

ICT: A TOOL TO IMPROVE COURT RECORDS AND INFORMATION RESOURCES SHARING TO ENHANCE JUSTICE ACCESSIBILITY IN TANZANIA



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Abstract

This article contributes on the way access to justice can be enhanced through the uses of ICT in court records and information resources sharing. It starts with the introduction of justice accessibility, what is it and why it is important to the citizens. The article further describes the adoption of ICT in Judiciary of Tanzania (JoT), impacts of court records and information sharing towards justice accessibility in Tanzania. Finally, the author describes the way ICT can be used to enhance justice accessibility by improving court records and information sharing. The study is a result of desk review of

literature globally regarding justice accessibility and how ICT contributes on the matter by reducing impediments caused by court records and information resources sharing. There is a lot to be done to improve justice accessibility through ICT, but the article confines on the application of ICT in court records and information resources sharing to enhance access to justice.

Keywords: Court Records, Information Resources, Justice Accessibility

1.0 Introduction

Access to justice is a right and an expectation for every citizen of any country. Inaccessibility to court and legal services cannot be an acceptance response to the needs of citizens.² All people, regardless of financial or other barriers, should have reasonable access to justice.³ Sustainable Development Goal (SDG) commits the international community to promote the rule of law to ensure equal access to justice for all by 2030 at both national and international levels.⁴

Access to justice is difficult due to the unique challenges to service provision that exist in some areas.⁵ The impediments are rooted in the geographical, demographic, and social and cultural characteristics that define rural and remoteness, and in the varied combinations of these elements that determine the legal and social service needs of individual communities. Access to justice is associated with economic growth and investment as well as equity and social justice. It has been said that the opposite of poverty is justice.⁶ This is because limited access to justice disempowers individuals and communities from claiming their rights and defending themselves from injustice.

Like any other country, people of the United Republic of Tanzania, regardless of financial or other barriers, should have reasonable access to justice. Access to justice is simply the ability to seek and obtain a remedy through a formal or informal justice system and or institution.⁷ This is a right. It emanates from human rights standards that require equality for all before the law and the right to be treated fairly by any tribunal among others.⁸ Access to justice is fundamental to establishing and maintaining the rule of law. It enables people to have their voices heard and to exercise their legal rights, whether those rights derive from constitutions, statutes, the common law or international instruments. Access to justice is an indispensable factor in promoting empowerment, in securing access to equal human dignity and achieving social and economic development.⁹ The Constitution of the United Republic of Tanzania guarantees equality and equal protection before the law as provided under Article 13(1). The role of dispensing justice is that of the judiciary.¹⁰ The judiciary is charged with the responsibility of interpreting laws and adjudicating over disputes. The Judiciary of Tanzania (JoT) is responsible for provision of justice accessibility in Tanzania regardless of the place. On the preface of the five years strategic Plan of the JoT (2015-2020), Hon. Mohamed Chande Othman, the former Chief Justice of Tanzania said, “*The trust of the Judiciary for the next five years is to ensure Citizen centric service delivery*”.

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² COSCA (2018) Courts Need to Provide Access to Justice in Rural America [Online] available from < <https://cosca.ncsc.org/~media/Microsites/Files/COSCA/Policy%20Papers/Policy-Paper-1-28-2019.ashx> > accessed on April 1, 2020

³ CFCJ (2015) Rural & Remote Access to Justice A Literature Review [Online] available from < https://boldnessproject.ruralandremotestojustice.com/wp-content/uploads/2016/01/Rural-Remote-Lit-Review_newcoverpage.pdf > accessed on April 1, 2020

⁴ Marcus, (2018) Achieving equal access to justice for all by 2030 available from < <https://www.odi.org/sites/odi.org.uk/files/resource-documents/12307.pdf> > accessed on April 1, 2020

⁵ CFCJ (2015) Rural & Remote Access to Justice A Literature Review [Online] available from < https://boldnessproject.ruralandremotestojustice.com/wp-content/uploads/2016/01/Rural-Remote-Lit-Review_newcoverpage.pdf > accessed on April 1, 2020

