

**FACTORS INFLUENCING MANAGEMENT OF CASE BACKLOG IN
JUDICIARY IN KENYA: A CASE OF COURTS WITHIN MERU AND THARAKA
NITHI COUNTIES.**

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DECLARATION

This Research project is my original work and has not been presented for an award of degree to any other examination body.

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DEDICATION

This research project is dedicated to my wife Beth, my children Martin, Mark and Doreen. Special thanks to all the Judicial Officers in the Judiciary of Kenya who unselfishly and promptly toil to dispense proper justice and to all persons whose human rights are violated by judicial process through delayed justice.

Special acknowledgement goes to my family who rendered moral support towards completion of this project.

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ABBREVIATIONS AND ACRONYMS

AAPAM	:	African Association for Public Administration and Management
CAP	:	Chapter
CJ	:	Chief Justice
CRS	:	Civil Service Reforms
ERS	:	Economic Recovery Strategy
GOK	:	Government of Kenya
ICT	:	Information and Communication Technology
JSC	:	Judicial Service Commission
JTI	:	Judicial Training Institute
NGO	:	Non-Governmental Organization
OECD	:	Organization for Economic Co-operation and Development
PRS	:	Results Based Management
SC	:	Senior Counsel
SPSS	:	Statistical Package for Social Sciences
JTF	:	Judicial Transformation Framework

ABSTRACT

In the world all over every person has the right to a fair trial and that has been the subject of interpretation and adjudication than most of the other rights. The Judiciary in any democratic state is the body mandated to interpret the law and ensure every due benefit from the process. The judiciary is required to deliver justice to all irrespective of status without delay. The right to speedy trial and delivery of justice is one of the major facets of the general right to fair hearing, however today case backlog is one of the greatest challenges facing judiciary world all over. In Kenya Judiciary, case backlog and delays in delivery of justice has been one of the main indictments against the judiciary because cases keep on piling up between the time of filing and the time of determination of the cases. The purpose of the study was to investigate the factors influencing management of case backlog in judiciary in Kenya: a case of courts within Meru and Tharaka Nithi Counties. The objectives of the study were to establish how availability of Judicial staff influence management of case backlog in Judiciary in Kenya, to establish how use of ICT influences management of case backlog in Judiciary in Kenya, to determine how availability of physical infrastructure influences management of case backlog in Judiciary in Kenya: to establish how judicial organizational structure influences management of case backlog in Judiciary in Kenya and to establish how court rules and procedures influences management of case backlog in Kenya. The study adopted descriptive design. The target population was all judicial officers and staff of courts within Meru and Tharaka Nithi Counties. The target population for this study was 200 respondents from seven courts within the two counties. The sample size was 60 respondents which was 30% of the target population and therefore representative sample size. The study adopted stratified simple random sampling. The questionnaires were used to collect the data from the respondents. Data collected was checked, edited and coded and analyzed using statistical tool (SSP) and presented using tables, frequencies, and percentages. The findings of this study showed that the management of case backlog in the Judiciary in Kenya is affected by a number of elements varying from, availability of Judicial staff, use of ICT, availability of physical infrastructure, judicial organizational structure, court's rules and procedures and many others, including manual management of court records. The study therefore arrived at the following conclusions, that the availability of Judicial staff contributed to management of case backlog in Judiciary in Kenya, the use of ICT contributed to reduction on case backlog in the Judiciary in Kenya, however, to have efficiency and effectiveness in managing the backlog use of ICT has to be embraced. Availability of physical infrastructure contributed to management of case backlog in Judiciary in Kenya, however due to inadequate funding the physical infrastructures are inadequate, Judicial organizational structure contributed to management of case backlog, however, there is need to re-engineer organizational structure and establish clear governance to effectively manage backlog, court rules and procedures contributed to the management of case backlog in the judiciary in Kenya and that apart from the above mentioned factors other factors such as manual management of court records and others which were not under study influences management of case backlog in the Judiciary in Kenya. The study recommended that the Judicial Service Commission needs to address the issue of shortage of Judicial Officers and other staff by ensuring adequate staff is employed in the Judiciary. The Judiciary should ensure continuous learning and training of judicial officers and other staff in the Judiciary. The Judicial Service Commission should ensure that each staff has an appointment letter specifying terms of employment.

CHAPTER ONE

INTRODUCTION

1.1 Background of the study

The right to speedy trial and delivery of justice judgment is one of the major facets of the general right to fair hearing which prompted jurist to coin the maxim “justice delayed is justice denied”. Today case backlog is one of the greatest challenges facing the Judiciary world all over.

According to Illinois Criminal Justice Information Authority on State court backlog in Illinois and United States, Goereds(1989) examining court delay for state courts noted that the speed with which cases move from filing to disposition depends to a large extent on the size of existing backlog, rather than on developing backlog and the pace of litigation. The researcher noted the problem of case backlog is far more serious in state court system than it is in federal court system and that nationwide backlog in state court system are growing at an alarming rate.

Tabaro (2007) speaking at Makerere University on alternative justice, a solution to backlog in Uganda Judicial system noted that it is a significant problem which contrary to the public perceptions delay in administration of justice is not an attribute of the judiciary but is a totality of the problems that emanate from all law enforcements agencies. The judiciary is required to deliver justice without delay, to all irrespective of status, administer justice without undue regard to procedural technicalities, promote alternative forms of dispute resolutions including reconciliation, mediation, including traditional dispute resolution mechanism, while promoting and protecting the purpose and principles of the Constitution but all that notwithstanding the Judiciary has been faced with enormous challenges of huge case backlog.

The preamble to the Constitution of Kenya recognizes the aspirations of all Kenyans for a government based on essential values of human rights, equality, democracy, social justice and the Rule of law. In interpreting the law, the judiciary is required to always reckon with the imperative to deliver justice.

The case backlog has been considered and discussed a bit in various forums by eminent personalities. Case backlog is steadily on the rise in Kenya. The increase in backlog means Kenyans are not receiving justice in time. Koome (2011) on case management and backlog reduction strategy during induction of newly appointed judges for the High Court of Kenya categorically stated that case backlog is one of the greatest challenges facing judiciary today and that any case that remained undetermined for 3 years constitutes backlog. Mutunga(2011) in his speech was specific that Kenyan Public had expressed their frustration with the inefficiencies in the Judiciary's case management system, which had contributed to huge backlog some of which had not been heard for as long as 20 years. He termed that situation as a mockery of the cliché that Justice delayed is justice denied. Mutunga (2012) at the launch of the Judiciary Transformation Framework (2012) stated that an oft-repeated criticism of judiciary has been over how it has accumulated an impossible case backlog. He went on to state case delays have become a badge of inefficiency and ineffectiveness the judiciary wears as its mark of distinction.

The case backlog which constitutes the single most important source of public frustration with the judiciary has arisen from a number of factors. These include shortage of judicial officers and staff, inadequate number of courts and infrastructure; inappropriate rules and procedure, court vacations, jurisdictional limits of Magistrate's courts and mechanical management of court records. It was considered that the problem of backlog arise from weak case management systems in the Judiciary (Mutunga 2012). According to Judicial Task Force (2009) Representation were made to the effect that the weak case tracking and records control systems make it difficult or impossible to generate quick and accurate statistics on the number of cases before the courts, and their actual status. This in turn undermines effective case management, as well as timely identification of patterns that need remedial action in the interest of administration of justice.

1.2 Statement of the Problem

In Kenyan Judiciary case backlog and delays in delivery of justice has been one of the main indictment against the judiciary. In Meru and Tharaka Nithi Counties cases have been piling up between the time of filing and the time of determination; as result of which billions of shillings continue to sink in case backlog and as many people languish in prison as cases

remain unheard in spite of having a well-established Judicial system and a democratic government that believes in the Rule of law and application of administrative justice system. This study will seek to establish why the Judiciary has not been effective enough at ensuring that the public enjoys swift and sweet judgments in the two counties. In particular the delays in determination of cases has resulted in a huge case backlog thereby confirming the famous Maxim “justice delayed is justice denied.” Mutunga (2011) pointed out that in 2011 there were 2,015 pending criminal cases some of which had not been heard for as long as 20 years. Mutunga (2012) acknowledge case backlog constitute the single most important source of public frustration with the Judiciary. Koome (2011) stated the greatest challenge facing Judiciary today is case backlog. Mutunga (2014) acknowledges backlog of cases upto 2014 were more than 650,000 cases in all courts. On the number of the pending cases, Meru and Tharaka Nithi has substantial backlog. There is therefore a problem in that case backlog in the said counties are not reducing but increasing from year to year. From the above, it is confirmed that there is a problem in case management in the Judiciary hence the need of this study.

1.3 Purpose of the Study

This study therefore to established the factors that influence management of case backlog in Judiciary in Kenya; a case study of courts within Meru and Tharaka Nithi Counties. The study was limited to five variables and it established that other than the five variables of study other factors influences management of backlog.

1.4 Objectives of the Study

The following were the objectives of the study:-

- i. To establish how availability of judicial staff influences management of case backlog in Judiciary in Kenya.
- ii. To establish how use of information and communication technology influences management of case backlog in Judiciary in Kenya.
- iii. To determine how physical infrastructure influences management of case backlog in Judiciary in Kenya.

- iv. To establish how judicial organizational structure influences management of case backlog in Judiciary in Kenya.
- v. To establish how court rules and procedures influences management of case backlog in Judiciary in Kenya.

1.5 Research Questions.

The following were questions of study:-

- i. How does availability of Judicial Staff influence management of case backlog in Judiciary in Kenya?
- ii. How does availability of technology influence management of case backlog in Judiciary in Kenya?
- iii. How does availability of infrastructure influence management of case backlog in Judiciary in Kenya?
- iv. How does judicial organizational structure influence management of case backlog in Judiciary in Kenya?
- v. How does rules and procedures influence management of case backlog in Judiciary in Kenya?

1.6 Significance of the Study

The study has not only created an awareness of the factors influencing management of case backlog in Kenya but it can also be used as a reference for further research. Further research explored how these factors can be addressed to enable proper administration of justice and do away with case backlog. The exposure of factors influencing backlog can be easily addressed and play an important role in administration of justice and would benefit the citizens of Meru and Tharaka Counties by having cases heard speedily and administration of justice being made without unreasonable delay.

1.7. Limitation of the Study

The area under study was wide therefore the resources and time limited the study as the time for study was short, to overcome this limitation the study involved two research assist who helped in issuing the questioners to the respondents on time and a sample population of 52 respondents responded to the instrument.

1.8. Delimitation of the Study

The scope of study was limited to Meru and Tharaka Nithi Counties in Central Eastern Region of the Judiciary in Kenya. The study was limited to three levels of administrative management i.e. top, middle, and front line.

1.9 Assumption of the Study

The assumption of the study was that all questions in the questionnaire will be answered by all the respondents and correctly.

1.10 Definitions of Significant terms.

The following terms are referred in this proposal; especially in the conceptual framework. The terms are defined herein below as per their usage in the proposal and as fully as possible.

Availability of Infrastructures: This concerns a number of court stations and court rooms in a station, chambers, offices, registries and other facilities that impact on working conditions of the Judicial Officers and staff as well as space for serving the litigants.

Availability of Judicial Staff : Deals with training of the Judicial staff, their adequacy to the task, motivation, appraisal and the integrity in discharge of their duties.

Availability of Technology: Refers to enabling of ICT facilities at the Judiciary, data processing/speed of retrieval of documents, archiving of

information and/or document storage, authentication of the document as well as the recording of proceedings through use of I.C.T.

- Case backlog** : A quantity of work that should have been done already but has not been done. In Kenya case backlog refers to cases that remains undetermined for a period of three (3) years.
- Case Management** : This is a system in which a court assumes closer administrative control over the litigation process and ensures speedy delivery of justice.
- Court** : A governmental body consisting of one or more Judges who sit to adjudicate disputes and administer justice. A Court is a permanent organized body with independent judicial powers defined by law, meeting at a time and place fixed by law for judicial public administration of justice. It carries out its mandate as per the Constitution.
- Delay** : Refers to task being late or deferred beyond reasonable time.
- Judge** : Means the Presiding Officer of a court sitting at the level of High court, or Environment and land court or Industrial Court, Court of Appeal or Supreme Court.
- Judiciary** : Is the system of courts that interprets and applies the law in the name of State? The Judiciary also provides a mechanism for resolution of disputes. Under the doctrine of separation of powers. The Judiciary generally does not make law (which is the responsibility of the legislature or enforce law which is the responsibility of the executives but applies it to the facts of each case. This branch of government is often tasked with

ensuring equal justice under the law. It usually consists of a court of final appeal (called the Supreme Court) or Constitutional Court together with other lower courts.

Magistrate : Means a Chief Magistrate, a senior Principal Magistrate, principal Magistrate, Senior Resident Magistrate, Resident Magistrate or District Magistrate each of those terms applies to a person respectively appointed by a JSC under Article 172 of the Constitution to act in particular office.

Management of Case backlog: This is a question and concern of pending cases which have remained unheard and determined for a period of over 3 years due to either being untraceable or due to inefficiency of either Judicial Officers or staff or litigants or their Advocates.

1.11 Organization of the Study

Chapter one covered the introduction, the background of the study; statement of the problem, purpose of the study, objectives of the study, research questions, significance of the study, limitations of the study, delimitation of the study, assumption of the study, definitions, organization of the study. Chapter two covered the literature review, introduction, management of case backlog in Kenyan Judiciary, availability of Judicial staff and influence on management of case backlog in Judiciary in Kenya, the use of information and communication technology and influence on management of case backlog in Judiciary in Kenya. The availability of physical infrastructure and influence on management of case backlog in Judiciary in Kenya, Judicial organizational structure and influence on management of case backlog in Judiciary in Kenya; court rules and procedures and influence on the case backlog in Judiciary in Kenya. Conceptual framework, research gap and summary of the chapter. Chapter three examined the Research Methodology, introduction, research design, target population, sample size and sampling procedure, research instrument, pilot survey, data collecting methods and procedures, validity instrument, reliability instrument, method of data analysis, ethical consideration, and operationalization of study variables. Chapter four covered data analysis, presentation, and interpretation and lastly

chapter 5 covered summary of findings, discussion, conclusions and recommendations of subject of the study.

CHAPTER TWO

LITERATURE REVIEW

2.1 Introduction

This chapter presents a review of the related literature on the subject under study presented by various researchers, scholars, analysts and authors. The researcher has drawn materials from several and various sources which are closely related to the theme and objectives of the study. The literature review is important in that it will review what has been researched on the subject under study and is useful as a reference for further research which can perhaps explore how to address the subject under study.

2.2. Management of Case Backlog in Kenya Judiciary

The Judiciary is one of the arms of Government whose Judicial authority is derived from the people and vests in and shall be exercised by, the courts and tribunals established under the Constitution of Kenya. Judiciary is vested with the responsibility of administering justice in an independent and impartial way. In its discharge of its function the Judiciary plays an important role in promoting the rule of law and protecting human rights in the region, however the common complaint about justice system performance is backlog of cases which continue to constrain justice system globally. There is an almost universal opinion that court and other justice Sector institutions take too long to provide responses to users of their services. The international covenant on Civil and Political Rights (Article 14) and regional human rights treaties specify that cases must be disposed by courts “without undue delay” or “within a reasonable time”. Timely justice is not merely an abstract right, delay has multiple broader impacts. For example, when a case goes on for years, suspects, witnesses, on evidence may disappear. In civil cases, delay can discourage legitimate plaintiffs as well as reduce the value of any awards that they actually receive. In criminal cases delay can work enormous hardships on those under suspicion or accused of crimes, including, but not limited to, their lengthy pretrial detention. On the other hand, delay can be used to avoid justice by extending investigations and trials beyond the statute of limitations for crime, or otherwise making their successful pursuit less likely. Delay also obstructs access to justice because it works in favour of those, usually better off and who can best tolerate the delay.

