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Economic Prosperity, Good Governance and Development
ICT For Good Governance: The Role of Ghana’s Judiciary**

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Abstract

One of the tenets in the 21st Century is the provision of good governance around the world with ICT enabling environment. This is because good governance and for that matter democracy does not come so easily but with a cost of building structures for sustainable development. The seat of government in Ghana is made of three arms: The Executive (Presidency), the Legislation (Parliament), and the Judiciary (Courts).

The Judiciary, the third arm of government as enshrined in the constitution of Ghana has a critical role to play in promoting democracy and good governance through dispensation of good justice. The Judiciary and for that matter the Judicial Service of Ghana in the past decade has made giant stride in the use of ICT which has tremendously fast – tracked the adjudication of cases. Examples include introduction Digital Court Recording Systems, Electronic Case Management System, Case Distribution System, to mention a few. This study seeks to analyze and evaluate the role Judiciary is and can make to promote good governance through ICT and consolidate Ghana’s democracy in particular and Africa in general.

The paper takes cognizance of innovations and experiences from selected countries around the globe to outline to the Ghanaian citizens how the Judicial is evolving to strengthen Public confidence. For example the “Chief Justice’s Forum” organized yearly engages Judges, Magistrates, and the Public, educating them on the successes chalked and the way forward. The study used questionnaires, observation and interviews and outline how ICT has decreased completion time of cases. The study strives to outline ongoing and future tabled ICT enabled systems such as E – Filing, to be implemented by the service.

Keywords: Good Governance; Court Automation and Computerization; Case Load Statistics; E – Justice; Service Delivery.

Introduction

The 21st Century has and is rapidly evolving and therefore tasks decision makers and executors to keep up with the changes. Often referred to as Information Age, these evolutions revolve around advances made to Information Technology, Telecommunication e.t.c. which changes the manner by which certain things and decisions are made which affect the lives of people in terms of Good Governance.

One of the tenets in the 21st Century is the provision of good governance around the world with ICT enabling environment. This is because good governance and for that matter democracy does not come so easily but with a cost of building structures for sustainable development. However, one needs to differentiate between governance and good governance.

Governance can be defined as the activity of governing a country or controlling a company or an organization (Wehmeier S., McIntosh C., Turnbull J., Ashby M., 2010). However, according to a report by World Bank, A Regional Program in Findings Number 23 in August 1994 defines Governance as “**The practical exercise of power and authority by governments in the management of their affairs in general and of economic development in particular**”. That is to say Governance is the way and manner of applying power in the management of a country be it political, social, economic, etc.

Good Governance on the other hand is equitable dispensation of power and public resources to meet the aspirations of the public. Meaning that in some way Good Governance is a subset of Governance. A review of literature reveals that there is eight (8) core characteristics of Good Governance. However, the United Nations Development Programme (UNDP) has identified one additional characteristics - Strategic Vision – to make it nine (9). Outlined below are the core characteristics;

1. Participation
2. Rule of Law
3. Transparency
4. Responsiveness
5. Equity and Inclusive
6. Consensus Orientation
7. Effectiveness and Efficiency
8. Accountability
9. Strategic Vision

From the core characteristics of good Governance highlighted above it is evidently clear that the Judiciary has a huge role regarding instituting Good Governance in Ghana.

In the execution of Good Governance, the stakeholders of governance including the Judiciary has taken advantage of the technological advancement in ICT so as to forgo unnecessary human involvement in some pertinent service delivery to the public.

On the premise of this, the paper takes cognizance of innovations and experiences from selected countries around the globe to outline to the Ghanaian citizens how the Judicial is evolving to strengthen Public confidence through the use of ICT. For example, how ICT has decreased completion time of cases.

Background

Article 125 (1) of the Ghanaian Constitution states inter alia '*Justice emanates from the people and shall be administered in the name of the republic by the judiciary...*'

The seat of Government in Ghana is made of three arms: The Executive (Presidency), the Legislation (Parliament), and the Judiciary (Courts).

