

ABSTRACT

All over civilized countries in the world, every person seeking justice has the right to access justice and fair trial in a court of law, and just as the saying goes, justice delayed is justice denied. This adage holds the perception that if a dispute takes long; the outcome is likely to be unjust. In a democratic country, the judiciary is the arm of government tasked to interpret the law to its citizens, administer as well as adjudicate justice. The constitution of Kenya article 48 guarantees all its citizens the right of access to justice. Delay by the judiciary refers to that time other than that required to obtain, present, look at evidence, and weigh it including the law and arguments. Undue delay and delivery of justice is one of the major components of right to fair hearing as well as the right to access justice. Delay can occur at any point during a case flow and adjudicative process. Case backlog refers to the pending cases that exceed applicable time for a given category of a case. In the Kenyan Judiciary, case backlog and backlog in delivery of justice is one of the major indictments against the judiciary. The purpose of this study was to account for the causes of backlog of cases in judiciary in Kenya; the case Kakamega law courts in Kakamega County. Descriptive research design was used and the target population were all staff at the Kakamega law courts. The objectives of the study were; to establish common sources of case delays in Kakamega law court; to establish how availability of judicial officers and vacation of judges and magistrates cause backlog of cases in Judiciary on Kakamega law courts and to determine how court rules, policies and procedures influence case backlog and in turn backlogs in Judiciary on Kakamega law courts. The sample size for the study was 36 respondents at court station. Stratified simple random sampling was adopted for use in the study. Questionnaires were the main instruments that were used to collect data and later represented using graphs and pie charts. The findings of this outcome showed that causes of case backlogs are as a result of few elements ranging from; common sources of case delays; availability of staff and vacation of judges and magistrates' influences; court policies, rules and procedures. The study therefore arrived at the following conclusion there existed common sources of delays of cases that created backlog of cases however, absence in time standards in cases did not create backlog of cases in the judiciary. Availability of staff and vacation of judges and magistrates did not contribute to backlog of cases in the Judiciary, however, there is need to train and ensure no manual handwriting of court processes. Court policies, rules and procedures caused backlog of cases in

the Judiciary at Kakamega law courts. This study further recommended that the Judicial Service Commission needed to find a solution to the issue of to the court processes, rules, policies and procedures, poor working conditions, shortage of staff and proper training of staff to ensure absolute efficiency.