The backlog of undecided cases has been an issue of global concern both in developed and developing nations. For example justice sector intern Hague Institute for international law on 19th August, 2013 in innovating justice forum observed backlogs are one of the most common criticisms of courts, characterized by an overwhelming number of unresolved cases and that it is not uncommon that once relatively simple matters enter into the realm of courts, they become entangled with no foreseeable end in sight. That the backlog problem is universal and experienced in courts around the globe, causing a huge strain on court resources, undue delay and adverse consequences on parties involved. Increased coordination between court constituents through implementation of USAID separation of powers program (SPP), Serbia experienced a 49% reduction in backlog of cases (2300 cases in 2010 to less than 1200 in late 2012). According to Ontario Ministry of the Attorney General on backlog in chapter 12, there are 9000 civil cases on the pending trial list in Toronto. In Brampton, the number of cases on list for trial has increased by almost 450% since 1990, and in Ottawa the comparable figure is an increase of 600%. Windsor Whitby and New market are other crowded urban centers where the problem is particularly acute. Indeed, across the province generally, the size of pending trial list has approximately doubled in the same period.

That according to Jennings (2007) in Los Angeles, there is backlog of 72000 cases with a wait of 5 years to get to trial. In Detroit, 3 ½ years, the Bronx of New York City, about 4 years. According to Sherwani (2011) in his paper on case flow management system and court automation generally in all courts of Pakistan and specifically in subordinate courts, backlog of cases is gradually increasing and if the problem is not tackled by employing modern technique i.e. case flow management the backlog would be a stigma for the institution. In Uganda, from the statistics there are 600 civil cases pending per judge, if a Judge sat daily without a weekend or holiday, he/she would decide 100 cases per year(2 per week) that is 6 years to complete the present backlog if every suit were decided after full trial, but that is not contemplable. That more than 1500 cases are filed every year at Kampala alone. It is not humanly possible to try all the court disputes in the country with the present staffing of the High Court (Tabora 2007).

According to Marcus (1976) on judicial overload: the backlog of pending cases in New York State in 1975 stood at 12128, appeals, 658 greater than the end of previous year. The Federal district courts fared no better. From 1902 to 1972, the absolute number of cases filed rose nearly by 500%. In one year, from 1974-1975, the current case load increased by 11.7%. These figures represent a substantial increase in the actual workload of lower federal courts.

Jennings (2007) argues that all cases filed in the Law Division of New York City, over 90% are for personal injury or death, or other tort claims. According to a study 85% of the cases causing backlog in many courts are minor in nature, not involving complex issues or large monetary exposure. According to Marcus(1976) on Judicial overload an increasing number of litigants are bringing to the courts not only the class of disputes that has been the traditional fare of judicial decision making, but also an array of issues that were formerly resolved in private meetings, at hospitals, in schools or at home.

On the Kenyan Judiciary it has continued to perform below the expectation of the people and various demands have been made for comprehensive reforms and more specifically to resolve and/or deal with the ever increasing backlog of cases in the Judiciary. Case backlog in Kenya has negative effect on the Judiciary and has resulted to low public confidence leading to lack of access to and effective administration of justice especially among the poor, vulnerable and marginalized(GOK 2009). An efficient reliable and ascertainable legal system is key in ensuring thriving business enterprises and thus, a vibrant economy. Investors need to have confidence that an investment destination guarantees them the right to property, and in the event of any commercial dispute, expediency in the resolution of commercial dispute (World Economic Forum, (2011).

According to Jennings (2007), inefficiency, unreliability, and unpredictability of the judicial system affect the investment climate of a country by adding to the cost of doing business. However, it is quite unfortunate that for decades, this has been the experience for Kenya. Fortunately the enactment of the new Constitution of Kenya brought with it hope for reforming the Judiciary to ensure the rule of law in Kenya, and consequently, enhancement of confidence in Kenyan Legal and Justice Administration System(JSC 2011).

Concerns however still remains on the number of pending cases and the periods taken to conclude cases. Mutunga(2012) acknowledge case backlog constitute the single most

important source of public frustration with Judiciary which opens a door for fugitives from justice to seek refuge in the courts by turning them into a playground for the rich and corrupt. This he noted was due to inefficiencies in judiciary's case management system and shortage of Judges and Magistrates. Mutunga (2011) acknowledges that it is not surprising that Judiciary would be swamped by close to one million case backlogs. The huge backlog cast doubt on the confidence and trust of the country's judicial system. Mutunga(2011) pointed out that at the High Court alone, there were 2015 pending criminal appeal cases, some of which had not been heard for as long as 20 years because the files were missing, or the records were incomplete. In his address of 31/5/2012 he stated that the backlog at Court of Appeal stood at 3800 cases with an average waiting period of 6 years.

In the High Court the backlog in the Environment and Land Division was 5,000 and 16,907 new cases were filed between 2000 and 2011 and within 100 days the division of the High Court reduced its backlog by 3,419 cases. Commercial and Admiralty division had 29,000 cases and a whopping 27,000 cases were removed from the backlog because they consisted of files that had been opened and needed no further action. In Constitutional, Human Rights and Judicial Review, and the Criminal and Family divisions out of 58,800 cases captured as backlog in those courts, 30670 were disposed of in just 100 days. The clearing of backlog will not only serve the ends of justice but also free resources into the economy and deepen investor confidence and service.

According to Mutunga(2014) on the State of the Judiciary and Administration of Justice annual report (2012-2013) he explained that the backlog of cases in courts that the Judiciary managed to conclude were more than 190,000 however even in the face of this seemingly big success, more than 650,000 other cases are still awaiting determination. That more cases are being filed compared to the previous years which rise is corresponding with the rise in population. He explained courts recorded more than 116,000 new cases during the year. The Supreme Court had 7 pending cases, Kadhi's court had 3000 cases, Court of Appeal slightly above 5,000, and High Court with more than 160,000 cases and Magistrate's courts almost 500,000 pending cases.

According to ODPP's progressive report for the period July 1st 2011 to June, 30th 2013 there is severe understaffing at 48 percent, including police prosecutors which impacts on

efficiency of entire justice system and access to justice for Kenyans. According to the report, the office of the DPP is understaffed and faces excessive caseload, contributing to ineffective justice system due to delays in conclusion of case.

2.3 Availability of Judicial Staff and influence on management of case backlog in judiciary in Kenya.

Availability of staff is an independent variable under this study that influences the dependent variable i.e. Management of case backlog, and shall be considered on competency, training, motivation, appraisal, and corruption on availability of staff. Case backlog among other reasons result from staffing. Armstrong (2007) conceptualizes workers as embodying a set of skills, which can be rented out to employers. For an employer, the benefits of the decision to invest in human capital are expected improvements on performance, productivity, flexibility and capacity to innovate. Armstrong (2007) further defines manpower skills as intellectual capital, which consists of stocks and flows of knowledge available to an organization. These can be regarded as intangible resources which together with tangible resources comprise the market or total value of business.

The Task Force on terms and conditions of service for Judicial Staff argued that to build an efficient Judicial, specialized and continuous capacity building sessions must be carried out, similar to lawyer's Continuous Legal Education (CLE) for all judicial officers. This focus new developments in National, regional and international law with the context of the new Constitution order and laws (GOK 2007). But a report of the committee on Ethics and Governance of the Judiciary was of the view that training should immediately be tied to the Judiciary Training Institute (JTI), Kenya School of Law and the national universities to refresh all judicial officers irrespective of their level. Some areas of priority include; case management, leadership and administrators, communication and public relations; crafting and writing skills, international human rights and principles of access to justice (GOK, 2008). Therefore having qualified manpower and personnel will play a crucial role in the management, planning and expeditious delivery of justice in courts.

2.4 Use of ICT and influence on management of case backlog in Judiciary in Kenya.

The availability of technology is an independent variable that influences management of case backlog which is dependent variable under consideration. The indicators on the availability of technology are ICT facilitates data processing, speed retrievals, archiving information, data storage, authentication and recording of proceedings. Records Management involves vital records preservation which is one of the key to prompt delivery of justice. By ignoring records management policies, employees and companies can potentially end up facing criminal penalties due to inappropriate shredding of records which are supposed to be self-retained. A study done by Coopers and Lybrand (2004), established that forty to sixty percent of office workers' working time is spent handling paper, which translates to 20-45 percent of an organization's labour costs and 12-15 percent of organization's expenses. The adoption of digital systems of document management reduces the operational costs substantially as compared to managing hardcopy documents (Coopers and Lybrand 2004).

Managing physical records involves a variety of disciplines. They must be organized and indexed. According to the National Archives report, records management involves a coordination of many experts to build and maintain the system. They must be identified and authenticated. In judicial environment, this is a matter of filing and making them available for retrieval. However in many environments, records must be identified and handled much more carefully (NARA 2002). In relying on manual systems of record management, organizations including the Judiciary have been found to be inefficient, ineffective and offering inferior services to their clients. The information search and retrieval process is quite tedious and slow due to poor information management, organization and storage, hence the need for adoption of a system which is efficient, easy to use, cost effective and fast in information retrieval. This notwithstanding, adoption has still remained low and limited. Adoption of information technology presents a wide range of technological challenges to employees in an organization. Changes in the IT environment poses challenges not only for MIS Managers but also to all employees in any given organization.

The Kenyan courts to a great extent use a manual recording and storing system. This means that in some instances files get untraceable, retrieval of documents filed in court present a loophole for fraud, removal of documents, and corruption at the registries. As a result it is not strange for loss and misplacement of court files. Mutunga (2011) on progress report on Transformation of the Judiciary reported at the High Court alone, they found 2015 pending criminal cases had not been heard for 20 years because the files were missing or the records were incomplete. He stated the Kenyan public expressed their frustration in the Judiciary's case management system, which has contributed to huge backlog. He emphatically stated that the solution to inefficient case management is for ICT department to create an electronic-based system for monitoring and tracking overdue judgment and ruling with a view to taking remedial action and that the Judiciary should ensure the policy that once proceedings begin, cases should be heard back-to-back on a first filed, first heard basis. That queuing of cases will take away the incentive for corruption. ICT has an enormous potential to improve the administration of justice as a cross-cutting imperative for the pillars of transformation; people/user focused delivery of justice, internal Human Resources capacity and infrastructure and resources. He further stated the properly harnessed and deployed, ICT can facilitate speedier trials and enhance the efficiency and effectiveness of administrative process through data management, data processing and secure archiving of information guaranteeing more transparency and fairness in the adjudication of cases and facilitating internal and external communication. He added that the automation of courts has the potential to enhance public confidence in judicial process by minimizing the risk of misplacement or loss of court files. He observed in his speech that the judiciary limited adoption and utilization of information and communication technologies has led to poor delivery of services. This according to him has resulted to insufficiency and ineffectiveness in the administration of justice. The other challenges include inadequate ICT skills, competences and lack of integration of various standalone system. The above challenges according to him therefore calls for development and realignment of ICT policy and strategy to the new Judiciary Transformation strategy. ICT should be embraced and be made an enabler of Transformation program to enable speedy delivery of justice. (Judicial Transformation Framework 2012-2016).

2.5 Availability of Physical Infrastructure and management of case backlog in Judiciary in Kenya

The availability of infrastructure is an independent variable that influences the dependent variable i.e. management of case backlog. The indicators for availability of infrastructure are number of court rooms, court stations, offices and other facilities. Availability of infrastructural facilities play a key role in the attainment of the judiciary's objectives and overall performance. According to Judiciary Transformation Framework 2012-2016 the Judiciary has historically faced inadequate funding from the Government and the infrastructural investment has been grossly inadequate. According to OECD Report (2006) infrastructure can broadly be viewed as a comprehensive entity that encompasses physical facilities, network applications, human resources, public and private communication systems, as well as values and lifestyles related to the information of a society. According to the Judiciary's strategic plan 2009-2012, good and adequate infrastructural facilities are an important pre-condition for effective delivery of justice in the Judiciary.

According to the Judiciary Transformation Framework (2012-2016) an infrastructure Development master plan and strategy will be developed to accelerate the construction and refurbishment of courts, a model court house will be designed and built, an Asset Recovery and Registration strategy will be executed. An elaborate ICT strategy plan will also be developed and implemented as well as establishment of infrastructure inspectorate Department, under a director, to oversee the massive infrastructural development that it plans to undertake in the next 10 years.

Lack of adequate court stations and court rooms forces citizens to walk long distances thus undermining the objective of access to justice. This also leads to cases being scheduled at a far date which leads to cases piling in the courts (GOK 2009). According to Monomen Aatonen(2008), the concept of the physical infrastructural environment with respect to physical structures relates to space, equipment and tools within the Judicial system infrastructural facilities and contributes directly to or remotely to the justice process in judicial system. These facilities and environment also portray the quality of the institution

in terms of their staff or friendliness, safety and relevance. Marton et al (2007) suggest that the concept of infrastructural facilities have evolved into an even more complex structure that includes equipment and sources of information. Adequate physical space and financial resources therefore supports multiple and diverse hearing of cases which in turn improves the justice delivery system in the Judiciary without undue delay.

2.6 Judicial Organizational Structures and management of case backlog in Judiciary in Kenya

Judicial organizational structure is an independent variable which influences the dependent variable that is management of case backlog. The indicators or judicial organizational structures are structure of courts, jurisdiction of court, staff recognition and award scheme, vertical and horizontal accounting. The objective of an organizational structure is to have information which explains the natures of the organization's functions; to give a graphic description of the organization, to have comprehensive information on what is done, how it is done and who the responsible officials are for each area. An organization exists where two or more people agree to get together and coordinate their activities so as to achieve common goals. Generally, organizations are social groupings constructed to achieve particular goals. They are characterized by the conscious division of labour, responsibility, and authority systems, and the need for control. Normally organizations comprise of a social system plus a technical system as Social systems organizations are affected by socio-economic and psychological forces as technical systems they are influenced by technological and environmental changes.(Judicial Transformation Framework 2012-2016).

Courts and tribunals which exercise judicial authority and constitute the judiciary consists of Judges, Magistrates, Khadhis and administrative staff. The hierarchy in the Judiciary as per Constitution of Kenya, Articles 162, 163, 164, 165 and 169 comprises the Supreme Court, Court of Appeal, the High Court, the Industrial Court, the Environment and Land Court, and the Subordinate Courts (Magistrate's court martial and tribunals).

According to Mutunga(2011) the leadership in the Judiciary is highly centralized and concentrated. There is a representative leadership and management Committee at the headquarters that brings together the managers as well as representatives of staff at all levels,

with similar units at each court stations across the country. A staff recognition and reward scheme is being developed, just as prompt disciplinary processes are being entrenched. That because of career stagnation going as far back as 10 years, the Judicial Service Commission (JSC) promoted 278 Magistrate's en masse, upgraded all the Judicial staff and made it clear that future progression would be based on merit and performance (Judiciary Transformation Framework Report (2012-2016)).

A good organization is important because it facilitates administration, it makes growth and diversification possible, it stimulates independent, creative thinking and initiative through well-defined areas of work and it provides for the optimum use of technological improvements. An organization can be divided into two parts i.e. formal and informal. Formal organization refers to the intentional structure of roles in a formally organized enterprise. The informal organization is a network of interpersonal relationships that arises when people associate with one another. An organization is a pattern or relationships between roles in an organization and its different parts. The purpose of the structure is to serve to allocate work and responsibilities in order to direct activities and achieve the organization's goals. Therefore, the structure enables managers to plan, direct, organize and control the activities of the organization. Mintzberg (2002) defines organizational structure as "the sum total of the ways in which it divides its labour into distinct tasks and then achieves coordination between them". A good organization structure should be dynamic and capable of changing in accordance with the situation or conditions. Thus while designing the organization structure, due attention should be paid to the principles of sound organization. Organization structure helps in the efficient functioning of concerns on account of the following reasons, it allocates authority and responsibility; it lays down the pattern of communication, and coordination; it creates power balancing of activities, it facilitates growth of the enterprise and it is adaptable to changes. Since an organization structure is an indispensable means for the goal seeking activities, a wrong structure will seriously impair business performance and may even destroy it. It is therefore essential, that an organization structure is created after a careful and comprehensive analysis of the needs of the proposed organization (JTF Report 2012-2016).