The Judiciary, the third arm of government as enshrined in the 1992 Constitution of Ghana has a critical role to play in promoting democracy and good governance through dispensation of good justice, true and proper interpretation of the laws and ensuring the stability of democracy.

The Judicial Service has had a number of challenges in the past which did affected the administration of Justice. In the words of Daniel Webster 'Justice is the greatest end of man. Justice is the end while law is a means'. To this Judicial Service in its quest to restore public confidence and integrity of justice delivery in Ghana has embarked on a number of reformation programmes geared towards ameliorating the issues of good governance, integrity, accountability and efficiency to court administration through aggressive Court Computerization and Automation. It is worth noting that not until 2001 all tasks and processes in the courts were done manually.

From the Third Chief Justice Forum under the theme 'The Challenges of the Reform and Modernization Programme of the judiciary', held in Accra on the 19th of November 2004, the late Chief Justice George Kingsley Acquah stated that it was in 2001 when a pilot project was initiated to kick start court automation under the sponsorship of DANIDA, USAID, UNDP/NIRP and the Government of Ghana (CivicFoundation, 2004). This project included selected Magistrate and High Courts of the Judiciary and still continues to benefit from the Good Governance Programme from the Danish Development Agency - DANIDA.

The Judiciary and for that matter the Judicial Service of Ghana in the past decade has made giant stride in the use of ICT which has tremendously fast – tracked the adjudication of cases. Examples include introduction Digital Court Recording Systems, Electronic Case Management System, Case Distribution System, to mention a few.

Statement of the Problem

The Judiciary of Ghana has the sole and executive powers as enshrined in the 1992 constitution to deal with all manner of cases brought to its courts. In the quest to providing transparency with speed of adjudicating cases, the service has taken advantage of the growth in ICT infrastructure to enhance its operations. This include the various computerization and automations at the courts and department offices as well as ensuring that all chambers of Judges and Magistrates are also provided with computers and accessories.

However, the last decade has seen enormous increase in caseload which tend to grow exponentially as a result of growth of the society which in turn breeds more conflicts.

To this it is apparent that the use of Information and Communication Technology (ICT) is a key element which can significantly improve the administration of the Justice System so as to reduce delays and promote public confidence of the Judiciary.

According to Martin Bangeman as stated in the Ghanaian Times and I quote "Throughout the-world, Information and Communication Technologies are generating a new industrial revolution already as significant and far-reaching as those of the past. It is a revolution, itself the expression of human knowledge" unquote (The_Ghanaian_Times, 2007).

In this light the paper seeks to ascertain the impact by which the implementation of ICT infrastructure and related programmes has improved Justice delivery to promote good governance.

Research Design/Question

Research design as defined by Parahoo is a plan that describes how, when and where data are to be collected and analyzed (Parahoo 1997:142).

The research questions seek to clarify whether or not ICT in the Judiciary plays any significant role in good governance.

Scope and Objective of Research

The paper seeks to review various approaches the Judicial Service uses to deliver good justice in a timely manner with the objective of examining the innovative ways of executing its powers of providing good governance taking advantage of ICT.

Methodology

The overall approach to this paper made use of mixture of research instruments so as to obtain accurate data as possible. The instruments include Questionnaire, Observation and Desk Research. The questionnaire was administered on Judges, Magistrates, Lawyers, Administrative Staff and Court Staff at random. The questionnaire was to obtain primary data and to gather more information on whether or not ICT has improved service delivery at the Judiciary. Observation allowed the researcher to interact with users of the various technological systems and interview them while the Desk Research was to obtain secondary data from respective departmental reports, annual reports, journals etc.

Structure of Judicial Service of Ghana

The Judiciary of Ghana is categorized into two: Superior Courts of Judicature, which include the Supreme Court, Court of Appeal, and the High Court. The lower courts currently comprising the Circuit Courts, the District Courts (Judicial_Service, 2015/2016). Below is the mandate of respective courts.