⁶ Stevenson, B. (2014) *Just Mercy: A Story of Justice and Redemption*. New York: Spiegel & Grau

⁷ Ministry Constitutional and Legal Affairs (MoCLA) National Human Rights Action Plan 2013-2017 p18

⁸ *Ibid*

⁹ Beqiraj, Julinda and McNamara, Lawrence (2014) International Access to Justice: Barriers and Solutions [online] available from https://www.biiicl.org/documents/485_iba_report_060215.pdf accessed on February 14, 2020

¹⁰ Shivji, Issa et al (2004) Constitutional and Legal System of Tanzania: A Civics Source Book Mkuki na Nyota p221

Also, the key result area (KRA) no. 3 of the said Strategic Plan is to make sure that there is equitable access to justice for all. The vision of the JoT is “*Timely and Accessible Justice for all*”. To ensure timely and justice accessibility for all, the JoT needs to improve the way court records are kept as well as the way information resources are shared to the citizens.

It is accepted that the justice system and the effective rule of law represent significant mechanisms in ongoing social, political and economic developmental landscapes, therefore such mechanisms reflect the interests of the citizens of the state and provide an avenue through which these interests can be protected. To that end, it follows that access to justice should be equal; that the poor should not be excluded on the basis of poverty; that women should not be silenced by the voices of men; that the young should be protected by adults when necessary; and that there should be equity between the provision of justice in rural and urban areas.

If the judiciary will not keep the records properly and make them available and accessed when they are needed, it will cause access to justice be hard. Records must be available to all citizens regardless their status and location. Not only that, but also information regarding the justice systems must be shared at the right time and place. Once this is done correctly, then access to justice will be possible if other factors impeding justice accessibility will also be solved. This will be possibly done if there will be an application of the technology that will cut off all impediments regarding justice accessibility caused by poor record keeping and information sharing. This article contributes on the way access to

justice can be enhanced through the uses of ICT in court records and information resources sharing.

2.0 Adoption and application of ICT in JoT

The Judiciary of Tanzania is driven by its vision of timely, quality and accessible justice for all. Before 2015, the Judiciary was facing several operational challenges, making it difficult to attain its vision. It suffered from inadequate qualified personnel to meet increasing workload/case backlog, poor record keeping, and low application of ICT and untimely dissemination of case-related information.¹¹ Furthermore, there were delays in the determination of cases due to cumbersome procedures and poor case management. On the infrastructure, the Judiciary suffered from inadequate modern equipment and physical infrastructure and facilities, lack of a specialized physical and electronic library, weak performance and management information systems within the institution¹².

There have been efforts to improve on ICT use in the Judiciary with a view to enhancing efficiency. The ongoing reforms in the JoT confirm to the fact that ICT will play a key role in delivery of Justice. The JoT has laid emphasis on the use of ICT across the processes that the Judiciary is involved in. In the past five years as per JoT Strategic Plan (2015-2020), the ICT was used to improve the systems that were in place such as Human Resource Management Systems, Financial Management Systems as well as Court Case Management Systems among others¹³. The JoT started with the system that enabled Judicial Officers to

11 JoT (2019) Court Users’ Satisfaction Follow up Survey

12 *Ibid*

13 The JoT 5 Years Strategic Plan (2015/16- 2019/20) p. 13

view statistics known as JSDS1.0 and meanwhile there is the second version (JSDS2.0) that enables clients even to know the status of the case and any other attributes attached to the case. The system also enables advocates to register case online, do payment online and other activities that before the establishment of the system required to visit court physically to accomplish. The system is expected to be improved to connect other stakeholders such as PO- RALG and CRDB bank for online payment¹⁴.