Three kinds of analysis have been proposed as follows:-

Activities Analysis - The aim of activities analysis is to find out what activities are needed to accomplish the goals of organization. While making this type of analysis, it should be determined as to what activities can be grouped together and how each activity needs to be emphasized in the organization structure (Judicial Transformation Framework 2012-2016).

Decisions Analysis – is required to determine the number of levels in the organization. At this stage it is determined as to what kinds of decisions will need to be made, where or at what level these decisions will have to be made and how each manager will be involved in them (JTF Report 2012-2016).

Relations analysis- is an examination of the various type of relationships that develop within the organization. These relationships are vertical, lateral or diagonal. Beyond the establishment of leadership and management structures, work on organizational restructuring has focused on basic streamlining as part of the culture change towards a more collaborative, and less directive approach to guiding the work of the judiciary (JTF Report 2012-2016).

This has occurred at two levels- first, within the judicial staff cadre; and second, within the High Court and Magistrate court stations with a view to launching the Judiciary's overall strategy for devolution. These initial building-block process was to lead to the finalization and rollout of a comprehensive national and model devolved level organizational structure in 2012/2013. The Kenya Judiciary will re-engineer its organizational structures to establish clear units of responsibility, clear reporting lines and clear demarcation of territory and accountability. Every staff recruited, from Judges and Magistrates, to judicial staff, will undergo a formal induction process and will have a formal job description. A continuous learning and training programme will be institutionalized at the JTI. The Judiciary proposes operational structures that will define the role and mandates of organizational units of the judiciary-courts, court stations, divisions and directorates-to facilitate effective steering, designing and implementation of the transformation and other ordinary programs. The focus under this result area is to establish clear governance structures and practices that facilitate access to and expeditious delivery of justice to all (JTF Report 2012-2016).

2.7 Court Rules and Procedures and management of case backlog in Judiciary in Kenya

Rules and procedures is an independent variable that influences management of case backlog which is a dependent variable. The indicators on rules and procedure variable are civil and criminal procedure, rules and guidelines, writing procedures, legal position, preparing records and filing records. The existence of good policies and regulatory framework is crucial for the provision of efficient legal services in the country. Set down rules and procedure in litigation gives certainty to what is expected of a litigant. Legal frameworks provide a very important foundation upon which the operations including the mandate of an organization are anchored. The frameworks define the scope of mandate including functions, organization structure and composition among others. Legal and regulatory framework governs the relationship between parties, businesses, and organizations. It provides a general platform within which two or more parties can legally operate and transact. A rigid framework may not only constrain the operations of judiciary but can also expose them to unnecessary high levels of risks detrimental to functioning and long term service delivery. Problems facing most judiciaries in the developing countries is the lack of a well elaborate and functional regulatory framework. Legal uncertainties in the judiciary occasioned by poor legal framework are problematic for parties in developed countries as they are for the developing countries. Most of the developing countries are gradually enacting laws and judicial reforms to facilitate fast dispensation of justice however, legal impediments still remain in most countries like Kenya. Steps are being taken to remove such impediments (OECD 2006). The complex rules of procedure of courts in Kenya are partly the cause of case delays and backlog. It is noted that the institutionalization of law reporting, induction courses and continuous judicial training notwithstanding, the Judiciary lacks adequate and appropriate easy-to-read, authoritative reference material for serving newly appointed judicial officers. The Taskforce notes that criminal procedure bench books had been developed by the Judiciary for Magistrates in the past, but these have not been widely availed to the Judicial Officers. The Rules Committee and expeditious disposal of cases Committee of the Judiciary have the mandate of reviewing the rules of procedure in order to

improve access to justice and hasten the pace of administration of justice. The Rules Committee is established under the Civil Procedure Act (Cap.21) Laws of Kenya, whereas the expeditious Disposal of Cases Committee is administrative. That mandate of the Rules committee is however limited to civil procedure, and there is no equivalent to the Rules Committee to deal with the rules of procedure in criminal matters. The rules committee submitted a report to the Task Force proposing several far-reaching initiatives to reform the civil rules of procedure. One of these proposals is that the Civil Procedure Act should be amended to introduce mediation. These proposals were incorporated in the State Law (Miscellaneous Amendment) Bill 2009. The Task Force has established that the amendments were withdrawn from the Bill that was enacted, due to concerns raised in parliament. The Task Force has examined various reports compiled by two committees and it is apparent that some of their recommendations will require legislative amendments while others will require amendments of rules.

2.8 Conceptual Framework.

The conceptual framework is presented in Figure 1, it gives the relationship between the independent variables namely availability of judicial staff, availability of technology, availability of infrastructure, judicial organizational structure, Rules and procedures and the dependent variable management of case backlog in the Judiciary in Kenya. The five independent variables have high propensity of influencing management of case backlog in Kenya.

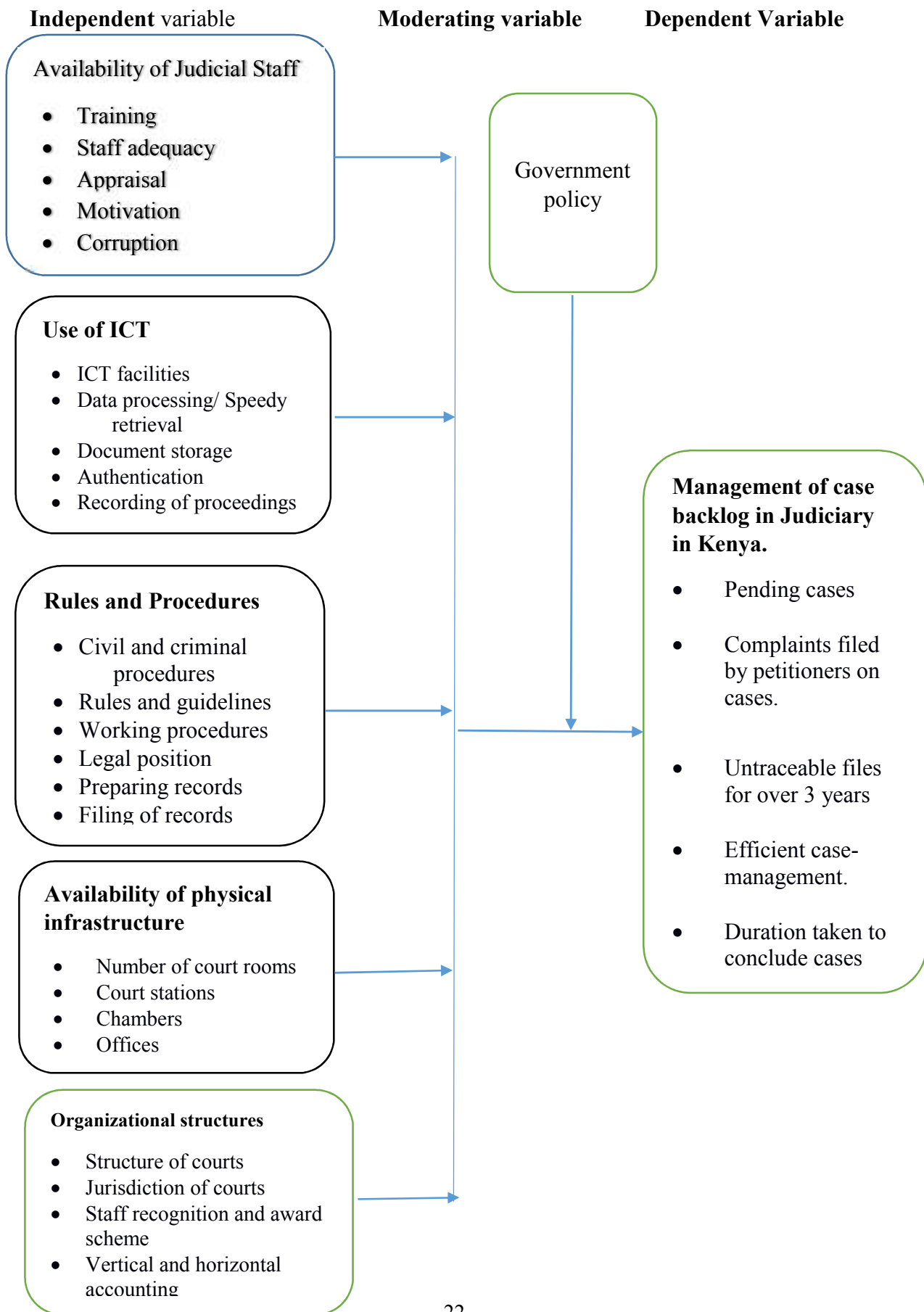


Figure 1: conceptual framework

2.9 Research Gap

The case backlog in the Kenya Judiciary has been rising up from year to year causing citizens to be denied justice. The same applies in the two counties under study. The factors that influence management of backlog in Kenya may be many but in this proposal the Researcher intend to establish the relationship between the independent variables being availability of staff, availability of technology, availability of infrastructure, organizational structure and rules and procedure with the dependent variable being management of case backlog. In establishing their relationship the Researcher intends to point out the gap and how it can be filled.

2.10. Summary

The availability of Judicial Staff established how availability of judicial staff influences the management of case backlog in Judiciary in Kenya. It focused on staff competence, training, staff adequacy, motivation, appraisal and corruption. The availability of technology established how it influences management of the case backlog in Judiciary in Kenya. The study focused on ICT facilities, data processing, and speedy retrieval, archiving information, data storage, authentication and reading of proceedings. The availability of the infrastructure established how it can influence management of case backlog in Judiciary in Kenya. The study focused on number of court rooms, court stations, chambers, offices and other facilities. The judicial organizational structure established how judicial organization structure influences management of case backlog in the Judiciary in Kenya. The study focused on structure of courts, jurisdiction of courts, staff recognition, award scheme and vertical and horizontal accounting. The rules and procedures on the other hand established how rules and procedures influence the management of case backlog in the Judiciary in Kenya. The study on this variable focused on civil and criminal procedures, rules and guidelines, legal position, preparing records and filing of records.

CHAPTER THREE

RESEARCH METHODOLOGY

3.1 Introduction

The research methodology includes details regarding approaches and procedures to be used in conducting studies. It covered all techniques, methods and procedures to be adopted in the research. This chapter contains the Research methodology, introduction, research design, target population, sampling size and sampling procedure, research instruments, pilot study, validity of instruments reliability of instruments, data collection methods or procedures, methods of data analysis, ethical considerations and operationalization of variables.

3.2 Research Design

The study adopted descriptive design, this was because the technique was flexible and appropriate in terms of the data to collected, the methods of collecting the data and the timing of the research. The descriptive design was faster and comparatively low cost that adequately helped to answer the research questions. According to Kothari (2003), a descriptive design describes phenomena as it exists at present. In addition, the descriptive research design was the most appropriate, as it presented the data in a meaningful form that assisted in understanding of the characteristics of the systems in the judicial institutions, with the descriptive research design, the data collected created a systematic view of the prevailing situation and thereafter offered ideas for further probe and research or help stakeholders make decisions.

3.3 Target population

According to Mugenda and Mugenda (2003), a target population refers to all the members of a population to which the researcher wishes to generalize the results of the research. The study focused on all Judicial officers and staff working within the courts within Meru County which has five courts namely: Meru Law Courts, Nkubu Law Courts, Tigania Law Courts, Maua Law Courts and Githongo Law Courts with total population of Judicial Officers and

staff of 166 comprising of 22 top level management(paralegal scale upto 13), 26 middle level management(paralegal scale between 9 and 12) and 118 frontline (paralegal scale between 1 to 8) and Judicial Officers and staff within Tharaka Nithi County which has 2 courts namely: Chuka Law Courts and Marimanti Law courts with total population of 34 Judicial Officers and staff comprising of 5 top management level, 4 middle level and 25 frontline.

Table 3. 1: Target Population

Designation Population	Frequency	Percentage
Top Management	27	13.5
Middle level	30	15
Frontline	143	71.5
Total	200	100

Source: Court Staff Nominal Roll Meru and Tharaka Nithi Counties in Central (2014)

Deputy HR Central Eastern Region

3.4 Sampling size and sampling procedure

Sampling design is that part of research plan that indicates how cases are selected for observation. Mutai(2003) defines sample size as a representative selected from the target population under the study.

3.4.1 Sample size

The sample size of the study was 60 respondents of the target population and therefore representative sample size. The target population comprised of 27 top level management, 30 middle level and 143 front line from court from the two counties.

3.4.2 Sampling procedure

The study used stratified simple random sampling to select the sample. This was appropriate as it gave every respondent from every station among the target population a chance of participating equally. This was because in each of the three (3) management levels i.e. top

level management, middle management and front line staff were categorized and treated in the three stratum. The sample population was representative of the target population.

Table 3. 2: Judicial Officers and staff in Meru and Tharaka Nithi Counties

Designation	Frequency	Sample	Percentage
Top Management	27	8	13
Middle level	30	9	15
Frontline	143	43	72
Total	200	60	100

3.5.1 Research Instruments

The study used questionnaires to collect the primary data from the Judicial Officers and staff within courts from Meru and Tharaka Nithi Counties. The questionnaires contained both open-ended and closed questions covering various issues under study. The questionnaire had a list of all possible alternatives from which the respondent had to select an answer that best described his or her situation while the open ended questionnaire gave the respondents a freedom of response.(Orodho 2004).

Drop and pick method was used to administering the questionnaire to the sampled population and in order to ensure that respondents were reached without any external influences, the questionnaire were personally dropped with aid of two Research Assistants and picked after one week for analysis.

3.5.2 Pilot study

The researcher conducted a pilot study whereby twenty questionnaires were issued in advance to the respondents who were not included in the sample population that was included in the sample population. This enabled the researcher to make sure that the questionnaires were correct and in case of any correction or rectification was done before issuing questionnaire to the respondents. Drop and pick method was used to administer the documents together with the questionnaire to the sampled population and in order to ensure

that the respondents are reached without any external influences, the document were personally dropped and picked after one week.

3.5.3 Validity of instruments

Validity is the degree to which the instrument measures what it purposes to measure. To enhance validity of instrument in the study, the questionnaire were reviewed by a panel of three experts made up of university supervisor, Professor D. Macharia, Professor Niue and Mr.Rugendo on the relevance of the topic under study.

3.5.4 Reliability of Instrument

Reliability is described as the measure of the degree to which instrument yields consistent results after repeated trials. To ensure the reliability of the data collected, the study adopted test re-test method in which the instruments were administered to the respondents, data was collected, analyzed, after a period of two weeks the same instruments were issued again to twenty respondents who were part of the sample size, data was collected again and analyzed and comparison was done to ensure consistent response was obtained thus ensuring reliability of the data collected.

3.6 Data Collection Methods or procedures

An introductory letter from University of Nairobi and Permission to carry out research in the target institutions was obtained to enable the researcher to administer the questionnaire to the respondents. The researcher then re-assured the respondents about the confidentiality of their identity. The questionnaires were administered during the official working hours for all and were picked by the researcher after a week together with the questionnaire for analysis. This was necessary to increase the response rate.

3.7 Method of Data Analysis

The collected data was checked, edited and coded as soon as the questionnaires were returned. The data was analyzed using both qualitative and quantitative techniques.

Statistical package for social science (SPSS) helped in the quantitative data analysis whereby descriptive statistics such as mean, percentages, frequencies, standard deviation were generated. The research findings were presented using frequency tables and percentages.

3.8 Ethical Consideration

The researcher re-assured the respondents that the information collected was treated with confidentiality as regards to their personal identity and won't be disclosed, that the information given shall be used for academic research and not for any other purpose. The study ensured that no respondent was coerced to respond to the instrument.

3.9 Operationalization of variables.

Table 3.3 shows the operationalization of the study variables. The table shows the objectives, variables, indicators, measurements, scale, and data collecting method and data analysis and the applicable statistical techniques. The independent variables of the study are first operationalized then followed by the dependent variable of the study which is the management of backlog of cases in the Judiciary in Kenya.