Supreme Court: The final appellate body and highest court of Ghana. It has the exclusive jurisdiction regarding all matters with respect to interpretation and enforcement of the constitution.

Court of Appeal: This court has no original jurisdiction. Unless otherwise specified by the law, the Court of Appeal serves as the appellate Court for the High and Circuit Courts.

High Courts: These Courts has original jurisdiction in all matters be it Civil and Criminal and has appellate jurisdiction as conferred by the constitution or any other law for criminal judgement from Circuit Courts as well as all appeals from District, Juvenile and Family Courts. However, there are also Specialized High Court that deals with specific cases. They include,

- ❖ Commercial Courts
- ❖ Human Rights Court
- ❖ Economic and Financial Crimes Courts
- ❖ Industrial and Labour Court
- ❖ Land Courts
- ❖ Family Court
- ❖ Probate and Administration

Circuit Court: These Courts has original jurisdiction in all criminal cases other than treasonable cases and cases punishable by death. Civil judgements for appeals goes directly to Court of Appeal while appeal for criminal judgements are referred to the high court.

District Court: These Courts form the largest number of courts in Ghana as by law there is at least one court in every District. These Courts handle both Civil and Criminal cases but within a limit.

There are other Courts like the Juvenile and Family Courts which handles cases related to Minors and Family and matrimonial matters.

Distribution of Courts in Ghana

Below is a table with the Regional distribution of Courts in Ghana as at October 2017.

No	Region	Courts					Total
		Supreme Court	Court of Appeal	High Court	Circuit Court	District Court	
1	Ashanti	-	1	16	14	32	63
2	Brong Ahafo	-	-	6	7	19	32
3	Central	-	1	7	6	20	34
4	Eastern	-	1	9	10	20	40
5	Greater Accra	1	2	50	17	33	103
6	Northern	-	1	4	2	7	14
7	Volta	-	1	5	7	26	39
8	Western	-	-	7	5	20	32
9	Upper East	-	-	2	2	6	10
10	Upper West	-	-	1	2	5	8
Total		1	7	107	72	188	375

Table 1 Distribution of Courts. Source: JS

Overall Total of Judges and Magistrates

Below is the number of Judges and Magistrates in Judicial Service of Ghana serving on the bench as at October 2017.

S. No.	Description	Total
1	Chief Justice	1
2	Supreme Court Judges	11
3	Court of Appeal Judges	26
4	High Court Judges	104
5	Circuit Court Judges	62
6	Magistrate (Professional)	61
7	Magistrate (Career)	115

NUMBER OF CASES	SUPREME COURT	COURT OF APPEAL	GENERAL COURT AND OTHER SPECIALIZED COURTS	CIRCUIT COURT	DISTRICT COURT	TOTAL	
NO. of Cases Pending at beginning of July 2015	85	2549	11770	5899	25042	37447	82792
NO. of Cases filed from July 2015 to May 2016	570	1329	8002	3060	15824	62788	91573
NO. of Cases Concluded from July 2015 to May 2016	447	1336	4573	3471	16029	63723	89579
NO. of Cases Pending at end of May 2016	208	2542	15199	5488	24837	36512	84786

Table 3 Caseload July 2015 to May 2016. Source: JS Annual Report

Caseload statistics in brief from July 2008 to May 2015

Number of Cases	COURTS								
	SUPREME COURT	COURT OF APPEAL	HIGH COURTS			REGIONAL TRIBUNAL	CIRCUIT COURT	DISTRICT COURT	TOTAL
			REGULAR COURT	FAST TRACK DIVISION	OTHER SPECIALIZED COURTS				
NO. of Cases Pending at beginning of July 2008	71	1,985	22,467	1,061	1,611	129	48,210	119,461	194,995
2009	53	2,058	22,444	1,129	2,209	21	51,015	111,995	190,924
2010	56	2,217	18,224	1,009	4,200	12	47,281	84,328	157,327
2011	69	2,308	17,094	1,014	4,933	0	36,203	69,767	131,388
2012	80	2,339	17,655	1,096	2,750	0	34,788	60,874	119,582
2013	142	2,251	16,757	1,150	3,224	0	33,454	54,969	111,947
2014	71	2,512	13,324	1,791	7,530	0	31,158	45,865	102,251
NO. of Cases filed from July 2008 to May 2009	291	1,057	8,156	526	2,247	16	21,534	68,478	102,305
July 2009 to May 2010	201	1,119	6,522	416	2,857	14	25,990	72,624	109,743
July 2010 to May 2011	170	1,284	6,172	573	1,966	0	19,415	60,786	90,366
July 2011 to	213	1,430	6,776	885	1,863	0	18,219	58,528	87,914