Not only that but also the JoT has established digital platform including video conference facilities to all High Court Zones in Tanzania Mainland that enables to proceedings of cases to be conducted remotely. The Judiciary of Tanzania uses of digital platforms such as Audio Conference Calls, Court Video Link and any other approved digital platform for certain criminal and civil proceedings as a way of ensuring the continuation of delivery of justice despite the existence of a threat posed by certain emergencies and outbreak of epidemic or pandemic such as the COVID-19. With the use of such digital platforms, health and safety concerns in courthouses, chambers and courtrooms are addressed.¹⁵ According to the *Jarida la Mahakama ya Tanzania (April-June, 2020 page 13)* a total number of 5,000 cases were heard within two months through the use of video conference in all High Court Zones. This promotes the vision of the JoT which is *Timely and Accessible Justice for all*.

In the financial year 2018/2019 the JoT was preparing a project to install LAN to almost 29 courts building in Tanzania

14 JoT (2019) Taarifa ya Mwaka

15 JoT (2020) Digital Judicial Service Provision Guidance Kit

Mainland.¹⁶ The project aims to strengthen the uses of ICT in JoT to improve both internal and external communication. Meanwhile, there are 21 courts that are already connected to the national communication backbone through Tanzania Telecommunication Company Limited (TTCL). Again, there are 12 sets of mobile recording systems that are installed to four divisions of the High Court.¹⁷

Cases and their associated payments are increasingly using modern technology, for example, e-case management (e-filing e-payment and e-notification). Within the context of using modern technology, complaints are communicated through WhatsApp and SMS¹⁸

3.0 Impacts of poor court records in justice accessibility

Records management is seen as an integral part of the management of court business, not as a separate skill or discipline. Day-to-day guidance on the management of court records, the use of forms, and other matters must be provided. Records are fundamental to the efficient and effective operation of the legal system of a country and even more crucial to the administration of law than to any other function of the public sector.¹⁹ If legal records are not created, kept, maintained and made accessible, citizens may have difficulties when enquiring about their cases. In addition, the judiciary system may also fail to bring justice in criminal and civil actions if evidence is not presented and recorded in a reliable, authentic and timely manner. Many scholars argue that many

16 JoT (2019) Taarifa ya Mwaka

17 *Ibid*

18 JoT (2019) Court Users’ Satisfaction Follow up Survey

19 Motsaathebe, L and Mnjama, N. (2009). *Managing court records: a survey of record-keeping practices in selected countries*. Mousaion 27(2) 132-153.

countries around the world follow the Common law system in their judiciary systems. They also state that in Common law systems, judges and magistrates base their decisions on decisions taken in earlier cases on similar topics, known as precedents. Thus, courts need to manage their records effectively so that records can be available when they are needed.

Court records need to be created, kept, maintained, protected and secured so that they can be available when they are needed.²⁰ Arguably, the provision of a complete, accurate and accessible court records in a timely manner fulfils the judiciary's basic mandates.

The availability, completeness and accuracy of court records play a crucial role in the administration of justice.²¹ It is in such respect argued that in order for a case to proceed, the initiating document which includes the summons should be available. Failure to provide or to locate such documents means that the case cannot proceed; hence the delays will be encountered in determining the case. Lack of evidence in the form of records can lead to failure of the judiciary system to bring justice to the citizens and this leads to loss of faith in the administration of justice.²² Accurate and readily accessible records of judicial rulings reduce the potential for the illicit manipulation of records which lead to corruption.²³ If court staff cannot locate the case papers relating to a certain trial, an appeal against conviction may be delayed and justice may not be done to a citizen who may have been wrongly

20 Judicial Council of California (2011). The trial court records: administrative office of the courts

21 Motsaathebe, L and Mnjama, N. (2009). *Managing court records: a survey of record-keeping practices in selected countries*. Mousaion 27(2) 132-153.

22 Thurston, Anne. (2005). *Fostering trust and transparency through information systems: reliable official recordkeeping systems provides evidence that is crucial to accountable, transparent democracies*. ACARM, Summer, issue 36

23 *Ibid.*

convicted.

Poor records management undermines legal and judicial system. Decisions are made without full information about cases. Unavailability of records hinders service delivery and becomes a problem in the administration of justice especially for the victims who laid charges against their perpetrators.