Table 3.3: Operationalization of the study variables

Objective	Independent Variable	Indicator(s)	Measurement	Scale	Data collecting method	Data analysis
To establish how availability of judicial staff influence management of case backlog in Judiciary in Kenya.	Availability of Judicial staff	<ul style="list-style-type: none"> • Training • Staff competence • Staff adequacy • Motivation • Appraisal • Corruption 	<ul style="list-style-type: none"> • Efficiency • Shortage of • Judicial Officers/staff • Reporting time • Adjournments • Contentment • Working conditions • Motivation 	Ordinal	Questionnaire	Descriptive statistics <ul style="list-style-type: none"> • Tables • Frequency • Percentages

<p>To establish how information and communication technology influences management of case backlog in Judiciary in Kenya</p>	<p>Use of technology</p>	<ul style="list-style-type: none"> • ICT facilities • Data processing/Speed y retrieval • Archiving information /data storage • Authentication • Recording of proceedings 	<ul style="list-style-type: none"> • Lack of ICT • Untrained staff on ICT • Competency of staff on ICT • Training on ICT • Manual management of court records 	<p>Ordinal</p>	<p>Questionnaire</p>	<p>Descriptive statistics</p> <ul style="list-style-type: none"> • Tables • Frequency • Percentages
<p>To determine how availability of physical infrastructure influences management of case backlog in Judiciary in Kenya.</p>	<p>Availability of physical infrastructure</p>	<ul style="list-style-type: none"> • Number of court rooms • Court stations • Chambers • Offices • Other facilities 	<ul style="list-style-type: none"> • Funding • Scarcity of courts • Environment friendly courts and chambers • Registry • Furniture • Vehicles • Electricity 	<p>Ordinal</p>	<p>Questionnaire</p>	<p>Descriptive statistics</p> <ul style="list-style-type: none"> • Tables • Frequency • Percentages

To establish how judicial organizational structure influences management of case backlog in Judiciary in Kenya	Judicial Organization structure	<ul style="list-style-type: none"> • Structure of courts • Jurisdiction of courts • Staff recognition and award schemes • Vertical and horizontal accounting 	<ul style="list-style-type: none"> • Centralized and concentrated organizational structure • Structural and operational relationship between judicial staff/registry and administrative staff • Clarity in reporting • Job description 	Ordinal	Questionnaire	Descriptive statistics <ul style="list-style-type: none"> • Tables • Frequency • Percentages
To establish to what extent rules and procedure influences management of case backlog in Judiciary in Kenya.	Court Rules and Procedure	<ul style="list-style-type: none"> • Civil and criminal procedures • rules and guidelines • working procedures • legal position • preparing records • filing records 	<ul style="list-style-type: none"> • Existing rules and procedures • Working procedures • Bureaucracy in legal system • Lack of clear rules and procedures • Number of adjournments and mentions • pleadings 	Ordinal	Questionnaire	Descriptive statistics <ul style="list-style-type: none"> • Tables • Frequency • Percentages

CHAPTER FOUR

DATA ANALYSIS, PRESENTATION AND INTERPRETATION

4.1 Introduction

The chapter presents the data collected in the field in form of tables. The findings are then interpreted with key ones discussed against known literature section by section in line of the independent variables of study. The variables of study vary from availability of Judicial staff; use of ICT; availability of physical infrastructures, Judicial organizational structure and court rules and procedures which independent variables are examined separately to find out their influence on management of backlog in the Judiciary.

4.2 Demographic Information

The demographic information over the judicial officers and staff in this study deals with gender, age, level of education attained at the time of the study and their experience in the Judiciary.

4.2.1 Gender Distribution

The Judicial officers and staff were required to indicate their gender.

Table 4.1 presents gender of Judicial Officer and other staff.

Table 4.1: Gender of Judicial Officer and other Staff.

Gender	Frequency	Percentage
Male	30	57.7
Female	22	42.3
Total	52	100

Table 4.1 Shows that Judicial Staff is almost equally distributed between male and female with male staff being slightly higher in number than female. The Judiciary is therefore gender sensitive in the employment of its employees.

4.2.2. Age Distribution

The Judicial Officers and staff were required to indicate their age group.

Table 4.2: Age of Judicial Officers and other Staff.

Age	Frequency	Percentage
18-25 years	1	1.9
26-35 years	27	51.9
35-45 years	18	34.6
45-55 years	3	5.8
Above 56	3	5.8
Total	52	100

Table 4.2 Shows that 88.4 percent of judicial staff are below the age of 45 years and are therefore young and most likely to serve Judiciary for long period as the retirement age of Judges is 70 years.

4.2.3 Education Level

The Judicial Officers and staff were required to indicate their educational level.

Table 4.3 presents the educational level of the judicial officers and other staff.

Table 4.3: Education Level of Judicial Officers and other Staff.

Education level	Frequency	Percentage
Below KCSE	1	1.9
KCSE- A Level	21	40.4
Certificate –Diploma	17	32.7
Degree-Masters	13	25.0
Total	52	100.0

Table 4.3 Shows that 57.7 percent of the Judicial staff has certificate/diploma and above and this indicates the majority of Judicial staff are well educated and able to serve well.

4.2.4 Working years in the Judiciary.

The Judicial Officers and staff were required to indicate their working years with the Judiciary.

Table 4.4 presents the working years distribution of the Judicial Officers and other staff.

Table 4.4.: Working year’s distribution of Judicial Officers and other Staff in the Judiciary.

Response	Frequency	Percentage
1-5 years	9	17.3
5-10 years	19	36.5
11-15 years	11	21.2
16-20 years	8	15.4
21 and above	5	9.6
Total	52	100.0

Table 4.4 show that 82.7 percent of the Judicial Staff have worked with the Judiciary for 5 years and above, therefore Judiciary has experienced staff and who are capable to discharge their duties well.

4.3 Availability of Judicial Staff

The Section sought to gather information from the respondents in regard to availability of the judicial staff, the questionnaires sought further information on efficiency, shortage of Judicial Officers and staff.

4.3.1 Staff Efficiency

The Judicial Officers and staff were required to rate the level of staff efficiency in managing case backlog.

Table 4.5 presents the rating of the rate of staff efficiency in managing backlog.

Table 4.5: Staff Efficiency influence on Management of Case Backlog.

Response	Frequency	Percentage
In efficient	2	3.8
Not able rate	2	3.8
Efficient	42	80.8
Very efficient	6	11.5
Total	52	100.0

Table 4.5 Show that 92.3 percent of the staff are efficient in managing case backlog in the courts with 3.8 percent of the staff being unable to rate the level of staff efficiency. This indicates judicial staff are efficient in management of case backlog.

4.3.2 Shortage of Judicial Officers

The Judicial Officers and staff were required to indicate whether they agreed or disagreed that shortage of Judicial Officers in management of case backlog.

Table 4.6 presents shortage of Judicial Officers in management of case backlog.

Table 4.6: Judicial Official Officers and Staff Response on shortage of Judicial Officers influence in Management of Backlog.

Response	Frequency	Percentage
Strongly disagree	2	3.8
Disagree	7	13.5
Neutral	3	5.8
Agree	22	42.3
Strongly agree	18	34.6
Total	52	100.0

Table 4.6 shows that 76.9 percent agreed shortage of judicial officers in the Judiciary contributed to backlog whereas 5.8 percent did not commit themselves. This indicates Judiciary is understaffed and needs to engage more Judicial Officers.

4.3.3 Shortage of other Staff.

The Judicial officers and staff were required to indicate whether they agreed or disagreed that shortage of staff contributed to management of backlog.

Table 4.7 presents judicial officers and staff response on influence on shortage of staff in the Judiciary.

Table 4.7: Shortage of Other Staff influence on Management of Case Backlog.

Response	Frequency	Percentage
Strongly disagree	3	5.8
Disagree	3	5.8
Neutral	6	11.5
Agree	21	40.4
Strongly agree	19	36.5
Total	52	100

Table 4.7 shows that 76.9 percent agreed that shortage of other staff contributed to backlog whereas 11.5 percent did not comment on the issue of shortage of other staff. This indicates Judiciary is understaffed with other staff and needs to employ more staff.

4.3.4 Inefficiency in Judicial Case Management

The Judicial Officers and staff were required to indicate whether they agreed or disagreed there inefficiency in judicial case management contributed to management of backlog.

Table 4.8 presents judicial officers and staff response on the inefficiency in Judicial Case Management.

Table 4.8: The Efficiency in Judicial Case Management influence on management of backlog

Response	Frequency	Percentage
Strongly disagree	6	11.5
Disagree	10	19.2
Neutral	14	26.9
Agree	11	21.2
Strongly agree	11	21.2
Total	52	100.0

Table 4.8 shows that 42.4 percent agreed that there is efficiency in case management while almost equal number 40.7 percent disagreed while 26.9 percent did not commit themselves. This indicates Judiciary is efficient in case management.

4.3.5 Reporting late and leaving early.

The Judicial Officers and staff were required to agree or disagree that reporting late and leaving late for a short time contributed to management of backlog.

Table 4.9 presents Judicial Officers and staff response on reporting late and working for a short time.

Table 4.9 Reporting Late and Leaving Early Influence on Management of Backlog.

Response	Frequency	Percentage
Strongly disagree	17	32.7
Disagree	23	44.2
Neutral	5	9.6
Agree	4	7.7
Strongly agree	3	5.8
Total	52	100.0

Table 4.9 Shows 76.9 percent did not agree that reporting late and departing early affected performance of the staff, and management of backlog, 9.6 percent were neutral. This indicates indiscipline and disrespect for working time.

4.3.6 Casual Adjournments of Cases.

The Judicial Officers and staff were required to indicate whether they agreed or disagreed that casual adjournment of cases contributed to management of backlog.

Table 4.10: Represents the Judicial Officers and staff response on Casual adjournments on Case Backlog.

Table 4.10: Casual Adjournments influence on management of backlog

Response	Frequency	Percentage
Strongly disagree	8	15.4
Disagree	12	23.1
Neutral	17	32.7
Agree	9	17.3
Strongly agree	6	11.5
Total	52	100.0

Table 4.10 Shows that 38.5 percent agreed that casual adjournment of cases had no effect on management of case backlog, 32.7 percent were not committed on the issue, while 28.8 percent agreed. This indicates that judicial officers and staff lack seriousness in doing away with backlog.

4.3.7Lack of Competence

The Judicial Officers and staff were required to indicate whether they agreed or disagreed that lack of competence contributed to management of backlog.

Table 4.11: presents Judicial Officers and Staff response on lack of lack of competence

Table 4.11: Lack of Competence influence on management of backlog.

Response	Frequency	Percentage
Strongly disagree	18	34.6
Disagree	22	42.3
Neutral	2	3.8
Agree	4	7.7
Strongly agree	6	11.5
Total	52	100.0

Table 4.12 Shows that 76.9 percent disagreed that lack of competence affected management of case backlog while 19.2 percent disagreed. This indicates that apart from lack of competence there are other strong factors which contribute to case backlog.

4.3.8 Poor Staff-Client Relationship

The Judicial Officers and Staff were required to indicate whether they agreed or disagreed that poor-client relations contributed to management of backlog.

Table 4.12 presents judicial officers and staff response on poor staff-client relationships.

Table 4.12: Poor Staff-Client Relationship influence on management of backlog.

Response	Frequency	Percentage
Strongly disagree	16	30.8
Disagree	19	36.5
Neutral	9	17.3
Agree	3	5.8
Strongly agree	5	9.6
Total	52	100.0

Table 4.12 shows that 67.3 percent disagreed that poor staff-client relationship affected management of case backlog while 17.3 percent did not commit themselves on the issue. This indicates lack of public relationships in the Judiciary.

4.3.9 Lack of Job Contentment

The Judicial Officers and staff were required to indicate whether they agreed or disagreed that lack of job contentment contributed to management of backlog.

Table 4.13 presents Judicial Officers and Staff response on lack of job contentment on management of backlog.

Table 4.13: Job Contentment influence on management of backlog.

Response	Frequency	percentage
Strongly disagree	12	23.1
Disagree	14	26.9
Neutral	12	23.1
Agree	8	15.4
Strongly agree	6	11.5
Total	52	100.0

Table 4.13 Shows that 50 percent disagreed that lack of job contentment affected management of backlog while 23.1 percent were not committed on the issue. This indicates that Judicial Officers and staff are committed to serve inspite of lack of job contentment.

4.3.10 Working Conditions

The Judicial Officers and staff were required to indicate whether they agreed or disagreed that poor working conditions contributed to the management of backlog.

Table 4.14 presents Judicial and staff response on poor working conditions on management of backlog.

Table 4.14: Poor Working Conditions influence on management of backlog.

Response	Frequency	percentage
Strongly disagree	4	7.7
Disagree	4	7.7
Neutral	14	26.9
Agree	17	32.7
Strongly agree	13	25.0
Total	52	100.0

Table 4.14 shows that 57.7 percent agreed that poor working conditions affected management of case backlog while 26.9 percent were not committed on the issue. This indicates that working conditions play a key role in the management of case backlog.

4.3.11 Lack of Motivation

The Judicial Officers and staff were required to indicate whether they agreed or disagreed that lack of motivation of staff contributed to management of backlog.

The Table 4.15 below presents judicial officers and staff response on lack of motivation of staff on management of backlog.

Table 4.15: Lack of Motivation on Staff influence on management of backlog.

Response	Frequency	percentage
Strongly disagree	8	15.4
Disagree	9	17.3
Neutral	13	25.0
Agree	12	23.1
Strongly agree	10	19.2
Total	52	100.0

Table 4.15 shows that 42.3 percent agreed that lack of motivation affected management of case backlog while 25 percent were not committed on the issue. This indicates that motivation of staff influences performance and reduces backlog.

4.3.12 Inadequacy of Judicial Staff

The Judicial Officers and staff were required to rate the effect of inadequacy of Judicial staff contributed to management of backlog.

Table 4.16 presents the judicial officers and staff response on inadequacy of judicial staff in influencing management of backlog.

Table 4.16: Inadequacy of Judicial Staff influence on management of backlog.

Response	Frequency	percentage
Strongly disagree	4	7.7
Disagree	8	15.4
Neutral	8	15.4
Agree	15	28.8
Strongly agree	17	32.7
Total	52	100.0

Table 4.16 shows that 61.5 percent agreed inadequacy of Judicial Staff in the court affected management of case backlog while 15.4 percent were not committed on the issue. This indicates adequacy of judicial staff is conducive to reduction of case backlog.

4.4. Use of Information and Communication Technology

This section sought to gather information of the respondents in regard to use of technology and how it affects management of case backlog in Judiciary. The Section considered the availability of ICT, training of Judicial Officers and Staff in the use of ICT and their competence in management of case backlog.

4.4.1 Lack of ICT in Courts

The judicial officers and staff were required to indicate whether they agreed or disagreed that lack of ICT in courts contributed to management of backlog.

Table 4.17 presents the judicial officers and staff response on lack of ICT in courts in management of backlog.

Table 4.17: Lack of ICT in courts influence on management of backlog.

Response	Frequency	Percentage
Strongly disagree	5	9.6
Disagree	3	5.8
Neutral	13	25.0
Agree	12	23.1
Strongly agree	19	36.5
Total	52	100.0

Table 4.17 show that 59.6 percent agreed that lack of ICT in courts affected management of case backlog while 25 percent were not committed on the issue. This indicates the importance of ICT in management of backlog.

4.4.2 Untrained Staff on ICT

The Judicial Officers and Staff were required to indicate whether they agreed or disagreed that untrained staff on ICT contributed to management of backlog.

Table 4.18 presents Judicial Officers and staff response on untrained staff on ICT.

Table4.18: Untrained Staff on ICT influence on management of backlog.