May 2012									
July 2012 to May 2013	285	1,296	10,007	651	1,244	0	21,125	56,518	91,126
July 2013 to May 2014	227	1,440	7,616	871	3,246	0	21,377	63,595	98,372
July 2014 to May 2015	352	1,250	7,815	1,069	3,332	0	20,433	62,210	96,461
NO. of Cases Concluded from July 2008 to May 2009	309	984	8,179	458	1,649	124	18,729	75,944	106,376
July 2009 to May 2010	198	960	10,243	536	1,365	23	29,724	100,291	143,340
July 2010 to May 2011	161	1,203	5,488	544	934	0	18,502	71,680	98,512
July 2011 to May 2012	225	1,373	5,451	753	1,337	0	17,578	66,068	92,785
July 2012 to May 2013	238	1,399	11,577	642	959	0	22,625	61,401	98,841
July 2013 to May 2014	297	1,183	7,533	400	1,641	0	23,614	66,780	101,448
July 2014 to May 2015	290	1,202	6,627	575	1,612	0	27,997	69,157	107,460
NO. of Cases Pending at end of May 2009	53	2,058	22,444	1,129	2,209	21	51,015	111,995	190,924
2010	56	2,217	18,224	1,009	4,200	12	47,281	84,328	157,327
2011	69	2,308	17,094	1,014	4,933	11	36,203	69,767	131,399
2012	80	2,339	17,655	1,096	2,750	0	34,788	60,874	119,582
2013	142	2,251	16,757	1,150	3,224	0	33,454	54,969	111,947
2014	71	2,512	13,324	1,791	7,530	0	31,158	45,865	102,251
2015	174	2,536	14,268	2,330	10,284	0	25,136	37,975	92,703

Table 4 Caseload July 2008 to May 2015. Source: JS Annual Report

Technology Implementation at a Glance

Technology can be defined as the branch of knowledge that deals with the creation and use of technical means and their interrelation with life, society, and the environment, drawing upon such subjects as industrial arts, engineering, applied science, and pure science (Dictionary.com, n.d.).

The products from technology is basically hardware and software which aid in are used to create, collect, store, manipulate, and relay digital information needed for accomplishing basic office tasks.

As stated earlier, automation in the Judiciary began in 2001. It started with Typewriters and Sony Recorder/Transcriber that uses Tapes.



Figure 1 Sony Recorder/Transcriber

As the number backlog grew there was need for an alternative to the Sony recorder played as it had outlived its usefulness.



Figure 2 Stentura

The Stentura also had issues to do with training and was faced out.

From that stage the following systems were implemented in a bid to have a fully automated courts.

- The Liberty Court Recording System
- The Femida Digital Court Recording System
- The Soni Clear Court Recording System
- The VIQ Court Recording System

A fully Court automated system includes the following;

- Court Recording System Management (Software)
- A set of computer with UPS
- Printer
- Microphone
- PA System
- Transcribers

Currently aside the implementation of Soni Clear in most of the District and High Courts is the Direct Transcription System (DTS) which has been implemented in the High Court Complex in Accra and some selected courts nationwide.

The DTS components include

- Public Address system to amplifier voice to loud speakers
- Microphones
- Three Dummy Monitors for the Judge, and Counsels for accused and plaintiff.