It is important for a court to create, maintain, secure and protect its records so that they can be available at the right place and the right time when they are needed. If automated registers are well kept, the clerk can now provide the information with a few taps of the keyboard. He or she does not need to go searching through the pages of the court docket books. Accessing information that is kept through ICT facilities is much easier and faster than when paper based used. A well computerised register database that contains all the important information regarding each action, cause or matter filed in the court, including parties' particulars, the nature and significant of the claim, the document filed and the outcome of hearings and more. Having all these data in electronic format open up a number of options to enhance the efficiency of the court. The use of ICT improves court records which results to justice accessibility enhancement.

Most of the cases begin at the lowest level of the court, that is, magistrate court before they can proceed to the higher court where appeal is made. Without these records an appeal cannot proceed and justice for the person who laid an appeal will delay. For example, when a person who has been sentenced to a prison term and is seeking to appeal and the prison authorities are unable

to make follow up on behalf of the prisoner due to lack of fuel or transport, the court may also delay in the issuing court records due to lack of equipment and or poor record keeping.²⁴ If the court will not be able to provide proper record due to its poor record system that means justice to that sentenced person will not be accessed. Not only the sentenced person, but also during proceedings, the record should be well kept because they will be used to make decision on that particular case, and later on the decision can be used on another similar cases as the precedents as is appropriate.

Therefore, poor court records inhibit the accessibility of justice to all citizens regardless of their status, educated or not, rural or urban living etc. Any judiciary should improve the way it keeps its record to ensure justice accessibility and administration of justice.

4.0 Impacts of information resources sharing in justice accessibility

The definition of information is news or knowledge received or given. For example; what's given to someone who asks for background about something is information. Information will have a reinforcing/ transforming effect on human beings on receiving it. A great deal for change can be seen in the human perspectives on getting the information, as it increases the ability of personal knowledge for the beneficiary. Information is vital to an individual or organization for the decision making. Good information is essential for effective operation and decision making at all courts in any judiciary.

Information resource is an element of

24 Asina Omari (2018) Challenges of Strengthening Access to Justice in Tanzania, available from <https://www.tanlap.or.tz/sites/default/files/Adv.Asina%20Omari%20article_0.pdf> accessed on April 9, 2020

infrastructure that enables the transaction of certain selected significant and relevant data, prepared so as to provide content and information services that can be used directly by the user.²⁵ There are many different types of information resources, including: websites, encyclopedia, YouTube, people, books, databases, newspapers, magazines, TV, radio, etc.

Clients of the court need information for different purpose concerning either the status of case or decision made by the court. Availability of the information is very essential as the part of the justice administration. If the information is not available at the right time, people will lose trust to the court or judicial system. This will cause an impediment to the accessibility of justice.

If the judiciary will not share the information as the source of justice, automatically accessibility of justice to the citizens will be jeopardized. To ensure that the information is available to all citizens including rural areas and without being based on education needs technology must be employed. It is only technology that can reach to all groups of people without bias since most of people if not all above 18 years of age use ICT including mobile phone.

The more widespread method for provision of electronic information is the use of internet websites. Four core elements have been proven to be very useful in analysing and comparing the electronic exchange of information between courts and other parties through the internet. These elements are: the organisation of the web service provision, access to information (graphics,

25 IGI Global (2020) what is information resources, available from <<https://www.igi-global.com/dictionary/libraries-and-innovative-thinking-in-the-digital-age/14466>> accessed on April 23, 2020.

structure etc.), users (people, parties, lawyers, experts and other frequent users) and contents.²⁶ Parties or citizens need information about court procedures or about their cases, once information is obtained/ or accessed easily and timely, then justice accessibility will be enhanced. But if the information is difficult to be obtained from the court, automatically justice accessibility is inhibited. There is no way court records can be accessed easily if they are kept manually. Court records are needed to be accessed timely when wanted to enhance justice accessibility.