Response	Frequency	Percentage
Strongly disagree	5	9.6
Disagree	4	7.7
Neutral	8	15.4
Agree	21	40.4
Strongly agree	14	26.9
Total	52	100.0

Table 4.18 show that 67.3 percent agreed untrained staff on ICT affected management on backlog while 15.4 percent were not committed. This indicates that Judicial staff needs training in ICT for proper management of case backlog.

4.4.3 Untrained Judicial Officers on ICT

The Judicial Offices and staff were required to indicate whether they agreed or disagreed that untrained judicial officers on ICT contributed to management of backlog.

Table 4.19 presents Judicial Officers and staff response on untrained judicial officers on ICT.

Table 4.19: Untrained Judicial Officers on ICT influence on management of backlog.

Response	Frequency	percentage
Strongly disagree	6	11.5
Disagree	10	19.2
Neutral	11	21.2
Agree	15	28.8
Strongly agree	10	19.2
Total	52	100.0

Table 4.19 show that 48 percent agreed that untrained staff on ICT affected management on case backlog whereas 21.2 percent were not committed on the issue. This indicates that there is need for training Judicial Officers on ICT.

4.4.4 Sufficient and Competent Staff on ICT

The Judicial Officers and staff were required to indicate whether they agreed or disagreed that judicial officers were sufficiently competent on ICT.

Table 4.20 presents Judicial Officers response on sufficiency and competence of Judicial Officers on ICT.

Table 4.20: Sufficient and Competent Staff on ICT on Management of Backlog.

Response	Frequency	Percentage
Strongly disagree	17	32.7
Disagree	15	28.8
Neutral	7	13.5
Agree	6	11.5
Strongly agree	7	13.5
Total	52	100.0

Table 4.20 show that 61.5 percent of judicial staff are not sufficiently competent on ICT whereas 13.5 percent were not committed on the issue. This indicates judicial staff requires training on ICT.

4.4.5 Staff Training on ICT

The Judicial Officers and staff were required to indicate whether they agreed or disagreed that judicial staff needed training on ICT.

Table 4.21 presents the judicial officers and staff response on staff training on ICT in the management of backlog.

Table 4.21: Staff Training on ICT influence on management of backlog

Response	Frequency	Percentage
Disagree	2	3.8
Neutral	5	9.6
Agree	8	15.4
Strongly agree	37	71.2
Total	52	100.0

Table 4.21 show that 86.6 percent agreed that Judicial Staff needed training on ICT while 9.6 percent were not committed. This indicates there is need for staff training on ICT.

4.4.6 Court Use of ICT

The Judicial officers and staff were required to indicate whether they use ICT.

Table 4.22 presents Judicial Officers and Staff response on court use of ICT by Judicial Staff.

Table 4.22: Court Use of ICT influence on Management of Backlog.

Response	Frequency	Percentage
Yes	5	9.6
No	47	90.4
Total	52	100.0

Table 4.22 show that 90.4 percent of the staff use ICT in the Judiciary. This indicates ICT is an important tool in management of backlog.

4.5 Other Factors Affecting Management of Case Backlog

This Section sought to gather the information of the respondents in regard to other factor that affect management of case backlog in the Judiciary. The section considered manual management of records, recording proceedings, case tracking process, record control system, preservation of vital documents, automation of courts, administrative process, data process, archiving of information, transparency and fairness of use of technology, with a view to establish other factors that influence management of backlog other than the five variables under study.

4.5.1 Manual Management of Court Records.

The judicial officers and staff were required to indicate whether they agreed or disagreed that manual management of court records influenced management of backlog.

Table 4.23 presents judicial officers and staff response on manual management of court records.

Table 4.23: Manual Management of Courts Records influence on management of backlog.

Response	Frequency	Percentage
Strongly disagree	2	3.8
Disagree	4	7.7
Neutral	7	13.5
Agree	13	25.0
Strongly agree	26	50.0
Total	52	100.0

Table 4.23 shows that 75 percent agreed manual recording of court proceedings contributed to backlog while 15.4 percent were not committed. This indicates that manual recording of court proceedings should be replaced with modern technology.

4.5.2 Manual recording of court Proceedings

The judicial officer and staff were required to indicate whether they agreed or disagreed that manual recording of court proceedings contributed to management of backlog.

Table 4.24 presents the judicial officers and staff response on manual recording of court proceedings.

Table 4.24 Manual Recording of court proceedings influence on case backlog.

Response	Frequency	Percentage
Strongly disagree	2	3.8
Disagree	3	5.8
Neutral	8	15.4
Agree	16	30.8
Strongly agree	23	44.2
Total	52	100.0

Table 4.24 shows that 75 percent agreed manual recording of court proceedings contributed to backlog while 15.4 percent were not committed. This indicates that manual recording of court proceedings should be replaced with modern technology.

4.5.3 Poor Case Tracking Process

The Judicial Officers were required to indicate whether they agreed or disagreed that poor case tracking process contributed to management of backlog.

Table 4.25 presents the respondents response to poor case tracking process.

Table 4.25: Poor Case Tracking Process influence on management of backlog.

Response	Frequency	percentage
Strongly disagree	5	9.6
Disagree	5	9.6
Neutral	3	5.8
Agree	22	42.3
Strongly agree	17	32.7
Total	52	100.0

Table 4.25 shows that 75 percent agreed that poor case tracking process contributed to backlog while 5.8 percent were not committed. This indicates case tracking process is poor and inappropriate.

4.5.4 Poor Record Control System

The Judicial officers and staff were required to indicate whether they agreed or disagreed that poor record control system contributed to management of backlog.

Table 4.26 presents the judicial officers and staff response on poor records control system.

Table 4.26: Poor Record Control System influence on management of backlog.

Response	Frequency	percentage
Strongly disagree	4	7.7
Disagree	4	7.7
Neutral	5	9.6
Agree	23	44.2
Strongly agree	16	30.8
Total	52	100.0

Table 4.26 show that 75 percent agreed poor records control system was a factor contributing to case backlog while 9.6 percent were not committed on the issue. This indicates there is need to embrace modern technology in record control system.

4.5.5.Poor Preservation of Vital Records and Evidence

The Judicial Officers and staff were required to indicate whether they agreed or disagreed that poor in preservation of vital records and evidence contributed to management of backlog.

Table 4.27 presents judicial officers and staff responses on poor preservation of vital record and evidence.

Table 4.27: Poor Preservation of Vital Records and Evidence influence on management of backlog.

Response	Frequency	percentage
Strongly disagree	4	7.7
Disagree	5	9.6
Neutral	10	19.2
Agree	19	36.5
Strongly agree	14	26.9
Total	52	100.0

Table 4.27 shows that 63.4 percent agreed that poor preservation of vital records and evidence contributed to case backlog with 19.2 percent being not committed to the issue. This indicates that manual management of court records is ineffective and is a poor way of preservation of vital records and evidence.

4.5.6 Manual System of Recording

Judicial Officers and Staff were required to indicate whether they agreed or disagreed manual system of recording contributed to management of backlog.

Table 4.28 presents judicial officers and staff response on manual recording.

Table 4.28: Manual system of recording influence on management of backlog.

Response	Frequency	percentage
Strongly disagree	2	3.8
Disagree	12	23.1
Neutral	3	5.8
Agree	20	38.5
Strongly agree	15	28.8
Total	52	100.0

Table 4.28 show that 67.3 percent agreed that manual system of recording makes prompt disposal of cases difficult with 26.9 percent disagreeing. This indicates that manual recording contributes to delay of cases and should be replaced with modern techniques of technology.

4.5.7 Retrieval Process in Manual System of Record

The Judicial Officers and staff were required to indicate whether they agreed or disagreed retrieval process in manual system is cumbersome, tedious and ineffective.

Table 4.29 presents Judicial Officers and staff response on manual system of records.

Table 4.29: Retrieval Process in Manual System of Record influence on management of backlog

Response	Frequency	Percentage
Strongly disagree	2	3.8
Disagree	2	3.8
Neutral	4	7.7
Agree	21	40.4
Strongly agree	23	44.2
Total	52	100.0

Table 4.29 show that 84.6 percent agreed that retrieval process in manual system of Records is cumbersome, tedious and inefficient and contributed to backlog of cases while

7.7 percent were not committed. This indicates manual system of record retrieval is outdated.

4.5.8 Effects of Manual System of Records

The judicial officer and staff were required to indicate whether they agreed or disagreed that manual system contribute to management of backlog.

Table 4.30 presents judicial officers and staff response on manual system of records.

Table 4.30: Effects of Manual System of Records management of backlog.

Response	Frequency	Percentage
Strongly disagree	3	5.8
Disagree	6	11.5
Neutral	4	7.7
Agree	17	32.7
Strongly agree	22	42.3
Total	52	100.0

Table 4.30 show that 75 percent agreed that manual system of records lead to misplacement, destruction of records and loss of files and contribute to case backlog while 11.5 percent disagreed. This indicates that there is need to consider modern methods of technology in preserving and archiving records.

4.5.9 Manual System of Records and Retrieval of Files, Documents and corruption

The judicial officers and staff were required to indicate whether they agreed or disagreed that manual system of records and retrieval of files and documents presented a loophole to corruption.

Table 4.31 presents judicial officers and staff response on manual system of records and retrieval of files, documents and corruption.

Table 4.31: Manual System of Records and Retrieval of Files, Documents and corruption influence on management of backlog.

Response	Frequency	Percentage
Strongly disagree	7	13.5
Disagree	5	9.6
Neutral	10	19.2
Agree	17	32.7
Strongly agree	13	25.0
Total	52	100.0

Table 4.31 shows that 57.7 percent agreed that manual system of records and retrieval of files and documents filed presented a loophole for corruption while 19.2 percent were not committed. This indicates manual system of recording encourages corruption and contributed to case backlog.

4.5.10 Retrieval of Documents Filed in Court and Fraud

The judicial officers and staff were required to indicate whether they agreed or disagreed that retrieval of documents filed in court presented a loophole for fraud.

Table 4.32 presents the judicial officers and staff response on whether documents filed in court present a loophole for fraud.

Table 4.32: Retrieval of Documents Filed in Court and Fraud influence on Management of Case Backlog

Response	Frequency	Percent
Strongly disagree	7	13.5
Disagree	10	19.2
Neutral	8	15.4
Agree	16	30.8
Strongly agree	11	21.2
Total	52	100.0

Table 4.32 shows that 52 percent agree that retrieval of document in court presented a loophole for fraud, 32.7 disagreed while 15.4 percent were not committed on the issue. This indicates that manual management of records is inefficient and subject to be abused.

4.5.11 Effects of Corrupt Staff Members and Litigant/Lawyers

The Judicial officers and staff were required to indicate whether they agreed or disagreed corrupt staff colluded with litigants/lawyers to interfere with prompt disposal of cases and created backlog.

Table 4.33 presents judicial officers and staff response on effects of corrupt staff members and litigant/lawyers.

Table 4.33: Effects of Corrupt Staff Members and Litigant/Lawyers influence on management of backlog.

Response	Frequency	Percent
Strongly disagree	11	21.2
Disagree	13	25.0
Neutral	13	25.0
Agree	4	7.7
Strongly agree	11	21.2
Total	52	100.0

Table 4.33 show that 46.2 percent disagreed that corrupt staff members colluded with litigants/lawyers and interfered with prompt disposal of cases, created backlog and interfered with right to due process, 28.8 percent agreed, whereas 25 percent were not committed on the issue. This indicates that either judicial staff or litigants or lawyers are honest and if there is collusion to defeat justice is rare.

4.5.12 Effects of ICT on Administration of Justice

The judicial officers and staff were required to indicate whether they agreed or disagreed that ICT had enormous potential to improve the administration of justice and the management of backlog. .

Table 4.34 presents judicial officers and staff response on management of backlog.

Table 4.34: Effects of ICT on Administration of Justice and influence on management of backlog

Response	Frequency	Percentage
Disagree	2	3.8
Neutral	4	7.7
Agree	18	34.6
Strongly agree	28	53.8
Total	52	100.0

Table 4.34 show that 88.4 percent agreed that ICT has an enormous potential to improve the administration of justice and case backlog while 7.7 percent were not committed. This indicates that ICT is the best tool to use in improving administration of justice and doing away with backlog.

4.5.13 Effects of Automation of Courts on Public Confidence

The judicial officers and staff were required to indicate whether they agreed or disagreed that automation of courts has potential of enhancing public confidence in the Judiciary.

Table 4.35 presents the judicial officers and staff response on the effects of automation of courts on public confidence.

Table 4.35: Effects automation of courts on public Confidence in influence on management of backlog.

Response	Frequency	Percent
Disagree	1	1.9
Neutral	6	11.5
Agree	18	34.6
Strongly agree	27	51.9
Total	52	100.0

Table 4.35 show that 86.5 percent agreed that the automation of courts has potential of enhancing public confidence while 11.5 percent were not committed. This indicates that ICT is an important tool in restoring public confidence in the Judiciary.

4.5.14 Facilities for use of ICT in administrative process and data management.

The Judicial Officers and staff were required to indicate whether they agreed or disagreed that ICT can facilitate speedier trial and enhance efficiency and effectiveness of administrative process through data management.

Table 4.36 presents judicial officers and staff response on facilities for use of ICT in administrative process and data management.

Table 4.36: Facilities for use of ICT on administrative process and data management on management of backlog.

Response	Frequency	Percent
Disagree	1	1.9
Neutral	5	9.6
Agree	20	38.5
Strongly agree	26	50.0
Total	52	100.0

Table 4.36 show that 88.5 percent agreed ICT can facilitate speedier trials and enhance the efficiency and effectiveness of administrative process through data management and manage backlog while 9.6 percent were not committed on the issue. This indicates public has confidence in ICT in delivery of speedier trials and efficiency in case management.

4.5.15 ICT on Data Processing and Archiving of Information

The judicial officers and were required to indicate whether they agreed or disagreed that ICT processing and archiving of information of information contribute to management of backlog.

Table 4.37 presents ICT data processing and Archiving of Information.

Table 4.37: ICT on data processing and archiving of information influence on management of backlog.

Response	Frequency	Percent
Disagree	1	1.9
Neutral	2	3.8
Agree	20	38.5
Strongly agree	29	55.8
Total	52	100.0

Table 4.37 show that 94.3 percent agreed that ICT on data processing and archiving information contribute to management of backlog while 3.8 percent were not committed on the issue. This indicates that ICT can be a facilitator of data processing and archiving of information in the Judiciary.

4.5.16 ICT on transparency and fairness in communication

The judicial officers and staff were requested to indicate whether they agreed or disagreed that ICT guarantees transparency and fairness in adjudication of cases and in facilitating internal and external communication.

Table 4.38: ICT on transparency and fairness in the Communication influence on management of case backlog

Response	Frequency	Percent
Neutral	6	11.5
Agree	22	42.3
Strongly Agree	24	46.2
Total	52	100.0

Table 4.38 show that 88.5 percent agreed that ICT can guarantee more transparency and fairness in adjudication of cases and facilitate internal and external communication and contribute to management of backlog while 11.5percent were not committed. This indicates

that transparency and fairness can easily be achieved in adjudication of cases through use of ICT.

4.5.17 Court's automation influence and impact on management of case backlog

The Judicial Officers and Staff were required to indicate whether they agreed or disagreed that court’s automation influenced on management of case backlog.

Table 4.39 presents judicial officers staff response on court’s automation influence and impact on management of case backlog.

Table 4.39: Court's automation influence and impact on management of case backlog

Response	Frequency	Percent
Strongly disagree	6	11.5
Disagree	6	11.5
Neutral	11	21.2
Agree	18	34.6
Strongly agree	11	21.2
Total	52	100.0

Table 4.39 show that 55.8 percent agreed that the automation of the courts has influenced and impacted on management of case backlog while 21.2 were not committed. This indicates courts needs automation to manage case backlog.

4.5.18 Rate of automation in influencing Management of backlog and impact on right to due process

The Judicial officers and staff were required to indicate how they rated automation of court’s influence on management of backlog.

Table 4.40 presents the judicial officers and staff rating on automation influence on management of backlog and impact on right to due process.