- One complete computer system which is connected to the three monitors via a device with VGA cables.

The system is such court recorder types the proceedings as the case is ongoing which appears on the three other monitors on real time for any corrections to be done. By the time a case is done for the day the transcribed proceedings are ready in no time.

There are other implementations done to automate some processes within the Judiciary which include

- Electronic Case Management System (ECMS)
- Monitoring and Evaluation System for Statistics
- Wills Management System, E – Wills
- Electronic Case Distribution System (ECDS)
- JS Cash Collection Computerization System
- Prisoners on Remand Management System (PoRMS)

There is an ongoing E – Justice project ready to be deployed to all the High Courts in Accra High Court Complex. The system when implemented will fully automate the entire complex. The functional requirement of the system are as follows;

- Create /Modify case details
- Generate suit numbers
- Manage party records
- Update case details
- Record orders
- Document Generation
- Manage hearings and calendars
- Manage Case notes and Workflow
- Management of Evidence/Exhibits
- General and Management Reporting
- Manage Sign on

However, the Judiciary also has an ultra-modern Data Center located at the High Court Complex. In addition, there are three Telepresence installations: Two in Accra and one in Kumasi. The Telepresence offices are used in some situations to pronounce judgements on cases that are been trialed in Kumasi but the Judge resides in Accra especially appeal cases. As when the need be the Telepresence is also used for interviewing Judges and Management staff who happens to be beyond the boundaries of Ghana.

As it stands now Judicial Service can boast of more than one thousand two hundred (1200) desktop computers, over three hundred (300) laptops, about six hundred and twenty (620) printers and also more than one hundred and fifty (150) photocopiers compared to what was in use in 2004.

Data Processing and Analysis

The analysis of the data gathered was based on the concepts and processes in relation to the instruments for gathering the data and applying the relevant procedures using Excel Spreadsheet.

The analysis looks at the questionnaire administered on the respective participants. In all one hundred (100) questionnaires were administered. However, the research was able to retrieve eighty-six (86).

Of particular interest to this paper are responses to how computerization has facilitated users work, assessment and rate of satisfaction of automation as well as service delivery.

The following are extracts from the study which has been categorized into sections.

Section A

Gender

The participants were made up of 53% male and 43% female with 58% below the age of 45, 29% between 45 and 50 years and 13% going for those between 51 and 60 years. Academically the participants have completed their tertiary education at the graduate and undergraduate level.

Section B

ICT Efficiency			
	Yes	No	Total
Usage of Computer	81	5	86
Use of PC influence of computer to work delivery	79	7	86

Table 5 ICT Efficiency

From table 5 one 81 respondents representing 94% affirmed using computers at work with 5 respondents representing 6% does not. On whether or not the use of computer facilitates/influence their work delivery 79 representing 92% said Yes and 7 representing 8% says No.

Computerization level in JS		
Levels	Responses	%
Very high	17	20
High	22	26
Average	37	43
Low	10	12
Total	86	100

Table 6 Level of Computerization

Table 6 as indicates shows that 43% of the respondents are of the view that the level of computerization in Judicial Service is on the average followed high 26%, then 20% for very high and 12% for low level of computerization.

Rate of Satisfaction of ICT Facilitation at work						
Task	Levels					Total
	Low	Moderate	High	Very High	Excellent	
Reduction in Tasks	11	16	20	20	19	86
Improvement in reliability and efficient access and delivery of services	10	16	21	27	12	86
Improvement in quality of Service	10	14	22	24	16	86
Reduction in congestion work/task at the office	13	21	20	16	16	86
Provided simplified registries/administrative processes	2	15	44	25	0	86
Increased accuracy in data entry	7	14	20	40	5	86
Increased accuracy in data storage	0	29	40	15	2	86
Increased level of efficiency in data retrieval	12	16	14	30	14	86

Table 7 ICT Satisfaction

Table three indicates that there is an appreciable level satisfaction at which ICT has facilitated their task and work performed daily.