5.0 ICT as a tool to improve court records and information sharing to enhance justice accessibility

5.1 Utilization of ICT in the Judicial System for Enhanced Accessibility

The utilization of ICT in the judicial system or other establishment must be a ground-breaking asset on the off chance that it is utilized or applied in a way that advances its goals. In the judiciary, it must be applied in a way that improves efficiency in the delivery of services. This implies that ICT should be able to make the court services more accessible, increase accountability and transparency and also ensure timely delivery of judgments among many other objectives of the judiciary. This will at that point finish in improved access to justice as every one of individuals who require court service can get at it.. Moreover, this will improve the nature of equity as judges have better access to legitimate materials while the general population can gain admittance to decisions in time.

The fast development of ICT opens up

26 Marco V., (2007) Justice systems and ICT- What can be learned from Europe available from <https://www.researchgate.net/publication/26463184_Justice_systems_and_ICT_-_What_can_be_learned_from_Europe> accessed on April 23, 2020

new possibilities to drastically improve the administration of justice that aim at provision of justice for all. The availability of web services, the use of digital filing, the electronic exchange of legal documents through email, the possibility of online rules and case law are only some examples that are prompting judicial administrations around the world to rethink their modern-day functions and activities. ICT can be used to revamp efficiency, access, timeliness, transparency and accountability, as a consequence, assisting judiciaries to furnish adequate services.

New chances are rising for the integration and automation of court processes and practices. In addition, the use of the internet can provide the opportunity to open the judiciary to the public, providing both general and specific information on its activities, thereby additionally increasing justice accessibility.

Many countries around the world are facing the problem of poor management of court records. Court records are neglected, less protected and unsecured.²⁷ Misplacement, loss and theft of court records normally lead to delays and case backlogs. This is why ICT was introduced in many countries to overcome the problem.

In some African countries including Tanzania the use of ICT in the judiciary system has been introduced to manage court records and information sharing.²⁸ For example, in Botswana the Court Records Management System (CRMS) is used to combat court records management problems, to address the

27 IRMT (2011) *Managing Records as A Reliable Evidence for ICT/ e Government and Freedom of Information*, available from <<http://www.irmt.org>> accessed on April 8, 2020

28 IRMT (2011) *Managing Records as A Reliable Evidence for ICT/ e Government and Freedom of Information: Rwanda Court Case Study*, available from <<http://www.irmt.org>> accessed on April 8, 2020

issue of loss or misplacement of case files which cause delay in processing and finalizing litigations. Some scholars argue that some of the African countries such as Ghana, Kenya and Namibia are still striving to manage their court records effectively.²⁹ They further indicate how the use of ICT in Tanzania has been introduced though it needs some improvement to serve the purpose in most courts.³⁰ One among the reasons pointed out as the source of delaying of the cases in Tanzania is the use of paper. It was suggested that, ICT will offer an opportunity of complementing the paper based legal infrastructure with the electronic legal infrastructure.³¹ It is thus recommended that files and case management systems should be electronic. This will make sharing and retrieving of documents easier. As was seen in the previous section in this article, once ICT is used it will improve information sharing and finally enhance justice accessibility. Once judiciary implements fully ICT as the tool to improve information sharing, the citizens or clients will be able to access justice easily regardless of the place they reside or time.

Again, once the court uses paper based infrastructure to keep its records, it will not be easier to retrieve them. To retrieve the document kept in this mode, one will have to fetch the entire file. Not only that, but also a person has to travel to fetch it if it is kept in a far distance. All these affect justice accessibility. The only solution for it is once ICT is used to keep court records.

It is also difficult to keep back up once records are kept in paper based since

29 *Ibid*

30 *Ibid*

31 Ubena John, 'ICT as a solution to delay of cases in the Administration of Justice in Tanzania' JTLS (2008), pg 119.

they increase quantity of documents. In this regard, the paper based documents cause delay of cases. Such problems may be eliminated or reduced by resorting entirely to ICT.³² Once there is a delay of case in court, it will hinder justice accessibility in time.

