in this regard, in particular in developing and disseminating various international and universally applicable guidelines or recommendations that would be available for permanent use by judiciaries..
17. The importance of efficient and credible support staff, court personnel or research assistants who are able to assist the judges properly and effectively to be trained properly to create a peaceful environment, moreover due to expertise knowledge, they can assist the judge properly and effectively." perhaps in gross roots levels noticed inadequate judicial man power and resources.
18. The increasing role of modern technology in the delivery of justice was demanded by every sector of the people, in view of knowing case administration, case work and status of the cases etc.
19. There is a need of modernization and development of appropriate tools, materials and initiatives with the aim to effectively address existing challenges in the area of judicial well-being and to build expertise on the topic. In value of development, new guidance materials with a view to assisting judiciaries in the development of strategies, policies and programme dedicated to the issue. New tools could include, for example, checklists, manuals, guidelines or training curriculum.

Conclusion

The Nauru Declaration and The Judicial system opined that more prominence should be given to promoting judicial well-being. The article also show about a significant level of burnout in judges. Besides that, judges more frequently encounter emotionally demanding situations compared to other professionals as the judges undertake to resolve others' problems and works in public unlike other professionals, it puts them at risk of experiencing an unhealthy mental state. As a result, judges are often overwhelmed with the amount of trauma exposure at their workplace, and the nature of the cases brought up for hearing before them, such as victim violence and divorce cases, apart from that, litigants, advocates not favored by the orders of the court, file the frivolous complaint against the Judges. Distressed judges may exhibit signs of mental and physical exhaustion,. the over loaded work in courts is causing short temper, loss of appetite and sleep, depressed mood, reduced interest, irritability, moreover due to overload poor quality of judicial decisions is the output. Despite of leading isolated life, by scarifying everything, there are over stressed and depressed by false allegations against them, such is a result of job dissatisfaction, absenteeism, tardiness, panic attacks, inappropriate behavior, and substance dependence. The researcher collected the information from the ground root levels and analyzed, evaluated the different problems faced by the Judges. This study explores various causes and symptoms of judicial stress of the judicial officers. The researcher after practical evaluations, suggested recommendation for wellbeing of the Judicial Officers.

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