Table 4:40 Rate of Automation in Influencing Management of Backlog and Impact on Due Process

Response	Frequency	Percent
Very poor	4	7.7
Poor	7	13.5
Not able to rate	18	34.6
High	15	28.8
Very high	8	15.4
Total	52	100.0

Table 4.40 show that 34.6 percent were not able to rate automation of court’s influence on management of backlog and impact on right to due process while 34.2 percent were able. This indicates the importance of automation of courts in management of backlog is yet to be influenced in the Judiciary.

4.6 Court Rules and Procedures

This section sought to gather information of the respondents in regard to how court rules and procedure influences management of case backlog in the Judiciary. Under court rules and procedures the following were considered, the effect of existing rules and procedures in Civil and Criminal matters, working procedures, bureaucracy in the legal system, jurisdiction limits of magistrates, court, case management, staff appraisals, pleadings and their influence in management of case backlog.

4.6.1 Existing Rules and Procedures in Civil and Criminal matters

The judicial officers and staff were required to indicate whether they agreed or disagreed that the existing rules and procedures contributed to management of backlog.

Table 4.41: Existing Rules and Procedures in Civil and Criminal Matters influence on management of backlog.

Response	Frequency	Percentage
Disagree	11	21.2
Neutral	4	7.7
Agree	27	51.9
Strongly agree	10	19.2
Total	52	100.0

Table 4.41 shows that 71.1 percent agreed that the existing rules and procedures contributed to management of case backlog while 21.2 percent did not agree. This indicates existing rules and procedures are effective.

4.6.2 Working Procedures.

The Judicial officers and staff were required to indicate whether they agreed or disagreed that working procedures contributed to management of backlog.

Table 4.42 presents judicial officers and staff response on working conditions and procedures.

Table 4.42: Working Procedures influence on management of backlog

Response	Frequency	Percentage
Strongly disagree	1	1.9
Disagree	7	13.5
Neutral	8	15.4
Agree	28	53.8
Strongly agree	8	15.4
Total	52	100.0

Table 4.42 shows that 69.2 percent agreed that the working procedures were effective and contributed to management of case backlog while 15.4 percent did not commit themselves on the issue. This indicates that judiciary has good working rules and procedures.

4.6.3 Ignoring the Rules and Procedures as Laid Down

The judicial officers and staff were required to indicate whether they agreed or disagreed that ignoring the rules and procedures laid down contributed to management of backlog.

Table 4.43 presents the judicial officers and staff response on ignoring the rules and procedures laid down.

Table 4.43: Ignoring the Rules and Procedures as Laid Down influence on management of backlog

Response	Frequency	Percentage
Strongly disagree	6	11.5
Disagree	9	17.3
Neutral	12	23.1
Agree	18	34.6
Strongly agree	7	13.5
Total	52	100.0

Table 4.43 show that 48.8 percent disagreed that ignoring the rules and procedures as laid down affected management of case backlog while 48.1 percent agreed. This indicates that half of the respondents do not see the effects of overlooking the laid down rules and procedures while the other half places a lot of importance on the laid down rules and procedures in management of case backlog.

4.6.4 Bureaucracy in the Legal System

The Judicial Officers and staff were required to indicate whether they agreed or disagreed that bureaucracy in the legal system contributed to management of backlog.

Table 4.44 presents the judicial officers and staff response on bureaucracy in the legal system.

Table 4.44: Bureaucracy in the Legal System influence on management of Backlog

Response	Frequency	Percentage
Strongly disagree	3	5.8
Disagree	8	15.4
Neutral	7	13.5
Agree	23	44.2
Strongly agree	11	21.2
Total	52	100.0

Table 4.44 show that 65.4 percent agreed that bureaucracy in the legal system contributed to backlog, while 15.4 percent disagreed and 13.5 percent were not committed on the issue. This indicates bureaucracy in the legal system is poor and requires reorganization.

4.6.5 Lack of Clear Rules and Procedures.

The Judicial officers and staff were required to indicate whether they agreed or disagreed that lack of clear rules and procedures contributed to management of backlog.

Table 4.45 presents the judicial officers and staff on lack clear rules and procedures.

Table 4.45: Lack of Clear Rules and Procedures influence on management of backlog.

Response	Frequency	Percentage
Strongly disagree	1	1.9
Disagree	9	17.3
Neutral	10	19.2
Agree	22	42.3
Strongly agree	10	19.2
Total	52	100.0

Table 4.45 shows that 61.5 percent agreed that lack of clear rules and procedures contributed to backlog of cases while 19.2 percent were not committed and 17.3 percent disagreed. This indicates that unclear rules and procedures contributes to case backlog hence there is need to have clear rules and procedures.

4.6.6.Unlimited Mentions

The judicial officers and staff were required to indicate whether they agreed or disagreed that unlimited number of mentions contributed to management of backlog.

Table 4.46 presents the judicial officers and staff response on unlimited number of mentions.

Table 4.46: unlimited Mentions influence on management of case backlog

Response	Frequency	Percentage
Strongly disagree	3	5.8
Disagree	7	13.5
Neutral	11	21.2
Agree	17	32.7
Strongly agree	14	26.9
Total	52	100.0

Table 4.46 show that 59.6 percent agreed that unlimited number of mentions contributed to backlog while 21.2 percent were not committed on the issue. This indicates there is need to limit the number of mentions before determination of a case to do away with backlog.

4.6.7 Unlimited Adjournments.

The Judicial Officers and staff were required to indicate whether they agreed or disagreed that unlimited adjournments contributed to management of backlog.

Table 4.47 presents judicial officers and staff response on unlimited number of adjournments.

Table 4.47 Unlimited number of adjournments influence on management of backlog.

Response	Frequency	Percentage
Strongly disagree	2	3.8
Disagree	10	19.2
Neutral	9	17.3
Agree	20	38.5
Strongly agree	11	21.2
Total	52	100.0

Table 4.47 show that 59.7 percent agreed that unlimited number of adjournments contributed to backlog, 19.2 percent disagreed while 17.3 percent were not committed on the issue. This indicates that failure to limit the number adjournments contributes to backlog.

4.6.8 Lack of Provisions on Mentions/Adjournment

The Judicial officers and staff were required to indicate whether they agreed or disagreed that lack of provisions on number of mentions/adjournments contributed to management of backlog.

Table 4.48 presents the judicial officers response on unclear provisions on mentions and adjournments.

Table 4.48 Lack of provisions on number of mentions/adjournments influence on management of backlog.

Response	Frequency	Percentage
Strongly disagree	2	3.8
Disagree	8	15.4
Neutral	7	13.5
Agree	20	38.5
Strongly agree	15	28.8
Total	52	100.0

Table 4.48 show that 67.3 percent agreed that lack of unclear provisions on a number of mentions/adjournments contributed to case backlog, 15.4 percent disagreed while 13.5 percent were not committed on the issue. This indicates lack of provision on the number of times a case is supposed to be mentioned/adjourned can be abused and cause backlog. There is need to create a provision limiting number of mentions/adjournments of a case.

4.6.9: Failure to have Statutory Provision as to how long a Matter should take between filing and determination

The Judicial Officers and staff were required to indicate whether they agreed or disagreed that failure to have statutory provisions as to how long a matter should take between filing and determination contributed to backlog.

Table 4.49 presents the judicial officers and staff responses on failure to have a statutory provision to how long a matter should take between filing and determination.

Table 4.49 Failure to have statutory provision as to how long a matter should take between filing and determination and influence on backlog

Response	Frequency	Percentage
Strongly disagree	5	9.6
Disagree	3	5.8
Neutral	5	9.6
Agree	16	30.8
Strongly agree	23	44.2
Total	52	100.0

Table 4.49 show that 75percent of the respondents agreed there should be a statutory provision as to how long a matter should take between filing and determination while 9.6 percent agreed and 15.4 percent disagreed. This indicates backlog is encouraged by failure to have specific provisions determining the life of a case between filing and determination.

4.6.10 Lack of Training on Rules and Procedures

The Judicial Officers and staff were required to indicate whether they agreed or disagreed that lack of training in rules and procedures contributed to management of backlog.

Table 4.50 presents the judicial officers and staff response on lack of training on rules and procedures

Table 4.50:Lack of Training on Rules and Procedures influence on management of backlog

Response	Frequency	Percentage
Disagree	5	9.6
Neutral	7	13.5
Agree	25	48.1
Strongly agree	14	26.9
Total	52	100.0

Table 4.50 show that 75percent agreed that lack of training in rules and procedures contributed to backlog of cases while 13.5 percent were not committed on the issue. This indicates there is need for training of staff on rules and procedures.

4.6.11 Jurisdiction limits on Magistrate’s Courts

The Judicial Officers and staff were required to indicate whether they agreed or disagreed that jurisdiction limits on magistrate’s court contributed to backlog.

Table 4.51 presents the judicial officers and staff response on jurisdiction limits on Magistrate’s courts.

Table 4.51: Jurisdiction limits on Magistrate's Courts influence on management of backlog

Response	Frequency	Percentage
Strongly disagree	2	3.8
Disagree	9	17.3
Neutral	8	15.4
Agree	22	42.3
Strongly agree	11	21.2
Total	52	100.0

Table 4.51 show that 63.5 percent agreed that jurisdictional limits on of Magistrate’s courts contributed to backlog while 17.3 percent disagreed. This indicates that there is need for enhancement of jurisdictional limits on Magistrate’s courts

4.6.12 Weak Case Management

The judicial officers and staff were asked to indicate whether they agreed or disagreed that weak case management contributed to backlog.

Table 4.52 presents judicial officers and staff responses on weak case management in the Judiciary.

Table 4.52: Weak Case Management influence on management of backlog.

Response	Frequency	Percentage
Strongly disagree	3	5.8
Disagree	10	19.2
Neutral	8	15.4
Agree	20	38.5
Strongly agree	11	21.2
Total	52	100.0

Table 4.52 show that 59.7 percent agreed that weak case management in the judiciary contributed to case backlog while 19.2 percent disagreed. This indicates there is need for courts to have case managers.

4.6.13 Inadequate Staff Appraisals

The judicial officers and staff were required to indicate whether they agreed or disagreed that inadequate staff appraisals contributed to backlog.

Table 4.53 presents judicial officers and staff response on the effects of inadequate staff appraisals.

Table 4.53: Inadequate Staff Appraisals influence on management of backlog.

Response	Frequency	Percentage
Strongly disagree	2	3.8
Disagree	4	7.7
Neutral	5	9.6
Agree	24	46.2
Strongly agree	17	32.7
Total	52	100.0

Table 4.53 show that 78.9 percent agreed that inadequate staff appraisals contributed to case backlog while 9.6percent were not committed to the issue. This indicates that there is need of staff appraisals on management of base backlog regularly.

4.6.14 Failure of Compliance with Rules and Procedures by Lawyers and Litigants

The judicial officers and staff were required to indicate whether they agreed or disagreed that failure to comply with rules and procedures by lawyers and litigants contributed to management of backlog.

Table 4.53 presents the judicial officers and staff response on failure of compliance with rules and procedures by lawyers and litigants.

Table 4.54: Failure of Compliance with Rules and Procedures by Lawyers and Litigants influence on management of backlog

Response	Frequency	Percentage
Strongly disagree	2	3.8
Disagree	9	17.3
Neutral	4	7.7
Agree	24	46.2
Strongly agree	13	25.0
Total	52	100.0

Table 4.54 show that 71.2 percent agreed that failure by lawyers and litigants to comply with rules and procedures contributed to backlog while 17.3 percent disagreed. This indicates that management of backlog can be effected by consumers of Judicial Services complying with rules and procedures.

4.6.15 Bad Pleadings

The judicial officers and staff were required to indicate whether they agreed or disagreed that bad pleadings contributed to management of backlog.

Table 4.55 presents judicial officers and staff response on bad pleading on management of case backlog.

Table 4.55:Bad Pleadings influence on management of backlog influence on management of backlog

Response	Frequency	Percentage
Strongly disagree	5	9.6
Disagree	6	11.5
Neutral	13	25.0
Agree	19	36.5
Strongly agree	9	17.3
Total	52	100.0

Table 4.55 show that 53.8 percent agreed that bad pleadings contributed to backlog of cases while 25 percent did not commit themselves. This indicates that bad pleadings contribute to backlog.

4.6.16 Non-compliance with Rules and Procedures

The judicial officers and staff were required to indicate whether they agreed or disagreed that non-compliance with rules and procedures contributed to backlog.

Table 4.56 presents judicial officers and staff response on the effects of non-compliance with rules and procedures.

Table 4.56: Non-compliance with Rules and Procedures on backlog

Response	Frequency	Percentage
Strongly disagree	2	3.8
Disagree	3	5.8
Neutral	11	21.2
Agree	26	50.0
Strongly agree	10	19.2
Total	52	100.0

Table 4.56 show 69.2 percent agreed that non-compliance with rules and procedure contributed to backlog while 21.2 percent were not committed. This indicates that non-compliance with rules and procedures can delay trials and cause backlog.

4.7 Judicial Organizational Structure

The Section sought information on judicial organizational structure, the operational relationship between judicial staff and administrative staff, reporting and pecking order, terms of reference, job description, fusion of judicial and administration functions, location authority, continuous learning and training programme for judicial staff.

4.7.1 Centralized and Concentrated Organizational Structure

The Judicial officers and staff were required to indicate whether they agreed or disagreed that centralized and concentrated organization structure of the judiciary contributed to management of backlog.

Table 4.57 presents the judicial officers and staff response on centralized and concentrated organizational structure

Table 4.57 Centralized and Concentrated Organizational Structure influence on management of backlog.

Response	Frequency	Percentage
Strongly disagree	1	1.9
Disagree	5	9.6
Neutral	12	23.1
Agree	17	32.7
Strongly agree	17	32.7
Total	52	100.0

Table 4.57 show that 65.4 percent agreed that centralized and concentrated organizational structures contributed to case backlog while 23.1 percent were not committed on the issue.

This indicates judicial organizational structure is wanting and needs to be re-engineered to suit and enable management of backlog.

4.7.2 Structural and Operational Relationship Between Judicial Staff, Registry and Administrative Staff

The judicial officers and staff were required to indicate whether they agreed or disagreed that structural and operational relationship between judicial staff contributed to management of backlog.

Table 4.58 presents the judicial officers and staff response on structural and operational relationship between judicial staff, registry and administrative staff on management of backlog.

Table 4.58: Structural and Operational Relationship Between Judicial Staff, Registry and Administrative Staff influence on management of backlog

Response	Frequency	Percentage
Strongly disagree	2	3.8
Disagree	4	7.7
Neutral	13	25.0
Agree	23	44.2
Strongly agree	10	19.2
Total	52	100.0

Table 4.58 show that 53.4 percent agreed that structural and operational relationship between judicial staff, registry and administrative staff was not healthy and contributed to backlog while 25 percent did not commit themselves on the issue. This indicates there is lack of clearly defined roles of judicial staff and administrative staff hence the need to have clear defined roles for judicial staff and administrative staff.

4.7.3 Lack of Reporting and Pecking Order

The judicial officers and staff were required to indicate to what extent lack of reporting and pecking orders affect management of backlog.

Table 4.59 presents judicial officers response on lack of reporting and pecking orders on management of case backlog.

Table 4.59: Lack of Reporting and Pecking Order influence on management of backlog.

Response	Frequency	Percentage
Strongly disagree	2	3.8
Disagree	10	19.2
Neutral	14	26.9
Agree	16	30.8
Strongly agree	9	17.3
Total	52	100.0

Table 4.59 shows that 48.1 percent agreed that lack of clarity in reporting and pecking order contributed to backlog of cases while 26.9 percent did not commit themselves. This indicates that organizational structure of the judiciary on reporting and pecking order is wanting and need to be reorganized in a clear manner so as to influence reduction of case backlog.

4.7.4 Lack of Terms of Reference/Job Description for Judicial Officers and Induction programmes

The judicial officers and staff were required to indicate whether they agreed or disagreed that lack of terms of reference/job description for judicial officers and induction programmes contributed to management of backlog.