Section C

This section talks of the processes and tasks that have been automated.

Automation Processes Assessment			
	Yes	No	Total
Processes involving Automated System	59	27	86
All task covered by Automated System	23	63	86
Has changes been made to the Automated System	19	67	86
Challenges of the Changes in the Automated System	18	68	86

Table 7 Assessment of Automation Processes

Automation Processes Assessment in Percentages		
	Yes	No
Processes involving Automated System	69	31
All task covered by Automated System	27	73
Has changes been made to the Automated System	22	78
Challenges of the Changes in the Automated System	21	79

Table 8 Percentage wise of automation processes

With regards to processes and tasks that has been automated 69% appreciate their respective tasks involves automation with 31% says their tasks does not need automation. Whether or not all tasks have been automated 27% accented while 73% declined that not processes have been automated. 78% contend that there haven't been any significant changes to the current systems that have been automated but 22% say yes there have. And this are the changes to the court room automations with 21% of challenges to be solved while 79% have not been confronted with respect to changes to the automated systems.

Service Delivery	Ratings				Total
	Disagree	Uncertain	Moderate	Agree	
Automation has greatly increased reliable and efficient service delivery	12	14	39	21	86
Automation has eased up service delivery	10	13	30	33	86
Automation has provided quality of service	14	5	48	19	86
Automation has aided in producing reliable reports for decision making	4	10	12	60	86
Automation has helped in real-time service delivery	4	3	30	49	86

Table 9 Delivery of Service via Automation

Statement	Ratings in Percentages			
	Disagree	Uncertain	Moderate	Agree
Automation has greatly increased reliable and efficient service delivery	14	16	45	25
Automation has eased up service delivery	12	15	35	38
Automation has provided quality of service	16	6	56	22
Automation has aided in producing reliable reports for decision making	5	11	14	70
Automation has helped in real-time service delivery	5	3	35	57

Table 10 Percentage wise of Delivery of service

This table outlines service delivery via automation in Judicial Service. From the table 16% disagree totally that automation provides quality of service, 14% don't think there is reliability and efficiency of delivery of service with regards to automation. 12% are of the view that ease of delivery of service is nonexistent and 5% apiece indicating that automation has not improved reliability of reports as well as delivery of service in real time. This goes to state that there is more to service delivery than just automation of tasks. Pressed further respondent indicated that there should be attitudinal change on the part of staff and some form of motivation for performances.

With regards to uncertainty 16% being highest are not certain that automation has greatly increased service delivery.

However, 56% thinks automation provides moderate quality of service with respect to data entries and associated reports generated while 14% agrees that automation has greatly help in producing reliable results for decision making by management with 35% indicating that automation has helped delivery of service in real - time. And that court automations have improve case delivery through reductions in the delay of judgement delivery.

Again 70% agrees totally to the fact that automation has help immensely in producing reliable reports for decision makings.

Findings

The study observed that automation has indeed improved data processing and retrieval there reducing more paper work. This has tremendously enhanced the processing and delivery of judgements. It also came to light that the low and moderate rates recorded on the aspect of use of ICT to facilitate user's work can be attributed to factors such as level of ICT literacy, willingness to accept change. The study also realized from the caseload is the increase in conclusion of cases which indicates that automation plays a key role to reducing delays and gaining public confidence to have trust in the judiciary. That automation has reduced the bureaucratic process of filing court process and has reduced congestion at the registries.

In general, all the participants contended that automation have indeed improved workings in the Judiciary but more needed to be done.

Recommendation

The purpose of this paper was to find out whether or not ICT in Judiciary plays its part in delivering good governance as required from the populace. Though some success has been chalked the researcher recommends the following in respect to data collected.

1. That the Judiciary should implement E – Filing, E - Claims to further reduce congestion at the registries and saving time as well.
2. The Judicial Training Institute should organize regular training sessions to make implementation regarding automation easy.

Generally the study shows the Judiciary is playing its to ensuring good governance by taken advantage of prevailing ICT infrastructure.

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