Keeping court records in paper based means all proceedings should be recorded in paper. This will be a problem in case there is a shortage of stationery since the magistrate will adjourn the case. Ubena argues that, in a situation where there is no stationery, the court proceedings do not stand still for they will use the ICT tools available.³³ Once ICT used to record proceedings, automatically the proceedings (records) will be kept electronically as a result improve court records and hence justice accessibility will be enhanced.

The use of ICT in judiciary makes the information of the court more accessible regardless of the time and location. Mshana argues that ICT helps to make court systems more accessible to court users, litigants and the general public by making judgements, hearing calendar, court procedures and case information available over the internet.³⁴

Sometimes justice accessibility is denied when a person appeal against the decision made by the lower court. This happens when the appeal court has no access to the decision made by the lower court if the records are kept on paper based. Once the court keeps its record using ICT, the relevant appeal court will be able to access the decision made by lower court, assumption here is that, the judiciary has connected all courts through ICT. In this

32 *Ibid*.

33 *Ibid*.

34 Juma A. M, 'Effective use of ICT in Judicial Systems: Tanzania and other Jurisdictions in comparative perspectives' (2017) IJA Journal, Vol I Issue I, p. 31

respect, Mshana argues that:

“And perhaps most conveniently, in cases where a decision of a lower court is appealed, networked information systems would allow the electronic record of the lower case to be readily accessed and re-used by the relevant appeal court”³⁵

One of the greatest advantages of electronic case tracking systems, usually a core element of any e-judiciary innovation, is that it can provide a level of transparency and information quality control that is not available to the same degree in systems that lack ICT. Automated data is more likely to be recorded promptly, accurately, completely and transparently than otherwise.³⁶ This has the advantage of preventing low level corruption in court registries where court staff may be in the habit of seeking additional and secret payments from lawyers and others to find documents/information about case. Barry³⁷ says:

Under electronically managed systems, it is harder for court staff to sustain corrupt practices that are based on their ability to lose records or otherwise restrict access to information about case files and documents. Again, however, as a justification for introducing ICT in courts, its role as an anti-corruption measure should be proportionate to the extent of the problem.

It is obvious that, corruption limit accessibility of justice. Once ICT is used

to keep court records and information sharing in any judiciary regardless of the continent, the problem of corruption that is caused by accessibility of records or information will be eliminated as a result of enhancement of justice accessibility.

The need to deliver a copy of a claim on a defendant in any civil or criminal case is the first, and usually essential, preliminary step before courts can validly do their work. Barry³⁸ referred to as “serving” or “service” of initial court process, which step can delay the active engagement of courts in dispute resolution, sometimes for many years when there are difficulties in finding a defendant. The use of ICT for information sharing will improve the process and hence justice accessibility will be enhanced.

5.2 ICT as tools in court records and information resources sharing in Tanzania

As it is pointed out in the previous section (3 &4), there are impacts caused by proper court records and information resources sharing to increase justice accessibility. If there is poor record keeping in JoT and poor information resources sharing, that means access to justice will be in trouble and hence the JoT will fail in its mission.

Some efforts have been taken by the JoT which facilitate sharing of information to the public as well as the clients such as advocates, plaintiff, defendant etc in comparison with the past five years. According to the survey (2019), the major means the courts use to relay information remains to be a summons, which was reported by 46% of all respondents followed by the new way

38 *Ibid.*

of contacting court clients through telephone/WhatsApp/SMS whose proportion is 27%. This is followed by announcements made during earlier hearings (21%), other means (4%), and the least used method is email (1%).³⁹ The survey shows that, the uses of ICT by JoT as the media for information resources sharing to the public and other stakeholders are still poor compared to other methods. The JoT has been using various methods to disseminate information to the public. The methods include the uses of Newsletter, radio, television, website, blogs as well as social media network such as twitter and Facebook.⁴⁰ Meanwhile, there is addition of the uses of short messages (SMS) to notify the stakeholders through the JSDS 2.0 to improve the information resources sharing.⁴¹ All these are efforts done by JoT to improve information resources sharing to the public to enhance access to justice. The challenge is on the effectiveness of using newsletters. But the application of ICT such as social media networks, radio and television somehow sounds. JoT should think on the best way (s) of sharing information to the public or client to ensure there is equal and undoubtful justice accessibility in Tanzania. Lack of effective information channel of any judicial system including JoT affects access to justice.