Table 4.60 presents the judicial officers and staff response on lack of terms of reference/job description for officers and induction programmes on management of backlog.

Table 4.60: lack of Terms of reference/job description for officers and induction programmes influence on management of backlog

Response	Frequency	Percentage
Strongly disagree	1	1.9
Disagree	3	5.8
Neutral	8	15.4
Agree	25	48.1
Strongly agree	15	28.8
Total	52	100.0

Table 4.60 show that 76.9 percent agreed that lack of terms of reference/job description for officers and lack of induction programmes contributed to backlog while 15.4 percent were not committed. This indicates there is need to put in place terms of reference/job description for officers and have induction programmes for all newly recruited judicial officers and staff.

4.7.5 Lack of Vertical and horizontal Accountability System

The judicial officer and staff were required to indicate whether they agreed or disagreed that lack of vertical and horizontal accountability systems contributed to management of backlog.

Table 4.61 presents judicial officers and staff response on lack of vertical and horizontal accountability system and its effect on management of backlog.

Table 4.61: Lack of Vertical and Horizontal Accountability System influence on management of backlog.

Response	Frequency	Percentage
Strongly disagree	2	3.8
Disagree	7	13.5
Neutral	13	25.0
Agree	19	36.5
Strongly agree	11	21.2
Total	52	100.0

Table 4.61 show that 57.7 percent agreed that lack of vertical and horizontal accountability system in the judiciary contributed to case backlog while 25 percent were not committed on the issue. This indicates that the organizational structure of the judiciary is poor and that affects accountability and management of backlog.

4.7.6 Fusion of Judicial and Administration Functions

The judicial officers and staff were required to indicate whether they agreed or disagreed that fusion of judicial and administration functions contributed to management of backlog.

Table 4.62 presents judicial officers and staff response on of fusion and administration functions on management of backlog.

Table 4.62 presents judicial officers and staff response on fusion and administration functions on management of backlog.

Table 4.62: Fusion and administration functions influence on management of backlog.

Response	Frequency	Percentage
Strongly disagree	1	1.9
Disagree	4	7.7
Neutral	14	26.9
Agree	19	36.5
Strongly agree	14	26.9
Total	52	100

Table 4.62 shows that 63.4 percent agreed that fusion of judicial and administration functions contributed to case backlog while 26.9 percent were not committed to the issue. This indicates that there is need to separate the judicial function from administrative functions to enable judicial officers concentrate on their core business of administration of justice so as to reduce backlog in the judiciary.

4.7.7 Impairing of quality decision making, location of authority and responsibility

The judicial officers and staff were required to indicate whether they agreed or disagreed that impairing of quality decision making, location of authority and responsibility contributed to management of backlog.

Table 4.63 presents judicial officers response on impairing of quality decision making, location of authority and responsibility.

Table 4.63 impairing of quality decision making, location of authority and responsibility influence on management of case backlog.

Response	Frequency	Percentage
Strongly disagree	2	3.8
Disagree	2	3.8
Neutral	20	38.5
Agree	14	26.9
Strongly agree	14	26.9
Total	52	100

Table 4.63 shows that 53.8 percent agreed that impairing quality decision making, location of authority and responsibility contributed to backlog while 38.5 percent were not committed. This indicates that judicial organizational structure needs realignment.

4.7.8. Lack of Continuous Learning and Training Programme for Judicial Officers and Other Staff

The Judicial Officers and staff were required to indicate whether they agreed or disagreed that lack of continuous learning and training programme for judicial officers and other staff contributed to management of backlog.

Table 4.64 presents the judicial officers and staff response on continuous learning and training programme for judicial officers and other staff on management of backlog.

Table 4.64: Lack of Continuous Learning and Training Programme for Judicial Staff and other staff influence on management of backlog.

Response	Frequency	Percentage
Strongly disagree	1	1.9
Disagree	3	5.8
Neutral	9	17.3
Agree	11	21.2
Strongly agree	28	53.8
Total	52	100

Table 4.64 shows that 75 percent agreed that lack of continuous learning and training Programme for Judicial Staff contributed to backlog while 17.3 percent were not committed. This indicates there is lack of continuous learning and training of judicial officer and other staff.

4.7.9 Rating the Organizational Structure in Court and its Effect on Management of Backlog

The judicial officers and staff were required to rate the judicial organizational structure in their respective courts and the influence on management of backlog.

Table 4.65 presents judicial officers and staff rating of the organizational structure in their courts and the influence on management of backlog.

Table 4.65: Rating the Organizational Structure in Court and its Effect on Management of Backlog influence on management of backlog influence on management

Response	Frequency	Percentage
Very poor	4	7.7
Poor	3	5.8
Average	30	57.7
High	14	26.9
Very high	1	1.9
Total	52	100.0

Table 4.65 show that 86.5 percent rated the organization structure of judiciary highly in management of backlog, 7.7 percent rated it very poorly while 5.8 percent poorly. This indicates the judicial officers and staff are happy with the way their respective courts operate.

4.8 Availability of Physical Infrastructure

The section sought to gather the information of the respondents in regard to how availability of physical infrastructure influences management of case backlog in the judiciary. The section sought to consider judicial funding, physical facilitates such as number of court stations, court rooms, chambers and other conditions, registries furniture, vehicles, electricity in management of case backlog in the Judiciary.

4.8.1. Inadequate Judiciary Funding

The Judicial officers and staff were required to indicate whether they agreed or disagreed that judiciary has historically faced inadequate funding which has contributed to backlog.

Table 4.66 presents the judicial officers and staff response on the effects of inadequate funding on management of case backlog.

Table 4.66: inadequate funding on management of case backlog.

Response	Frequency	Percentage
Disagree	1	1.9
Neutral	7	13.5
Agree	19	36.5
Strongly Agree	25	48.1
Total	52	100

Table 4.66 presents that 84.6 percent agreed that Judiciary has historically faced inadequate funding while 13.5 percent were not committed on the issue. This indicates that Judiciary has not been adequately funded.

4.8.2 Few and scattered number of court Stations

The judicial officers and staff were required to indicate whether few and scattered courts stations contributed to management of backlog.

Table 4.67 presents the judicial officers and staff response on whether there are few and scattered court stations.

Table 4.67: The number of Court Stations influence on management of backlog.

Response	Frequency	Percentage
Strongly disagree	1	1.9
Disagree	2	3.8
Neutral	8	15.4
Agree	27	51.9
Strongly agree	14	26.9
Total	52	100

Table 4.67 show that 78.8 percent agreed that there are few and scattered court stations while 15.4. Percent were not committed. This indicates that courts in this country are few and scattered over a wide area hence the need for more and close court stations to manage backlog.

4.8.3 Unfriendly and few court rooms

The judicial officers and staff were required to indicate whether unfriendly and few court rooms contributed to backlog of cases.

Table 4.68 presents judicial officers and staff on conditions of court rooms and their numbers.

Table 4.68: Unfriendly and Few court rooms influence on management of backlog

Response	Frequency	Percentage
Strongly disagree	2	3.8
Disagree	4	7.7
Neutral	5	9.6
Agree	20	38.5
Strongly agree	21	40.4
Total	52	100.0

Table 4.68 show that 78.9 percent unfriendly and few courts have contributed to backlog while 9.6 percent did not commit themselves on the issue. This indicates that court are neglected, with poor conditions in spite of being few in number, therefore not conducive to management of backlog.

4.8.4 Unfriendly and small Chambers influence on management of backlog

The judicial officers and staff were required to indicate whether they agreed or disagreed that unfriendly and small chambers contributed to management of backlog.

Table 4.69 presents the judicial officers and staff response on unfriendly and small chambers.

Table 4.69: Unfriendly and Small

Response	Frequency	Percentage
Strongly disagree	2	3.8
Disagree	3	5.8
Neutral	6	11.5
Agree	19	36.5
Strongly agree	22	42.3
Total	52	100.0

Table 4.69 show 78.8 percent agreed that unfriendly and small chambers contributed to backlog while 11.5 percent were not committed on the issue. This indicates that the chambers for Judicial Officers are small and poorly equipped and not conducive to the management of backlog.

4.8.5 Unfriendly and small Chambers Acting as Court Rooms

The judicial officers and staff were required to indicate whether they agreed or disagreed that unfriendly and small chambers acting as court rooms contributed to management of backlog.

Table 4.70 presents the judicial officers and staff response on whether unfriendly and small chambers acting as court rooms, contributed to management of case backlog

Table 4.70: unfriendly and small Chambers Acting as Court Rooms influence on management of backlog.

Response	Frequency	Percentage
Disagree	6	11.5
Neutral	5	9.6
Agree	13	25.0
Strongly agree	28	53.8
Total	52	100.0

4.8.6 Inadequate Registry

The judicial officers and staff were required to indicate whether they agreed that inadequate registry contributed to management of backlog.

Table 4.71: Inadequate Registry influence on management of backlog

Table 4.71: Inadequate Registry influence on management of backlog

Response	Frequency	Percentage
Strongly disagree	3	5.8
Neutral	6	11.5
Agree	13	25.0
Strongly agree	30	57.7
Total	52	100.0

Table 4.71 show that 82.7 percent agreed that inadequate registries contributed to backlog while 11.5 percent were not committed. This indicates that there is a need to construct more registries enable judiciary handle cases efficiently and reduce backlog.

4.8.7. Inadequate Furniture

The judicial officers and staff were required to indicate whether they agreed or disagreed that inadequate furniture for judicial officers and staff contributed to management of backlog.

Table 4.72 presents the judicial officers and staff response on inadequate furniture in the Judiciary.

Table 4.72: inadequate Furniture influence on management of backlog.

Response	Frequency	Percentage
Strongly disagree	1	1.9
Neutral	7	13.5
Agree	15	28.8
Strongly agree	29	55.8
Total	52	100.0

Table 4.72 shows that 84.6 percent agreed that judiciary has inadequate furniture for judicial officer and staff contributed to backlog while 13.5 percent were not committed on the issue. This indicates that Judiciary is not well furnished and lacks furniture for the staff and clients and which affects management of case backlog.

4.8.8 In-adequate vehicles

The judicial officers and staff were required to indicate whether they agreed or disagreed that inadequate vehicles contributed to management of backlog.

Table 4.73 presents judicial officers and staff response on inadequate vehicles in the judiciary.

Table 4.73: Inadequate Vehicles influence on management of backlog.

Response	Frequency	Percentage
Strongly disagree	4	7.7
Disagree	11	21.2
Neutral	10	19.2
Agree	8	15.4
Strongly agree	19	36.5
Total	52	100.0

Table 4.73 show that 51.9 percent agreed that inadequate vehicles contributed to backlog while 19.2 percent were not committed on the issue. This indicates that transport is a problem in the Judiciary and contributes to backlog.

4.8.9 lack of Electricity

The judicial officers and staff were required to indicate whether they agreed or disagreed that lack of electricity contributed to management of backlog.

Table 4.74 presents judicial officers and staff response on lack of electricity.

Table 4.74: Lack of Electricity influence on management of backlog.

Response	Frequency	Percentage
Strongly disagree	11	21.2
Disagree	17	32.7
Neutral	6	11.5
Agree	8	15.4
Strongly agree	10	19.2
Total	52	100.0

Table 4.74 shows that 34.6 percent agreed that lack of sufficient electricity contributed to backlog

While 32.7 percent disagreed and 11.5 percent did not commit themselves on the issue. This indicates that many courts stations have no installation of electricity and are unable to manage backlog.

4.8.10 Importance in Infrastructural Facilities in Management of the Backlog and Impact on Right to Due Process in Court

The judicial officers and staff were required to rate the importance of infrastructural facilities in management of backlog and impact on right to due process in court.

Table 4.75 presents the judicial officers and staff response on the importance of infrastructural facilities in management of backlog

Table 4.75: Importance in Infrastructural Facilities in Management of the Backlog and Impact on Right to Due Process in Court

Response	Frequency	Percentage
Not important	1	1.9

Do not know	3	5.8
Important	16	30.8
Very important	32	61.5
Total	52	100.0

Table 4.75 show that 92.3 percent agreed that infrastructural facilities are important in management of backlog and right to due process while 5.8 percent do not know the importance of infrastructural facilities in management of backlog. This indicates that infrastructural facilities are important tools for administration of justice and that the judiciary should facilitate the infrastructures necessary in every court to influence management of case backlog

CHAPTER FIVE

SUMMARY OF FINDINGS, DISCUSSIONS, AND RECOMMENDATIONS.

5.1 Introduction

The overall aim of the study was to establish the factors influencing management of case backlog in the Judiciary. This chapter presents the summary of findings as well as discussions of the research findings of the influence of availability of judicial staff, use of ICT, availability of physical infrastructure, judicial organizational structures, and court rules and procedures on the management of backlog. It further gives conclusions of the study, recommendations of the study and suggestions for further research.

5.2 Summary of findings.

The study had five objectives which were attained using quantitative and qualitative data. The findings for each objective are summarized as herein below under each objective.

5.2.1 Availability of Judicial Staff

The study has established that availability of staff influences management of backlog in Judiciary in Kenya, however due to shortage of both judicial officers and other staff backlog has remained the greatest challenge in judiciary in Kenya.

Whereas the study has shown that availability of Judicial Staff influences Management of case backlog in the Judiciary in Kenya, the availability of Judicial staff perse has been shown by this study on the other hand, that it cannot do away with case backlog on its own as other factors influence the operation of judicial staff such as the training, staff adequacy, staff appraisal, motivation, corruption, efficiency, reporting time, mentions and adjournment of cases as well as working conditions. This study agrees with Tabora (2007) who stated that it was not humanly possible to try all the court disputes in the country with present staffing of the High Court in Kampala and due to staff shortage there was need to employ more staff to do away with backlog.

The study further agrees with Mutunga (2011) and decried that pending cases at Kenyan Courts which had not been heard for over 20 years were because records were missing and incomplete. It further agrees with Mutunga (2012) who acknowledged that case backlog

was due to inefficiency in the Judiciary case management system and shortage of Judges and Magistrates. The study also agrees with ODPP's progressive report (2013) which showed there was understaffing at 48 percent a shortage which impacted on efficiency of entire justice system and access to justice for Kenyans. The study also agrees with Mutunga (2012) who acknowledged backlog constitute the single most important source of public frustration with Judiciary opening a door for fugitives for justice to seek refuge in courts by turning them to play ground for rich and corrupt.

5.2.2. Availability of Technology

The study has established that the use of information and communication technology influences management of case backlog in the Judiciary in Kenya, however, due to lack of sufficient ICT facilities in the Judiciary and sufficiently well trained staff on ICT, which has enormous potential in creating effectiveness and efficiency in management of case backlog, management of case backlog remained a serious issue in the Judiciary.

Whereas the study showed that use of ICT influences management of case backlog in Judiciary in Kenya, the study has further shown that availability of technology cannot on its own influence the management of case backlog, as other factors influence the use and application of technology in management of backlog, such factors include untrained staff on ICT, competency of staff on ICT, training on ICT, manual management of court records, retrieval and archiving of information, recording of proceeding and authentication of proceedings.

This study agrees with Mutunga(2012). The case backlog which constitutes the single most important source of public frustration with the Judiciary has arisen from a number of factors. These include shortage of Judicial Officers, staff, inadequate number of courts and infrastructure, inappropriate rules and procedure, court vacation, jurisdictional limits of Magistrate's courts, and mechanical management of court records (Mutunga 2012).