On the other hand, there is an issue of court records and the way they are kept and managed. The efforts have been seen as discussed on this article as to how JoT has adopted and applied ICT in various operations. Based on the time taken for the court records to be transferred from lower court to the higher court for any

39 JoT (2019) Court Users' Satisfaction Follow up Survey

40 JoT (2019) *Taarifa ya Mwaka*

41 Chief Justice of Tanzania (2020) Hotuba fupi ya Jaji Mkuu Kuwakubali Mawakili kwa Njia ya Mtandao

business, it reflects the reality that the lower courts still keep records on the paper.

Access to court process documents (proceedings, judgments and or decrees) is essential to the court users to facilitate their engagements in the court. The absence of difficulties in obtaining such documents among some clients was an area where the judiciary of Tanzania targeted to improve. In the last five years, there have been several positive changes. These changes have been reflected in the way court users obtained various documents related to court proceedings, judgments, decrees and others.

According to the survey report, the majority said it takes more than thirty days for records to be transferred from lower to a higher level of courts. Nine of ten users (90%) said it takes longer for records to come from primary court to district court.⁴² The longer time taken for processing court documents and transfer them to appropriate levels is a reflection that more efforts are needed from the courtside to manage time and this will be possible if the application and adoption of ICT will be used.

Despite the efforts done by the JoT in access to justice, there is a need for judiciary to make full application of ICT in its operations. There is still a problem when it comes to the accessibility of various documents of the courts. The survey had it that:

Close to half of the court users (four in ten) have attempted to access case-related information from the courts in the period of 12 months leading to the survey. When court users were asked about the time it takes to obtain case-related documents (Judgement,

42 JoT (2019) Court Users' Satisfaction Follow up Survey

35 Juma A. M, 'E- Judiciary: A step towards transforming Tanzanian Legal systems' (2018), IJA Journal, Vol. I Issue II p. 25

36 *Ibid*

37 Barry Walsh (2011) *E-Justice Projects – Distinguishing Myths from Realities* [Online] available at <<http://www.ijusticia.org/docs/Barry.pdf>> accessed on April 25, 2020.

proceedings and records of appeal) from the court, and the majority said it takes zero to twenty-one days⁴³.

In comparison to the year 2015 on the same baseline survey, there are some improvement on the application of ICT after five years later. The survey further observed:

There is a significant improvement between the baseline and the current survey in the ease with which one may access such documents. The proportions of those with a positive rating on easy to access court documents increased by 40% in 2015 to 70% in 2019.⁴⁴

The variation of time or duration depends on the way court records are kept. The level differs because digitization and uses of ICT in JoT varies from lower courts to higher courts. It is time for JoT to improve the way records are kept and information resources are shared through the uses of ICT to enhance access to justice in Tanzania.

6. Conclusion

Justice accessibility is a constitutional right of every nation including Tanzania. There are many factors that contribute to impediment of the justice accessibility. Among them as discussed in this article are problem of court records in regard to the way they are kept and how information is shared to the citizens. The court needs to improve the way it keeps its records and sharing the information to the public. The use of ICT in the judiciary is viewed as fundamental to promote access to justice in any country. This is because it is seen as a step towards promoting a judiciary that is transparent and efficient in delivery of its service. Once the system is effectively implemented, there will no longer be incidences where files mysteriously disappear or judgments are plucked out of the files. There will as a result be speedy dispensation of justice and the courts will be viewed as the centre of justice. Upon doing so, justice accessibility will be enhanced and the public or citizens will have faith on the judiciary as well as the government in general.

43 *Ibid.*

44 *Ibid.*