The study also agrees with Sherwani (2011) who acknowledged that backlog of cases is gradually increasing and if the problem is not tackled by employing modern technique, backlog would be a stigma for the institution. The study agrees with Coopers and Hybrand 2004 who indicated that adoption of digital system of document management reduces the

operational costs substantially as compared to managing hand copy documents (Coopers and hybrid 2004)

The study agrees further with Mutunga (2011) who emphatically stated that the solution to inefficiency case management is for ICT department to create an electronic-based system for monitoring and tracking overdue judgment and ruling with a view to taking remedial action which will take away the incentive of corruption. That ICT has enormous potential to improve the administration of Justice and facilitate speedier trials and enhance the efficiency and effectiveness of administrative process through data management, data processing and service, archiving of information, guaranteeing more transparency and fairness in the adjudication of cases and facilitating internal and external communication. That automation has potential to enhance public confidence in Judicial Process by minimizing the risk of misplacement or loss of files, observing that the limited adoption of ICT has led to poor delivery of services resulting to the insufficient and ineffectiveness of justice and he called for development and realignment of ICT to the new Judiciary Transformation strategy.

5.2.3 Availability of Physical Infrastructure

The study has established that availability of physical infrastructure influences management of backlog in the Judiciary, however due to the insufficient funds and lack of adequate infrastructural facilities in the Judiciary, the inadequate infrastructure has not effectively influenced the management of backlog.

The of study agrees with Mutunga(2012) who stated that the case backlog which constitutes the single most important form of public frustration with the Judiciary has arisen from a number of factors. These includes:- inadequate number of courts and Mutunga (2012) acknowledged that Judiciary has historically faced inadequate funding from the Government and the infrastructural investment has been grossly inadequate. It also agrees with OECD (2006) in which it was stated that infrastructure can broadly be viewed as comprehensive entity that encompasses physical facilities, network applications, human resources, public and private communication systems, as well as values and lifestyles related to the information of society. Lack of adequate court stations and court rooms forces citizens to walk long distances thus undermining the objective of access to justice. This also leads to

cases being scheduled at a far date which leads to cases piling in courts(GOK 2009). The study further agrees with to Aatonen (2008) who stated that the concept of the physical infrastructural environment with respect to physical structures relates to space, equipment and tools within the judicial system infrastructural facilities and contributes directly to or remotely to the justice process in Judicial system. Marton and Booth (2007) suggest that the concept of infrastructural facilities have evolved into an even more complex structure that includes equipment and sources of information

5.2.4 Judicial Organizational structure

The study has established that Judicial organizational structure influences management of backlog in the Judiciary but due to lack of establishment of clear units of responsibility, clear reporting lines, clear demarcation of territories, accountability and poor governance the judicial organizational structure has not fully contributed to management of case backlog in the Judiciary.

The subject of study agrees with Mutunga(2012) in that the case backlog which constitutes the single most important source of public frustration with the Judiciary has arisen from a number of factors. These include jurisdictional limits of Magistrate's courts (Mutunga 2012). The study also agrees with Mintzberg (2002) who stated a good organization structure should be dynamic and capable of changing in accordance with the situation or conditions. The study agrees Mutunga (2013) pointed out that Kenya Judiciary will re-engineer its organizational structures to establish clear units of responsibility, clear reporting lines, clear demarcation of territory, accountability and that any staff recruited would undergo a formal induction process, have formal job description and that a continuous learning and training programme will be institutionalized at JTI, with a view to establish clear governance. Structures and practice that facilitate access to and expeditious delivery of justice to all.

5.2.5 Court Rules and Procedures

The study has established that court rules and procedures influences management of case backlog in the Judiciary in Kenya, however due to inappropriate court rules and procedures and failure to provide clear provisions on court rules and procedures, the current court rules and procedures have not strongly influenced the management of case backlog in Judiciary

as some of the rules and procedures are not clear on how long matters can be mentioned or adjourned before final determination of the case.

Whereas the subject of study has shown that Court Rules and Procedures influence management of case backlog in Judiciary in Kenya, it cannot be said the court rules and procedures perse contributes to management of case backlog. The study has shown that exiting court rules and procedures, working procedures, has to be appropriate, clear and specific for them to be effective in management of case backlog.

The subject of study agrees with Mutunga (2012). The case backlog which constitutes the single most important source of public frustration with the Judiciary has arisen from a number of factors. These include: - Inappropriate rules and procedures, court vacation, jurisdictional limits of Magistrate's court and mechanical management of court records (Mutunga 2012).

The study agrees with OECD Report (2006) in which it was stated, legal uncertainties in the Judiciary occasioned by poor legal framework are problematic for parties in developed countries as they are for the developing countries. Most of the developing countries are gradually enacting laws and judicial reforms to facilitate just dispensation of justice, however, legal impediments still remain in most countries like Kenya, steps are being taken to remove such impediments (OECD 2006).

5.3 Conclusions

From the study results several conclusions are made. A key finding of this study was that all the five variables of study influenced management of backlog of cases in the judiciary in Kenya. The results strongly showed that none of the five variables had more influence in management of backlog than the others. That the five variables played a key role to the management of backlog. The results showed that all the five variables are important in management of backlog and that apart from the five variables there are other factors which influence management of backlog in Judiciary in Kenya. This therefore poses a major challenge for judiciary in management of backlog as many more factors beyond what this

research was limited to influences management of backlog. Finally, the research showed that all the five variables under study complimented each other in management of case backlog.

The study established that members of public served by courts in Meru and Tharaka Nithi counties are faced with great challenges in backlog and that there are no speedy trials and delivery of justice thus denying them the right of fair trial. The delay in determination of cases goes against the Bill of Rights as enshrined in the Constitution of Kenya, 2010 which guarantees justice to all irrespective of status, justice without delay and fair trial to everyone. The delay in determination of cases means that members of public served by courts in Meru and Tharaka Nithi Counties continue to sink billions of shillings in backlog while as many people continue to languish in prisons and this affect their economic, social and religious activities, confirming the maxim “justice delayed is justice denied.” Whereas the factors considered in this study influences management of case backlog, the judiciary has been hampered over the years from ensuring speedy trials and delivery of justice by being underfunded by the government and interference with the independence of the Judiciary and as such that has influenced the availability of judicial staff, availability and use of ICT, availability of physical judicial infrastructure, judicial organizational structure and court rules and procedures which are amongst major factors influencing management of case backlog.

5.4 Recommendations.

The study has discussed the findings from the data collected from the respondents and arrived at the conclusion. Therefore the study recommends the following:-

- i. The Judicial Service Commission need to address the issue of shortage of Judicial Officers and other staff.
- ii. The Judiciary should ensure continuous learning and training of judicial officers and other staff in the Judiciary.
- iii. The Judicial Service Commission should ensure that each staff has a letter of employment specifying in clear terms the terms of reference/job description and have a clear policy on staff salary, promotion and upgrading.

- iv. Judiciary should do away with manual management of court records and embrace case management by use of ICT in all courts for improvement of administration of justice and recording of proceedings by stenographers.
- v. The Judicial Organizational structure should be reorganized and decentralized so that each court can deal with at least matters related to discipline and have a say on transfer of staff so as to enhance efficiency and accountability in management of case backlog.
- vi. The Rules Committee and expeditious Disposal of Cases Committee of the Judiciary or the Judiciary itself should put in place rules or formulate rules and procedures limiting the number of mentions and adjournments in cases and further cause amendment of Civil Procedure Rules and Criminal Procedure Code by introducing a provision specifying how long certain matters should take between filing and determination to ensure management of case backlog, as has been done in election petitions which have a limited period of hearing and determination of six months from the date of filing by Election Courts.

5.5 Suggestion on Further Research

The research was limited to five objectives of study and all other factors that could influence subject of study were not considered and therefore there is need for further research on the subject of study.

- i. Similar study can be carried in other counties on similar elements to ascertain whether same findings apply.
- ii. Similar study can be carried out to establish the speed with which cases move from filing to disposition and what influences the speed of disposal of cases.
- iii. Further study can be carried to establish increase or decrease of case backlog from year to year and by what percentage and what causes such changes (if any).
- iv. Further study can be carried out to establish the influence of vacation for judges on backlog in the Judiciary.

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APPENDIX I

INTRODUCTION LETTER

J. A. MAKAU

P. O. BOX 118

MERU

Dear Respondent;

RE: Request to Collect Data

I am a student at the University of Nairobi; undertaking a Master's Degree in MA in Project Planning and management. This questionnaire is designed to gather information on factors influencing management of case backlog in Judiciary in Kenya (a case study of Central Eastern Region of the Judiciary) which comprises of Embu County, Tharaka-Nithi County, Meru County, Isiolo county and Marsabit County. Information collected will be treated as confidential and personal details collected will not form part of the final research. This is an academic research and the information you will give will go a long way to helping achieve my objectives and in no instance will your name be mentioned in this research, nor will the information you give be used for other purpose other than for the research.

Your assistance in facilitating the necessary information will be highly appreciated and thank you in advance for your co-operation and assistance.

Yours faithfully

J. A.Makau

STUDENT

APPENDIX II

QUESTIONNAIRE

Introduction

This questionnaire is meant to collect information on the factors influencing management of case backlog in Judiciary in Kenya (A case study of Central Eastern Region of Judiciary). Kindly answer the questions by writing a brief statement or ticking in the boxes provided as will be applicable. The information you give will be treated as strictly confidential as at no time will your name be mentioned in this study.

Section A: Background information:

Gender Male

Female

Age

18-25 years

26-35years

35-45years

45-55years

Above 56

3. Education Level

Below KCSE

KCSE – ‘A’-level

Certificate

Diploma

Degree

Masters

PHD

4. For how long have you worked in the Judiciary?

Less than one year

1-5 years

5-10 years

11-15 years

16-20 years

21-25 years

Above 26 years

Section B: Availability of Judicial Staff

1. How would you rate the level of staff's efficiency in managing case backlog in this court?

(a) Very efficient

(b) Efficient

(c) Inefficient

(d) Very inefficient

(e) Not able to rate

2. On a scale of 1 to 5 indicate to what extent you agree or disagree with the following factors as to contributing to management of backlog of cases in this court?

1= strongly, 2 = agree, 3 = neutral, 4 = disagree, 5 strongly disagree.

- (a) Shortage of Judicial officers
- (b) Shortage of other staff
- (c) Inefficiency in Judiciary case management
- (d) Reporting late and working for short periods
- (e) Casual adjournment of cases
- (f) Lack of competence
- (g) Poor staff-client relations
- (h) Lack of job contentment
- (i) Working conditions
- (j) Lack of motivation of staff

3. How would you rate the effect of inadequacy of Judicial Staff in this court in influencing management of case backlog.

- (a) Very high
- (b) High
- (c) Low
- (d) Very low
- (e) Not able to rate

Section: Availability of Technology

4. On scale of 1 to 5 indicate to what extent you agree or disagree with the following factors as contributing to management of backlog of cases in this court? 1 = strongly agree, 2 = agree, 3 = neutral, 4 = disagree, 5 = strongly disagree.

- (a) Lack of ICT in courts
- (b) Untrained staff on ICT
- (c) Untrained Judicial Officer on ICT
- (d) Sufficient ICT
- (e) Not able to rate

5. How would you rate the effect of use of ICT in influencing management of case backlog in this court?

- (a) Very high
- (b) High
- (c) Poor
- (d) Very poor
- (e) Not able to rate

6. The following factors are thought to contribute to management of case backlog and impact on the right to due process in your court. On a scale of 1 to 5 please indicate how far you agree or disagree. 1 = Strongly agree,

2 = Agree, 3 = Neutral, 4 = Disagree, 5 = Strongly disagree.

	1	2	3	4	5
(a) Manual management of court records					
(b) Manual recording of court proceedings					
(c) Poor case tracking process					
(d) Poor records control of system					
(e) Poor preservation of vital record and evidence					
(f) Manual recording making effects prompt disposal of cases					
(g) Retrieval process in the manual system of records is cumbersome, tedious and inefficient.					
(h) Manual system of records leads to misplacement, destruction of records and loss of files is prevalent in court registry.					
(i) Manual system of records and retrieval of files and documents filed presents a loophole for corruption.					
(j) Retrieval of documents filed in court can present a loophole for fraud.					
(k) Corrupt staff members collude with litigant/lawyers to interfere with prompt disposal of cases and create backlog and interfere with the right to due process.					
(l) ICT has an enormous potential to improve the administration of justice.					

(m) That automation of courts has the potential of enhancing public Confidence					
(n) ICT can facilitate speedier trials and enhance the efficiency and effectiveness of administrative process through data management.					
(o) ICT can facilitate data processing, and archiving of information.					
(p) ICT can guarantee more transparency and fairness in the Adjudication of cases and facilitating internal and external Communication.					

7. How would you rate automation of this court in influencing management of case backlog and impacting on due process?

- (a) Very high
- (b) High
- (c) Poor
- (d) Very poor
- (e) Not able to rate

SECTION D: Rules and Procedure

8. On scale of 1 to 5 indicate to what extent you agree or disagree with the following factors as contributing to management of case backlog and impacts on right to due process in this court? 1 = Strongly agree, 2 = Agree,

3 = Neutral, 4 = Disagree, 5 = Strongly disagree.

- (a) Existing Rules and procedures in civil and criminal matters.
- (b) Working procedures
- (c) Ignoring the Rules and Procedures as laid down
- (d) Bureaucracy in the legal system
- (e) Lack of clear rules and procedure

9. On scale of 1 to 5 indicate to what extent you would agree or disagree with the following factors as contributing to management of backlog and impact on right to due process in this court?

1 = strongly agree, 2 = agree, 3 = neutral, 4 = disagree, 5 = strongly disagree.

- (a) Unlimited number of mentions
- (b) Unlimited number of adjournments
- (c) Unclear provisions for number of mentions/adjournments
- (d) Failure to have statutory provision as to how long a matter
Should take between filing and determination

10. On a scale of 1 to 5 indicate to what extent you agree or disagree that the following factors contribute to management of case backlog and right to due process in your court?

1 = very strongly, 2 = agree, 3 = neutral, 4 = disagree, 5 = strongly disagree

- (a) Lack of training in Rules and procedure
- (b) Jurisdiction limits on Magistrates courts
- (c) Weak case management in the judiciary
- (d) Inadequate staff appraisals
- (e) Failure to comply with rules and procedures by lawyers and litigants.

11. To what extent do bad pleadings and non-compliance with Rules of Procedures contribute to case management of the backlog and impact on right to due process in your court?

- (a) Very high
- (b) High
- (c) Average
- (d) Low
- (e) Very low

Section E: Judicial Organizational Structure

12: On a scale of 1 to 5 indicate to what extent you would agree or disagree with the following factors as contributing to management of case backlog and impact on right to due process in your court? 1 = Strongly agree, 2 = Agree, 3 = neutral, 4 = Disagree, 5 = Strongly disagree.

- (a) Centralized and concentrated organizational structure
- (b) Structural and operational relationship between judicial staff, Registry and administrative staff.
- (c) Lack of clarity in reporting lines

- (d) Lack of terms of reference/job description for officers and lack of induction Programmes
- (e) Lack of vertical and horizontal accountability systems.
- (f) Fusion of judicial and administration functions
- (g) Impairing of quality decision making and location of authority and responsibility.
- (h) Lack of a continuous learning and training programme for judicial Staff and other staff.

13. How would you rate the organizational structure in your court and its effect on management of backlog?

- (a) Very high
- (b) High
- (c) Average
- (d) Poor
- (e) Very poor
- (f) Not able to rate

Section F: Availability of Infrastructures

14. The following factors are thought to contribute to management of backlog and impact on right to due process. On a scale of 1 to 5 please indicate how far you agree or disagree, 1 = strongly agree, 2 = agree, 3 = neutral, 4 = disagree, 5 = strongly disagree.

	1	2	3	4	5
(a) Judiciary has historically faced inadequate funding					
(b) Few and Scattered court stations					
(c) Unfriendly and few court rooms					
(d) Unfriendly and small chambers					
(e) Unfriendly and small chambers acting as court rooms					
(f) Inadequate Registry					
(g) Inadequate Furniture					
(h) Inadequate vehicles					
(i) Lack of electricity.					

15. Indicate the importance of infrastructural facilities in terms of usefulness in management of the backlog and impacting on right to due process in your court?

- (a) Very important
- (b) Important
- (c) Less important
- (d) Not important at all.